

# Preparing For a Civil Trial



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# Win It In The Garage

# The Witness Statement

1. Find out/decide what needs to be covered within the witness statement.
2. Find out the date by which the statement must be finalised and signed and with the court and other parties.
3. Make sure the witness statement tells everyone what you have to say about the matters in issue in the proceedings.
4. Above all else make sure that the content of your signed witness statement is true to the best of your knowledge and belief.

# Going Into the Witness Box

1. Oath/Affirmation
2. Opening questions from your advocate
3. You witness statement = your evidence = your responsibility
4. Is the content of your witness statement still true?
5. If there are any problems with your evidence tell someone on your side before you go into the witness box

# Cross Examination

1. Breathe – all the time
2. Witnesses are the most important people before the Court
3. There is no good reason to fear the Judge
4. The other side's advocate must behave in a professional manner
5. If you are prepared and truthful the answers will come easily to you

# Cross Examination – The Purpose

1. To advance your side's case
2. To undermine your opponent's case
3. Cardinal Rule – you must PUT your case to the other side's witnesses.
4. If you are a witness, the other side's advocate has to put to you through questioning the material parts of the other side's case to give you the opportunity to give the court your account or reaction to it.

# Cross Examination - Top 7 Tips

1. Listen to the question
2. Think before answering
3. Answer the question you were asked (not the one you wished you had been asked!)
4. Tell the truth
5. Don't argue
6. Remember – you probably do know the answer
7. Have confidence in yourself – if prepared you have every reason to be confident in your ability to answer questions.

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