**Rules for Testifying**

**I. FIRST RULE**

**A.** Prepare yourself mentally and physically

**B**. Start with your perceptions at the time of the incident/investigation

1. How well do you remember it?

2. How well did you record it?

**II. SECOND RULE**

**A.** Document with notes and a report

1. Enter every detail

2. Write concisely, neatly, grammatically correct

3. Cover the elements of the violation/offense

4. Answer who, what, where, when, why and how

**III. THIRD RULE**

**A.** Review notes/report

1. Did you describe the location?

2. Did you note the times, dates, etc.?

3. Did you tell what happened?

4. Did you include all parties involved?

5. Go back over investigation or to the parties if necessary

**IV. FOURTH RULE**

**A.** Meet or talk with prosecutor, attorney or hearing officer

 1. Discuss case details

2. Work out plan of presentation

**V. FIFTH RULE**

**A.** Always be objective

1. Always tell the truth

2. Correct mistakes or errors

*Prepared by: University of Missouri-Columbia*

*Law Enforcement Training Institute*

**Twelve Items of Good Courtroom Demeanor**

1. Direct attention to counsel while he is asking you questions.

2. Direct answers to either the judge, jury or hearing officer.

3. Speak loudly and clearly enough to be heard throughout the courtroom/hearing room.

4. The answers should be as clear and concise as possible.

5. Be fair and impartial in testifying.

6. Do not avoid a question or distort an answer.

7. Do not hesitate to correct any honest mistake you made while testifying.

8. If asked to turn your notes over to counsel for examination, do not hesitate to do so. It is better not to have notes with you on the stand.

9. Show equal respect for counsel of both parties.

10. Expect reflections on your character and credibility and do not let them bother you.

11. Opposing counsel may try to cause you to lose your temper. *Do not* let this happen.

12. You are only a witness and not on trial.

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**Common Hearing/Courtroom Objections**

**Objections to the Content of the Question**

1. A question that is too vague or unclear as to what is being asked may be
objected to as being *ambiguous.*
2. The question that asks the witness to repeat what someone else has said to prove a fact of which the person testifying has no personal knowledge may be objected to as calling for *hearsay.*
3. A question that asks the witness to give information beyond the person's own general knowledge may be objected to on the grounds that the witness is *incompetent* to give an answer.
4. A question that asks for information-that has no significance or importance in terms of the facts and issues that the court or jury must decide may be objected to as being *immaterial* or *irrelevant.*
5. A question that asks the witness to give a personal opinion as to what happened or why may be objected to as being *speculative.*

**Objections to the Form of the Question**

1. The question is *leading*.
2. The question is *misstating the evidence*.

**Objections to Inadequate or Unresponsive Answer**

1. The answer is *unsatisfactory* and the attorney asks the court to instruct the witness to answer properly.
2. The witness only responded to part of the question, and the objection is that the answer is *inadequate.*
3. The witness reply is evasive or does not answer the question at all and the objection is that the answer was *unresponsive.*

**Objections to the Lawyer's Conduct**

1. The objection is that the attorney is *arguing* with the witness.
2. The objection is that the attorney is *repeating questions* that the witness has already answered.
3. The objection is that the attorney is *harassing* the witness or *embarrassing* the witness.

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**Testifying Effectively**

1. Answer truthfully.

2. Answer only the questions asked; do not volunteer information.

3. Pause and think before answering.

4. Clarify any unclear questions.

5. Give the best present recollection of the facts.

6. Admit lack of knowledge.

7. Testify spontaneously.

8. Do not memorize testimony.

9. Speak in plain, everyday language.

1. Dress conservatively and pay attention to your appearance.

2. Tell your attorney about physical disabilities.

3. Avoid nervous gestures; make eye contact.

4. Stay calm.

5. Avoid discourteous or disrespectful behavior.

6. Observe courtroom etiquette.

**Come to Court Prepared**

1. Review the facts.

2. Review documents.

3. Review prior statements.

4. Approximate times and distances.

**Create a Favorable Impression**

**Present Testimony Truthfully and Effectively**

S. Revisit the scene.