

What it means to be a witness in the court system

You are traveling on Queen Street in Southington, and began to slow for a light that has turned yellow several yards ahead.

Suddenly, a car turns into the intersection violently colliding with another vehicle.

You are a witness. In a nutshell, here is some information that may help you if you are required to come to court to testify in a civil lawsuit about what you saw.

What is a witness?

At its most basic, a witness is a person who is required to come to court to answer questions about facts that he or she saw or heard first hand.

The answers that a witness gives in court are called evidence.

How will I know if I have to give evidence in court?

You will usually receive a subpoena from one of the lawyers involved in the case. A subpoena is a legal document that compels you to appear to testify.

The subpoena will indicate the date, time, and court location where the testimony will be taken.

It must give you at



Tony Sheffy Off The Record

least 18 hours notice before the date and time of the court proceeding and it is valid for 60 days.

Trial witnesses remain under subpoena until the case is over or the court discharges them.

It often happens that a trial is rescheduled, postponed, or continues for more than one day.

If that is the case, as a witness you must appear in court each time you are notified to do so.

Must I attend if I am subpoenaed?

Absolutely. Unless you have a reasonable excuse, if you do not come to court on the specified date and time you may be arrested, fined, and ordered to pay damages associated with your non-appearance.

Witnesses who believe that they have been subpoenaed for an improper

reason, such as for purposes of annoyance or harassment, may file a motion asking the judge to excuse them from having to testify.

Will I be paid?

You will be paid, but not much. In Connecticut, witnesses are entitled to 50¢ for each day they attend the trial and travel reimbursements for each mile traveled to and from court.

Some employers will pay you while you are in court, but employers are not required to pay you when you testify.

However, you cannot be fired or otherwise penalized for attending court under subpoena.

What should I do if I get a subpoena?

You should arrange for time off work so you can go to court. Look at the subpoena to find out which lawyer has asked you to testify.

It is a good idea to contact the lawyer a few days before the court date, just to make sure that the trial is still going forward.

What should I take to court?

You should take the subpoena and any documents or other items requested.

What can I do to get ready to testify?

A few days before you go to court to testify, take some time to think about what happened.

Try to remember details, like what day and time it was, who else was there, whom you talked to and anything else that might be important. Again, be sure that your memory is based on what you actually saw and heard and not based on what you think probably happened.

What is a deposition?

In some lawsuits, one of the parties may want your testimony under oath before trial. The taking and recording of a testimony before the actual trial is called a deposition, usually conducted in the office of one of the lawyers. A word-for-word transcript is made of the deposition.

A deposition helps each party in the lawsuit prepare his or her case. In some cases, the evidence in the deposition encour-

ages the parties to settle the lawsuit before the trial.

What if I am uncomfortable testifying?

Some people find it hard to talk about what they saw, especially when the offending person is in the courtroom. It may help if you focus on the lawyer asking the questions or turn towards the jury.

Just stick to the golden rule of telling the truth, the whole truth, and nothing but the truth, and you should find the words coming to you. While the courtroom is open to the public, usually only the jury, the court personnel, and the parties with their lawyers are present.

What should I keep in mind when I am giving evidence?

Just tell the truth. In fact, knowingly making a false statement under oath is called perjury and it is a felony. If you do not understand a question, ask the lawyer to repeat or explain it. Don't guess if

you are not certain and try to stick to facts. Know that you will not be expected to remember every detail.

Try not to lose your temper. Lawyer's can sometimes seem aggressive and even picky. It is the lawyer's job to advocate for their clients and to try to find problems with your story. The judge will keep the lawyers in line.

If you are a witness to a matter that goes to court you may be called to give your recollection of what you saw or heard.

Remember the golden rule and tell the truth, the whole truth, and nothing but the truth.

The ability to call witnesses to testify is an important right in a democracy and by testifying truthfully in court you will have participated in an important way in the judicial process.

Tony Sheffy is a local lawyer. His column is not intended to substitute for legal advice. If you need advice, contact a lawyer.

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