

How to Handle Witnesses When Representing Yourself



Can I have people testify to support my case?

Yes. Witnesses can be very helpful in a court hearing. A witness can confirm what you tell the court is true. When you are done with your testimony, you should ask the Judge to hear from your witness or witnesses. Your witness cannot testify on their own, you must ask the witness questions that explain who the person is and what incident(s) they saw or heard.

NOTE: Witnesses **must** come to court. Witnesses cannot send written, signed, or notarized statements.

A witness does not need a subpoena to come to court; a witness can simply come to court with you. However, you may need to subpoena a witness if they need to take time off work, or you are afraid the witness will not come to court without one. If you need to subpoena a witness, ask the Clerk of Courts for a subpoena form to fill out and serve.



How do I prepare my witness?

1. Talk to your witness about the most valuable thing each witness could say on your behalf, that they personally know or have seen.
2. Write down a few questions that will help the witness get the idea across during their testimony.
3. Practice with your witness ahead of time by asking them the questions, so you know what answers will be given.



What do I do with my witness in court?

You must ask your witness(es) questions. Your witness cannot testify without you asking them questions.

Generally, follow these rules when asking questions:

1. Keep your questions short.
2. If you do not get the answer you were expecting from a witness, do not argue with them or accuse them of lying, just move on.
3. Be polite and respectful.
4. If a witness refuses to answer a question, ask the court to make them answer.

What do I do with my witness in court? (continued)

Specifically, you should follow this pattern when asking your own witness questions:

- Start by asking the witness their name and address.
- If your witness is a professional, you should ask what their job is, what their education degrees are, any relevant training they have completed, and how long they have been doing their job.
- Then ask your witness specific questions about the case.
- You cannot “lead” your own witness. This means you cannot ask “leading questions” that gives the witness the answer you want. Instead, you have to ask “open-ended” questions that does not give away an answer.
 - For example, you are asking a suitable open-ended question when you ask: “How did my son look when my husband dropped him off at your home?”
You would be asking an inappropriate leading question if you asked: “Isn’t it true my son looked tired when my husband dropped him off?”

When the other side brings witnesses, you can ask them questions as well. This is called cross-examination. Unlike your own witnesses you can ask “leading questions” that give the witness the answer you want. For example, you can ask the other party’s witness: “Isn’t it true that you saw my husband slap our son?”

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