

COURTROOM: 8C

WAKE COUNT COURTHOUSE

TIME: Be outside courtroom at least 15 mins before trial scheduled to start

REMINDERS ABOUT PREPARING TO TESTIFY

1. Be HONEST (the truth will set you free!)
2. Take a couple of deep breaths and try to tell the story to the jury as if you were sitting down having a cup a coffee with a neighbor.
3. Before you testify, try to picture the scene, the objects there, the distances and exactly what happened so that you can recall the facts more accurately when you are asked. If the question is about distances of time, and if your answer is only estimate, be sure you say it only an estimate. Beware of suggestions by attorneys as to distances or times when you do not recall the actual time or distance. Do not agree with their estimate unless you independently arrive at the same time.
4. SPEAK IN YOUR WORDS. Don't try to memorize what you are going to say. Doing so will make your testimony sound "pat" and unconvincing. Instead, be yourself, and prior to trial, go over in your mind those matters about which you will be questioned.
5. A neat appearance and proper dress in Court are important. The trouble with an appearance that seems very casual or very dressy is that it will distract the jury during the brief time you're on the stand- and they won't concentrate on your testimony.
6. For the same reason, avoid distracting mannerisms such as chewing gum while testifying. Smoking is not allowed. Present your testimony clearly, slowly, and loud enough so that the Judge can easily hear and understand everything you say.
7. Please remember that you are being judged from the minute you get on the 8th floor of the courthouse as you never know where the judge may be. Always be on your best behavior. Do not stare or exchange words with the other party. Be civil if contact is unavoidable.
8. When you are called to testify, you will first be sworn in. When you take the oath, stand up straight, pay attention to be clerk, and say "I do" clearly.
9. Do not exaggerate. Don't make overbroad statements that you may have to correct. Be particularly careful in responding to a question that begins with "Wouldn't you agree that...?" The explanation should be in your own words. Do not allow an attorney to put words in your mouth.
10. When a witness gives testimony, (s)he is first asked some questions by the lawyer calling him or her to the stand. This is called direct examination. Then the witness is questioned by the opposing lawyer (the defense counsel) in "cross-examination." (Sometimes the process is repeated two or three times to help clear up any confusion.) The basic purpose of direct examination is for you to tell the judge and jury what you know the case. The basic purpose of cross-examination is to raise doubts about the accuracy of your testimony.

Don't get mad if you feel you are being doubted in cross-examination- that is the opposing counsel's job. **DO NOT LOSE YOUR TEMPER.**

11. A witness who is angry may exaggerate or appear to be less than objective, or emotionally unstable. Keep your temper. Always be courteous, even is the lawyer questioning you appears discourteous. Don't appear to be a "wise guy" or you will lose the respect of the judge and jury.
12. Although you are responding to the questions of a lawyer, remember that the questions and answers are really for the jury's benefit. Always speak clearly and loudly so that every juror can easily hear you.
13. **DO NOT** nod your head for a "yes" or "no" answer. Speak so that the court reporter (or recording device) can hear the answer.
14. Listen carefully to the questions you are asked. Understand the question, have it repeated, if necessary, then give a thoughtful, considered answer. **DO NOT GIVE AN ANSWER WITHOUT THINKING.** While answers should not be rushed, neither should there be an unnaturally long delay to a simple question if you know the answer.
15. Explain your answer, if necessary. Give the answer in your own words, and if a question can't be truthfully answered with a "yes" or "no," explain the answer.
16. Answer **ONLY** the question asked of you. Do not volunteer information not actually asked for.
17. If your answer was not correctly stated, correct it immediately. If your answer was not clearly, clarify it immediately. It is better to correct a mistake yourself than to have the attorney discover an error in your testimony. If you realize you have answered incorrectly, say "May I correct something I said earlier?"
18. Unless certain, don't say "That's all of the conversation" or "Nothing else happened." Instead, say. "That's all I recall," or "That's all I remember happening." It may be that after thought or another question, you will remember something important.
19. Sometimes, witnesses give inconsistent testimony- something they said before doesn't agree with something they said later. If this happens to you don't get flustered. Just explain honestly why you were mistaken. The jury, like the rest of us, understands that people make honest mistakes.
20. Stop instantly when the judge interrupts you, or when an attorney objects to a question, and wait for the judge to tell you to continue.
21. Give positive, definite answers when at all possible. Avoid saying, "I think," or "I believe," or "In my opinion" if you can be positive. If you do know, say so. Don't make up an answer. You can be positive about important things which you naturally would remember. If you asked about little details which a person naturally would not remember, it is best just to say so if you don't remember.
22. When being questioned by the opposing attorney, don't look at the first attorney or at the judge for help in answering a question. You are on your own. If the question is important, the attorney will object. If a question is asked and there is not an objection, answer it. Never substitute your ideas of what you believe for what you think you should say.

23. Be sure to review all of the pertinent documents pointed out to you by your attorney. Generally, you should review the complaint, answer, financial affidavits, and any other affidavits. You will be asked questions about these documents, so it is helpful to be familiar with them. Also, it is important that you review any previous documents where you make statements about your case, for example, any previous affidavits you have given in your case.