

Editors Note: Following publication of our [September 2008](#) feature on the preparation of narcissistic witnesses, Doug Keene received queries about how to conduct cross-examination with a narcissistic witness. This brief article addresses questions on how to approach this challenging cross-examination process.



Cross-Examination of a Narcissistic Witness

By Douglas L. Keene

Have faith

It is natural to fear that a jury will be taken in by a charming and authoritative witness. Thus, the effective cross-examination of narcissistic witnesses requires faith. But not faith in your own knowledge and skills. Instead, it requires faith in the ability of jurors to detect both authenticity and guile.

Fortunately, jurors can be extremely good at this task. In fact, jurors take pride in their ability to see through efforts at deception. In focus group research, perception of witness integrity and credibility is remarkably consistent among jurors. Jurors talk about their pride in detecting a witness's effort to manipulate.

Making use of the guidance in this article does not require any great skill at clinical diagnosis, but it is important to understand the characteristics of narcissistic witnesses. What you should look for is not subtle. An air of superiority, condescension, noble sufferance of the inadequacies of others, and excess pridefulness are all typical of the narcissist.

What we consider our greatest strength may also be our Achilles heel

Narcissistic witnesses can be impressive at first, but are often irritating over time. One advantage that you have in cross-examination is that narcissistic witnesses are rarely insightful, regardless of intelligence. In fact, as a rule they are not as smart as they might initially appear. More importantly, they are not as smart as they think they are, which opens them up to over-reaching. Their biggest vulnerability is getting caught when they go too far.

Preparation for cross-examination of any witness involves study

The arc of a cross examination of a smart, narcissistic witness can be scary, because it defies the common wisdom on effective examination. For that reason, it is best to do this in deposition, rather than at trial. Simply put, you need to give them enough rope to hang themselves. Instead of boxing them in with “Yes or No” questions, ask them open ended questions that encourage reckless rambling. Follow-up questions should be directed at drawing out extreme positions and exaggerations.

If the witness is an expert or is going to be testifying about technical matters, you need to know the specialty as well as he or she does, while keeping your knowledge inconspicuous. Narcissists see deference and ignorance as weakness. Ultimately, you defeat them by encouraging them to climb out on shaky limbs and to take unsupportable positions.

Use their grandiosity to your advantage

These are not disciplined witnesses. They will opine, theorize, and offer conjecture like no one else. The more deferential you are as you ask the questions, the looser they will get. The reason is that they are easy to flatter, and they love demonstrating what they see as their strengths. They tend to assume that anyone that says something nice about them is being genuine, and anyone who criticizes them is stupid, beneath them, or out to get them.

Encourage them to compare themselves to others

Narcissists are prone to offering gratuitous criticism of other witnesses, regardless of how likeable the witness might have been. If such a witness is warned that Dr. Wilson did a good job arguing the opposition point of view and the jury liked him, the narcissistic witness is likely to take that as a challenge to bury the “shockingly misinformed” Dr. Wilson.

Be deferential:

“Mr. Jones, I’m afraid I don’t understand this balance sheet. Are these entries booked properly?”

“How might someone else have done it wrong?”

“How might this have been misinterpreted by someone who did not understand it?”

Allow the witness to demonstrate knowledge:

“Doctor, when you look at this fetal monitor strip, what do you see?”

“How can you tell that it is reassuring?”

“What would you see if it was non-reassuring?”

Encourage the witness to be unlikeable:

“Do you know Dr. Smith? Are you familiar with her work?”

“Are you aware that she has expressed an opinion different from yours?”

“Did she get this wrong? What did she miss? Where was she mistaken”.

Open the door to arrogance:

“Ms. Wilson, why do you think that Mr. Jones said you are wrong? Is Mr. Jones qualified to offer these criticisms of you?”

Remain constantly aware of their need to demonstrate their superiority

When I prepare witnesses for direct exam, I often have to caution them not to try to score points, and to be friendly and helpful rather than aggressive. As I noted in my article for the September 2008 issue of *The Jury Expert*, this is not an easy lesson for narcissistic witnesses who have a constant need to demonstrate their superiority. They like to show off their knowledge, sell their viewpoint, score points, and win competitions. “Win-win” outcomes are unthinkable for them. These are witnesses who often believe that lawyers are beneath them, and that they can outsmart them. They often find themselves failing terribly without even realizing it.

Pave the way for jurors to see through the narcissists’ self-presentation

At trial it is always worthwhile to prepare the jury for the most important witnesses, so they have a sense of what they will be seeing before the witness is sworn in. In the case of a narcissistic witness, consider crafting an identity for them that they can’t resist, and that will put the jury on guard about being manipulated or taken in by deception.

Have early witnesses who know the narcissist talk about him using useful language:

“He is quite a salesman”.

“He is very persuasive”.

“Extremely charming. I didn’t realize what I had agreed to until much later...”

What the jury hears is that they are about to hear from a snake oil salesman, but the witness often misses the point completely. The irony is that most narcissists hear these comments as compliments, and don’t resist them. They are flattered that people find them charming or a great salesman.

In closing

The very thing that frightens you about this sort of blindness in your own narcissistic witnesses can work in your favor on cross, if the witness is not very thoroughly prepared. So, trust that the narcissistic witness will show his or her true character, be deferential, pave the way for the jury so they can see through the self-presentation, show them the shaky limb you want them to stop out on, encourage the witness to denigrate others, and do not become over-confident yourself.

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November's issue of *The Jury Expert* is filled with practical tools to use in a changing world. Whether you want tips on engaging liberals, conservatives, women, varying generations or using the just world belief system to your advantage--it's all here. Plus strategies for cross-examination of narcissistic witnesses and learning about reiterative and conceptual graphics....what more could you want? Something to read? Check out our book review.

The Jury Expert is a trial skills journal. Our goal is to be a resource for information on the latest in social sciences research and how those findings can aid your litigation advocacy efforts as well as a place to see what trial consultants are doing, thinking, and considering.

Tell us what you would like to see in future issues to build your arsenal of tools. Make your requests known via an email and we'll get right on it! What do you want to see in upcoming issues? What topics? More of what? Less of what? Do tell..

Here's a sampling of what we have coming up in future issues: race in juries, confidentiality issues in pre-trial research, a Snyder/Batson update, how disgust figures into decision-making, authoritarianism and litigation, many kinds of bias and how to work around it. And much more. Thanks for being a part of *The Jury Expert* and if you like us, tell your friends and colleagues.

Rita R. Handrich, PhD



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