



My Favorite Thing, Testifying in Court

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Nothing I say should be taken as legal advice! These materials are offered as suggestions and possible alternatives for consideration.

Before employing any of these practices or procedures, you should consult with an attorney or your local district attorney's office for legal application and interpretation, or the appropriate agency for policy and procedure interpretation.

Is this
something
you have
done before?

- Be in control of your first time in court
 - Observe proceedings
 - Do this more than once
- Talk to people about court
- Not every courtroom operates the same way
 - Different judges have different expectations

How do you
know you have
to go to court?

- How does it work in your jurisdiction?
 - With your attorney
 - Subpoena
 - E-mail
 - A call
 - Other attorneys
 - Subpoena
 - Did you get one?
 - What are they asking for your to bring?
 - Follow your company policy
- Don't dodge a subpoena

What if I have a Conflict?

- Let the attorney who subpoenaed you know ASAP
- Explain why – vacation, surgery, hot date
 - Can someone else go?
- Prepare to be disappointed
 - If needed, contact your agency attorney for help

What if I have nothing to do with this case?

- Don't ignore it!
- Contact the attorney ASAP
- Be helpful to solve the problem

I was supposed to get notice.....

- You may get a last minute call to appear
 - The attorney may not have realized you had involvement in the case
 - Another professional referenced you

I received a subpoena from a lawyer I don't know

- Contact them and find out what you are needed for
 - Divorce
 - Custody
- The subpoena said to bring my records
 - Follow agency policy
 - Let the attorney know you don't own the records

What the @#&*

I was subpoena at 4pm for a hearing tomorrow

- What do they want?
- Does not hurt to call
 - Do you have time to prepare?
 - Prepare to be disappointed
- Yes, you still have to appear
 - UNLESS - you have an agreement or you receive guidance from your attorney

What does it take to be a Good Witness

- You should be
 - Educated
 - Trained
 - Know your case
 - Professional
 - Articulate
 - Honest
 - Likeable

How do I get ready?

Review

Review EVERYTHING you have

- Your notes
- Other's reports available

Assume

Never assume something is not important

Process

Process with you supervisor

Schedule

Schedule prep time with your DA/agency attorney

- Bring your entire file with you

How do I get ready?

Make sure you know what the case is about

- CPS – civil
- Other Civil
- Criminal

Let the attorney know if you are new to this

Are there any concern about the case?

No surprises!!!

How do I get ready?

- Document every case like you be reading your work in court!
 - If it was not in your file
 - You did not do it
 - You did not see it
 - You did not hear it

They are Watching

- You are testifying the minute you get in your car to head to the courthouse
- You don't know the who the jurors are
 - Was the guy you just didn't let merge in a jury member?
- Be aware of everything to do at the courthouse
 - What you say, what you do and how you look
 - Joking and laughing before a serious hearing

What to Wear?

- Don't Wear anything to Court you Wouldn't Wear to a Job Interview
- You are a professional – dress like one
 - Males
 - Females
- First communication with the judge/jury is what you look like
- Hair / facial hair / tattoos

Things You Should Know Before You Go In

- This is not about you
 - Don't personalize
- You are a professional
- You are one of the good guys
- Attorneys may not be your friend

I Swear to tell the truth

- You may be standing / you may be on the witness stand
- The lawyers will take turns asking you questions (could be a bunch of them)
- The judge may ask you a question
- If there is a jury, they will not

Things to remember

- Don't lose your temper
- Treat both attorneys the same way
- They have more information than you
- Don't be intimidated

Things to remember

- If there is an objection, stop talking and wait for the judge's ruling
- If you don't know the answer, don't guess
- Don't try to slip in information
- Don't start agreeing just to get off the stand

Things to remember

- It is unlikely that the case depends on your testimony only
- Always be professional
- You are an expert

How to Avoid Objections

- She told me I learned
- I think..... my assessment revealed
- I believe her The evidence leads me to believe this happened

Stay in Your Lane

- Do your best to not answer questions about other people's roles
 - I am not a police officer
- Don't hypothesize why someone something happened
- Don't predict the future
- Tell the truth

Resist the Temptation

- To appear smarter than the lawyer
- To volunteer information
- To dodge difficult questions
- To be a smart A**

When you have finished

- Have you been released?
- Make sure you are clear about everything you have been asked to do
- Ask for feedback
- Go have a beverage

Thank You

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