nzmii
Inihua Rata O Aotearoa

FACTSHEET

Tips on giving evidence in court

These are general tips only as the rules of procedure vary according to whether the proceedings are criminal or civil or take place in the Coroners Court and special rules apply to 'expert witnesses'. Your NZMII instructed lawyer will assist you in understanding the rules that might apply.

When you are called to give evidence, you will be directed to the witness box and will be 'sworn in' (swear to tell the truth). You will be asked some preliminary questions verifying your full name and occupation. You may have previously prepared a written statement/report and may be asked to read out your statement or it may be 'taken as read' in which case you will not have to read it out, you will just be asked questions. If you haven't already done so, you will be asked to sign your statement.

First, remember you are not "on trial", simply here to give evidence. You may be nervous but try and keep this in context as to your role.

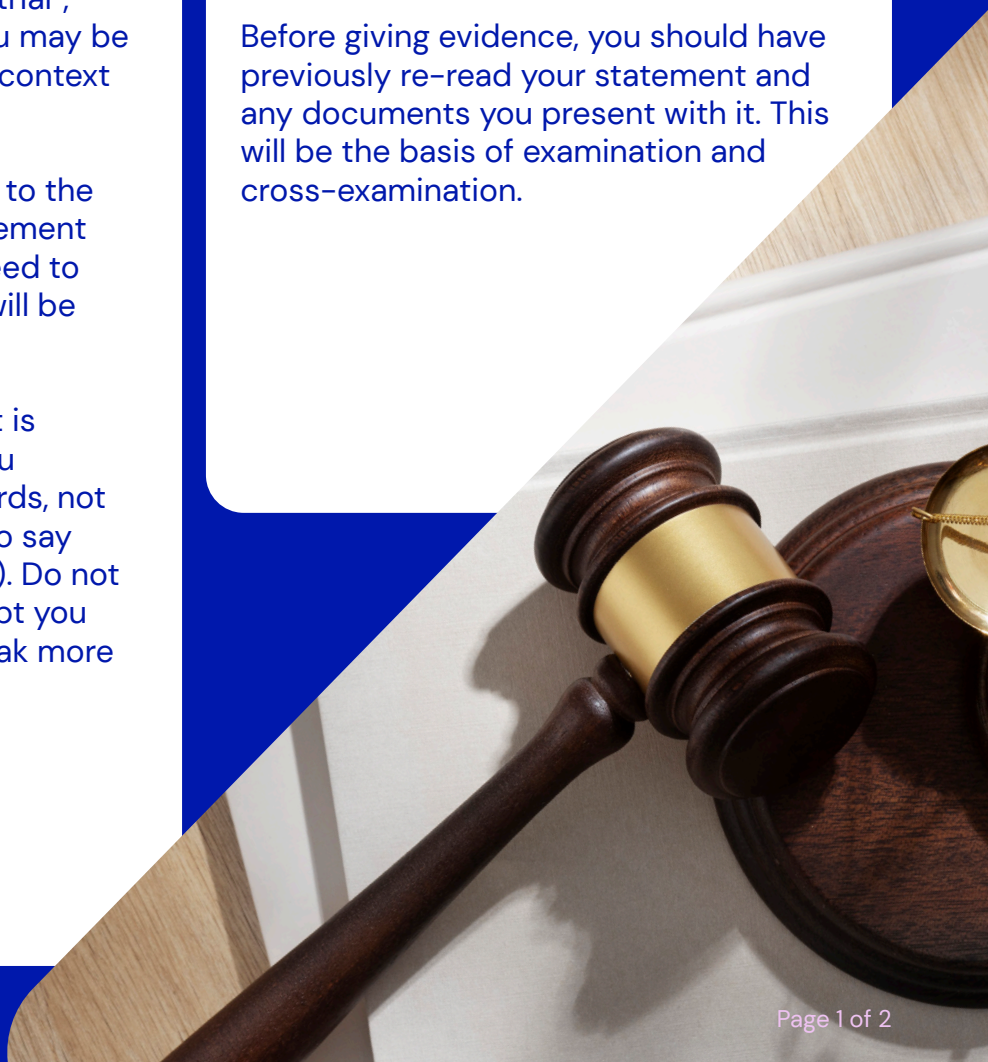
Do not take any papers with you to the witness box. A copy of your statement or anything else that you may need to refer to in giving your evidence will be provided to you by Court staff.

All the evidence is transcribed. It is therefore very important that you speak slowly and clearly. Use words, not gestures. This means you need to say "yes" or "no" (not nod your head). Do not mumble. Court staff may interrupt you to ask you to speak up or to speak more slowly as required.

If the Court adjourns for a break, or for the day when you are part way through giving your evidence you are not allowed to speak to anyone about the proceedings, this includes your lawyer, before completing your evidence when the Court resumes.

Sometimes it is appropriate for you to leave the hearing after you give evidence but at other times you will need to remain and hear all the evidence. You will need to check with Court staff and/or your lawyer before you leave.

Before giving evidence, you should have previously re-read your statement and any documents you present with it. This will be the basis of examination and cross-examination.



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It may go without saying but tell the truth. Listen carefully to each question and answer only that question. If you don't understand the question, say so. Be careful if the questioner uses a double negative.

Resist the temptation to give long answers when a short, direct one would do.

If you cannot remember or do not know the answer to a question, say so. Do not speculate or hypothesise.

Give positive, direct answers to questions whenever possible. If a question can be answered with a simple 'yes' or 'no' but you would like to add some additional explanation, answer 'yes' or 'no' first and then offer the further explanation.

Do not volunteer information. Listen to and answer the question with any qualification or elaboration that is necessary to make the answer correct and reflect the facts.

Do not argue with the questioner or lose your temper. You are simply here to give evidence, not debate the case.

Answer the question with words you usually use and feel comfortable with. For example, there is no need to say "that is correct" in response to a proposition which could be answered more simply with "yes".

If an objection is made to a question you have been asked or an answer you have given, STOP. Wait for the Judge to determine what to do. If the Judge upholds the objection simply wait for the next question.

If the Judge overrules the objection, answer the question (you may need to ask for the question to be repeated).

NZMII are here to help!

Contact Us

Contact us if you have any questions about your medical indemnity cover:

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