

INFORMATION PREPARED AND PRESENTED
FOR OTTAWA COUNTY JUVENILE COURT TRAINING

BY

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WHAT TO DO WHEN YOU ARE CALLED
AS A WITNESS TO TESTIFY IN COURT

You are called ("subpoenaed") as a witness because someone believes you have knowledge of some facts which may assist the court (judge or jury) in deciding a disputed issue in a case.

A witness is a person who has personal knowledge of an event. It is direct knowledge obtained through the senses, that is, heard, seen, touched, smelled or tasted.

To "testify" means to answer questions in court after being sworn to tell the truth. The purpose of "testimony" is to furnish facts to the judge (or jury) who must make a verdict, a judgment, a decision, a conclusion.

"IT'S NOT TELEVISION!"

Contrary to popular belief, trials are not conducted the way they are portrayed on television. That is fiction, written and acted to telescope a day or two of trial into 30 minutes (minus commercials).

" GET READY FOR THE TRIAL!"

Psychologists tell us that every word we have said or heard or scene we have seen is impressed on our mind, and our memory, is the ability to recall these things. The memory, as we know, can be trained and sharpened. It can be aided by reports, notes and the memory of another who was there.

As soon as you are notified of a trial, which is usually several days before, look up your reports and read any additional notes which you might have made. This will set your unconscious mind to work

recalling the events. You will not have to consciously think of the events, though at times you will find it comes to your conscious mind. A couple of days before the trial talk over the reports and notes with other witnesses on the case. You will aid each other's memories because you will have remembered certain things, not appearing in the reports or notes, which he will have forgotten, and he will likewise remember things you have forgotten. In addition, talking it over, you will recall items which both of you had forgotten.

Make a habit of writing notes each day on your cases. These need not be elaborate, just sufficient to aid your memory later. Always write down the amusing or unusual aspects of the situation, they will be an aid to memory of the case.

When you are asked by the attorney to be in a certain office ahead of trial time, it is not just another inconvenience. Its purpose is to allow the attorney to find where your testimony fits into the case, to allow you an opportunity to read over your reports or notes to refresh your memory, and to discuss with other witnesses about your, and their testimony.

REPORTS AND NOTES IN COURT

You may take your reports and notes into court and with you onto the witness stand, if you choose. However, if you glance at them to aid your memory, to get your mind at work to recollect, even though you do not read from them in answer to the question, you must submit them to the opposing attorney for his use in cross examining you to test your actual memory. They are not marked and received as evidence but are used by the opposing lawyer to test your memory. This is "present recollection refreshed."