



Clarifications of Facts or Rules

1. QUESTION

Missouri Rule 2.2 states as follows: "If, in cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony." The National Rules do not contain this sentence, and instead address unfair extrapolation ONLY as it relates to DIRECT examination. The way the rule is written, an unfair extrapolation objection appears to be both discouraged as well as inapplicable to attorney questions. It seems it is only applicable to witness testimony. I wonder if the committee might clarify that an attorney can commit an unfair extrapolation by crossing on material not provided, or just omit any reference to what a witness should do when crossed on material outside the case, like the National Rules.

RESPONSE

The cited portion of Local Rule 2.2 was added because cross-examining attorneys were asking questions about information not included in the statement and trying to show the witness was inadequate.

2. QUESTION

Is it possible to change the witness name "Jake Brown" to "Jack Brown" or "Jackie Brown"? Jake doesn't feel gender-neutral.

RESPONSE

All witness names are intended to be gender-neutral.