

David Wildstein Has Unimpeachable Credibility

[By Donald Scarinci](#)

It is impossible to impeach the credibility of David Wildstein when just about everyone who has had any serious involvement in New Jersey politics for the last 15 years has provided tips, information and opinions to him through his pseudonym, “Wally Edge.” The substance of those emails, still reported to be in Wildstein’s possession, formed the basis of PoliticsNJ, now PolitickerNJ, which is the most widely read source of political inside information in New Jersey.

Today, Wildstein aka Wally Edge, finds himself as a subject of the news instead of as a reporter of it. He has become the star witness in the Bridgegate investigation surrounding Gov. Chris Christie, after his lawyer released a letter stating that “evidence exists” to show that the governor knew more about the George Washington Bridge lane closures in Fort Lee than he has admitted publicly.

Christie’s legal team came back swinging. In a [letter](#) to supporters, the Governor outlined a number of what he considers Wildstein’s own misdeeds, some of which date back to their shared high school days. For instance, the letter cites: “As a 16-year-old kid, he sued over a local school board election,” and “He was publicly accused by his high school social studies teacher of deceptive behavior.”

It is surprising that the Governor, a former US Attorney, and the team of former assistant US Attorneys around him have not been acting much like the good lawyers they are when assessing their approach to Wildstein.

Up to the time he sold PoliticsNJ, it will be difficult to suggest that he lacked integrity or honesty when thousands of people, including Chris Christie and people close to him corresponded with “Wally Edge.” Those emails and the character testimony from New Jersey’s top political players who are likely to support Wildstein will make much more interesting reading than anything that has so far been published in “Bridgegate.”

Absent tape recordings or videos to prove your case, the defendant’s witness testimony can be the key to the case. Effectively impeaching their credibility can mean the difference between winning and losing, so it must be done properly.

Some of the most common ways to attack the credibility of a witness include introducing statements of the witness that are inconsistent with his present testimony; demonstrating that the witness is biased; and raising doubts about the witness’s ability to accurately observe or remember what happened.

Under the Federal Rules of Evidence, witnesses may be cross-examined regarding “prior bad acts” only if they are probative of the “truthfulness or untruthfulness” of the witness. With the exception of criminal convictions, the rule also generally bars evidence of specific instances of conduct of a witness for the purpose of attacking or supporting his credibility. Accordingly,

evidence that Wildstein may have been untruthful back in the 1970s would have little impact and might even backfire and create sympathy.

Instead, Christie's lawyers should be focusing on whether Wildstein has a reason to lie about or misrepresent what precipitated the lane closures. In many cases, raising questions about what is motivating the witness's testimony will diminish his credibility in the eyes of the jury. Here, Christie's strongest argument is not that Wildstein is a bad person, but that he is simply trying to protect his own interests.

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