



## INSTRUCTIONS FOR WITNESSES<sup>©</sup>

### GENERAL – FOR THE ADVOCATE

1. DESCRIBE TO THE WITNESS HOW THE ROOM WILL LOOK, WHERE PEOPLE WILL BE SITTING, AND WHAT WILL HAPPEN.
2. WHAT TO WEAR - WEAR CLEAN, CASUAL CLOTHES. IF A UNIFORM IS WORN AT WORK AND THE WITNESS WILL BE TESTIFYING DURING THE WORKDAY, A UNIFORM IS ACCEPTABLE.
3. TIME AND PLACE - REMIND ABOUT THE TIME AND LOCATION, AND WHERE TO PARK IF WITNESS WILL BE DRIVING.
4. CONSIDER PUTTING THE WITNESS ON CALL OR SCHEDULING THE WITNESS AT A TIME AFTER THE HEARING STARTS SO THE WITNESS DOES NOT HAVE TO SIT AND WAIT. GET FOLLOWING INFORMATION:

HOME TEL. NO.	CELL PHONE NO.
WORK TEL. NO.	ALTER. WORK NO.
NORMAL WORK SCHEDULE	DAYS OF WEEK
VACATION SCHEDULE	WORK HOURS
5. ASK THE WITNESS IF S/HE WILL HAVE ANY TROUBLE GETTING TO THE HEARING/ARBITRATION? MAKE NECESSARY ARRANGEMENTS AND TELL THE WITNESS WHAT YOU WILL DO TO MAKE IT EASIER FOR THE WITNESS TO APPEAR.
6. WILL THE WITNESS NEED A RELEASE FROM DUTIES?
7. WILL THE WITNESS NEED ADVANCE NOTICE TO MAKE CHILD CARE ARRANGEMENTS OR SIMILAR PERSONAL ARRANGEMENTS?
8. ASK IF THE WITNESS HAS ANY QUESTIONS ABOUT COMING TO THE ARBITRATION?
9. TELL THE WITNESS NOT TO BRING ANY MATERIALS TO THE HEARING/ARBITRATION UNLESS PREVIOUSLY TALKING WITH YOU AND THEN SHOWING YOU ALL OF THE MATERIALS.

## WITNESS INSTRUCTIONS ON CONDUCT WHILE TESTIFYING

1. **ALWAYS TELL THE TRUTH AND DO NOT EXAGGERATE.** BESIDES BEING INAPPROPRIATE, IF YOU EXAGGERATE, YOU MIGHT NOT REMEMBER THE SPECIFICS IF ASKED ON CROSS-EXAMINATION. YOU CAN TELL THE TRUTH 100 TIMES AND IT WILL ALWAYS BE ESSENTIALLY THE SAME. YOU MIGHT NOT REMEMBER AN EXAGGERATION.
2. **THINK** BEFORE YOU ANSWER A QUESTION.
3. NEVER ANSWER A QUESTION UNLESS YOU ARE SURE YOU UNDERSTAND IT. IF NECESSARY, ASK TO HAVE A QUESTION REPEATED UNTIL YOU UNDERSTAND IT. DO NOT ASK TO HAVE A QUESTION REPEATED IF YOU ARE DOING SO ONLY TO AVOID HAVING TO ANSWER THE QUESTION. IT COULD AFFECT YOUR CREDIBILITY.
4. IF YOU DO NOT KNOW THE ANSWER TO A QUESTION SAY YOU DO NOT KNOW. NEVER SAY YOU DO NOT KNOW WHEN YOU MEAN “NO.” NEVER SAY “NO” WHEN YOU MEAN YOU DO NOT KNOW. THOSE ARE VERY DIFFERENT ANSWERS AND THEY CAN BE EXPLOITED ON CROSS-EXAMINATION.
5. NOBODY EXPECTS YOU TO REMEMBER DATES WITH PINPOINT ACCURACY. DO NOT LET THE OTHER ADVOCATE LURE YOU INTO TESTIFYING THAT SOMETHING HAPPENED ON A CERTAIN DATE WHEN YOU ARE NOT SURE. IT IS BETTER TO SAY THAT IT HAPPENED IN THE SPRING OF 2000, THAN TO SAY APRIL 3, 2000, WHEN IT REALLY HAPPENED ON MAY 19, 2000. DO NOT GIVE SPECIFIC DATES OR TIMES UNLESS YOU ARE SURE AND YOU CAN EXPLAIN WHY YOU ARE SURE.
6. SPEAK IN A LOUD VOICE.
7. LET ME KNOW IF YOU HAVE A PERSONAL FRIENDSHIP OR ANY OTHER TYPE OF NON-BUSINESS OR PROFESSIONAL RELATIONSHIP WITH ANYONE ELSE INVOLVED IN THE CASE, ESPECIALLY THE APPELLANT/GRIEVANT OR MEMBERS OF MANAGEMENT.
8. DO NOT USE SLANG. IF YOU USE TECHNICAL TERMS, EXPLAIN OR BE PREPARED TO EXPLAIN THEM. YOU MAY USE PROFANITY ONLY WHEN YOU ARE QUOTING SOMETHING THAT YOU HEARD SOMEONE SAY.
9. ONCE YOU HAVE ANSWERED A QUESTION FULLY AND, COMPLETELY, **STOP.** IF I OR THE OTHER ADVOCATE WANTS MORE INFORMATION, IT IS UP TO US TO ASK MORE QUESTIONS. **DO NOT VOLUNTEER ANYTHING.** IF THE QUESTION CALLS FOR A

“YES” OR “NO” ANSWER, GIVE THE ONE WORD ANSWER AND DO NOT FOLLOW UP WITH ANY ADDITIONAL STATEMENTS.

10. IT IS IMPORTANT THAT YOU BE BELIEVABLE. DO NOT PUT ON AN ACT; BE NATURAL AND STRAIGHTFORWARD. THINK ABOUT WHAT YOU KNOW.
11. WHILE TESTIFYING ON THE STAND, SPEAK UP. DO NOT COVER YOUR MOUTH WHEN YOU SPEAK. VERBALLY SAY "YES" OR "NO" RATHER THAN "UH HUH" OR SHAKING YOUR HEAD. BESIDES AFFECTING THE IMPRESSION YOU MAKE, IF THERE IS A COURT REPORTER S/HE NEEDS TO BE ABLE TO WRITE WHAT YOU SAY.
12. DO NOT BEGIN GIVING AN ANSWER UNTIL THE QUESTION HAS BEEN ASKED. WAIT UNTIL THE ADVOCATE HAS FINISHED ASKING BEFORE YOU BEGIN GIVING YOUR ANSWER.
13. IF YOU HEAR SOMEONE SAY “OBJECTION” OR “I OBJECT,” **STOP** TALKING AND DO NOT SAY ANYTHING ELSE UNTIL YOU ARE INSTRUCTED TO DO SO.
14. DURING A PAUSE IN YOUR TESTIMONY, DO NOT FEEL OBLIGATED TO TALK. SPEAK ONLY WHEN YOU ARE GIVING AN ANSWER TO A QUESTION.
15. **DO NOT EVER GUESS!** THERE IS A 50-50 CHANCE YOU WILL BE WRONG.
16. TESTIFY ONLY AS TO WHAT YOU SAW OR HEARD. DO NOT OFFER CONCLUSIONS UNLESS SPECIFICALLY ASKED TO DO SO.
17. IF YOU WILL BE PERMITTED TO STAY IN THE HEARING ROOM BEFORE AND/OR AFTER YOU TESTIFY, ACT LIKE YOU ARE IN CHURCH. THE ARBITRATOR/HEARING OFFICER CAN SEE YOU EVEN WHEN YOU ARE NOT ON THE STAND. **DO NOT** SAY ANYTHING, OFFER ANY INFORMATION IN AN ATTEMPT TO BE HELPFUL (UNLESS SPECIFICALLY ASKED), READ NEWSPAPERS, CHEW GUM, OR HORSE AROUND.
18. WHILE TESTIFYING, CONCENTRATE ON TELLING THE TRUTH. IF YOU MAKE A MISTAKE, ADMIT IT. NOTHING LOOKS WORSE THAN A WITNESS TRYING TO WIGGLE OUT OF A MISTAKE ON THE STAND.

## **WITNESS INSTRUCTIONS ON CONDUCT DURING CROSS-EXAMINATION**

1. IF YOU ARE ASKED ON CROSS-EXAMINATION IF YOU HAVE TALKED TO ANYONE ABOUT YOUR TESTIMONY, TELL THE TRUTH. YOU HAVE TALKED TO ME.
2. TREAT THE OPPOSING ADVOCATE THE SAME WAY YOU TREAT ME. DO NOT BE FRIENDLY AND COOPERATIVE TO ME AND THEN BITE HIS/HER HEAD OFF.
3. DO NOT GET ANGRY OR BE ARGUMENTATIVE ON THE STAND; IT WILL APPEAR THAT YOU ARE NOT TELLING THE TRUTH.
4. ON CROSS EXAMINATION, YOU CAN BE HURT IF YOU GIVE THE OPPOSING ADVOCATE AN EDGE BY LYING, EXAGGERATING, OR EVADING HIS/HER QUESTIONS. TELL THE TRUTH, AS YOU KNOW IT.
5. ANSWER THE QUESTION AS IT IS ASKED. DO NOT TRY TO EXPLAIN OR DEFEND YOUR ANSWER OR YOUR CONDUCT, REGARDLESS OF ANYTHING THE OPPOSING ADVOCATE SAYS, OR IMPLIES. IF THERE IS A NEED, I WILL GIVE YOU A CHANCE TO GIVE ANY EXPLANATION AFTER YOU HAVE BEEN CROSS-EXAMINED.