

## W. REDIRECT EXAMINATION

### OVERVIEW:

After a GC witness has been cross-examined, the GC may conduct a redirect examination to rebut, explain or further develop matters raised on cross-examination. In addition, the ALJ has discretion to vary the normal order of proof and allow a party to bring out on redirect examination a matter which is relevant to the case but due to an oversight was not elicited on direct. The decision to conduct a redirect requires careful analysis of whether this is necessary to strengthen the GC's case-in-chief. If redirect will not strengthen GC's case, it is not done.

### OBJECTIVE:

To provide guidelines for determining whether to call a witness on redirect examination.

### WHEN TO CONDUCT REDIRECT EXAMINATION?

- To correct mistakes or lapses in memory made by a witness during cross-examination;
- To allow the witness the opportunity, if necessary and important, to explain answers made during cross-examination;

*⚠ This is risky as further testimony by a witness may harm the GC's case.*

- To examine the witness on matters newly raised on cross-examination;

*⚠ Redirect is not to rehash testimony given on direct.*

- To remedy key oversights on direct; and

 *If a key point was omitted on direct, attempt to cover it on redirect. If the Charged Party **justifiably objects** on the ground that redirect exceeds the scope of cross-examination seek permission to expand scope of redirect to cover a key point inadvertently not addressed on direct. Argue no harm to Charged Party since it can address new area. Also argue that it is more efficient since you would have to recall the witness later to address this matter.*

 *Avoid the instinct to have the last word--a solid direct is rarely damaged by cross-examination.*

- To rehabilitate a witness.

After a witness has been impeached on cross-examination by a prior inconsistent statement the witness can be “rehabilitated” on redirect by explaining how or why the inconsistency occurred. This presumes, of course, that there is a reasonable and logical explanation for the inconsistency. The witness can also be rehabilitated by use of a prior consistent statement. [Fed. R. Evid. 801\(d\)\(1\)\(B\)](#).