

Things You Should Know Before You Go To Court

Courtesy of Larry Rice & www.aboutdivorce.com

Before you come to court, decide what you want to accomplish. Do you want to persuade the judge or do you want to vent your feelings so the judge will sympathize with you? The likelihood of the judge's paying attention to one more angry party to a divorce case is small; giving sympathy on the basis of an emotional rant is even less. Judges can be persuaded by facts clearly and appropriately presented.

The following suggestions can increase the likelihood of persuasion:

Dress neatly and nicely for all court appearances, especially those in which you will be testifying. It is unfortunate that people judge other people by the clothes they wear, but they do. If you want the judge to think you are one of the "good guys," then dress like a good guy, not like a zombie biker. Women should wear little or no makeup or jewelry.

Stand and sit erect. When you take the oath, clearly say "I do." Do not slouch in the witness stand or slur your words. Be serious. When speaking, do not wave your arms.

Do not ask the judge if you have to answer a question. If it should be objected to, I will object to it; otherwise, you must answer it. Never interrupt the judge. Do not speak unless spoken to. Do not cover your mouth or avert your eyes.

Look at the judge when you talk. Remember, you are trying to convince the judge. So talk to the judge and not to me. I already believe you. Don't talk to the other attorney, because he or she will never believe you. Do not look at me before you answer the question as if you are seeking help or after you answer the question as if you are seeking approval.

Do not react to other witnesses' testimony. Your reaction will aggravate the judge and you will look childish.

Be polite; it makes a good impression on the court. Answer "Yes sir" or "Ma'am" and address the judge as "Your Honor." Do not be a smart-aleck, or appear nervous or angry. If the other side baits you into becoming angry, it is probably trying to set you up for a trap, so keep your cool. Lose your temper, and you may lose your case.

Be nice. Judges tend to like nice people. If someone needs to get tough, let it be me. I have more experience in making that call.

If you want to tell your attorney something, pass a note. If you talk to your attorney during the proceedings, he/she may miss something in court that he/she needs to hear.

Tell the truth. It usually will come out eventually anyway, and it is better coming from you than from the other side. If the other side catches you in a lie, you may lose your case. However, make sure you told the truth to me before you tell it in court.

Listen carefully to all questions, whether posed by me or by the other side. Pause, make sure you understand the question, then take your time and answer that question. You cannot give a truthful and accurate answer if you do not understand the question. If you ask, the attorney will repeat the question. Do not tell the court "I think" or what it "must have been." The court does not normally care what you think or what could have happened. It wants to know what actually happened. However, if you estimate a time or a cost, make sure the court knows it is an estimate. If you make a mistake during your testimony, correct it as soon as possible. Politely say something such as, "May I correct something I said earlier?"