

**WITNESS
PREPARATION**

Empowering Testimony for Success in the
Courtroom

Together We Can
November 6-8, 2024
Lafayette, LA

Introduction

- A little about me
- A little about you
- Objective for today's session

Goal of Effective Testimony

- For a fact witness, the goal of testimony is to credibly convey factual information to the judge.
- For an expert witness, the goal of testimony is to provide an explanation or an opinion based on specialized skill, knowledge, or expertise to help the court understand complex issues. (See LA CE arts701-706.)

Leading and Non-Leading Questions

- Leading questions are usually closed-ended and provide or suggest information or the answer. (See LA CE art 611.)
- Non-Leading questions are usually open-ended and ask for information without suggesting a particular answer.

Hearsay: A Brief Introduction

- Hearsay is testimony about something the witness did not personally see, hear, say, or do. (See LA CE arts 602, 801, & 802.)
- There are exceptions to the hearsay rule, such as regularly kept business records. (See LA CE arts 803, 803.1, 804, & 805.)
- There are exclusions from the exceptions to the hearsay rule, such as DCFS's business records in CINC cases. (See LA CE arts 803, 803.1, & 804.)

The Lawyer's Role in Witness Preparation

- Determine the purpose of the witness testimony
- Discuss the rules of testifying with the witness
- Practice the actual testimony with the witness
- Make necessary adjustments

My Rules of Testifying

- Speak loudly and clearly; exude confidence
- Tell the truth
- Answer the question that is asked
- Be literal: Never, always and sometimes
- Let there be silence; take your time
- Prepare ahead of time
- Practice

Speak loudly and clearly

- Direct your answer to the questioner
- Don't use techno-babble or alphabet soup
- Use your words; don't mumble and don't nod your head

Tell the truth

- Admit when you don't know the answer
- Admit when you don't remember the answer

Answer the question that is asked

- Listen to the question
- Wait until the questioner is finished with the question
- Make sure you understand the question asked

Be literal: Never, always and sometimes

- Don't guess – at anything – sequences, times, speed, location, etc.
- Don't attempt to answer a question if you don't know the answer
- Never and always

Let there be silence

- Take your time
- Think in silence, then answer the question
- Don't think out loud

Prepare

- Ahead of time; not at court
- Review case records and notes
- Review any written statements you have made
- Know your case; you can't automatically use your notes on the witness stand

Practice

- Meeting to practice direct and cross-examination
- Have a mini-mock trial
- Practice a difficult skill for a day

Attitude. Attitude! Attitude!!!

- Remain calm
- Don't lose your temper
- Don't argue
- Be polite, professional, and proficient

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