

## So You're Going to be a Witness - Tips to Help You Prepare

*You may feel anxious or nervous about testifying in court before a judge, lawyers and a jury. The purpose of this document is to give you some information to make the experience more comfortable for you.*

### PREPARING YOURSELF TO TESTIFY

Before appearing in court, go over the facts of the case in your mind. Try to recall as clearly as you can exactly what occurred and the chronology of events. Make sure you understand how to get to the courthouse and what time you should arrive. Talk to the lawyer who has asked you to testify about when and where in the courthouse you should meet him or her. On the day you testify, wear what you would wear to an important business meeting.

### WHEN YOU TESTIFY

You will testify by responding to questions asked by lawyers. First, the lawyer for the party that asked you to testify will ask you questions. This is called "Direct Examination." The questions asked on Direct Examination have you talk about the facts you know. After Direct Examination, the lawyer for the opposing party will ask you questions. This is called "Cross Examination." The questions asked on Cross Examination will test the story you told during Direct Examination. These questions see if you were able to adequately observe the facts and test your credibility. The questions asked by both lawyers will have one purpose – to bring out the truth about the facts you know.

### RULES TO FOLLOW WHEN TESTIFYING

When you are on the witness stand, the first rule is to tell the truth. You will be given an oath to remind you, but be prepared to tell your story simply and honestly. Since your job is to tell the truth, you should not worry about helping or hurting either party in the case. Avoid expressing your opinion about who should win or lose the case – that is the job of the jury. As a witness, your sole duty is to tell it like you saw it. Nothing more, nothing less.

- 1. Stick to the facts.* Testify only to what you personally know. Tell only what you saw or know, not what you think happened, what you heard someone else say took place, or what you think will help or hurt one side. No matter how skillful a lawyer is in cross-examination, you won't be confused or embarrassed if you stick to the facts.
- 2. Speak slowly and clearly.* There is nothing more unpleasant to a court, jury and lawyers than to have a witness who refuses to speak slowly and clearly enough to be understood and heard. Being slow spoken and deliberate in your answers provides you time to think and helps ensure you will not be diverted or forced into dangerous territory. Speaking loudly and clearly indicates you are confident and certain about what you are saying.
- 3. Remain calm.* You will come across better and more credibly if you remain calm and do not become defensive, hostile or argumentative. If you lose your self-control, you will be much easier to trip up on cross-examination.
- 4. Never guess at the meaning of a question.* If you don't understand a question, ask that it be explained. If you don't understand the question, don't try to answer it. If you do, you may confuse the court, the jury and the attorneys. You may also be on the stand because the lawyers must go back and correct any misinformation given.
- 5. Answer all questions directly.* Give no more information than is asked. It is the lawyer's job to get your story by asking questions. Answer the question you are asked and don't volunteer additional information.
- 6. If you don't know, admit it.* Some witnesses think they should have an answer to every question asked. No witness knows all the facts. If you can't answer a question, say so. Don't testify to something you don't know.
- 7. Don't try to memorize your story.* Tell your story to the best of your ability. You shouldn't try to memorize your story. Your answers will sound rehearsed and if questions are asked out of order, you could become confused.
- 8. Allow the attorney to finish speaking before you answer.* You will notice that a court reporter will be seated near you. The court reporter records everything said in the courtroom and can record only one person at a time.

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