

How To Testify In Trial.



Trial, even a **court trial**, is unlike anything you have experienced before. You are on the spot, looked at all day, possibly for several days.

The **Judge** will watch you, the court reporter, court clerk, bailiff, your soon to be ex, not to mention anyone interested in watching a trial that day (divorce are public in Minnesota) and I haven't even gotten to what it's like

testifying! Here are some tips I've accumulated over the years:

1. **Practice, practice practice.** In the mirror, in the shower, driving, there is no substitute for running through what will be said and how you will say it. Say it out loud, as you driving and don't worry if the cars next to you think you're crazy.
2. **Before you answer, take a breath.** When you get asked a question, listen and take a breath. This breath will allow you the moment you need to be sure you understand what the lawyer is asking.
3. **If you don't understand the question, say "I don't understand the question."** Never guess at an answer, don't start out with "If I had to guess" but make sure you know exactly what the question is. If you don't know what the lawyer is asking...how can you answer it?
4. **Don't argue with the lawyer.** Here's a news flash, lawyers are paid (and usually quite well) to argue for a living. Think about that a moment. You are an amateur, you don't hold your PGA tour card and you are about to go play around of golf against..well, maybe not Tiger Woods but against Phil Mickelson. You can't win the argument and even more importantly, you don't even know the rules of the argument (called the rules of evidence). So, give up your dream of showing that jerk of a lawyer who's boss, because everyone already knows and it's not you.
5. **Don't use crutch words.** Don't say phrases like I think, I believe, If I had to guess, Probably, maybe...etc.these are crutch words. You are afraid of committing to an answer and giving the impression to the Judge that you aren't quite sure what the answer is.
6. **When you are done with answer, stay done.** Many times people will give an answer, but then start talking again! For God's sake, if you answered the question be quiet and wait for the next question. Nothing says I'm lying like babbling on like a fool as everyone watches.
7. **If you don't know the answer say "I Don't Know".** If you know truly don't know don't guess!! You're not expected to know every fact.
8. **Ask Your Lawyer to Video Tape Your Practice Session.** This is not always done, but if you are really getting nervous, sleepless nights, etc. ask your lawyer to videotape you while you prep for the trial and watch it, you do this once or twice and you'll see your nervous habits.

There you go, 8 tips on how you can do well at your divorce trial. It's scary, but you'll get through it.

Thanks for reading my latest Mankato Family Law Blog post, any comments or questions feel free to post them below or email me directly at Jkohlmeyer@rokolaw.com

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Remember I'm not giving any one legal advice, this is just an informational blog that hopefully will answer some basic questions and lead you to call an experienced Minnesota Divorce Lawyer.