

SUGGESTIONS FOR STUDENT WITNESSES

Witnesses play a key role on the mock trial teams. While many students may consider the attorneys roles as more important, mock trial judges report that their decision depends as much on the witness' performances as on those of the attorneys. Many a trial has been won or lost on the witness stand.

GENERAL SUGGESTIONS

- Familiarize yourself thoroughly with the case materials. Know what you should testify to and what other witnesses know. Witnesses may not use notes while being questioned.
- Do not try to memorize what you will say in court, but try to recall what you observed at the time of the incident (i.e., play the role as if you are the person whose identity you are assuming). You must establish your credibility as a witness by accurately portraying the character. Demonstrate knowledge and understanding of the person (both their strengths and weaknesses).
- Go over your testimony repeatedly with your attorneys. Have them cross-examine you on the weaknesses in your testimony. Be prepared to handle hostile questions.
- You are not allowed to make up testimony on direct examination. If asked a question during cross-examination to which the case materials supply no answer, you may make up an answer which will not be inconsistent with your previous testimony. (Refer to the Rules of the Mock Trial Competition.)
- Listen carefully to the questions. Before you answer, make sure you understand what was asked. If you do not understand, ask that a question be repeated. If you realize that you answered a question incorrectly, ask the judge if you may correct your answer.
- When answering questions, speak clearly so you will be heard. The judge must hear and record your answer; therefore, do not respond by shaking your head "yes" or "no."
- Do not give your personal opinion or conclusions when answering questions unless specifically asked. Give only the facts as you know them, without guessing or speculating. If you do not know, say so.
- Be polite while answering questions. Do not lose your temper with the attorney questioning you. Remember that you are there to tell what you know, and not necessarily to be an advocate for your side.
- Always be courteous to witnesses, other attorneys, and the judge(s).
- Always stand when the judge enters or leaves the room. Always say "Yes, Your Honor" or "No, Your Honor" when answering a question from the judge.
- Dress appropriately (to show respect for the court).

- If the judge rules against you in the case, take the defeat gracefully and act cordially toward the judge and the other side.

Witnesses

- After you have been sworn in, the judge or bailiff will indicate for you to be seated. Respond by saying, "Thank you."
- Seat yourself in the witness box in a professional manner.
- Position yourself so that you can comfortably give your responses to the judge.
- Speak loudly and clearly and in a manner best fitting the character you are portraying.
- Don't allow any unnecessary movement/gestures to distract from your testimony.
- When an objection is made, immediately stop talking.
- Wait until the objection is decided and even then don't respond until the attorney doing the questioning indicates that you should do so.
- Do not attempt to answer a question that you don't understand. Ask for clarification to be sure you know what is meant.
- Never argue with the judge or the opposing counsel. Leave that to your attorney. Keep a cool head!
- Do not leave the witness box until the judge directs you to "step down." In an instance where a judge might forget, wait a bit and then ask, "May I step down, Your Honour?"
- Walk slowly and confidently back to the spectators' section.
- Do not speak to anyone along the way or when you are seated.