

How to Handle Witnesses When You Are Representing Yourself



When should I bring a witness to court?

It is always a good idea to bring a witness to court. The witness can confirm that what you tell the court is true. The witness can also tell the court that you are an honest person.

In most court cases, both sides tell a different version of the same story. The testimony of a witness will make your side of the story more believable.



What if my witnesses cannot come to the hearing?

Your witness must come to the hearing. A handwritten note from a person will not be accepted by the court. The witness must show up at the hearing and testify live.

To make sure your witnesses show up, make sure you call them the week of the hearing and again the day before the hearing to remind them.

If your witness may not appear voluntarily, a subpoena can be obtained from the Clerk of Courts that would require the witness to appear.



Who should I bring as a witness?

You should bring someone who knows about the situation from things they have seen or heard first-hand. You should only use a witness after you have talked with him or her and you are sure that person will tell the court what is helpful to your case.

You may also want to bring a witness who knows you and your reputation in the community.

While it is okay to have a friend or family member be a witness for you, it is always best to have someone who does not favor one side over the other. With friends or family members, the judge may assume that the witness is testifying for you because he or she likes you and wants you to win.



How do I prepare a witness?

Think about what is the most valuable think each witness could say on your behalf.

Write down a few questions that will help the witness get the idea across.

Practice with your witness ahead of time so you know what answers will be given.



What should I do with my witness at the court hearing?

Start by asking the witness his or her name and address. Then, ask specific questions about what information they have about your case. If your witness is a professional, you should ask about his or her job, education, work history, and how long he or she has been doing that job.



What about the other side's witnesses?

The other side may also bring witnesses. The other side will question those witnesses first. The judge will then give you an opportunity to cross-examine them (that is, ask your own questions). You do not have to ask any questions if you think the witness will only repeat what was already said.



What rules should I follow when I ask questions?

You should be polite at all times. You should keep your questions short. Never ask a question when you do not know what the answer will be. The answer could hurt your case more than help it.

If you do not get the answer you were expecting, do not argue with the witness or accuse the witness of lying. It makes you look bad in front of the judge. If the witness refuses to answer a question, ask the judge to make the person answer.



What is a leading question? Can I ask a leading question?

A leading question is a question that gives the witness the answer you want him or her to say. Leading questions have "yes" or "no" answers. Examples of leading questions are:

- Was my husband ever drunk when he dropped the children off at your house?
- Didn't my husband yell and swear at the children when he came to pick them up from daycare?

You can ask a leading question to the other side's witness, but not to your own witness.

To avoid asking a leading question, start the question with *who*, *what*, *when*, *where*, *why*, and *how*.

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