



Colorado High School Mock Trial Program

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 trials have been won or lost on the witness stand.

General Suggestions

1. 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. Know even obscure points in your statement. You may be cross examined about them.
2. 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).
3. 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.
4. 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.
5. 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."
6. 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.

7. 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.

8. Always be courteous to witnesses, other attorneys, and the judge(s).

9. 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.

10. Dress appropriately (to show respect for the court).

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

12. When there is an objection, stop speaking until it is resolved.

13. Know what your side needs to prove. If your attorney forgets an important question, help him/her out by finding another question where you can add in the answer to the missed question.

14. Look at the attorney during the question. Answer directly to the jury. Make eye contact.

Opening Statements

Objective: To acquaint the judge with the case and outline what your attorneys are going to prove through witness testimony and the admission of evidence.

Direct Examination

1. Objective

To obtain information from favorable witnesses your attorneys call in order to prove the facts of your case.

2. Advice for Preparing

- Know the case inside out, especially your witness statement (or affidavit).
- Know the questions that your side's attorney will ask and prepare clear and convincing answers that contain the information that the attorney is trying to elicit from your testimony.
- Practice with the attorney.

3. Advice in Presenting

- Be as relaxed and in control as possible. An appearance of confidence and trustworthiness is important.
- Don't read or recite your witness statement verbatim. You should know its contents beforehand.
- Be sure that your testimony is never inconsistent with the facts set forth in your witness statement (or affidavit)
- Don't panic if the attorney or judge asks you a question you haven't rehearsed.

Cross-Examination

1. Objective

To make the other side's witnesses less believable in the eyes of the trier of fact.

Keep in mind, if the attorney asks you an open ended question (why, what, etc.) take advantage of it to tell your story.

2. Advice for Preparing

- Learn the case thoroughly, especially your witness statement.