

Preparing to Testify

1. Always tell the truth.
2. There is nothing unethical about preparing to testify by working with your attorney(s). If you are asked whether you discussed your testimony with anyone before the hearing, your answer is: “*YES, I spoke with Attorney_____.*”
3. If you are asked a question that you do not understand, then say so.
 - You cannot tell the truth if you do not understand the question.
 - You cannot tell the truth if you “guess.”
 - If you do not understand the question, it is likely the ALJ will not either.
4. When you do not know the answer to a question be clear in your response:
 - If you knew once but have forgotten – “*I don’t remember.*”
 - i. This allows a follow-up question – “*Is the answer in your records or notes?*”
 - If you never knew – “*I don’t know.*”
 - i. Don’t guess (it would be untruthful.)
 - ii. If you guess wrong, it looks like you don’t know what you are doing.
5. Just answer the question that is asked, don’t expound or explain.
 - If the question calls for a *yes* or *no* answer, then there are four acceptable answers:
 - i. Yes – (Not yup, yeah, or unhuh)
 - ii. No – (Not nope, naw, nay or unhuh)
 - iii. I don’t know.
 - iv. I don’t remember.
6. Ask for the question to be restated if:
 - It is a compound question (especially if the answer to one part is Yes but the answer to the second part is No.)
 - If the question is based upon a false premise:
 - i. For example: “Since there is no requirement for PCWs to keep timesheets, why are you requiring the Nurse’s documentation of the supervisory visit to show the time of the visit?”
 - ii. Have you stopped beating your spouse yet? (The underlying premise is that you have in the past beat your spouse)

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7. Silence is okay. Do not feel the need to fill the pregnant pauses between your answer and the next question. As long as you keep talking, the opposing counsel is likely to let you hoping that you will say something he/she can catch you on.
8. If there is an Objection raised, stop talking immediately until you are instructed to answer the question. You may want to have the question repeated before you answer.
9. Speak up and speak clearly, the hearing is being audio recorded.
10. The ALJ is your audience, so look at the ALJ when answering the question.
11. Don't anticipate where the question is going, listen to the whole question before you answer.
12. Sometimes there are questions that may need further explanation or qualification, if you are working with an attorney, the attorney will decide whether to ask follow-up questions on redirect examination.