

Preparing Witnesses: Practical & Ethical Considerations

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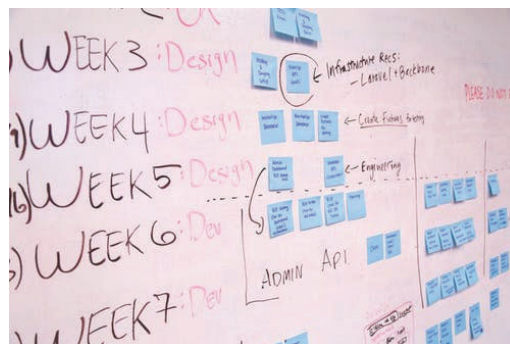
Overview



- General witness preparation techniques
- Tension between candor & advocacy
- Specific areas that pose ethical challenges

Credit: Tyler Lastovitch (Pexels)

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Witness Preparation Techniques

Credits: Pexels

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Start Witness Preparation Early

- Witness preparation can take a significant amount of time
- Don't neglect the human factors – fear, nervousness, guilt, second-guessing
- Listen carefully – new information may change your case strategy
- Keep your ultimate themes in mind

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Preparation Techniques

- Familiarize Witness with the Process
 - Level of witness experience
 - Don't forget the details
- Help the Witness Tell His/Her Story
- Break Story Down into Manageable Sections
 - Introduction
 - Affiliation with suit
 - Action taken
 - Make story accessible

Preparation Techniques (Continued)

- Cross-Examination & Questioning
 - Set expectations
 - Simulate opposing counsel's questioning
- Key Documentary Evidence
 - Review with witness
 - Related lines of questioning
 - Don't forget foundation

Also available as part of the eCourse

[Litigation Strategies and Employment Law](#)

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