

Preparing for the Tough Questions: Cross-Examination in Divorce Litigation

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Divorce proceedings can be emotionally charged, and one of the most stressful moments for anyone involved in divorce proceedings is cross-examination. Whether you are negotiating child custody, spousal support, or asset division, your testimony can significantly impact the outcome. Proper preparation will help you remain calm, focused, and effective under scrutiny.

Cross-examination is a tool your spouse's attorney will use to test your credibility, challenge your statements, and highlight inconsistencies. It is not a conversation; it's structured legal questioning aimed at uncovering facts that support their case.

As you prepare to be crossed-examined, clients are often advised to review the following list :

- Review all prior statements, including financial disclosures, deposition transcripts, affidavits, and interrogatories.
- Ensure you are familiar with the facts, dates, and numbers — don't rely solely on memory.
- Be honest. Inconsistencies or exaggerations can be used against you.
- Listen carefully to each question before answering.
- Pause to think before answering.
- Maintain a neutral tone and avoid defensive or argumentative responses.
- Avoid volunteering extra information.
- If a question is unclear, ask for clarification.
- Stick to "yes," "no," or brief factual responses, when possible.
- Your lawyer can simulate cross-examination and help you practice and anticipate tricky questions.
- Role-playing allows you to practice staying composed under pressure.
- Focus on maintaining consistency and avoiding emotional reactions.
- Don't guess or speculate. If you don't know the answer, it's acceptable to say, "I don't know" or "I don't remember."
- Avoid getting trapped by hypothetical questions that could misrepresent your situation.
- Dress appropriately and maintain good posture.
- Avoid fidgeting, eye-rolling, or sighing, which can be interpreted negatively.

- Show respect to the court, opposing counsel, and yourself.

Preparation is the most powerful tool in cross-examination. By reviewing your statements, practicing with your attorney, and staying calm under pressure, you can confidently navigate the process and protect your rights in a divorce case.