



FORREST FAMILY LAW

KATHERINE A. FORREST
ATTORNEY AT LAW

WITNESS GUIDE TO TESTIFYING

1. Take the role of witness seriously. The court room is a place in which practical people are engaged in the serious work of administration of justice. The role of witness is a key one.
2. Insist on preparation for your testimony in consultation with your attorney. S/he should advise you on what to expect on examination.
3. Do not exaggerate. Any attempt to puff up your testimony is apt to expose you to embarrassment and may injure your cause.
4. Inform your attorney of all unfavorable information as well as favorable information.
5. Do not try to bluff. If you do not know the answer to a question – say so. Do not guess. If you guess wrong, you may be falling into a trap.
6. Answer all questions honestly and frankly. Any display of embarrassment or reluctance to answer will tend to discredit your testimony.
7. Watch your attitude. Do not act smug. A judge is quite likely to react adversely to an attitude of this nature. A modest attitude on the part of the witness is apt to elicit a more favorable response. Leave it to your attorney to bring out your special problems.
8. Be courteous no matter what the provocation.
9. Speak slowly and carefully. Answer orally without shaking your head “yes” or “no” because the judge and reporter must be able to hear and understand what you say.

1315 Glenburnie Road, Suite D-17
Office: 252.631.5333

New Bern, NC 28562
Fax: 252.631.5334



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10. If you do not understand the question, ask that it be explained.
11. Never volunteer any information. Wait until the question is asked — answer it — then stop talking. If you can answer “yes” or “no”, do so and say no more. Explain your answer if necessary, but do not make speeches. You have a right to explain.
12. Be positive; do not say, “I think”, or “I believe”, “maybe”, “possibly”, or “perhaps”. It is best to say, “As I recall”.
13. If you do not know, admit you do not know. Some witnesses think they should have an answer for every question asked. You cannot know all the facts, and, you do yourself a disservice if you attempt to testify to facts with which you are not acquainted. It is important that you be honest and straightforward in your testimony.
14. Don’t try to memorize your story. Justice requires only that a witness tell the story to the best of his or her ability.
15. Do not look at your lawyer for help when you are testifying. Answer questions on your own. Your lawyer will interrupt when necessary.
16. Do not try to “out think” anybody.
17. Listen closely and answer only the questions asked.