



Your questions answered

GIVING EVIDENCE AT COURT

This Stowe guide is to give you advice on giving evidence at court and what to expect.

The Judge will make his or her decision based on evidence, both written and spoken. You will have provided a good deal of evidence already.

However, in most cases, the Judge will want to hear from you to gain a better understanding of your case. It is also likely that your spouse's/former partner's lawyer will want to put questions to you and that we will also want to put questions to your spouse/former partner.

Practical preparation

- Put the Court date in your diary.
- Consider how you will travel to court on the day, perhaps consider a "dummy" journey in advance if possible. Can someone drive you to the hearing and remain with you at court? This will relieve you of some of the burden and stress that comes with final hearings.
- Do you need to arrange child care for the day? Keep in mind hearings can take longer than envisaged, we can provide you with our best estimate as to how long you will likely be at court for.

- Think about what to wear. We suggest a smart "business" look. For men this would be a shirt and tie.
- Re-read and be familiar with your statement, certainly do so the day/night before your hearing, although rest assured you are not expected to remember all of it!

Giving Evidence

1. You will choose whether to give evidence on oath or by affirmation. The oath is a promise on the Bible (or other Holy Book) to tell the truth. The affirmation is a promise to tell the truth.
2. You may be questioned by your barrister. This is relatively brief and typically involves any update to your written evidence that may be needed.
3. You will then be questioned by your spouse's barrister. This is cross-examination. This is in order to advance their case and they will ask questions that favour that view. This is a difficult experience but it is important you remain calm and courteous. If the line of questioning is not appropriate then your barrister will object for you.

4. There may be some short, re—examination by your barrister to clarify any confusion that may have arisen during cross examination.
5. At any point, the Judge may put questions to you.

Practical Tips

1. Tell the truth! A witness who knowingly lies, after promising to tell the truth, is committing a criminal offence as well as damaging their own case.
2. If you do not hear a question, ask for it to be repeated.
3. If you do not understand a question, say so.
4. If you cannot remember something, then say so.
5. You may find it helpful to look at the barrister when each question is put to you and then turn and address your reply to the Judge.
6. Do not try to persuade or put questions to the opposing barrister.
3. You may experience a pause after you have provided an answer. Avoid the temptation to ramble, potentially volunteering information which may be unhelpful to your case.
4. The barrister may look at you in disbelief or with a puzzled expression. Ignore such behaviour.
5. The barrister may appear to be argumentative in the hope that you will behave in that fashion.
6. The barrister may speed up the line of questioning in an effort to hurry you into an error. Try to maintain a steady pace when answering.
7. You may be asked the same question several times but in a different way.
8. Try and answer the question each time in the same way.

Coping with cross-examination

1. You may be asked to “just say yes or no”, however if the response is not as simple as that then say you would like to explain.
2. The barrister may interrupt your response and so, if appropriate, you should indicate to the Judge that you haven’t finished your answer.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk



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