

## **TIPS FOR TESTIFYING**

Witnesses and parties are judged by their appearances. Women should dress neatly and modestly, avoiding extreme or controversial fashions such as big hats, too much jewelry, or revealing necklines. Men should dress neatly, wearing a coat and tie with conservative colors.

Witnesses and parties are also judged by how they speak. You should speak clearly and distinctly, using words that a lay person can understand and a normal tone of voice. Speak with conviction. Keep your hands away from your mouth. When a question is asked, look at the questioner. When answering questions at the trial, direct your responses alternately to the questioner and the judge. In a deposition, look directly at the questioner as you answer.

When you are sworn in by the court reporter or court clerk to tell the truth, it makes a good impression to state clearly and emphatically, "I do." Always tell the truth, and do not exaggerate. Do not avoid a question if you know the answer. Do not hesitate to correct any mistakes in your testimony.

Avoid expressions like "I imagine," "I guess," "it might have happened," "in my opinion," or "to the best of my recollection." In other words, avoid using powerless "weasel" words. Also avoid phrases like "truthfully," "well, to tell the truth," "honestly," or "well, to be honest with you." These phrases suggest that sometimes you are honest, and other times not.

Do not look to your attorney or the judge for guidance in answering a question. Neither your attorney nor the judge can testify for you. You cast suspicion on your answers if you look to someone else for help in answering a question.

If you do not know the answer to a question, there is nothing wrong in saying that you do not know. Likewise, if you do not remember, do not guess or speculate. If you do not understand a question, do not answer it. Answering a question that you do not understand might give erroneous information or damage your case. State that you do not understand the question. Do not let the opposing attorney put words in your mouth; make sure you understand the question before you answer.

If you know the answer, answer the question fully and completely and then stop talking. Do not ramble or think out loud when answering. Do not volunteer information. Do not make any commitments to help opposing counsel. Just answer the question asked.

If the attorney insists on a yes-or-no answer but it is impossible to answer that way, do not do it. Politely tell the attorney that the question cannot be answered "yes" or "no." The judge will usually help you.

If an objection is made to a question, do not answer the question until advised to do so by your attorney or by the judge. Do not answer before the controversy on the question is resolved.

Do not put on false airs. Most judges and attorneys, like other people, are attracted to people who speak plainly, directly, and with sincerity. Do not be self-righteous. Do not speak in a condescending manner.

Do not be argumentative. Do not be abrasive or hostile to the opposing attorney. Answer his or her questions politely and courteously, the same way you would answer your attorney's questions. Do not lose your temper; remain calm and composed.

Do not belittle or make fun of your spouse or any other witness. Do not joke.

Do not exaggerate your problems, the difficulties in your life, or your expenses.

Never chew gum.

**IF YOU KEEP THESE IN MIND, YOU WILL DO A GOOD JOB TESTIFYING.**