

# REEVES LAW FIRM, P.C.

*Civil, Criminal, and Family Law Litigation*

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The following is a practical guide for anyone who is about to take the stand and be a witness in a court of law or deposition. These general guidelines are provided to help.

1. **Listen carefully to the question** - You cannot answer truthfully if you do not hear the question or do not understand the question. It is okay to ask your lawyer, or even the other lawyer to repeat or rephrase a question. If you did not hear the question - or if there is an objection and you do not remember the question when told to answer it - ask to have the question repeated.
2. **Answer only the question asked** - this is the hardest thing to do in a courtroom since you will have absolutely no control. It is human nature to try to say everything you want to say and “explain” your side of the story as quickly as possible. However, there are rules, your attorney has to ask questions to guide your testimony in accordance with the trial strategy. When you “volunteer” extra information to the opposing counsel on cross examination you will either draw an objection or worse, invite a new and previously unanticipated question.
3. **Take your time and listen for objections** - Use good judgement when answering questions and that means give complete and methodical answers. You will be more relaxed and it will go much faster if you consider the question asked before you answer. This also gives your attorney the chance to make an objection. If you hear an objection, DO NOT answer the question until told to do so. You do not have to understand the objections or the Judge’s ruling on the objection, you will be told when and if to answer.
4. **Speak loud enough for everyone to hear** - There is almost always a microphone use it. Remember the Judge and/or jury must hear what you have to say and the Court Reporter has to write down what you say. The Reporter cannot write down “witness shook his head” or “witness nodded her head” since she is busy typing and cannot take the time to watch you. Also, “uh-huh” and “uh-uh” sound a lot alike, this is your record, protect it by saying “yes” or “no” so that your response is correctly recorded.
5. **Tell the Truth** - You do not have to be perfect, you can be nervous, and you may even be scared, but the truth is always easy to remember. If you tell the truth, you will not be exposed during cross-examination. Remember, the other side has an attorney that gets to ask questions too and the worst thing you can do is lie or embellish the facts in an attempt to “convince” the Judge. The Judge will forgive you for not being a perfect parent a lot faster than he/she will forgive you for lying about it.
6. **Never guess** - you should never guess at an answer in court. If you are giving an estimate, tell everyone that it is an estimate. For example, if asked the distance between you and the event you witnessed, you likely do not know the exact distance, so state “I would estimate it was 15

feet” (inserting the appropriate distance). Otherwise if you do not know the answer, simply state “I do not know” or “I do not remember” whichever is more appropriate.

7. **Be courteous** - The Courtroom is full of pomp and circumstance, the lawyers and the Judge follow very strict formalities. This is a time to be respectful of the process and play along by saying “sir” or “ma’am” when talking to the opposing counsel and if you are addressing the Judge, say “Your Honor”. Along these same lines, the Courtroom is not the right time to make jokes.
8. **Do not answer a question with a question** - Opposing counsel is NOT on trial. You do not have to like your soon-to-be former spouse or his/her lawyer but you must be polite and non-combative towards the attorney in the courtroom. YOU are the one being watched and it is YOUR CREDIBILITY at stake.
9. **Never forget your audience** - This seems simple but it is powerful. Your soon-to-be former spouse is NOT important. The Courtroom is NOT the place to win the last fight and it is definitely the wrong place to try to make your point to him or her. The Judge or Jury is your audience. It is the Judge or Jury who must believe you. Direct your answers accordingly. When a point is particularly important, let the Judge or Jury see your face, look at the person(s) that matter and tell them what they need to know.
10. **Remember the Judge is watching you** - The Judge and Jury if there is one, is watching your every move even when the other side is testifying. DO NOT OVERREACT or present yourself as angry or spiteful and do not draw unwanted attention.

Follow these simple rules when you appear in court and you will feel more confident, you will sound more confident, and you will be heard.