



THE CURRY AMOS QUICK GUIDE TO APPEARING IN COURT

Our most important advice:

Listen to your lawyer.

Always tell the complete truth.

The following information is for anyone who is going to appear in court. As a witness, a party or a defendant.

Rule No. 1 - Listen to your lawyer.

We know that going to any sort of Court can be really worrying. Just as you are comfortable and competent in your line of work, we are at home in the Courtroom, and we will be there with you at all times. If the other lawyer asks you an improper question, we will object to it. We will talk with you before you go into Court to explain what will be happening, and to be sure that we are totally up to speed on the details of your case. You'll note that when we talk with you, we always take pretty complete notes. If at any point, there is something that you wonder if you ought to tell us, the answer is, YES, TELL US. If it is important and you haven't told us, we could be surprised by it in Court, and that is bad for you.

Also, it may be necessary for you to communicate privately with us during a Court hearing. If we can, we ask the Judge for a little break to talk with you. If for some reason that's not appropriate, the best thing to do is to write us a note. If you are talking to us, we cannot be concentrating on what the witness, the judge or the other lawyer is saying.

Rule No. 2 - Tell the complete truth.

We don't mean to suggest that you wouldn't tell the truth. But you are listened to by either a judge alone or a judge and jury, and HOW you testify is important.

You've seen the TV programs where a lawyer is forcing someone to

answer yes or no, when the real answer is more complicated than that. Generally, you will be permitted to explain an answer, but first you must answer the question.

Testifying in Court is not a performance, nor is it rehearsed. You are asked questions, you answer them calmly and truthfully. Period. ***You should speak in the way that you would in front of your mother.***

(By the way, that means that ANY profanity is absolutely OUT.) You should speak slowly and clearly. Speak loudly enough that the judge and the farthest-away juror *and your lawyer* can hear you clearly.

Don't tell jokes, don't be sarcastic, and don't try to make points off of the other lawyer. They have been doing this a lot longer than you have.

If at some point you realize that you were mistaken in something that you testified to, SAY SO. Everybody makes mistakes.

The other lawyer may ask you if you have practiced your testimony or talked to us about your testimony. Well, you certainly have talked to us. If you are asked what we told you to say, the answer is simple: Tell the complete truth.

Rule No. 3 - Be sure you know what the question is before you answer.

As lawyers, we try to use regular conversational language in Court. Sometimes, some lawyers don't. If you cannot hear a question, or don't understand a question, SAY SO. Your answer will be meaningless if you're answering something that wasn't even asked.

Rule No. 4 - Be polite and respectful.

It is just no fun for you to go to Court. The fact that you are dragged into Court can sometimes make you angry or upset. BUT: BE POLITE. Answer, Yes, sir, or No, ma'am. Always address the judge as Your Honor. Losing your cool in Court will ALWAYS work against you.

Rule No. 5 - Answer the question. Then shut up and wait for the next question.

One of the most effective tricks that lawyers have is to ask a question, hear your answer, and then say nothing and wait for you to start talking and digging yourself into a hole. When you finish and answer, stop, be quiet and let the lawyer ask



the next question.

Rule No. 6 - Poker face. Poker face. Poker face.

No matter what outrageous things you hear a witness, the other lawyer or even the judge say, KEEP A POKER FACE. Many judges are very bothered by someone who grimaces, laughs, shakes their head, or makes gestures during a case.

Rule No. 7 - Dress like you re going to church with your mother.

First impressions are important. If someone shows up in Court in shorts and a tee-shirt with Budweiser or Let s Party on it, that sends a message to the judge that you re an idiot and you don t care. ***Dress like you re going to church with your mother.***

NO tee-shirts, sleeveless anything, torn anything, shorts, dirty anything, flip-flops, excessive jewelry (wedding rings for everyone and a piece or two of understated jewelry for women are fine), sexually suggestive clothing, lodge or organization emblems, or messages or symbols of a political, commercial or religious nature. (A small cross necklace, Star of David, etc., is OK. If you want to wear a swastika, a witchcraft emblem, or

something like that, you have a constitutional right to do so. Enjoy your stay in jail, paying alimony or losing money.) Cover any tattoos if you can, remove the metal piercings from your face, comb down the spiked hair and turn it into a color that is naturally human. Men - Wear a coat & tie if you have them. Women - Go lightly on the make-up.

Your lawyer can NEVER guarantee a particular result. We ve won a few cases we thought we were sure to lose. We ve lost a few cases we thought we were sure to win. There is ALWAYS a risk in going to trial.

This pamphlet contains the opinions of Roger D. Curry, based on more than 30 years labor in Courtrooms. Permission is granted to duplicate with attribution.

**For more information contact:
Curry Amos & Associates, LC
213 Locust Avenue
Fairmont, WV 26554
304-368-1000**

CURRY AMOS & ASSOCIATES
Serving West Virginia since 1978





Seven Rules for Appearing in Court

Rule 1. Listen to your lawyer.

Rule 2. Tell the complete truth.

**Rule 3. Be sure you know what the
question is before you answer.**

Rule 4. Be polite and respectful.

**Rule 5. Answer the question. Then shut
up and wait for the next question.**

**Rule 6. Poker face. Poker face. Poker
face.**

**Rule 7. Dress like you re going to church
with your mother.**

CURRY AMOS & ASSOCIATES
Serving West Virginia since 1978

