Central States
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Skills Track

How to Cross-Examine a Witness

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CONCURRENT SESSION

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HOW TO CROSS EXAMINE A WITNESS

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I. Context of Cross Examination

A. Depositions

A deposition is the time to obtain informational discovery from the other side's witnesses. Often, the overall goal is to obtain information without imparting any, but there are some situations where a deposition could also be used to educate certain parties about the facts and the weaknesses of the case for purposes of future settlement discussions. This is especially true where one or two parties are leading the charge to the case with a group of others who may not be as educated on the weakness of their claims.

The style of cross examination at a deposition is very different than the style of cross examination at an evidentiary hearing or trial. You should use very open-ended questions and try to get the witness feeling comfortable and sharing as much information as possible. Let the witness expound on their answers as much as possible. Also make sure the witness understands the question fully before answering. It's helpful at the beginning of a deposition to explain to the witness that you will assume they understand the question unless they ask you for clarification before answering.

The best way to prepare for a deposition is to thoroughly know the facts of your case ahead of time and to organize these facts as much as possible. Timelines of the relevant events of the case are helpful, and these timelines can be annotated with references to specific documents to ask the witness about during the deposition.

You should always have an outline prepared in advance to make sure you do not miss any areas of examination, but do not feel tied to follow your outline when questioning the witness. Instead, listen very carefully to what the witness is saying and be prepared to adjust your outline

as necessary depending on the progress of the deposition. Be prepared to ask about specific exhibits as they become relevant during the questioning, not when they fall in your outline.

B. 341 Meetings

Like a deposition, a hearing for examination of the debtor or debtor's representative under 11 U.S.C. § 341 is a time for informational discovery. In questioning the debtor, you should also consider those present at the meeting and any party in interest who can request a copy of the recording or transcript.

The 341 meeting is the first opportunity to probe the information in the debtor's schedules and statement of financial affairs (SOFA). You should be prepared in advance to ask questions regarding any specific information contained therein to the extent it is not already addressed by the trustee. A 341 meeting is also the time to establish the basic facts of the bankruptcy in question and to ensure that all documents and records of financial information have been or will be produced by the debtor.

Finally, a 341 meeting also provides an opportunity to assess the credibility of the debtor or debtor's representative and to evaluate the debtor's ability to perform under a plan.

II. Evidentiary Hearing or Trial: Goals of Cross Examination

Simple, tight, leading questions are the goal. It is the opportunity to establish critical facts, undermine the credibility of the unfavorable witness, or weaken purported expert testimony.

A. ABA: Always Be Advocating

When cross examining a witness, your focus should be on the overall mission of your case. In other words, it is less about the specific questions themselves in your advance outline, and more about having complete control of the facts of the case and being able to adjust your line

of questioning, as necessary, depending on the answers that the witness gives you. In order to have complete control of the facts, you just need to do the work beforehand, but some good tools for doing this are to create timelines that can be annotated with relevant, deposition testimony or documents. You also need to listen carefully during the trial itself, especially the direct examination of the witness, and be ready to adjust your cross examination based on that testimony.

VIDEO EXAMPLE #1: https://www.youtube.com/watch?v=Nvlkx7QV7A4 Chauvin Trial, Steve Schleicher Cross-X of Barry Brodd, defendant's use of force expert: 1:21:42 – 1:23:03: [The witness does not provide the answer Steve is looking for, so he asks the question in the context of the witnesses' previously defined word "control" meaning resistance by the officer in a manner that does not cause pain.]

B. Redefining the Story or Adding Perspective

The story that the witness provided in their direct examination may not be the whole story. Cross examination is a good time to redefine the witness' story of the relevant facts or to add perspective, including possible bias of the witness, with respect to their telling of the story. If the witness's testimony is false in the sense that it exaggerates or creates a wrong impression, the function of cross examination is to redefine the witness's story to its actual size and show the proper relation of that story to the other facts.

VIDEO EXAMPLE #2: https://www.youtube.com/watch?v=Nvlkx7QV7A4 Chauvin Trial, Steve Schleicher Cross-X of Barry Brodd, defendant's use of force expert: 1:06:55 - 1:08:56: [The witness agrees a felony level of crime, writing a bad check, is not as serious from a use of force perspective than a misdemeanor domestic assault.]

C. Impeaching the Witnesses

An attorney may impeach a witness with prior oral or written statements and does not have to show the witness the statement unless opposing counsel demands it. Impeaching a witness can be the most enjoyable part of cross examination, but it is not always possible or necessary. Impeachment is not simply demonstrating that a witness is lying because their testimony is inconsistent with, for example, prior testimony at a deposition. There are other more subtle ways to impeach a witness including demonstrating the witness's bias or general lack of credibility or their inability to accurately recall specific events.

A tough cross examination is like tobacco or a strong spice. You do not want it included with everything and you should use it sparingly and only when appropriate and effective. Also, the impeachment process starts early on in the case. As you develop your discovery, whether through written discovery or oral examinations, you are developing the information and admissions to be used for impeachment to be used at the contested hearing or trial phase.

D. Obtaining Helpful Admissions or Concessions

Consider what information the witness may have that is helpful to your case. In other words, do not view a witness as being only for one side of the case. It's not the goal in every cross examination to "crush" the other side's witnesses. Juries, judges and other factfinders will be suspicious if only your witnesses are viewed as having something helpful to say, whereas all witnesses for the other side are attacked with hostile questions or being treated as if they are not credible. Draw out of the other side's witness what information they have that may be helpful to your case.

VIDEO EXAMPLE: https://www.youtube.com/watch?v=Nvlkx7QV7A4 Chauvin Trial, Steve Schleicher Cross-X of Barry Brodd, defendant's use of force expert: 1:15:52 – 1:18:54: [The focus is on "situational awareness" of the officer and "in your custody, in your care" and whether George Floyd was being compliant, and this witness is willing to admit some helpful facts.]

E. Open Ended Questions Where Appropriate

Sometimes there is no good answer to a question and thus regardless of what the witness tells you in response to an open-ended question can be helpful, and once in a while you can elicit an unintended, frank admission through this process.

VIDEO EXAMPLE #3: https://www.youtube.com/watch?v=Nvlkx7QV7A4 Chauvin Trial, Steve Schleicher Cross-X of Barry Brodd, defendant's use of force expert: 2:22:15 - 2:23:18 [The witness was asked during what part of the 9:29 video was George Floyd not being compliant, and the witness responded when George Floyd was not "resting comfortably on the ground."]

F. Build from Discovery

The evidentiary hearing is when the hard work from discovery is put into play. Of course, not all the information gained from discovery will be covered at trial. Rather, the facts and admissions that support the elements of the claims become the focus.

The following is an example of testimony gained during a 341 hearing and then applied in a contested hearing context.

MS. OGDEN: So going back to [redacted] is that the company that is receiving -- that you're operating for your business in the creation of the hardware?

[redacted]: Correct.

MS. OGDEN: Is that the company that you were using in the past -- I think -- I believe I heard you indicate to the trustee that in the past six months, between February and July of 2018, there's been business income; correct?

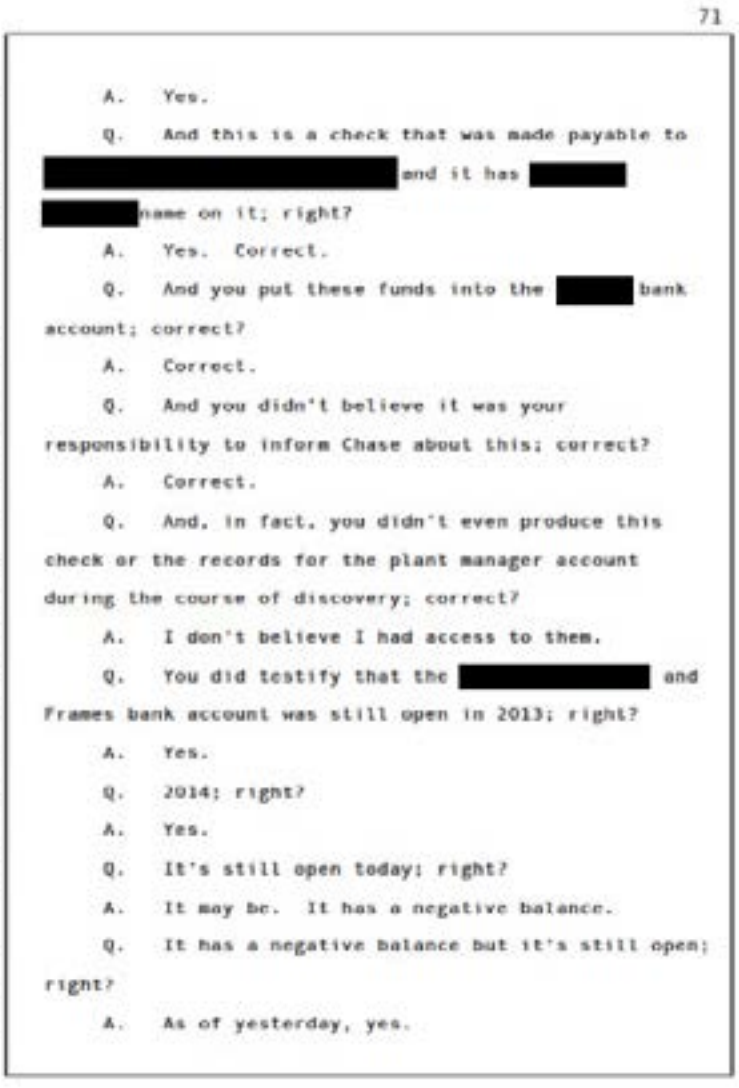
[redacted]: Correct.

MS. OGDEN: And has that business income come in the name of [redacted]?

[redacted]: I believe so. Most of it has been cash. Some's been cash. Some's been checks.

MS. OGDEN: And to whom are the checks made payable to?

[redacted]. [redacted]



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A. Yes.
Q. And this is a check that was made payable to [redacted] and it has [redacted] name on it; right?
A. Yes. Correct.
Q. And you put these funds into the [redacted] bank account; correct?
A. Correct.
Q. And you didn't believe it was your responsibility to inform Chase about this; correct?
A. Correct.
Q. And, in fact, you didn't even produce this check or the records for the plant manager account during the course of discovery; correct?
A. I don't believe I had access to them.
Q. You did testify that the [redacted] and Frames bank account was still open in 2013; right?
A. Yes.
Q. 2014; right?
A. Yes.
Q. It's still open today; right?
A. It may be. It has a negative balance.
Q. It has a negative balance but it's still open; right?
A. As of yesterday, yes.

G. Always Have an Exit Strategy

Few witnesses present a lawyer with the opportunity to achieve all possible objectives in cross examination. Concise and direct questions provide the ability to control the witness. Be firm with where you are going. If a witness is being particularly difficult and you are having difficulty getting across your points, be ready to end the cross examination early with your best question designed to elicit the most helpful response. End with a question that has the appearance that you won at the end.

III. Defending Against Cross Examination

It is possible to effectively and properly prepare for the cross examination. Witnesses and cases are not created equally. The approach may differ based upon the witness, the issues at play, the fact finder involved, and the attorneys that are conducting the examinations. Nevertheless, proper preparation is a constant and critical requisite.

A. Prepping Your Witness

When preparing a witness for a cross examination, it is important to appreciate the proof that that will be sought of your client. Anticipating the information wanted during the cross examination is a good starting place. Review the other side's burden of proof. Consider what is needed to be established with the adverse witness. Review the discovery demands served and the witnesses' applicable answers to those demands. Review the deposition transcript and exhibits discussed during the witnesses' deposition. (Remember, the other side will likely rely upon questions previously asked during the discovery process.) Review the testimony of other witnesses that already testified and consider what was covered and what has not yet been addressed. Once this information is achieved--practice, practice, practice. Before taking the stand, the witness should have a sense of the forthcoming questions, an understanding of the parameters of the claims, and the limitations of past discovery responses.

B. Objections

Another critical component to defending a cross examination is the ability to anticipate objections. This work often begins before any contested hearing when the parties identify exhibits or deposition designations. Consider the anticipated evidence sought and the witnesses available to introduce that evidence. Analyze potential objections that can limit or stop the introduction of certain evidence. Be prepared to state the simple, concise objection based on a rule or evidentiary point.

C. Redirect Examination

The redirect is not the time to re-hash the witness's entire testimony. Rather, consider it the time to rehabilitate or provide clarity to any critical points. Consider the opposing party's burden of proof and what was established during the cross examination. Be mindful to maintain the scope. Do not highlight something that was not gained during the cross examination. Consider the need to rehabilitate the witness with a prior consistent statement applying Fed. R. Evid. 801. This is also the time to assess the status of your case and determine whether there is an opportunity or need to clarify your burden of proof.

IV. Relevant Federal Rules of Evidence

Any case offers a myriad of opportunity for the rules of evidence. Below are some that are more common.

Fed. R. Evid. 607: Who May Impeach

> Any party, including the party that called the witness, may attack the witness's credibility.

Fed. R. Evid. 613: Prior Statements of a Witness

> (a) Showing or Disclosing the Statement During Examination. When examining a witness about the witness's prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party's attorney.

(b) Extrinsic Evidence of a Prior Inconsistent Statement. Extrinsic evidence of a witness's prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision (b) does not apply to an opposing party's statement under Rule 801(d)(2).

Fed. R. Evid. 611: Mode and Order of Interrogation and Presentation

(a) Control by Court. The court shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to:

(1) make the interrogation and presentation effective for the ascertainment of the truth;
(2) avoid needless consumption of time; and
(3) protect witnesses from harassment or undue embarrassment.

(b) Scope of Cross-Examination. Cross-examination should be limited to the subject matter of the direct examination and matters affecting the credibility of the witness. The court may, in the exercise of discretion, permit inquiry into additional matters as if on direct examination.

(c) Leading Questions. Leading questions should not be used on the direct examination of a witness except as may be necessary to develop the witness's testimony. Ordinarily leading questions should be permitted:

(1) on cross-examination; and
(2) when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

Interrogation may be by leading questions.

The Judge has authority to exercise reasonable control over examination of witnesses, in order to avoid wasting time, protect witnesses from harassment, and make sure the lawyers are getting to the heart of the matter. It is a common misconception that leading questions are only questions susceptible to a single-word, affirmative or negative answer. A leading question is any question which contains – or strongly suggests – its own answer in the question. Normally a judge will limit the scope of cross examination to the topics that the witness discussed on direct examination.

Fed. R. Evid. 612: Writing Used to Refresh Memory

(a) Scope. This rule gives an adverse party certain options when a witness uses a writing to refresh memory:

(1) while testifying; or
(2) before testifying, if the court decides that justice requires the party to have those options.

(b) Adverse Party's Options; Deleting Unrelated Matter. Unless 18 U.S.C. § 3500 provides otherwise in a criminal case, an adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness about it, and to introduce in evidence any portion that relates to the witness's testimony. If the producing party claims that the writing includes unrelated matter, the court must examine the writing in camera, delete any unrelated portion, and order that the rest be delivered to the adverse party. Any portion deleted over objection must be preserved for the record.

(c) Failure to Produce or Deliver the Writing. If a writing is not produced or is not delivered as ordered, the court may issue any appropriate order. But if the prosecution does not comply in a criminal case, the court must strike the witness's testimony or — if justice so requires — declare a mistrial.

The point of this rule is to allow a witness who says he or she cannot remember something to refresh his or her memory. If a lawyer wants to use a document to refresh recollection, the opposing side is entitled to see the document and cross examine the witness on it, as well as to ask the court to excise any portions of the document that aren't relevant to the refreshing. The document does not have to be admissible into evidence to serve as a refresher.

Fed. R. Evid. 701: Opinion Testimony by Lay Witness

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

(a) rationally based on the witness's perception;

(b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and

(c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

Lay witnesses may give opinions on things (including the value of their own home or business), as long as they testify from their own perceptions and experiences, and as long as they don't testify based on scientific or specialized knowledge.

Fed. R. Evid. 702: Testimony by Experts

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

(a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;

(b) the testimony is based on sufficient facts or data;

(c) the testimony is the product of reliable principles and methods; and

(d) the expert has reliably applied the principles and methods to the facts of the case.

Fed. R. Evid. 703: Biases of Opinion Testimony by Experts

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

Fed. R. Evid. 704: Opinion on Ultimate Issue

(a) In General — Not Automatically Objectionable. An opinion is not objectionable just because it embraces an ultimate issue.

(b) Exception. In a criminal case, an expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone.

Fed. R. Evid. 705: Disclosure of Facts or Data Underlying Expert Opinion

Unless the court orders otherwise, an expert may state an opinion — and give the reasons for it — without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

If a party wants a witness to testify based on some scientific, technical or specialized knowledge, the offering party first has to disclose the person's identity, and the substance of the person's testimony, well in advance of the date the expert is scheduled to testify, and they have to get that person qualified as an expert as demonstrating specialized knowledge, skill, training or education. An expert, once qualified, may rely on hearsay or other inadmissible evidence in forming his or her opinion.

Many "expert" witnesses in bankruptcy proceedings are hybrid witnesses because they may have specialized knowledge of some sort, but they are also fact witnesses. The court has a lot of discretion regarding whether to qualify an expert, and what weight to give that expert's testimony once he or she has given it.

Fed. R. Evid. 901: Authenticating or Identifying Evidence

(a) In General. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

(b) Examples. The following are examples only — not a complete list — of evidence that satisfies the requirement:

(1) Testimony of a Witness with Knowledge. Testimony that an item is what it is claimed to be.

(2) Nonexpert Opinion About Handwriting. A nonexpert's opinion that handwriting is genuine, based on a familiarity with it that was not acquired for the current litigation.

(3) Comparison by an Expert Witness or the Trier of Fact. A comparison with an authenticated specimen by an expert witness or the trier of fact.

(4) Distinctive Characteristics and the Like. The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.

(5) Opinion About a Voice. An opinion identifying a person's voice — whether heard firsthand or through mechanical or electronic transmission or recording —

based on hearing the voice at any time under circumstances that connect it with the alleged speaker.

(6) Evidence About a Telephone Conversation. For a telephone conversation, evidence that a call was made to the number assigned at the time to:

(A) a particular person, if circumstances, including self-identification, show that the person answering was the one called; or
(B) a particular business, if the call was made to a business and the call related to business reasonably transacted over the telephone.

(7) Evidence About Public Records. Evidence that:

(A) a document was recorded or filed in a public office as authorized by law; or
(B) a purported public record or statement is from the office where items of this kind are kept.

(8) Evidence About Ancient Documents or Data Compilations. For a document or data compilation, evidence that it:

(A) is in a condition that creates no suspicion about its authenticity;
(B) was in a place where, if authentic, it would likely be; and
(C) is at least 20 years old when offered.

(9) Evidence About a Process or System. Evidence describing a process or system and showing that it produces an accurate result.

(10) Methods Provided by a Statute or Rule. Any method of authentication or identification allowed by a federal statute or a rule prescribed by the Supreme Court.

Fed. R. Evid. 902: Evidence that is Self-Authenticating

The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity in order to be admitted:

(1) Domestic Public Documents That Are Sealed and Signed. A document that bears:

(A) a seal purporting to be that of the United States; any state, district, commonwealth, territory, or insular possession of the United States; the former Panama Canal Zone; the Trust Territory of the Pacific Islands; a political subdivision of any of these entities; or a department, agency, or officer of any entity named above; and
(B) a signature purporting to be an execution or attestation.

(2) Domestic Public Documents That Are Not Sealed but Are Signed and Certified. A document that bears no seal if:

(A) it bears the signature of an officer or employee of an entity named in Rule 902(1)(A); and
(B) another public officer who has a seal and official duties within that same entity certifies under seal — or its equivalent — that the signer has the official capacity and that the signature is genuine.

(3) Foreign Public Documents. A document that purports to be signed or attested by a person who is authorized by a foreign country's law to do so. The document must be accompanied by a final certification that certifies the genuineness of the signature and official position of the signer or attester — or of any foreign official whose certificate of genuineness relates to the signature or attestation or is in a chain of certificates of genuineness relating to the signature or attestation. The certification may be made by a secretary of a United States embassy or legation; by a consul general, vice consul, or consular agent of the United States; or by a diplomatic or consular official of the foreign country assigned or accredited to the United States. If all parties have been given a reasonable opportunity to investigate the document's authenticity and accuracy, the court may, for good cause, either:

(A) order that it be treated as presumptively authentic without final certification; or
(B) allow it to be evidenced by an attested summary with or without final certification.

(4) Certified Copies of Public Records. A copy of an official record — or a copy of a document that was recorded or filed in a public office as authorized by law — if the copy is certified as correct by:

(A) the custodian or another person authorized to make the certification; or
(B) a certificate that complies with Rule 902(1), (2), or (3), a federal statute, or a rule prescribed by the Supreme Court.

(5) Official Publications. A book, pamphlet, or other publication purporting to be issued by a public authority.

(6) Newspapers and Periodicals. Printed material purporting to be a newspaper or periodical.

(7) Trade Inscriptions and the Like. An inscription, sign, tag, or label purporting to have been affixed in the course of business and indicating origin, ownership, or control.

(8) Acknowledged Documents. A document accompanied by a certificate of acknowledgment that is lawfully executed by a notary public or another officer who is authorized to take acknowledgments.

(9) Commercial Paper and Related Documents. Commercial paper, a signature on it, and related documents, to the extent allowed by general commercial law.

(10) Presumptions Under a Federal Statute. A signature, document, or anything else that a federal statute declares to be presumptively or prima facie genuine or authentic.

(11) Certified Domestic Records of a Regularly Conducted Activity. The original or a copy of a domestic record that meets the requirements of Rule 803(6)(A)-(C), as shown by a certification of the custodian or another qualified person that complies with a federal statute or a rule prescribed by the Supreme Court. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record — and must make the record and certification available for inspection — so that the party has a fair opportunity to challenge them.

(12) Certified Foreign Records of a Regularly Conducted Activity. In a civil case, the original or a copy of a foreign record that meets the requirements of Rule 902(11), modified as follows: the certification, rather than complying with a federal statute or Supreme Court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of Rule 902(11).

(13) Certified Records Generated by an Electronic Process or System. A record generated by an electronic process or system that produces an accurate result, as shown by a certification of a qualified person that complies with the certification requirements of Rule 902(11) or (12). The proponent must also meet the notice requirements of Rule 902(11).

(14) Certified Data Copied from an Electronic Device, Storage Medium, or File. Data copied from an electronic device, storage medium, or file, if authenticated by a process of digital identification, as shown by a certification of a qualified person that complies with the certification requirements of Rule (902(11) or (12). The proponent also must meet the notice requirements of Rule 902 (11).

V. Further Reading

- McElhaney's *Trial Notebook*, Fourth Edition, available here: https://www.americanbar.org/products/inv/book/214876/
- Mauer's *Trial Techniques*, Fifth Edition, available here: https://www.amazon.com/Trial-Techniques-Coursebook-Thomas-Mauet/dp/0735506353
- Archibald and Sandler's *Model Witness Examinations*, Third Edition, available here: https://www.americanbar.org/products/inv/book/214910/
- Rossana Arteaga-Gomez, *Cross-Examining a Witness at Trial (Federal)*, available at Thomson Reuters' *Practical Law* online for subscribers.
- *Evidentiary Bankruptcy Hearings and Trials Checklist*, available at Thomson Reuters' *Practical Law* online for subscribers.

Faculty

Hon. James R. Ahler is a U.S. Bankruptcy Judge for the Northern District of Indiana in Hammond, appointed in June 2017. Previously, he served as the judge of the Jasper Superior Court in Jasper County, Ind., from 2007-17. During his tenure as a state trial judge, Judge Ahler presided over hundreds of significant criminal and civil trials, including many jury trials. By appointment of the Indiana Supreme Court, he also served as a hearing officer to preside over attorney misconduct allegations prosecuted by the Indiana Disciplinary Commission. Prior to his judicial service, Judge Ahler was a litigation attorney for approximately 10 years. He also completed two separate federal judicial clerkships, the first for Hon. Michael S. Kanne and the second for Hon. William J. Bauer, both of the U.S. Court of Appeals for the Seventh Circuit. Judge Ahler received his Bachelor's degree from Indiana University-Bloomington and his J.D. from Saint Louis University School of Law.

Leslie C. Behaunek is a shareholder with Nyemaster Goode P.C. and a member of its Litigation Department in Des Moines, Iowa, where her practice includes business and commercial litigation, financial institution and bankruptcy litigation, employment law, insurance defense and appellate advocacy. Before joining the firm, she clerked for Hon. Jane Kelly on the U.S. Court of Appeals for the Eighth Circuit and Hon. James E. Gritzner on the U.S. District Court for the Southern District of Iowa. Ms. Behaunek currently chairs the Iowa State Bar Association's Federal Practice Committee, is a member of the IWIRC Midwest Network, and has been actively involved in state and federal bar association committees throughout her career. She received her B.A. *summa cum laude* with honors from Cornell College and her J.D. with highest honors from Drake University.

Brittany S. Ogden is a partner at the Madison, Wis., office of Quarles & Brady LLP and is the national co-chair of its Bankruptcy, Restructuring & Creditor's Rights Practice Group. With her commercial litigation and bankruptcy practice in state and federal courts throughout the country, she focuses on creditors' rights work and regularly represents financial institutions, equipment-finance companies, and secured and unsecured creditors. She is commonly involved with chapter 7, 11, 12 and 13 bankruptcy proceedings and receiverships, including chapter 128 cases. She also routinely represents clients in the agricultural industry. Ms. Ogden is admitted to practice law in the state of New York, the state of Wisconsin, the U.S. District Court for the Northern District of New York, and the U.S. District Courts for the Eastern and Western Districts of Wisconsin. She is a member of the American Bar Association, ABI, the Turnaround Management Association, IWIRC and the James E. Doyle American Inns of Court. She is an active member of the Equipment Leasing and Finance Association as co-chair of its Amicus Brief Committee and as a member of its Service Provider's Committee. Ms. Ogden received her undergraduate degree from the University of Wisconsin-Madison in 1996 and her J.D. from Syracuse University College of Law in 1999.

Amy J. Swedberg is a partner at Maslon LLP in Minneapolis and has more than 20 years of experience as a financial services attorney. Her practice focuses primarily on assisting lenders and other commercial creditors, asset-purchasers, adversary proceeding defendants and indenture trustees with creditor rights and bankruptcy issues — bringing vital insight and counsel to companies and individuals in times of uncertainty and stress. An experienced litigator in the bankruptcy courts

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