

Note: The following checklist is excerpted with permission from William R. Wick et al., “Presenting Evidence and Examining Witnesses,” chapter 5 of Eric L. Andrews et al., [Wisconsin Trial Practice](#) (3d ed. 2013-14). For a thorough analysis of each step, including applicable cross-references, please see the discussions in that chapter.

Checklist: Determining Whether to Call a Witness

- What are the risks and benefits of having the witness testify?
- What impression of credibility and sincerity is the witness likely to leave on the jury?
- What interest does the witness have in the result of the trial?
- What are the witness’s biases and prejudices? Does the witness see the lawsuit as a personal affront?
- How clear is the witness’s recollection? Is the witness’s account consistent from one telling to the next? How consistent is it with other witnesses’ testimony?
- Is the witness able to clearly articulate his or her observations? Is the witness direct and concise, or will the witness tend to give lengthy and rambling answers?
- Does the witness tend to exaggerate or embellish his or her observations?
- What opportunity did the witness have to know and observe the matters about which he or she will testify?
- Can the witness prove an element of the claim or defense?
- Is the witness competent?
- Is the witness credible?
- Are there other witnesses who would prove the same point more convincingly, be more credible, or have greater rapport with the jury?