

Evidence and Legal Discussions



The courtroom is an environment where legal argument takes place about the nature of evidence and the reliability and accuracy of witnesses. As such when giving evidence it is important you understand that your primary goal is to be as truthful and as accurate as you can without letting anyone or anything interfere with you simply putting forward the facts as you knew them at the time of your statement and as they are now based on your current knowledge. Remember to stay calm as you are a witness not a person on trial. Also remember it is OK to ask for clarification, qualify your statement (i.e. to the best of my knowledge at the time. etc.) ask for the question to be repeated or ask for a moment to think. You're in charge of your testimony so don't let yourself be rushed, confused or anxious as the law allows you to take your time and answer to the best of your knowledge. So to make it even easier and more of an interesting and successful day the following tips are provided.

1. When taking the stand remember to practice slow deep breathing and relax your muscles in your body. If you notice any tension take a slow deep breath and stretch and move relevant muscle groups.
2. Listen carefully to what is being said and feel free, at anytime, to ask for clarification or have the question repeated. It's OK to not understand as often cross examiners may try to unsettle or confuse you and if you merely stop and ask for the question to be either repeated or further clarified you break up their momentum and give your self space to think and breathe.
3. If a previous statement or other document is referred to (such as reference to your statement or someone else's testimony) please feel free to ask to review the document prior to responding as you have the right to do so and take as much time as you need to study it.
4. When you are given a scenario and asked to comment / provide opinion (i.e. is there another possible explanation for what happened...). Generally avoid and refrain from conjecture or opinion by simply stating "There are always possibilities however to the best of my knowledge at the time it was..." (and then repeat your earlier statement). Feel free to repeat this as many times as possible if you feel uneasy about comment or opinions.

5. Sometimes in court other information may undermine your previous statement. Do not worry. You need to remember that you could only provide evidence on what you knew at the time. So feel free to acknowledge possible limitations in your evidence given other information however continue to assert the validity of your statement at that time.
6. Also, it is common to be asked a number of very similar questions about an event, yourself, or your statement and it is fine to repeat the same answers over and over again if they are relevant to the question. Don't think you need to be creative or that you have not understood.
7. Also remember you can turn and seek direction from the magistrate if you are uncertain about anything. They are there to judge the matter and want to make sure you can provide the necessary information and will not want you to be distracted or unsettled.
8. Finally, remember it is normal to be nervous about any new experience and even more so when it may be a legal issue regarding workplace conflict. So expect to feel a bit uneasy about it all and use your human resources, legal and judicial support people to support you through the process and remember to be yourself and stay relaxed and open minded.

Key points to remember:

1. Nerves are Normal so learn to Stay Calm and Relaxed (prepare and practice)
2. Use questions and silence to give yourself time to think
3. When in doubt (1), ask your way out (ask for clarification or explanation)
4. When in doubt (2), qualify your way out (best of my knowledge at the time...)
5. When in doubt (3) ask to review the evidence/ documents
6. Don't comment on things outside your expertise (I cannot comment as it is outside my expertise...)
7. It's OK to repeat yourself if the questions are similar and repetitive

