

## **How to be a Good Witness (from ORA U FDA46 Course):**

### **Do...**

Be alert. Beware when opposing counsel either attacks or strokes your ego. He or she may be trying to spur emotion to the detriment of the government case. Ignore this tactic. Be wary of forced, rapid questioning by opposing counsel. You have a right to have clear, understandable questions asked one at a time. Watch out for multiple questions phrased as one question. Ask for separate questions, if necessary. Be alert to opposing counsel re-phrasing your answer and asking if you agree. The change may sound innocuous but it may soften what you said, sometimes to the detriment of the case.

Be objective. Do not tailor or slant your answers. You are here to testify the facts as you know them, without any bias. Be fair to the defendant.

Be brief. If a question can be answered in one word, do so and stop. Avoid volunteering information. Do not make unnecessary elaborations to your answer. If a question is so vague or ambiguous that it cannot be answered with a simple “yes” or “no,” answer it fully, but succinctly.

Be truthful. If you do not know the answer to a question, be truthful and say so. Do not guess at the answer. If a question requires a “yes” or “no” answer, but that would be misleading, explain that. Give the responsive one-word answer and then explain your answer.

Be direct. An evasive answer will indicate that you are trying to hide something. Do not give any ambiguous answers, and do not “beat around the bush.” If you must give an estimate for your answer, make it clear that you are giving an estimate.

### **Do not...**

Do not accept re-wording unless it is exactly what you want to say. Often the defense may try to use your answers to questions asked during the deposition to change the meaning of what you are saying on the witness stand. Make sure you have thoroughly read your deposition transcription before trial, as the question asked during the trial may be different from, or out of context with what was asked during the deposition.

