

**COURT PROCEDURES 2:  
PREPARING AND PRESENTING EFFECTIVE TESTIMONY  
Boilerplate Outline**

**LEARNING OBJECTIVES\***

**Knowledge:**

- K1.** The trainee will be able to identify skills and knowledge, which help workers effectively and efficiently prepare for court.
- K2.** The trainee will be able to describe the ways in which they can alter their language, in both written and oral forms, to enhance their ability to convey information concerning individual family members and their situations in a fair and equitable manner.
- K3.** The trainee will be able to identify skills and knowledge which they can apply while testifying in a legal proceeding.

**Skills:**

- S1.** The trainee will be able to demonstrate behaviors enhancing effective verbal transmission of information in a legal forum.
- S2.** The trainee will be able to list strategies for coping with possible stresses related to interacting in legal settings.

**Values:**

- V1.** The student will value the importance of providing accurate information in legal forums, consisting of observations and actions based on critical thinking and evidence-based interventions.
- V2.** The student will value the importance of the use of bias-free language in agency reports, court documents, testimony.
- V3.** The student will value safety, permanency, and well-being of the children involved in the cases on which they are providing testimony.

**RELATED TITLE IV-E COMPETENCIES**

- 2.12 Student understands the process of the legal system and the role of social workers and other professions in relation to the courts.

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\* Normal font represents primary objectives. *Italicized font represents secondary objectives.*

- 5.1 Student effectively negotiates with supervisor and professional colleagues, systems, and community resources to accomplish professional, client, and agency roles.

## **Training Content**

### **1. Introduction**

- A. Review of course and learning objectives
- B. Brief discussion of pertinent section(s) of NASW Code of Ethics
- C. Brief discussion of the culture of legal proceedings and the role of the social worker in the various legal forums.

### **2. Description of Legal Forums**

- A. Depositions
- B. Administrative Hearings
- C. Juvenile Court
- D. Criminal Court

### **3. Preparing for Court: Case Factors**

- A. Case Material
  - 1. Be knowledgeable of case facts
  - 2. Be able to articulate what activities/ decisions were made and why
  - 3. Complete casework (and paperwork) which is necessary
  - 4. Identify what are the weakness/es of your case or position
  - 5. Be versed in the minor's wishes

#### **B. Prepare Visual Impression**

- i. Demeanor
  - 1. Discuss expectations re: courtroom "culture", etiquette
- ii. Appearance
  - 1. Dress and Grooming
  - 2. Attitude

#### **C. Self Care**

- i. Observe other hearings/trials
- ii. Listen to attorney's conversations with each other
- iii. Practice with your co-workers, County Counsel, etc.
- iv. Know your bodies response to stress and have whatever you need to deal with it available to you prior to court
- v. Adopt meditation or relaxation techniques before and after legal proceedings

#### **4. Working With the Attorneys**

##### **A. Pre-Hearing, Pre-Trial, or Pre-Deposition Conferencing**

- i. Review of case facts, to date
- ii. Sharing case/witness perceptions/information
- iii. Covering questions which will be asked by County Counsel/prosecutor
- iv. Covering questions which might be asked by the other attorneys (parents', child's', criminal defense attorney, etc.)
- v. Review of the goals of this legal proceeding
- vi. Analyzing possible defense strategies
- vii. Determine paperwork or other materials to be brought to hearing/deposition/trial
  1. Discuss, provide examples of preparing case written records; memory aids; earmarking that which is most important, etc.
- viii. Confirm your role in this legal proceeding (i.e. material witness, expert witness)
- ix. Prepare to describe your education, knowledge, experience, expertise, and skill. Prepare this in a written format and provide to your attorney

#### **5. Giving Effective Testimony**

##### **A. Be Professional**

1. Attitude
2. Be Aware
  - a. of the points you are trying to convey
  - b. of defense strategies to get you to lose focus
3. LISTEN to the COMPLETE question before answering- what are they asking for?
4. Don't provide details outside the scope of the question- your attorney can ask for the appropriate details on redirect.
5. If you don't understand the question, say so, and request it be repeated or rephrased.
6. Dealing with rapid fire questioning
  - a. If more than one question is imbedded in the same statement, ask which question he/she wants answered first.
7. If you perceive you are being attacked or badgered, remain silent and give your attorney or the judge time to intervene. If there is no intervention, pause, and ask for the question to be repeated.
8. If you are being treated in a condescending manner, don't bristle
9. "Trapped by friendliness"- remember appropriate boundaries for court

10. Confronted by leading or suggestive question- just because he/she says it, doesn't mean you can't correct it
11. Dealing with questions requiring a "yes" or "no" response
12. Taking your words and misstating or misinterpreting them
13. "Skipping record" technique of repeating already answered questions
14. Confronting you with contrary information/research/witness statements
15. Playing "Gotcha" with agency policy and procedures
16. Impugning your professional competency or reputation
- 17. Bringing you personal life into court**
18. of your responses and their impact
  - a. Tell the truth
  - b. Give the facts
  - c. LISTEN CAREFULLY- Don't anticipate where the attorney is going
  - d. DON'T guess
  - e. Be clear, enunciate, speak up so you can be heard
  - f. DON'T try to "score points" off the opposing attorney by being sarcastic or snide
  - g. If you make an error in testimony, correct it as soon as you realize it- DON'T try to hide it or lie about it!
  - h. Sometimes it's OK to say "I don't know", "I don't understand the question"
  - i. Consider the language you use in describing the child and family- it should be as bias-free as possible and consist of observations rather than judgments in order to present a fair and balanced picture of the client and family situations

**FAIRNESS AND EQUITY ISSUES STRESSED  
HERE**

- ii. Relate to the Tiers of Fact (Hearing Officer, Judge and/or jury)
  1. make eye contact when you respond to questions
  2. adjust your responses to the tiers of fact-don't use jargon, acronyms, or form numbers
- iii. Imparting Disagreeable Information
  1. apologize in advance for the use of any "objectionable" language you may use in your testimony
  2. remember that words have diverse meanings and try to avoid those which can undermine your intent
  3. Explaining worker errors, acts of omission or commission (yours or the former caseworker)

## **6. Questions, Closure and Evaluation**