

Effective Courtroom Testimony



LEARNER GUIDE





STRENGTHS AND WEAKNESSES

The purpose of this learning journal is to help you explore your feelings about testifying in court and help you learn more about providing effective courtroom testimony.



Evaluate your strengths as they relate to testifying in court; what are they?

Now think about your weaknesses; what are they?



GOALS AND SUCCESS



What do you hope to learn from this course?

How will you know if you have been successful?



CASEWORKER EXPECTATIONS

Judges and magistrates may have the following expectations for caseworkers:

- Be clear about what the family needs to change and how it needs to be changed.
- Identify and build on the family's strengths.
- Offer needed services and resources.
- Reward individual family successes and encourage further progress.
- Advocate for the family with supervisors, service providers, and the court.
- Do not demand more of families than what is realistically possible due to limitations of time, transportation, resources, other responsibilities, or innate abilities.



Which of these expectations will be the most challenging for you? Why?

BE CREDIBLE AND CONFIDENT



Tips for Feeling More Confident

- Make sure the case information is well organized and you are very familiar with the facts of the case.
- Work cooperatively with the prosecuting attorney or Public Children Services Agency (PCSA) attorney or prosecutor before the hearing. Agency attorneys can help you prepare for your testimony.
- Thoroughly discuss the case with your supervisor prior to the hearing.
- Have your supervisor or the attorney ask you mock questions prior to the hearing.
- Become familiar with the court processes used in your county.
- Practice saying answers aloud, such as: "I cannot recall from memory." "I would need to refer to my notes." and "Can you please repeat the question?"
- Practice ways to release nervous energy, such as calf stretches, other stretches, or push-ups against a wall.
- Take a few moments to breathe deeply before you testify.



BE CREDIBLE AND CONFIDENT

Which of the tips on the previous page do you think will be the most valuable? Why?

Why do you think it might be helpful to work with the PCSA attorney or prosecuting attorney?

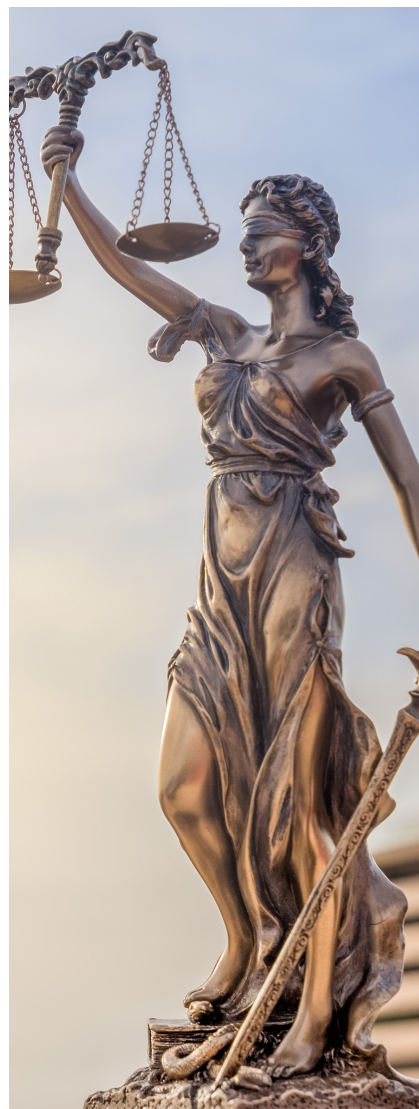
How will you release your nervous energy before testifying?



STATE FACTS

What were your thoughts after watching the video?

Do you anticipate struggling to remember the facts? If so, why?



What are three things you can do to prepare yourself to testify to the facts?

- 1.
- 2.
- 3.



AVOID BIASES



- Remember the seriousness of the event and show respect to all parties.
- Avoid small talk, joking, and laughing with all parties involved, including your counsel.
- Avoid expressing personal feelings unless asked to during testimony or pre-hearing meetings.
- Testimony gives you the opportunity to educate the court and other attorneys about child protection and why specific decisions were made.
- Make it a habit to address all parties as Mr., Mrs., or Ms.
- The caseworker should address the judge or magistrate by their title and last name, such as Magistrate Thompson.
- If you use child protection jargon, explain it so everyone will be educated and understand.

Which of these tips do you think will be the most beneficial for you?



TESTIFY ONLY TO FACTS WITHIN YOUR EXPERIENCE AND KNOWLEDGE



Testifying to Facts Tips

Tip #1

When testifying, only answer questions within the scope of your role as a child protection caseworker.

Tip #2

Limit answers to facts and not opinions or speculation. Do not start your answers with "I think," "I believe," or "In my opinion."

Tip #3

Admit when a question is beyond your knowledge or expertise.

Tip #4

Using your own words, explain the facts and observations during your assessment and work with the family.

Which of these tips do you think will be most useful for you? Why?



LISTEN CAREFULLY TO THE QUESTION AND PAUSE BEFORE ANSWERING

Importance of Pausing

- It ensures you hear the entire question before providing an answer.
- It allows you time to make sure you understand the questions.
- It provides a few brief seconds to think about your answer.





LISTEN CAREFULLY TO THE QUESTION AND PAUSE BEFORE ANSWERING



List five different tactics you can use to remember to pause after receiving a question from the defense attorney.

1.

2.

3.

4.

5.



ONLY ANSWER THE QUESTIONS ASKED

- When you are asked a question, provide a short and succinct answer.
- Only answer the question that was asked and do not volunteer information.
- It is acceptable to repeatedly answer “yes” and/or “no.”
- If you do not understand the question, ask for clarification. For example, “What do you mean?” or “Could you please reword that question?”
- Be comfortable with silence after you answer a question.



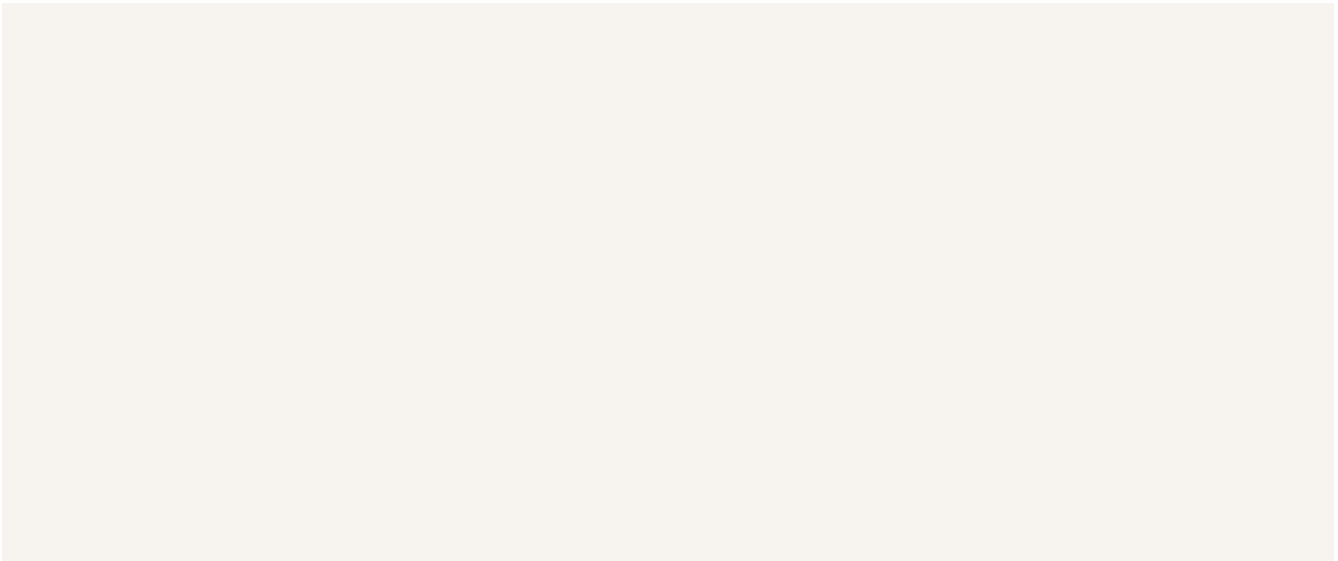
Which of these tips will be the easiest for you to use?

Which of these tips will be the most difficult for you? Why?



WHEN ASKED TO OFFER AN OPINION, SUPPORT IT WITH FACTS

What were your thoughts about the video? What words did the caseworker use to paint the picture of the conditions in the home? How did she make it impactful?





BE MINDFUL OF YOUR VERBAL AND NON-VERBAL COMMUNICATION

What did you note about the caseworker's non-verbal communication?

How did it make you feel?

What could she have done differently? Why?



BE MINDFUL OF YOUR VERBAL AND NON-VERBAL COMMUNICATION

What did you note about this caseworker's non-verbal communication?

What did you note about the defense attorney's non-verbal communication?

What did the caseworker do well?

How did it make you feel?

How was it different from the previous caseworker's testimony?



BE MINDFUL OF YOUR VERBAL AND NON-VERBAL COMMUNICATION

When you get nervous, how does your body language depict your nervousness?
Check the items below that may apply to you.

- ☐ Biting or picking at fingernails
- ☐ Dry mouth
- ☐ Fidgeting
- ☐ Increased heart rate
- ☐ Poor eye contact
- ☐ Rapid breathing
- ☐ Stumbling over words
- ☐ Sweating
- ☐ Tapping feet or shaking legs
- ☐ Trembling
- ☐ Upset stomach or gastrointestinal issues
- ☐ Other _____

What can you do to address these issues? For example, keeping a mint handy or a bottle of water with you to combat dry mouth.



AVOID DEFENSE ATTORNEY TACTICS AND REMAIN CALM DURING CROSS-EXAMINATION

The best way to avoid defense attorney tactics and remain calm during cross-examination is to be well-prepared. Think back through everything you have learned in this course and identify what you think will work best for you. Create a checklist of those items and use the checklist to prepare yourself each time you are scheduled to testify.

<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____



SUMMARY

Congratulations on completing the Effective Courtroom Testimony course! The next time you are scheduled to testify, don't forget to follow these key practices:

- **Be credible and confident.**
- **State facts.**
- **Avoid biases.**
- **Testify only to facts within your experience and knowledge.**
- **Listen carefully to the question and pause before answering.**
- **Only answer the questions asked.**
- **When asked to offer an opinion, support it with facts.**
- **Be mindful of your verbal and non-verbal communication.**
- **Avoid defense attorney tactics and remain calm.**



Use this QR code or link to access a wallet-sized list of these practices.
<https://qrs.ly/c2ee8i2t>



Nine Practices for **Effective Courtroom Testimony**

- Be credible and confident.
- State facts.
- Avoid biases.
- Testify only to facts within your experience and knowledge.
- Listen carefully to the question and pause before answering.
- Only answer the questions asked.
- When asked to offer an opinion, support it with facts.
- Be mindful of your verbal and non-verbal communication.
- Avoid defense attorney tactics and remain calm.

