Lawrence Krieger, Attorney
The Wilder Building
8 Exchange Blvd., Suite 400
Rochester NY 14614

Telephone   (585) 325-2640
Toll Free   (800) 719-3260
Fax   (585) 325-1946
(Not For Service Of Process)

POINTERS FOR WITNESSES IN COURT OR DEPOSITIONS

1.   **Tell the truth**.

2.   Listen to each question and **pause before answering**.

3.   **Speak one at a time** (only one person can be heard by the court reporter or on speaker phone, etc.).

4.   **Answer only the question asked**.

5.   **Do not volunteer more information** than the question required.

6.   If asked how you prepared, it is ok to say you discussed the case with your attorney.
      If asked what your attorney told you to say, respond by calmly stating **"He said to just tell the truth."**

7.   **Be careful not to be inconsistent!**

8.   Your attorney cannot coach you but will make legal objections or assist where needed and permissible.

9.   If your attorney objects, **wait for him to finish objecting** and for the Judge to then make a ruling
      (or for the attorneys to agree) before answering or not.

10.   Do not answer a question you do not understand.
      If you do not understand a question, politely but firmly, say so.

11.   If you do not remember something, say so. **Do not guess or make it up instead**.

12.   **Ask to see any document or photo**, etc., being referred to, if needed to refresh your memory.

13.   **Ask for a break any time needed** to get a drink of water, use bathroom, etc..

14.   Take as long as you feel necessary to **think**. Don't worry about pleasing the questioner. Ignore their
      faces.

15.   **Do not lose your temper** or argue with the questioner. *They might be purposely trying to make you angry*.

16.   **Ask to correct any misstatements** you realize you may have made.

17.   **Watch out for "leading" questions** or trick "yes/no" questions.

18.   If the question is phrased as compound (2-questions-in-1) ask for it to be **re-phrased** or broken down.

19.   Be cooperative but **not too helpful**. Let the other side make their own case.

20.   Remember this is adversarial, even if they are friendly, anything said can be used against you or your case.
      Do not be fooled by a humorous, smiling or helpful approach. It could be a tactic.