

Expert How-To's From the Experts...

“Been there, done that”

A. Tone of voice is important

1. Remember to breathe
2. Don't get angry; you lose points
3. Practice tongue twisters
4. It is okay to ask for time, water, tissue, and especially a break. (If you need a break, chances are the judge, the court reporter and the jury will enjoy a break as well!)

B. Answer only the question asked

1. Listen carefully to the question and take time to answer
2. We are there to testify to the truth
3. Listen to the question and repeat the question
4. Answer only the question asked
5. You can ask the attorney to repeat the question
6. You can ask the judge, “Do I have to answer that?”

C. Display confidence and calm, ACT like an expert

1. You do not necessarily need to have the degree
2. Look at the jury
3. Review your resume
4. You don't have to wear a suit
5. Dress comfortably, but professionally
6. See the courtroom before you testify the first time. If necessary, make a test run to see how long it takes to get there. Verify parking availability
7. You can't get your credibility back, its better to say what you know and don't know
8. Don't get outside your area of expertise
9. Remind yourself, “I know more than they (jury, judge, attorneys) do”
10. How you carry yourself is very important, look confident
11. Leave your ego at the door

D. Help the attorney make the case

1. The attorney has to develop the case and think systematically about it
2. Be prepared to prepare the attorney
3. Put the burden on the attorney
4. Talk to the attorney
5. Debrief after; share the hardest questions, the trick questions
6. Preparing is different than coaching a witness; it's very important to talk to the lawyer beforehand.
7. Be sure that you are clear about what the attorney is asking and the strategy
8. Be very careful of the papers you take with you on the witness stand. The defense may have the right to look at them.
9. Talk back and forth with the attorney about what they need and to see if what you offer is what they need.

E. Final thoughts

1. The case is not won by experts, it doesn't hinge on the expert
2. Many times the juries hold it against the expert who hasn't talked with the victim
3. Record the times you serve as an expert; keep a record of the cases
4. You cannot be in deposition more than six hours a day
5. You work for the attorney or you do not work for one side or the other
6. Do not give your home address
7. Get it on the record if you are being intimidated

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