

FOUR SAMPLE HEARING QUESTIONS

Question for Assistant Secretary Jane Doe Expand on What Happened

Q: Assistant Secretary, you said in your testimony at page 4 [copy attached with sentences highlighted] that certain events happened. Here's what you wrote:

[Include exact quote.]

Can you please expand on that testimony by indicating the date and time of the events, who was involved, how the agency learned about the events, and what action the agency took in response?

A: The witness is expected to provide the following details: [fill in].

Q: How did you personally learn of the events and, when you did, were you troubled?

A: Will say a subordinate came into the office and described what happened, and everyone at the agency was troubled by the events.

Q. What was it about the events that troubled everyone?

A. May say the actions were troubling because agency personnel violated agency policy. If the witness doesn't make that point, you could ask: Was one of the reasons everyone was troubled the fact that the agency personnel present at the events may have violated agency policy?

**Question for Assistant Secretary Jane Doe
Enforcement Chart**

Q. Assistant Secretary Doe, please look at this hearing chart which is designated Hearing Exhibit 1 [copy attached]. You have a copy in your exhibit book. The chart summarizes agency enforcement efforts for the last 5 years. Are the chart figures accurate?

A. Yes. [The agency liaison was told this question might come up and confirmed to staff ahead of time the accuracy of the hearing chart.]

Q. You testified that the declining enforcement is due to reduced funding, but 5 years ago, your agency was bringing more cases with a lot less funding than you have now. What is your response?

A. Not sure what the witness will say.

Followup Q. If the witness says the agency had more enforcement personnel before: Five years ago, you had 10 lawyers who brought 60 cases; last year you had 8 lawyers who brought 24 cases. That's a drop from 6 cases per year per lawyer, to 3 cases per year per lawyer. What happened?

A. Not sure what the witness will say.

Question for Entire Panel
Think Tank Study

Q: Last month, think tank X issued an 18-month study examining this problem in detail. A copy of the study is included in the book before you as Hearing Exhibit 10. The study found that multiple federal agencies are spending increasing funds to stop the misconduct, but have gotten worse results over time. To all of the panelists: Do you agree with the study's factual conclusions? Why or why not?

A: A and B will agree with the study. C will disagree and criticize the study, saying its data is out of date and too limited. Not sure what D will say.

Q: Witness C, you disagree with the study. Isn't it a fact that your agency had an opportunity to include its criticisms in the published report but chose not to? Why did the agency wait until now to voice its objections?

A. Not sure what the witness will say.

Question for Witness D
Incriminating Email and Phone Calls

Q: Witness D, please turn to Hearing Exhibit 20 in the book before you. This is an email that you wrote on the date in question right after the events we are concerned about. In the second sentence, you write: "John Doe just called in with the information." Did I read that accurately?

A. Yes.

Q: Doesn't this email show you were informed of the events soon afterward?

A. Witness will say no recollection of John calling or of the email.

Q: The email shows not only the date, but also the precise time it was sent. The timing is right after the events took place, isn't it?

A. Should say yes. May want to press the point if witness won't admit.

Q: Isn't it also true your cell phone records show a call from Susan, the person to whom your email is addressed, about 10 minutes after the email? Do you remember getting that phone call?

A. Witness is expected to say doesn't remember that phone call.

Q: My time is up, but it is troubling that you can't recall, not only your own email, but the call from John that triggered it and the call with Susan right after it. As far as I'm concerned, that's three strikes in a row.