

POINTERS FOR WITNESSES

Tell the Truth:

A lie or misstatement may lose the case in a lawsuit; as in all other matters, honesty is the best policy. Telling the truth, however, means more than refraining from telling a deliberate falsehood. Telling the truth requires that a witness testify accurately about what he knows. If you tell the truth and tell it accurately, nobody can cross you up.

Your Physical Appearance:

You should be clean and neat. Less makeup is better. Neutral nail polish, if any.

You should wear clean, neat clothing - avoid clothing with words or pictures. Long sleeves are appropriate. T-shirts are never accepted. Excessive jewelry may be distracting.

Treat all persons inside the courtroom and outside with respect. You never know who may be your juror.

Come prepared to exhibit any and all visible injuries which you have suffered.

Have with you the facts and figures with respect to your time lost from work, amount of wages lost, doctor bills, hospital bills, and all other facts with respect to the damages caused as a result of your Injury. All notes, however, may be viewed and put before the jury, if the opponent believes it helps THEIR case.

Consider this an important and solemn occasion and avoid "getting chummy" with opposing counsel or his client or trying to joke or laugh.

If the Opposing Lawyer Requires:

If the opposing lawyer requires you to answer a question with a "yes" or "no", the trial judge will permit you to explain your answer in detail.

Don't Guess:

If you don't know, say you don't know, but don't let the crossexaminer get you in the trap of answering question after question with "I don't know." • You can ask to see a record or bill to be sure.

Understand the Question:

Se sure you understand the question before you attempt to give an answer. You can't possibly give a truthful and accurate answer unless you understand the question. If you don't understand, ask the lawyer to repeat it. He will probably ask the Court Reporter to read it back. Keep a sharp lookout for questions with a double meaning and questions which assume you have testified to a fact when you have not done so. Make the lawyer define the meaning of unfamiliar words, terms, to be sure, Multiple questions in one are confusing and you may ask to make it one question.

Take Your Time:

Give the question such thought as it requires to understand it and formulate your answer, and then give the answer. Do not give a snap answer without thinking, but bear in mind that it will look bad if you take so much time to answer each question that the jury will think you are making up an answer. Do not interrupt the speaker, before the question is completed.

Answer the Question:

Answer the question that is asked and then stop. Don't volunteer information not called for by the question you are asked. Do not suggest better questions.

Talk loud Enough:

Talk loud enough so everybody can hear you. Don't chew gum and keep your hands away from your mouth. You can't speak distinctly while chewing gum or with your hand over your mouth. Dress conservatively and be well-groomed.

Give an Audible Answer:

Give an answer out loud so the Court reporter can hear it. Don't nod your head yes or no, speak it.

Don't look at the lawyer For Help:

Don't look at the lawyer for help when you're on the stand. You're on your own. You won't get any help from the Judge either. If you look at the lawyer for your side when a question is asked on cross-examination or for his approval after answering a question, the Jury is bound to notice it, and it will create a bad impression.

Beware of Questions Involving Distances and Time:

If you make an estimate, make sure that everyone understands that you are estimating. Think clearly about speeds, distances and intervals of time. Remember that time can easily be computed from distance and speed, and that speed can just as easily be computed from time and distance. Be sure your estimates are reasonable. Prepare by watching a clock or watch for 30 seconds.

Don't Fence or Argue with The Lawyer on The Other Side:

The lawyer has a right to question you, and if you give him some smart talk or give evasive answers the Judge may jump down your throat. Don't answer a question with a question unless the question you are asked is not clear.

Don't Lose Your Temper:

Don't lose your temper, no matter how hard you are pressed. Lose your temper and you likely lose the case. If you lose your temper, you have played right into the hands of the other side.

Be Courteous:

Being courteous is one of the best ways to make a good impression on the court and Jury. Be sure to answer "Yes, Sir" and "No, Sir" and to address the judge as "Your Honor."

If Asked Whether

If asked whether you have talked to the lawyer on your side, or to an investigator, admit it freely. Remember, you are not getting paid for your testimony, you are being reimbursed for the time you lose and your expenses. Most people have discussed injuries and accidents with doctors, nurses, relatives, friends and even co-workers.

Avoid Joking and Wise Cracks:

A lawsuit is a serious matter. Do not use profanity or sex references.

Don't Be Afraid:

Don't be afraid to look the jury in the eye and tell the story. Jurors are naturally sympathetic to the witness and want to hear what he has to say. Look at them most of the time and speak to them frankly and openly, as you would to a friend or neighbor.

If You Are A Plaintiff:

If you are a Plaintiff in an accident case, be careful not to over-emphasize the caution exercised for your own safety. Ordinary care is all the law requires. Do not over-state your injuries. You have real injuries to be described fairly for just compensation.

Give A Positive, Direct Answer:

Give a positive answer when you can. Don't let the lawyer on the other side catch you by asking you whether you are willing to swear to your version on what you know by reason of seeing or hearing. If you were there and know what happened or didn't happen, don't be afraid to "swear" to it. You were "sworn" to tell the truth when you took the stand. Avoid such phrases as "I think," "I believe," "in my opinion," and, "probably." State what you know plainly and without those phrases that make you sound not sure.

Under the Law:

Under the law your case must be tried without a jury being advised as to whether or not any party is covered by liability insurance. Therefore, do not mention insurance in any way. Do not use the words "Insurance," "insurance agent," "insurance investigator," "insurance adjuster," or any similar words, and do not identify any person as an "adjuster." • You may say "investigator", without saying "Insurance." Speaking the word "insurance" may result in having to do the trial again. All of the attorneys know about this rule, and they will not ask you any question which requires you to violate the law in giving your answer.

Is That Everything:

Few people remember everything when they are nervous or speaking in front of strangers. This trick question is designed to "lock in" testimony, before something forgotten due to nervousness is recalled. Generally, it is everything a witness can recall "at this time," because of nervousness from being interrogated in an unusual situation (in Court; in Deposition; in front of unfamiliar people).

Correct a Mistake:

If you realize you have said something by mistake or in error, you may clarify a previous statement. It is better to make a correction than to leave alone testimony that is wrong, because what you meant to say did not come out right. Happens to everybody sometime.

Lawyer Rephrasing Your Answer:

Often lawyers follow a witness' answer to a question by rephrasing the answer, with a twist that may change the meaning, and ask the witness to agree, "so you're saying", or "you mean ... ", or "let me see if I understand you" may not be the same as you said. Be alert and say "no," when necessary.

(Please re-read these suggestions so that you will have them firmly in mind. We hope they w/11 help you. We know you will make a better witness if you simply relax and talk to the members of the jury as you would to a neighbor or a friend.)