

How To Testify At Trial

Testifying Tips or How To Testify (Part 1)



Maybe Not The Best Way To Testify...

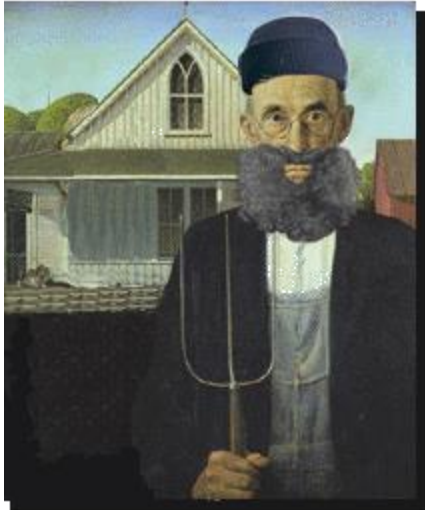
Most people get pretty nervous when they learn they have to testify at a trial. Many people think it's just like the movies and they think they should go watch [A Few Good Men](#) (go ahead watch the clip one of my favorites!) to prepare for trial; unfortunately, that's not really how it works in Minnesota courts. (It's actually much more exciting to watch a courtroom movie than be in a courtroom).

The focus of this series of blog posts is to help you prepare for testifying in court, specifically a [divorce](#) trial in Minnesota. The tips are pretty generic and apply to most trial, but I'm a divorce lawyer and so I think in terms of a divorce trial. But, as we say a trial is a trial. Which leads me to one important distinction and that is that in Minnesota divorces are not heard by a jury, just the Judge or what we call a "Bench Trial". Some states (very few) allow for jury trials in paternity or divorces but in Minnesota it's always a trial to the Judge.

There is a big difference on how to testify before a Judge and how to testify in front of a jury. The short version is that a jury trial is much more like theater, the jurors will be always watching you, looking at you, and judging you. They may not like your pants or tie and if your haircut is off...well watch out! But a bench trial is different, the Judge is probably very experienced and is less likely to be swayed by your outfit, your shoes, your haircut and if you appear nervous the Judge will probably understand. Many of the "tricks" that are used during jury trial won't be effective in a bench trial.

Understanding What Kind Of Witness You Will Be At Trial

First you need to take a look a long hard look at yourself and determine what kind of witness you are. Are you a Bachelor Norwegian Farmer? Or are you a Chatty Cathy? Once you determine the type of witness you are you can try and work on being the best type of witness and make it easier on the Judge. Let's turn to the different types of witnesses, the first is the BNF (Bachelor Norwegian Farmer) this is the type of witness who every question is answered in one word answers. Here's an example:



Question: How was your weekend?

BNF: Fine

Question: How are the kids?

BNF: Fine

Question: What did you do this summer?

BNF: Nothing.

You see the problem here? You need to have a conversation on the stand and one word answers are not the way to accomplish that. Imagine yourself being the Judge, how painful would that be to listen to? You would be bored very quickly and you'd be thinking about what's for dinner in just a few questions.

Now let's take a look at CC (Chatty Cathy), who is no better than a BNF at trial and can even be worse for your case:

Question: How was your weekend?



CC: Oh my gosh! It was fantastic, well not fantastic, more like very nice, I had a great salad for lunch then I started cleaning the garage and OH MY, you won't believe what I found, my old yearbook and I looked in it and found signature of Will Johnson, can you believe that Will Johnson! What is he up to I wonder...oh wait..what was the question?

You see how this can be no better, it's tiring to listen to but more importantly the answer is lost with all the extra chatter and the Judge will probably miss some very important information because there is simply too much going on to follow.

So, What Witness To Be?

The answer is neither, you don't want to be a BNF or a CC, you want to be right in the middle, giving direct, solid answers to the questions, sounds easy doesn't it? Well it can be a lot harder than it seems, the problem is that if you think you are a talker and are actually very quiet, then it can be a very hard time getting prepared to testify.

Take a good hard look at yourself and determine are you more likely a BNF or a CC? this is important to determine and you should be honest with yourself. Hopefully, your lawyer will help you with this and prepare you how to answer questions if you are a BNF or a CC.

NEXT WEEK: Part 2: How To Answer The Questions!

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With over 16 years experience in high conflict family law cases, having received numerous awards, and a frequent lecturer through both Minnesota and the United States on family law issues, Jason has decided to help people through a blog, answering some of the most common questions that people have during divorce and family law. cases.

<http://rokolaw.com/southern-minnesota-lawyers/jason-kohlmeyer/> Remember this isn't legal advice. Just blog and attempts to answer general questions, for legal advice you need to hire a lawyer. If you're in Minnesota our firm would be happy to see if we can help you.