

Note: The following checklist is excerpted with permission from Thomas P. Schwaba, “Preparing for Trial,” chapter 1 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: Instructions for Testifying

- Tell the truth in response to every question.
- Listen carefully to each question before answering. Do not answer a question you do not fully understand. Tell the judge or the lawyer if you do not understand the question.
- Only answer the question asked. Do not volunteer information, especially on cross-examination.
- Some nervousness is natural; generally, it will make you more attentive during questioning. However, try to act and speak confidently and give positive and definite answers. Unless appropriate to the question, a preface such as “I think ...,” or “I believe ...,” or “In my opinion ...” will weaken your answer.
- “I don’t know” may be the correct answer and the only answer you can give truthfully. Do not be afraid to say “I don’t know” when appropriate.
- If you make a mistake while answering, correct it at once by asking counsel, “May I correct something I said earlier?” If you realize your mistake after being excused from the witness stand, tell counsel immediately.
- If counsel objects to a question while you are testifying, do not answer—listen carefully to the objection and the judge’s ruling.
- Even if you feel angry because of something someone has said or because you think you have been insulted, do not become upset, argue, or talk back to opposing counsel or the judge. Do not joke or answer sarcastically.
- Your facial expressions should be natural for the moment. Avoid inappropriate expressions or gestures in response to questions.
- Whenever you may be in the presence of any jurors (certainly in the courtroom, but also in the hallways of the courthouse when jurors are arriving in the morning or leaving in the evening), maintain a professional relationship with counsel. Avoid loud laughter or an over-friendly manner.