

## MINI-TUTORIAL

### LEGAL TESTIMONY

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Your company is being sued for negligence and you are being called as a witness to defend your actions.

What to expect?

What do you do?

1. Gather and preserve all of the documents and materials that relate to the case.
2. Meet with your attorney and find out everything you can about the law as it applies to the case.
3. Determine if it is best for your defense to be a fact witness or an expert witness.
  - a. A fact witness can only provide testimony that is directly related to the case.
  - b. An expert witness can offer his opinion as to the facts and testimony as they relate to the case.
4. You must have experience, education, training and skill and knowledge in your field to be accepted as an expert witness. A comprehensive curriculum vitae (CV) is essential.
5. Learn as much as you can about the case before you testify. Meet with your attorney and review all of the documents, photos, eyewitness accounts, police reports, testimony, etc.
6. Discovery – the plaintiff has a right to obtain any material or documentation you have pertaining to the case. Your attorney will filter this from a legal point of view but keep in mind that the opposition may have access to anything pertaining to the case including your preliminary notes. (Don't make preliminary notes!)
7. Deposition – you will be called to be deposed by the plaintiff's attorney. You will have your attorney present and everything you say will be recorded. This takes place in a law office not a courtroom. This is often a fishing expedition to find information that will help the plaintiff's case. You should be truthful but should not add anything to your answers. Yes or no are the best responses. If the question is vague or requires multifaceted answers simply say you don't understand the question.
8. Educate your attorney as to the technical aspects of the case. He knows the law but does not know your business.
9. Testimony in court. You are presenting your case to the judge and jury. I have attached an excellent article on how you should prepare and give testimony in court.