



# FACT WITNESS PREPARATION & EXAMINATION



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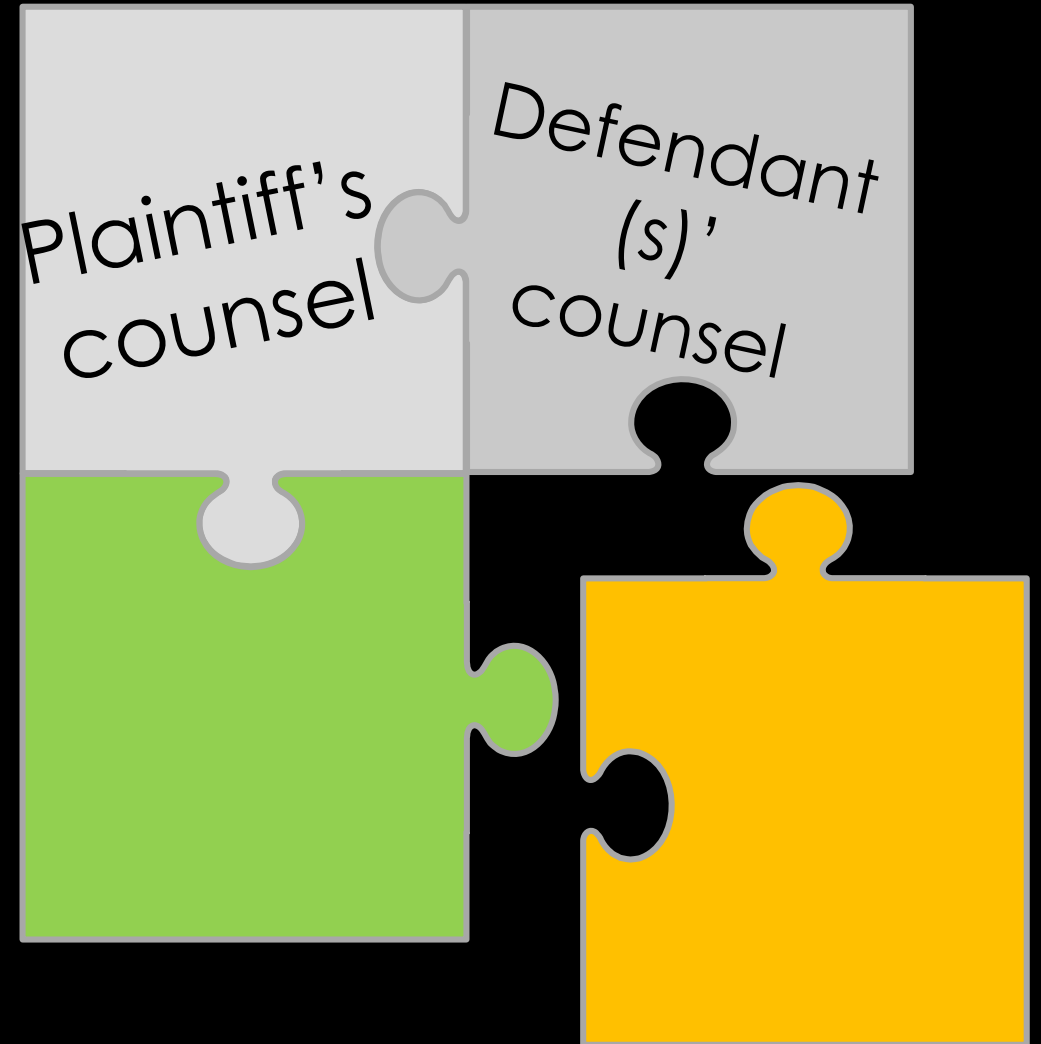
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- *Fact witness preparation starts and ends with preparation. First, the attorney must be thoroughly familiar with the case file and the theory of the case.*
- *Next, the attorney must use his/her knowledge of the case to prepare the witness for interrogation or to cross-examine a fact witness.*

**UNDERSTAND THE OBJECTIVE FACTS FROM THE INCIDENT WITH THE ASSISTANCE OF AN EXPERT WITNESS, IF INVOLVED.**

# THERE COULD BE MULTIPLE PUZZLES IN PLAY

A case is like a puzzle. Every piece of evidence, including witness testimony, has a specific location it needs to fit. If you put a piece in the wrong place, it could effect the entire puzzle.



# WHO IS THE WITNESS AND WHY DOES IT MATTER?

## 1. Neutral Witnesses:

1. -Eyewitness to the incident
2. -First Responder
3. (Police, Fire, Medical)
4. -Employees of a Defendant

## 2. Client (s)

## 3. Clients' Friends and Family

In the [Court name] County Court

Case number: .....

Parties [Name] Claimant

[Name] Defendant

1. WITNESS STATEMENT

2. I, [Name] of [Address] am [the Claimant in this claim]. The facts in this

3. statement come from my personal knowledge [or as the case may be].

4. ....

5. ....

etc

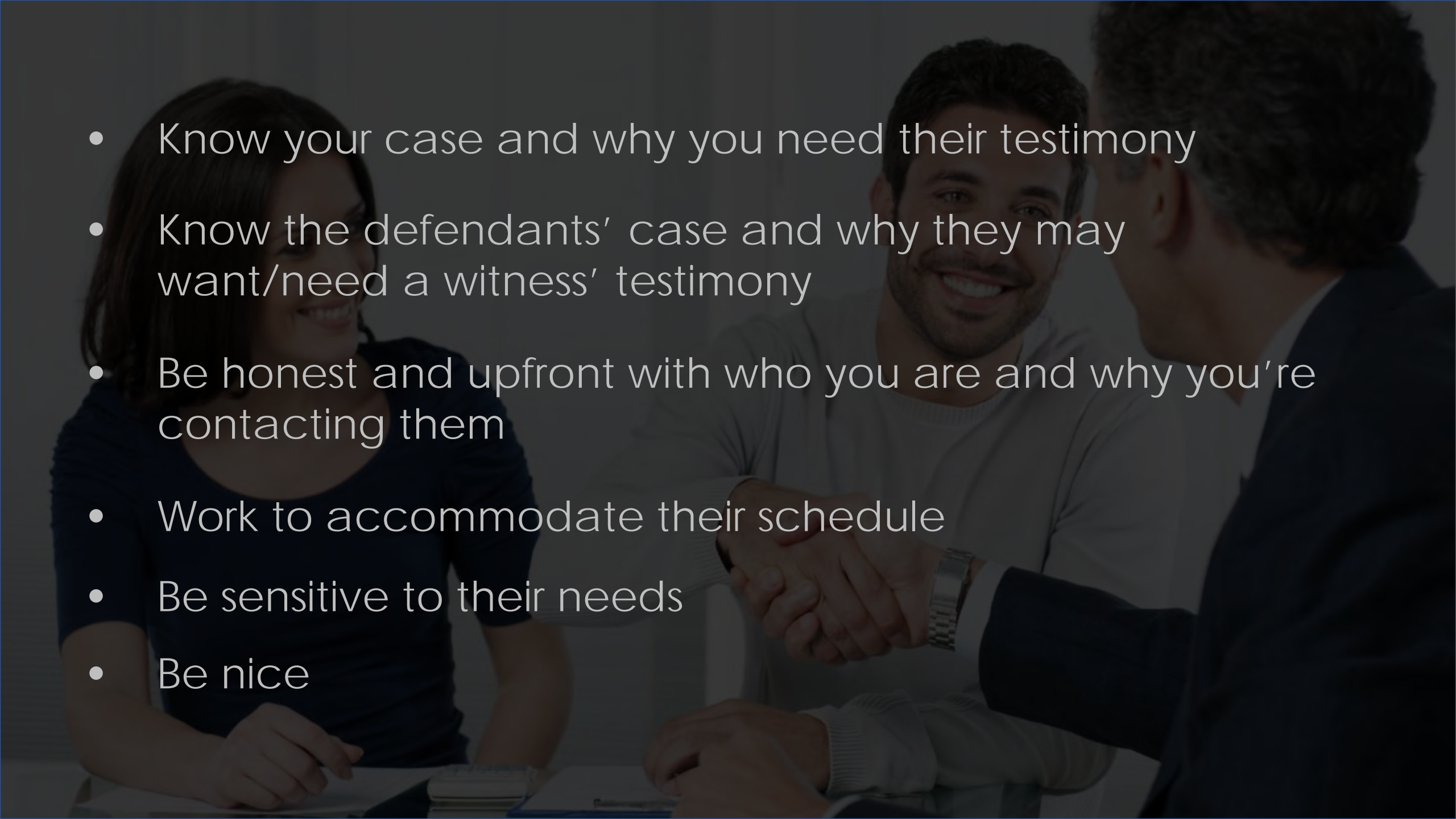
I believe that the facts stated in this witness statement are true.

Signed

Dated

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- 
- Know your case and why you need their testimony
  - Know the defendants' case and why they may want/need a witness' testimony
  - Be honest and upfront with who you are and why you're contacting them
  - Work to accommodate their schedule
  - Be sensitive to their needs
  - Be nice

# PREPARATION, PREPARATION, PREPARATION ...

- **START PREPARING THE WITNESS FROM THE FIRST TIME YOU MEET THEM:**
  - Assess what kind of person they are?  
Talkative v. Repetitive
  - How much do they know about the underlying circumstances? Expert v. Novice

- EXPLAIN THE PROCESS WHETHER IT BE A DEPOSITION OR TRIAL TESTIMONY:

- Set the scene for them
- Let them know who will be in the room
- If a deposition, will it be videotaped?
- How should they dress?
- What should they bring?
- Explain where to focus their attention
- Consider a mock deposition or trial questioning
- Witnesses who can't "testify" or whose ability to testify is limited due to their injuries and/or treatment
- "I don't know" and "I can't remember"
- Warn them not to try to do too much!!!!!!



- **BASIC TESTIFYING RULES**

- Listen and be sure you understand the question
- If you don't understand even a single word in a question, ASK
- Always tell the truth
- Be yourself





THANK YOU



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