

Tips for Testifying

The thought of testifying can cause many people to feel anxious. It is normal to feel nervous about speaking in front of others, especially about something that is personal. Many people find they feel more prepared and less stressed about testifying when they have information and a better understanding about what to expect on the day they go to court. The list below may help answer some of your questions or concerns. Your advocate is also available to answer questions or address any concerns you have regarding you or your child's role in the trial process.

Before Court:

1. **Talk with your Advocate.** Your advocate is there to be a support for you; to provide legal information, answer questions, help address your concerns and help keep you informed of the process each step of the way. It is important you know what to expect when you go to court.
2. **Meet with your prosecutor and advocate.** Ask questions; request that the prosecutor explain what type of questions they plan to ask and what questions the defense attorney may ask during cross examination.
3. **Ask to see a courtroom.** Ask your advocate to set up a court tour where the advocate and the prosecutor can show you a courtroom, explain who is in the courtroom when you testify and each person's role. Watch an actual trial in process. Ask to see an empty courtroom and sit in the witness chair to see what it feels like.
Attend Kids Court or Teen Court with your child if applicable.
4. **Stay connected with your Advocate.** Court dates often change. The actual date and time you will be needed for testifying can vary from the first day of trial. Your advocate will keep you updated on when you are needed to come to court.

The Day of Trial:

1. **Dress: The courtroom is a conservative setting.** Comfortable but respectful attire. A neat appearance and proper dress in the courtroom is important. No flip flops, tank tops, t-shirts with slogans, cell phones or hats also.
2. **Try to relax.** Bring a book, journal, snacks or a support person to help keep you comfortable while you wait. Your advocate will wait with you. Often times you may be asked to come in to meet with the prosecutor in the morning and then you may wait until you are called to testify. If your child is testifying, remember waiting is difficult for children. Bring a game, toy, book or favorite snacks to help pass the time for your child.

During your testimony:

1. **Take a deep breath.** Look at your advocate, the prosecutor, something or someone else in the courtroom that helps you feel more comfortable and focused. It is normal to experience many different emotions. Take your time. Remember you don't have to look at the defendant. Your first questions will be easy "What is your name and please spell your last name." Unless the defendant is pro se (representing one self) he or she can't speak to you directly. All questioning must go through his/her attorney.

2. **Tell the truth.** If you don't know the answer to a question, say "I don't know". Do not guess or try to create an answer. It will be expected that there may be questions you don't know the answer to. It is the prosecutor's job to prove the case. Your only job is to tell the truth and answer the questions to the best of your knowledge.
3. If you need to address the judge, you say "**Your Honor**" or "**Judge**".
4. **Speak in your own words.** You are not expected to memorize what you are going to say or use specific legal terms. The prosecutor may have you review your statements before you testify, but this is only to refresh your memory. Be honest. It's ok if you don't remember or don't know the answer to the question.
5. If you don't understand a question, speak up. Attorney's can often ask confusing questions. If you are unsure or the question is confusing, ask for clarification. "**I do not understand the question**".
6. **Answer all questions with words.** If you are saying no or yes to a question, use words, not just shaking your head. Speak clearly and loud enough to be heard by all parties in the court.
7. **Take your time when answering questions.** Listen carefully to the question. It's normal to feel embarrassed or uncomfortable talking about some of the more personal questions. It's ok to take your time in answering the question and to express how difficult it is to talk about. Also, do not feel you have to justify your actions; you are not the one on trial.
8. Sometimes the prosecutor or defense attorney will "**Object**" during testimony. You have not done anything wrong. This has to do with legal aspects of the questions asked. When you hear one of the parties object, stop talking and wait for instructions. If the judge has "**Overruled**" the objection, the judge will let you know you can answer or the question will be repeated. If the Judge has "**Sustained**" the question, you should not answer the question. The judge will instruct the party to ask another question or move on.
9. **Do not discuss your testimony with other witnesses in the case.** Also, be mindful in and around the court house when you are there for trial, as jurors often walk around or go out to get lunch during breaks. It is important to not talk with any jurors or talk about the case in public during the trial. The jury's role is to listen impartially to all the evidence presented in court and then deliberate to decide the verdict. The jurors cannot have contact with witnesses while the case is proceeding. In a private setting, you can talk freely with your advocate or anyone not involved in the case.
10. **Take your time.** Listen to the question thoroughly. You are in control. Pause when you need to. Ask for clarification of a question. Try not to be flustered by cross examination questions requiring only yes or no answers. During rebuttal the prosecutor will ask you additional questions to allow you to answer in more detail.
11. **Safety Plan with your Advocate** if you have concerns in regard to seeing the defendant or the defendant's supporters at trial. Court Security can be requested. A jail guard will be present if the defendant is in custody. If the defendant is out of custody, he or she is able to go outside or walk around the courthouse during court breaks. If a No Contact Order or Protection Order is in place, the defendant is still prohibited from having any direct or indirect contact with you.