

# The Joy of Testifying

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# Learning objectives

- Purpose of testimony
- Preparation
- Testimony

# Purpose



- Impeachment
- Records
- Physical

# Preparation

- Familiarity with case
- Attorney
- Investigator
- Testimony prep

# Know the case



# Know the case



# Attorney prep

## Theories of Defense

1. It never happened
2. It wasn't me
3. It wasn't a crime
4. It wasn't this crime
5. I'm not responsible
6. So what?

Attorney prep

*Don't*





# Investigator prep

- Qualifications
- Know the courtroom
- Reports

# Testimony prep

- Appearance
- Demeanor
- Direct-X and Cross-X
- Evidentiary rules

# Appearance – Do's

- Neutral colors
- Proper fit
- Professional



# Appearance – Don'ts



- Bright colors
- Disheveled
- Casual

# Demeanor

- Posture
- Where to look
- Speech

# Testimony

- Always tell the truth
- Ask for clarification
- Wait after objection
- If don't know, say don't remember

# Direct

- Practice
- Narrative
- Don't advocate

# Cross

- Mock-X
- Yes/No
- Don't argue
- Correct errors

# Evidentiary rules

- Exhibits
- Refresh recollection
- Impeachment
- Sequestration





Q<sub>10</sub>

U<sub>1</sub>

E<sub>1</sub>

S<sub>1</sub>

T<sub>1</sub>

I<sub>1</sub>

O<sub>1</sub>

N<sub>1</sub>

S<sub>1</sub>

S<sub>1</sub>

A<sub>1</sub>

F<sub>1</sub>

G<sub>2</sub>

C<sub>3</sub>

H<sub>4</sub>

R<sub>1</sub>

L

L