

Tips on being a good witness

How you say something as a witness can be just as important, and in many cases *more* important than what you are saying. Part of the judge's job is to evaluate the credibility that is to be given to a witness' testimony. In doing so judges consider more than just the words that a witness uses, they also consider factors such as a witness' attitude, body language, tone of voice and emotional . Before testifying in your case, you should think about how you come across in your testimony and how others might interpret what you are saying.

There are several interrelated factors that contribute to a witness' effectiveness. These factors include: the credibility of the witness; the ability of the witness to relay information to the court in a logical manner that is relevant to this issue(s) before the court; and the degree to which the witness can engage the trier of fact. While the degree to which each of these factors contribute to a witness' effectiveness will vary from case to case and witness to witness, a basic understanding and appreciation of the role each factor plays in a witness' testimony can help you to be a better witness in your case.

Character & Credibility

The appearance of being dishonest, unusually nervous, hostile, evasive, defensive, or unreasonable can seriously discount the weight of your testimony in a judge's eyes even if what you are testifying to is true. Often, people make the mistake of copying what they have seen on television. An actual court proceeding is very different. Witnesses do not help a case by trying to outsmart opposing counsel during cross-examination or "putting on a show" for the judge. In the vast majority of circumstances, tactics such as these will backfire and can significantly damage the entire case.

It is important to remember that the judge's job is to resolve your dispute fairly, arriving at a resolution that is in accordance with the law. An effective witness realizes that his or her role is to help the judge in resolving the dispute. This can be done by maintaining a good-natured and cooperative attitude. Under no circumstances should you be argumentative, sarcastic, or angry. The opposing attorney may attempt to bait you into losing your temper – do not fall into this trap.

Be willing to accept responsibility for your actions and admit if you have done something wrong if the other attorney tries to bring up facts that may not be good for your case. In doing so you take away the opposing attorney's opportunity to ask further questions and can effectively end the discussion on that issue. If, on the other hand you attempt to talk your way out of a bad situation, you give the other attorney an opportunity to diminish your credibility in the eyes of the court. In the end, you will hurt your case more by trying to hide information.

Poor body language can also detract from the impact and credibility of your testimony. Be aware of your body language, eye contact and tone of voice. Sit with an upright and open posture. Avoid leaning or slumping and try not to cross your arms. Do not avoid eye contact or stare at the floor. Try to maintain an even and 'matter-of-fact' tone of voice. Your objective should be to appear calm and confident in your testimony.

Relevance and Logical Presentation

If your case goes to hearing or trial and you are required to testify, you are there to have the judge resolve a specific issue or issues. The judge, therefore, will consider only these specific issues, ignoring

matters that have not been brought to him or her for resolution. Realizing this, you should ensure that the testimony you give is relevant to the issue or issues before the court and is presented in a logical and understandable manner.

Keep your testimony relevant by providing information that addresses only the matter at hand. Be familiar with the specific issues that the judge is considering and ask yourself what information you think he or she should need to decide the issue. This is what you should include in your testimony. Resist the urge to wander off topic, digress, or volunteer too much information – particularly during cross examination.

Consider the emotional impact of your testimony

While you should never attempt to sway the judge by being overly dramatic or by exaggerating, you should feel free to express your personal feelings and emotions. In doing so, you can engage listeners and communicate your message effectively. Do not let nervousness or the formality of the courtroom setting prevent you from being emotionally expressive.

Remember, you are telling your story to the court. People respond to and identify with real feelings and emotion.

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