



Testifying in Court

Suggestions - Ron Dempsay, Victim Advocate

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Do what you've sworn to do.

- Tell the truth, the whole truth, and nothing but the truth.
- If you are caught in a lie or half truth, your entire testimony may be questioned by the jury.

Be prepared.

- Go over possible questions with your attorney.
- If possible, visit the courtroom in advance of the trial to become familiar with the general layout and the path you will take to the witness stand.

Don't allow the attorneys to intimidate or anger you.

- Avoid confrontation, hard looks, or being combative with them. They are there to represent their client and do a job.
- Let the judge deal with them if they are out of line.
- If you stay cool and answer the questions, the attorney using these tactics may be viewed by the jury in an unfavorable way.
- Just answer the questions posed to you. Avoid volunteering information.

Act professionally at all times, in and outside the courtroom.

- You never know who is watching and listening. It could be a juror, another witness, family or friend of the opposing side, or a defense team investigator.
- If possible, it is always good to have a family member, friend, or advocate with you while in or on the courthouse premises.

Dress professionally and conservatively, if possible.

- Studies have shown that blue for men and black for women are the main colors for "looking believable". That may or may not be correct, however, avoid flashy colors or ties and limit excessive jewelry.

After you are called and take the stand, the Clerk of the Court will ask you to remain standing as you are sworn in.

- After you hear the oath, answer "I do" in a strong, clear voice.
- Some think it is also effective to turn to the jury after hearing it and say the words to them.

When you take a seat, maintain good posture and keep your hands down and away from your mouth.

- Answer all questions with the same strong, clear voice.
- Do not nod or shrug to answer. The court reporter and recording device must have an audible answer.
- Speak at a normal rate.

Try to use common language that is natural to you and be yourself when testifying.

- Slang or jargon that the jurors don't understand will make your testimony less effective.

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Make sure you listen and understand every question before you answer.

- Don't start answering before the attorney finishes the question.
- After hearing the complete question, take a moment and think about your answer before you begin.
- Ask for clarification if needed.

If possible, avoid long narrative answers.

- Simple "yes" or "no" responses are usually best. They can be followed by a brief explanation if needed.

It's best to address your testimony to the jury.

- You should look at the attorney to get the question, and then direct the answer to the jury. If you keep looking at your attorney when responding, it may appear to the jury as if you are looking for help or approval.

Don't try to memorize or rehearse answers word for word.

- The opposing attorney, on cross examination, may attempt to confuse you by asking questions out of the order to which you are accustomed.

If, at any time, your testimony is interrupted, stop speaking.

- Let the judge and attorneys sort out the objection or question. You will be directed to continue or they will proceed with a different question.
- Be patient and calm and avoid body language and facial expressions that indicate frustration or concern about the interruption.

If you discover that you have made an error or mistake in your testimony, don't try to cover it up or ignore it.

- Address the judge with "your Honor?" and wait for his permission to speak. At this time, ask the judge for permission to correct the error.
- Everyone can make a mistake and jurors won't hold it against you if you acknowledge it. However, if you try to cover it up they may think that this and other parts of your testimony are false.

It is okay to say "I don't know" or "I don't remember" if those are indeed truthful answers to the question.

- Don't let yourself be lead into false testimony or incorrect statements if you are not completely sure.

Check with your attorney about taking documents to the witness stand.

- It can be examined by both the prosecution and the defense.

Unless you are an expert witness and are qualified by the court to give an opinion, you can only testify to what you saw, heard, smelled, tasted, or felt.