

Have to testify in court?

Here are some tips.



1. Have a disability or need an interpreter?

- Talk to the lawyer who had you come to court. **OR** talk to the court clerk's office.
- Say if you need an interpreter for another language or sign language.
- Say if you need help because of your disability or safety problems.



2. What to Wear

- Wear clean, neat clothes.
- Dress like you are applying for a high-paying office job. **OR** like you are going to a funeral or formal church service.
- No shorts.
- No clothes with pictures or words on it.
- No clothes that show your underwear.
- Take out any piercings on your face.
- Cover your tattoos.
- Men: No hats and remember to tuck in your shirt.
- Ladies: No high heels, no very short skirts and no low cut tops.
- Wear very little jewelry or none.
- Wear very little makeup.

3. What to Bring

- Anything listed on the subpoena (say "suh pee nuh"), unless a judge says not to bring it. The **subpoena** is the paper you got saying when to go to court.
- Some courts do not let anyone bring in a cell phone. Find out before you go.
- Bringing a cell phone? Turn the ringer **OFF** as soon as you get to the courthouse. If it rings in the court-room, the court officer may take it.
- You may wait a long time to testify. Bring any medicine you may need to take before you get

home. You may bring something to read. Or leave snacks in the car to have during breaks.

- Only bring your children **IF** the hearing is about them **OR** they are testifying.

4. Court Security

- Each court is different. Some courts will search you and your bags. Many will make you go through a metal detector. Go to court early. There may be long lines at the metal detector.
- Only take what you really need. If you can, leave your purse and other bags in your car. Some courts will not let you bring in purses or bags. They will make you put them in your car. This may make you late for court.
- Do not bring any pepper spray, mace, sharp objects or weapons with you. The security guard will take them.



5. What to Do During Testimony

- Always, always tell the truth.
- Be polite to everyone.
- Call the judge "Your Honor."
- Call the lawyers and others "sir" and "Mr. ____" or "ma'am" and "Ms. ____."
- Keep your hands away from your mouth and face when you talk.
- Don't just nod or shake your head when you answer questions. Talk. The court reporter and/or the voice recorders must hear your answer.
- Talk loudly enough for everyone to hear you.
- What if a lawyer objects to a question? Stop talking.



- The judge may **over-rule** the objection. That means it is OK for you to finish your answer.
- The judge may **sustain** the objection. That means the question will be dropped **OR** asked another way. Wait to see what you are asked.
- What if you feel upset or sick during your testimony? Tell the judge you need a moment or a break.
- Don't answer a question unless you are sure you correctly heard and understood it.
 - If you don't hear a question, ask for it to be repeated.
 - What if you don't understand a question? Say you don't understand. Say you need it to be asked a different way.
- What if you don't know the answer to a question? Say you don't know. Don't guess.
- What if you don't remember the answer to a question? Say you don't remember. Don't guess.
- What if you are not exactly sure about a date, time, distance or number? Say you don't know exactly and this is an estimate. **Estimate** means you think it was "around that time" or "about that much."
- Do you need to explain an answer? Say you need to explain and then do it.
- Stop talking after you answer a question. Wait for the next question. Don't tell anything unless they ask.



6. What Not to Do

- Don't lie.
- Don't talk to other witnesses about the case.
- Don't learn your testimony by heart.
- Are you in the court room watching a hearing? Don't talk to anyone else who is watching.
- Are you in the court room or sitting at the lawyer's table? Don't nod, shake your head or make faces or noises no matter what someone says.
- The judge and both lawyers can look at anything you take to the witness stand. Don't

take anything you don't want them to see or read.

- Don't try to trick the judge and lawyers. Don't try to make them think you mean something that isn't true.
- Don't tell anything unless they ask.
- Don't guess while testifying.
- Don't make jokes while testifying.
- Don't smart off while testifying.
- Don't show anger, frustration, or irritation while testifying.
- Don't butt in when the lawyers or judge are talking.
- Don't say "he," "she," or "they." Use people's names so it is clear who you mean.
- Don't expect the lawyers to object. **Example:** By saying, "I can't answer that because it'd be hearsay."
- Don't chew gum while testifying.
- Don't wear sunglasses while testifying.



This booklet is not meant to take the place of legal advice. Each case is different and needs individual attention. 2/16

Legal Aid Society
of Middle Tennessee and the Cumberland

1-800-238-1443

It's a free call.

On the internet at www.las.org