

IMPEACHMENT PROBLEM 6: ARTHUR JACKSON

(Impeachment in this problem is more difficult because the prior inconsistent statement is more an omission than an affirmative statement.)

Assume that Mr. Jackson has testified at trial on direct examination that he hired Mr. Avery based upon Ms. Peterson's recommendation and after he had called Yaphank and Fass to verify Mr. Avery's achievements.

Set up the impeachment by providing context for the lie you are going to impeach with.

You just testified about everything you did before hiring Mr. Avery.

Sonia Peterson recommended him to you.

You discussed his qualifications with her.

Then you interviewed him.

After you interviewed him, you hired him.

CONFIRM the lie told at trial:

You just testified that before you hired Mr. Avery, you called Yaphank and Fass to verify Mr. Avery's achievements.

Impeachment:

Isn't it true that when asked previously about what you did to hire Mr. Avery that you never said that you called Yaphank and Fass to check on Mr. Avery's achievements?

If he answers "no", CREDIT his deposition.

Before CONFRONTING him with his prior inconsistent statement at page 19, line 10 – page 11, line 25, ask "The statements in your deposition are accurate and complete."