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EXERCISING POWER AND CONTROL: COMMUNICATIVE AND PRAGMATIC ASPECTS OF LAWYER-WITNESS INTERACTION IN ENGLISH COURTROOM DISCOURSE

ЗАСОБИ ЗДІЙСНЕННЯ ВПЛИВУ ТА КОНТРОЛЮ: КОМУНІКАТИВНО-ПРАГМАТИЧНІ АСПЕКТИ ВЗАЄМОДІЇ ЮРИСТА І СВІДКА В АНГЛОМОВНОМУ СУДОВОМУ ДИСКУРСІ

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The article focuses on the investigation of the interaction of lawyers with witnesses during examinations and cross-examinations in court in the adversarial system of justice. The aim of the research is to explore communicative and pragmatic means legal professionals employ to demonstrate power and to control laypeople in the courtroom. The main tasks set by the author are to establish the difference between the rules of everyday dialogic communication and lawyer-witness interaction in the communicative situation of a trial, and to uncover the correlation between certain communicative strategies and tactics of lawyers and the fulfilment or violation of main communicative principles during examinations and cross-examinations.

The following basic features of spoken discourse have been analyzed in the article: cooperation between participants, politeness and turn-taking rules. Gricean cooperative principle was applied to research the level of cooperation in interaction between professional and lay participants in the context of examinations. It has been established that adhering to or flouting of some Maxims depends on institutional participants’ pragmatic intention. To produce a positive impression on the judge and the jurors they tend to secure witnesses’ adherence to the cooperative principle by means of fulfilling Grice’s conversational Maxims. At the same time, lawyers may violate the Quantity Maxim on direct examination in order to focus the trier’s attention on certain facts by means of repetition, and the Quality Maxim during cross-examination, when witnesses are compelled to render new or non-existent facts disguised as given ones to the trier. The analysis revealed that the Politeness Principle is observed when established facts require confirmation, while it may be violated when lawyers dispute their reliability. Lawyer-witness interaction during examination lacks natural turn-taking and distribution of turn types between the speakers, the right of turn-allocation pertaining exclusively to the counsel. Control of the turn allocation

and management facilitates the legal professional's manipulation of the layperson's responses, which enables the impact on the trier's decision.

Key words: legal discourse, courtroom talk, dialogic communication, communicative principles, communicative strategies, pragmatics.

Статтю присвячено аналізу взаємодії юристів зі свідками під час прямих і перехресних допитів у суді в змагальній системі правосуддя. Метою дослідження є вивчення комунікативно-прагматичних засобів, які використовуються юристами для демонстрації влади та контролю свідків під час допитів. Основними завданнями дослідження є встановлення різниці між правилами повсякденного діалогічного спілкування й особливостями взаємодії адвоката та свідка в комунікативній ситуації судового розгляду, а також виявлення співвідношень між певними комунікативними стратегіями й тактиками юристів і дотриманням або порушенням основних комунікативних принципів під час прямих і перехресних допитів у суді.

У статті проаналізовано такі основні особливості усного дискурсу, як співпраця між учасниками, ввічливість і правила вербальної взаємодії. У дослідженні було застосовано принцип кооперації П. Грайса для дослідження рівня співпраці у взаємодії між професійними та непрофесійними учасниками в контексті допитів. Встановлено, що дотримання або порушення певних постулатів залежить від прагматичних намірів юриста. Щоб справити позитивне враження на суддю та присяжних, юрист намагається забезпечити дотримання свідками принципу кооперації та комунікативних постулатів. Проте юристи можуть порушувати постулат кількості під час прямого допиту, щоб зосередити увагу судді на певних фактах шляхом їх повторення, та постулат якості під час перехресного допиту, коли свідків спонукають до підтвердження нових або несправжніх фактів, замаскувавши їх під відомі. Виявлено, що юристи дотримуються принципу ввічливості, коли необхідно підтвердити встановлені факти, проте принцип ввічливості може порушуватися, коли юристи намагаються спростувати їхню надійність. Комунікація юриста та свідка під час допиту позбавлена природного розподілу реплік між доповідачами; право організації взаємодії та вибору типів реплік належить суто юристам. Контроль над організацією вербальної взаємодії допомагає юристу маніпулювати реакцією свідка, що допомагає впливати на рішення судді та присяжних.

Ключові слова: юридичний дискурс, судовий дискурс, діалогічне спілкування, комунікативні принципи, комунікативні стратегії, прагматика.

Introduction. Interaction of lawyers and witnesses in the courtroom is central to the adversarial system of justice which is traditional for adjudication process of common law countries. In this legal tradition the emphasis is laid on the "competition" of the interested opposing parties – the prosecution and the defense – in the presence of the judge who acts as a referee to ensure the pursuit of justice, and the jury whose responsibility is to render a verdict. Thus, the communicative situation of debate is crucial for courtroom discourse in adversarial legal system, where lawyers contest applying various models of linguistic interaction in order to "win the battle" rather than establish the truth [9, p. 15].

Discourse strategies employed by the participants are predetermined by the specificities of courtroom discourse. Being a variety of legal discourse, courtroom discourse may be defined as a type of institutional or ritual discourse whose main function is regulation of social relations [3], legal evaluation of the defendant's actions, establishing the truth [4] and conflict resolution [13]. Legal discourse has been extensively researched by both Ukrainian and foreign scholars from pragmatic (Cotterill, Koval, Luchjenbroers, Pavlíčková, Shevchenko), psychological (Akkermans, Bruinvels, Cuijpers, Elbers, Gudjonsson and van Wees) and sociological (Atkinson and Drew) perspectives. Some researchers have undertaken to define the functions and communicative features of courtroom talk (Opeibi, Zaitseva). M. Zaitseva states that the choice of communicative strategies and tactics of defence and prosecution counsels is affected by the opposite goals of the said legal professionals as courtroom discourse is defined as the discourse of conflict [1, p. 76]. However, the participants of court interaction appear to pursue one mutual goal, which is aimed at the fulfilment of justice. As in adversarial legal tradition the interaction of the procedural opponents resembles a competition in which each party strives for victory on equal terms, counsels resort to various communicative strategies available in the setting of rigorous court proceedings in order to influence the judge and the jury who are the sole decision-makers in a trial. In the communicative event of a trial, lawyers address the judge and the jury directly with the help of an opening statement and a closing argument trying to persuade the latter to decide in their favor. Also, counsels can reveal their position indirectly through their interaction with witnesses during direct examination, cross-examination and redirect examination. The communicative strategies of legal professionals as well as linguistic means they resort to when handling witnesses in order to influence the decision of the fact finder in adversarial juristic tradition have been underdeveloped which accounts for the relevance of this research.

The main **purpose** of this research is to explore the specific features of lawyers' interaction with witnesses in the court of law in the adversarial system of justice to delineate communicative and pragmatic means legal professionals employ to demonstrate power and to control laypeople in the courtroom, the **tasks** being to establish the difference between

the rules of everyday dialogic communication and lawyer-witness interaction in the communicative situation of a trial and to explore how the use of certain communicative strategies and tactics affect the fulfillment and violation of main communicative principles by lawyers during their interaction with witnesses in the courtroom.

Communicative strategies are interpreted in this research as a certain sequence of "intentional, conscious and controlled" actions which includes the final goal of interaction [8, p. 62]. In the context of a trial this ultimate goal amounts to the verdict of guilty for the prosecution counsel and the verdict of non-guilty for the defense. Tactics may be defined as a number of specific means of realization of the strategy. A certain communicative strategy may only be effective in a specific context, where optimal effect can be achieved with minimal costs [ibidem, p. 62]. In this research the context is set by the procedural requirements to direct, cross-examination and redirect examination. The choice of a communicative strategy predetermines the use of certain verbal means to exercise psychological influence on the addressee.

Methods and techniques of research. A variety of methods of discourse analysis have been applied in the paper. Critical Discourse Analysis was used to study communicative models within a social context and as a part of a social structure; conversational analysis made it possible to reveal inner mental processes of the interlocutors. To research communicative and pragmatic means of power and control in the courtroom, the written transcripts of recordings of lawyers' examinations and cross-examinations of witnesses of several famous cases have been selected and analyzed in the paper.

Results and discussion. Language penetrates all the stages of court procedures from the process of specifying the rules of evidence to identifying breaches to conducting examinations. However, legal talk differs greatly from the language of everyday communication, being considered a special genre of the language, which distinguishes it from the language used for communication in everyday settings.

Legal English with its complex syntax, insufficient punctuation, unusual set phrases, archaic words and impenetrable technical terms constitutes a significant difference from everyday English. Laypeople often find it quite challenging to understand the vocabulary and grammar of legal English not to mention the specifics of interactional and interpersonal rules of courtroom discourse. Thus, non-specialists are typically at a disadvantage as special interpretative skills are called for.

1. Communicative principles of lawyer-witness interaction

Alongside with specific vocabulary and syntax of legal texts the interactional and interpersonal rules of courtroom discourse, which are called "power-asymmetrical" [6], may be quite challenging for lay participants. In the hierarchy of courtroom interaction institutional participants, i.e. judges and lawyers, occupy a more powerful position both legally and linguistically, while witnesses, who are lay speakers, are placed at the bottom of the courtroom hierarchy. Lawyers are not only proficient in legal discourse, knowing and understanding the nuances of the meaning of particular words, but they are also familiar with the legal aims of the discourse. This implies that during courtroom examination lay members are usually at a disadvantage linguistically and under pressure of control and constraint [ibidem].

When analyzing written transcripts of lawyer-witness interaction in courts of law, we need to keep in mind that we still deal with the spoken language with its specialized rules and principles. According to M. Coulthard and A. Johnson, the key features of spoken discourse are "cooperation between participants, politeness and the rules for turn-taking: turn design, allocation, distribution and function" [7, p. 15]. In the article, we intend to uncover how these issues work in courtroom talk and how legal professionals manipulate these principles to create unequal distribution of power and control in courts of law.

2. Cooperation between participants

Gricean cooperative principle and the four conversational Maxims may be applied to research the level of cooperation in interaction between professional and lay participants in the context of examinations. The cooperative principle states that in a conversation the participants should contribute in the required fashion to every stage of it in accordance with the required purpose of the talk [10, p. 45] for interaction to continue. Grice offered a valuable tool for decoding information which is not directly stated in the utterance. The cooperative principle consists of four Maxims: the Maxims of Quantity (make your contribution as informative as is required; do not make it more informative than is required), Quality (do not say what you believe to be false; do not say that for which you lack adequate evidence), Relation (be relevant) and Manner (avoid obscurity; avoid ambiguity; be brief; be orderly) [ibidem, p. 45–46].

On an examination, with its strictly formal procedure which governs interaction between legal professionals and lay participants who seem to have one mutual goal – achievement of justice, cooperation is highly expected. Research has proved, however,

that in courtroom discourse the cooperative principle is not always adhered to which leads to flouting by the speakers of different conversational Maxims [15, p. 1862; 16, p. 8). Adhering to or flouting by both institutional and lay participants of some Maxims may depend on their pragmatic intention. Flouting of the others is predetermined by the specific procedure and rules of interaction in the courtroom. In this research we intend to investigate the cases of violation of the cooperative principle as a result of manipulative techniques which lawyers employ in order to exercise control over witnesses with the aim to demonstrate their position to the judge and the jury and influence the decision of the latter.

Under the adversary system, each party examines their witnesses. The claimant's counsel is the first to conduct the examination-in-chief. When the former is through with the witness, the defendant's counsel may cross-examine the same witness. The procedures of examining and cross-examining a witness have different purposes and requirements. The aim of the direct examination is to prove the case by means of letting your witness make a compelling narrative, to tell a story to the court and offer an opinion in favor of that party's case theory. Obviously, the lawyer strives to boost credibility of the witness. On cross-examination, the opposing party's witness is questioned. The lawyer pursues the goal to weaken or invalidate the impression the other party's witness has built, to discredit the witness's statement in the eyes of the court [5, p. 142]. As the latter is expected to present opinions and conclusions opposite to those of the cross-examining lawyer, the choice of the tactics applied by the counsel are different.

Generally, an examination in the court of law is a possibility for the lawyer to represent their interpretation of the facts with the help of witnesses' and experts' statements. Thus, psycholinguistic impact is an inalienable feature of courtroom discourse. Even though it is believed that such impact is mostly exercised during cross-examination, there is a scope of possibilities a lawyer can employ in direct examination. Leading and argumentative questions are not allowed during direct examination, while open-ended questions are the most typical of this type of examination as they allow the counsel to stimulate the witness to speak relatively freely, in order to reveal the details of the case and to make the court believe in the trustworthiness of the latter. Witnesses in direct examination sometimes tend to contribute more information than is required by the situation in order to seem reliable and trustworthy [16, p. 9]. The counsel often resorts to yes-no questions that restrict the witness's choice of answers. On direct examination lawyers tend to control the witness's account of facts and even to introduce new facts through the witness's answer when the situation requires it. In our opinion, they try to make witnesses adhere to the cooperative principle by means of fulfilling Grice's conversational Maxims to produce a positive impression on the judge and the jurors.

In the excerpt from the direct examination in the Enron trial below the defense attorney asked the defendant, Mr. J. Skilling, the CEO of Enron, to account for the phrase previously addressed to Mr. Kaminski, an Enron executive, concerning the reason for the transfer of the latter from the RAC.

Q: Did you say something to Mr. Kaminski about "We don't need any more cops in RAC"?

A: ... And I said – I said, "I don't think so because we have plenty of cops in the RAC group", because the RAC group, at that point, was a very big organization and had – including analysts and associates had a couple hundred of people in that organization. So, I told Vince he didn't have to worry, "We have plenty of cops in-house to protect the company".

Q: Were you in any way, shape, or form demoting Mr. Kaminski?

A: No. Vince was pleased. I think he was happy to move.

Although the defendant tried to volunteer his own interpretation of the fact, he was forced to corroborate the defense attorney's words turning them into a statement which in the lawyer's view sounded more plausible to the trier.

Quite often the interrogator may resort to such techniques as repeating the facts, paraphrasing the witness's statements, summing them up or going over them again so as to focus on the aspects which corroborate the case theory and to make an impact on the fact-finder. As a result, the Maxim of Quantity may be violated during direct examination.

In the excerpt from the direct examination of V. Kaminski (the prosecution witness) in the Enron trial, the prosecutor repeats the answer of the witness in the form of the question. By doing this, the legal professional makes his witness corroborate the fact the former thinks is important and draws the jury's attention to the episode between the witness and Mr. J. Skilling.

Q: *What did he [Mr. Skilling] say?*

A: *Well, he said that he received complaints about the work of my group. And specifically, the complaint was that my group acted more like cops, preventing people from executing transactions instead of helping them.*

Q: *So Mr. Skilling said he'd received complaints that you were acting more like cops than facilitating the completion of transactions?*

When cross-examining a witness, the lawyer usually fulfils the Maxim of Quantity by means of using simple language. Counsels tend not to be too eloquent as it draws attention away from the witness. Yet, lawyers may flout the Maxim of Quality. Tag questions, which are quite common in cross-examination as leading questions, enable the cross-examiner to disguise new or non-existent facts as the given ones. Since the purpose of cross-examination is to point out the weaknesses in the hostile witness's testimony, to put their truthfulness and credibility to test, or even to discredit a witness [5, p. 142], cross-examiners use this technique to impose their interpretation of the situation on the judge and the jury. In the extract below, which is an excerpt from cross-examination of an expert witness in O.J. Simpson's case, the attorney (Mr. Kelberg) tries to introduce a fact which may discredit the doctor as a professional.

Mr. Kelberg: And doctor, you said in response to Mr. Shapiro's question that a knife could give the appearance of a cut that you believe was due to glass; is that correct?

Dr. Huizenga: I think there are certain glass cuts that can mimic knife cuts.

Mr. Kelberg: And there are knife cuts that can mimic glass cuts, right?

Dr. Huizenga: I think with a knife, if you're a surgeon, you can mimic a lot of things.

Alongside with tag questions with their inherent property to coerce the addressee into giving the expected answer, during cross-examination lawyers often resort to declarative questions, which possess a similar quality. Declaratives are statements according to their grammatical structure, but they are perceived as questions due to rising intonation or in a certain communicative context. According to C. Gunlogson, unlike interrogatives, declarative questions are informative, in other words they are capable of contributing new information, and biased [11, p. 125–127]. Declaratives signal that the speaker agrees with the proposition expressed in the question. For the cross-examining lawyer declarative questions may be a powerful tool to transmit his/her attitude directly to the judge and the jury.

Mr. Darden: If you weren't interested in selling the tapes, why did you have your attorneys contact a publisher?

Ms. Mckinny: It is more to know what the value of the tapes were and I authorized my attorneys to do that.

Mr. Darden: And that is because you were considering selling the tapes at the time?

Ms. Mckinny: No. I wanted to know what the value of the tapes were and my attorneys advised me that it was in my best interests and they would be negligent as attorneys if they didn't let me know exactly what the value--market value of the tapes and/or the transcripts would be.

Using declarative questions not only does the lawyer coerce the witness into giving a predetermined answer, but also conveys their opinion directly to the trier. As declarative questions may render more information than is required, by employing them lawyers flout the Quality Maxim.

3. Politeness

The Politeness Principle is no less important in everyday communication than Gricean cooperative principle. G. Leech [12, p. 21] offered a six-maxim model of the Politeness Principle which puts constraint on people's conversational behaviour. The maxims are as follows: the tact maxim, the generosity maxim, the approbation maxim, the modesty maxim, the agreement maxim and the sympathy maxim. Even though both the cooperative principle and the Politeness Principle play a significant role in communication, there is a certain correlation between the principle which is prevalent in an individual's conversational behavior in a particular communicative situation and the goals this individual pursues.

The analysis of transcripts of those parts of the lawyer-witness interaction in court when the established facts merely require confirmation proved that the Politeness Principle is observed, whereas when the reliability of the testimony given by the witnesses should be tested or the lawyer disputes their reliability, the Politeness Principle may be violated. As it is stated in one of the recommendations concerning the manner of cross-examination, "Be a gentleman at all times, though firmness, forcefulness, aggressiveness, and even outrage are sometimes necessary" [5, p. 143].

During the examination-in-chief, the friendly counsel's primary aim is to elicit confirmation of the facts from the witness. This procedure does not imply any contest or confrontation between the lawyer and the witness. Thus, Leech's agreement maxim is generally quite explicitly obeyed. The excerpt from the direct examination of one of the prosecution witnesses, S. Gilbert, by the prosecution lawyer in O.J. Simpson's case illustrates agreement between the lawyer and the witness. The witness confirms the facts laid out by the lawyer by answering "Yes" to his every question.

Ms. Gilbert: I'm a police service representative.

Mr. Darden: And are you also a 911 operator and dispatcher?

Ms. Gilbert: Yes.

Mr. Darden: Okay. And were you a 911 operator and dispatcher on January 1, 1989?

Ms. Gilbert: Yes, I was.

Mr. Darden: And were you on duty between 3:00 and four o'clock in the morning on that date?

Ms. Gilbert: Yes, I was…

On the contrary, when questioning a hostile witness, the cross-examining lawyer tries to challenge the facts revealed in examination-in-chief in order to discredit the witness in the eyes of the court or at least demonstrate his/her unreliability. As a result, there is no mutual agreement and cooperation between the witness and the legal professional. Usually the cross-examining lawyer goes over the same facts as in the direct examination. However, now the counsel's aim is to highlight the alternatives which would support his/her line of events. Thus, the witness may be subject to manipulation to coerce him/her to agree. In the excerpt from the cross-examination of the defense witness by the prosecution attorney Ms. Clark below, the latter tries to compel agreement of the witness by means of using tag questions which "invite" the addressee to give the answer the interviewer requires.

Ms. Clark: Miss Pilnak, you're a stickler for time, are you?

Ms. Pilnak: Yes, I am.

Ms. Clark: And you wear two watches; is that right?

Ms. Pilnak: Not always. If I'm in a rush, you know, to the airport or I have to be someplace. I have lots of clocks in my home.

Ms. Clark: Uh-huh. And when the police officers contacted you on the morning of June the 13th, you knew that they were talking--coming to talk to you about a murder investigation, correct?

Ms. Pilnak: Yes, I did.

Ms. Clark: And you knew that one of the victims was Nicole Brown, correct?

Ms. Pilnak: I had just found out.

Ms. Clark: You didn't know her, did you?

Ms. Pilnak: No, other than in passing, when you see someone, you know, four or five times a week for six months.

Ms. Clark: You saw her in the neighborhood; is that right?

Ms. Pilnak: I saw her on San Vicente Boulevard.

Though formally the agreement maxim is fulfilled, the witness is tricked into compliance. It means that the imposition is increased, which results in the violation of the tact maxim. So the use of coercion technique, which is typical of conversational behavior of lawyers during cross-examination in adversarial system, reduces the level of politeness of the interviewer and is perceived as a means of manipulating the witness in court. Control over the witness's answers, which is achieved by means of using tag questions, automatically transforms the interviewing counsel's questions into the testimony thus, enabling him/her to talk directly to the court.

4. Turn-taking

The procedure of discourse organization at different stages of hearings is often contrasted to the way an ordinary conversation is managed. Despite the fact that courtroom talk is so diverse with different stages specifying the type of discourse as well as the form which may be either a monologue or involve at least one more participant, the key property of courtroom talk at the core of scientific analysis is the fact that though it occurs in the setting with multiple participants, the actual participants are limited and predetermined [4, p. 35]. Besides, in a conversation, turn taking is managed in the way that one person is talking at a time followed by the next one as soon as the first finishes their turn, which proceeds in the similar fashion until the end of the conversation. No matter how many speakers participate in the conversation, usually the principle of a "single speaker at a time" with natural transition from one speaker to another works with practically no gaps between the turns and no overlaps [ibidem, p. 38].

On examination in court, though the general principle of "one speaker at a time" is preserved, the speakers, the types of turns and turn order are pre-allocated and fixed by the court procedures. Moreover, the turn design of the initial speaker affects the selection of the next speaker for the latter to do a paired action. It means, for instance, that it is always question-and-answer interaction between the counsel and the witness during examination. This pattern of paired actions is referred to by Schegloff and Sacks as "adjacency pairs" [14, p. 289–327].

Turn taking as well as type of turns on examination differs significantly from an ordinary conversation, where every participant may practically select themselves to speak next, and interaction does not resort exclusively to questions and answers. During examination in court, no matter how many professional or lay participants are present, the interaction is designed for two participants only – the lawyer who always asks questions and the witness who always answers them. As a result, the lawyer-witness interaction on examination seems to lack natural turn-taking and distribution of turn types between the speakers. The right to turn-allocation belongs to one party – the counsel, who can ask questions. By asking a question the lawyer allocates the next turn and self-selects the answer as many times as s/he thinks right. Thus, unlike in an ordinary conversation, which is governed by the rules of natural

turn management allowing every interlocutor to contribute to it in their turn and to the extent they feel appropriate, on examination in court the professional actually controls the lay participant pre-allocating the turns and restricting their responses to answers to the former's questions.

There are cases when during examination witnesses digress from the prearranged scenario and fail to answer the lawyer's question at once. In an ordinary conversation this often occurs when one of the interlocutors did not hear the question or is not sure whether s/he understood it correctly. In such a situation the adjacency pair "asking for clarification – giving clarification" is enacted: one of the participants repeats the question either fully or in a paraphrased manner or asks to repeat it and the other is expected to provide explanation. In the excerpt below a witness repeated the lawyer's question to make sure she understood it.

Mr. Darden: You have had one screenplay published or made into a film?

Ms. Mckinny: Have I had one screenplay made into a film?

Mr. Darden: Yes.

The analysis of the transcripts of both direct and cross-examinations revealed that counsels often resort to the same strategy that participants of everyday conversations use when they want the interlocutor's phrase repeated.

Mr. Cochran: It was still very quiet out?

Ms. Pilnak: I wasn't outside, but it was – I didn't hear any noises from outside.

Mr. Cochran: You couldn't hear anything from inside; is that correct?

Lawyers either repeat the witness's statement as a question or use polite expressions like "Pardon?".

Ms. Clark: So you can't be precise about that time?

Ms. Pilnak: No. Not that time.

Ms. Clark: Pardon?

When an examining counsel considers the witness's reply to be vague or not straightforward enough, they prompt the latter with a more plausible version.

Ms. Pilnak: No. We commented on how quiet it was.

Mr. Cochran: When you say "We", you're talking about you and Judy?

Ms. Pilnak: Judy and I commented.

On direct examination the defense attorney prompted the meaning of the pronoun "we" in the witness's reply.

Mr. Cochran: All right. So after the fact, you went back and redid these things yourself; is that right?

Ms. Pilnak: Uh-huh. Uh-huh.

Mr. Cochran: Uh-huh means yes?

Ms. Pilnak: Yes. I'm sorry.

During the same examination the witness was compelled by the counsel to express the reply more explicitly. Even though the strategies for clarification employed by lawyers are similar to those typically used by participants in ordinary conversations, the pragmatic aim is not the same. As the instances proved, it was not the lawyer who misunderstood the witness's statement and needed it to be clarified. Lawyers appear to resort to this strategy to draw the attention of the judge and the jurors to certain crucial points in the witness's testimony and to ensure the trier's utter understanding of the issue. The power of turn allocation and management enables the legal professional to manipulate the laypersons' natural response to a stimulus in adjacency pairs "question – answer", "asking for clarification – giving clarification" in order to influence the decision of the trier.

Conclusions. In adversarial legal tradition the opposing parties compete with each other to prove their case and impact on the trier to produce a favorable verdict. The pragmatic aim being the same, counsels employ various communicative strategies and tactics to represent their position to the judge and the jury. The proceedings of the trial enable defense and prosecution lawyers to appeal to the fact-finder directly through opening statements and closing arguments as well as during examinations of witnesses. The communicative strategies legal professionals resort to when examining and cross-examining lay people are skillfully selected in order to control and manipulate the latter to back the former's case theory.

These communicative strategies applied in the communicative situation of a trial directly impact on the fulfillment and violation of the main communicative principles, such as Grice's cooperative principal and the Politeness Principle. The procedural design of lawyer-client interaction, which is revealed in specific turn-allocation and turn-management, amplifies the possibilities for counsels to control witnesses' utterances and exploit lay people's natural propensity to contribute to a conversation. The prospects of further investigations may include quantitative analysis of lawyers' and witnesses' speech acts, which violate main communicative principles during direct and cross-examination.

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