



TIPS FOR WITNESSES

*Suggestions for
Preparing to Testify*



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Most potential witnesses and persons who receive a subpoena have never testified before. They may be nervous and concerned about making a mistake. If you follow these common sense tips, you will be better prepared and able to testify in a truthful, helpful, and professional manner. These tips also are useful for an interview or other meeting at which you are questioned.

Before you testify

- **Confirm the time, date and location.** Hearings are frequently postponed at the last moment. Call the attorney involved prior to the date on which you must appear. If you are testifying at a deposition (a formal interview under oath generally held at an attorney's office), you may be able to request a more convenient time. If you are ill or otherwise unable to attend, do not ignore the subpoena or notice of deposition. You must request alternative arrangements in advance.
- **Ask why your testimony is important to the case.** This basic information will help you understand why you are needed and what topics will be discussed.
- **Ask the attorney who called you as a witness what he or she will ask you.** Also ask what he or she expects the other side to ask.

Review prior written statements provided to others. If you have provided a report to the police, the district, the insurance company, or others, review that report before you testify. You may be asked to explain any inconsistencies between your testimony and your prior statements. If you review personal notes or other materials in order to refresh your memory, the attorneys may be entitled to see those documents.

- **Consult your attorney before answering questions if you have committed or are accused of committing a crime.** Your testimony can be used against you.
- **Reconfirm the day before you are scheduled to testify.** Last minute settlements and continuances are common.

During your testimony

- **TELL THE TRUTH!**
- **Listen carefully to the question.**
- **Answer the question that is asked.** Be brief.
- **Do not volunteer additional information** or explanations in an effort to “help.”
- **Do not guess or speculate.** Your testimony should consist of your personal observations and knowledge, not your guesses. If you don't know, say you don't know.



- **Avoid absolute or extreme statements.** Words like “never,” “always,” “none,” “all,” and specific dates and numbers should be avoided unless you are positive that those strong words apply.
- **Ask for an explanation** if you do not understand a question or part of a question.
- **Take your time.** Think about your answer.
- **Give an audible answer.** A court reporter may be present or the hearing may be recorded. Do not nod your head yes or no.
- **Watch out for questions that paraphrase your prior answers.** An attorney may state your ideas in other words, thus changing what you meant.
- **Only testify to the facts,** not opinions about the facts.
- **Avoid taking “sides” in a case.** You may not have all the facts. For example, a teacher may work with a child at school and know whether a parent has participated in parent-teacher conferences. Yet, the teacher probably has little first-hand knowledge about the child’s life at home. Under these circumstances, the teacher should not testify that one parent is better than another in a disputed child custody case.
- **If an attorney objects to a question,** do not answer the question until the judge or hearing officer rules on the objection.
- **Do not make jokes** or sarcastic remarks.
- **Do not “chit chat”** with other witnesses or the opposing attorney.
- **Be courteous.**
- **Act like a witness, not an attorney.** Do not argue; just answer questions.
- **State that you do not remember at this time** if you do not recall a particular event. Memory can be tricky. You may recall the event more fully at a later time. It is better to truthfully state that you do not recall than to “guess” at an answer.
- **“I don’t recall if it happened” is different than “It didn’t happen.”** If you truly do not remember, say so. Do not use “I don’t recall” when you mean to say “No.”
- **Ask for a brief break if you become tired, flustered, intimidated, or confused.** You may ask for a break to use the rest room or to compose yourself.
- **Dress neatly and professionally.**
- **Do not memorize a speech.**

A Final Note

For more information and assistance, contact your local association, arizonaaea.org/helpdesk, or your AEA Organizational Consultant.

arizonaaea.org/helpdesk

(877) 828-1983



This booklet is a general guide for AEA members and is not intended to provide complete information or legal advice on specific problems.



345 East Palm Lane, Phoenix, AZ 85004-1532
(602) 264-1774 • (800) 352-5411
Fax (602) 240-6887
www.arizonaaea.org

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