Your Presenters

- David Bernstein, Prosecutor – City of Minneapolis
- Joe Van Thomme, Prosecutor – Eckberg Lammers, P.C.
- The Honorable Shan Wang – Stearns County
- Lt. Don Marose – Minnesota State Patrol
What We Will Cover

• The Best Witness (AKA “P.E.T.”)
• Direct Examination
• The Judge’s Perspective
• Questions

THE BEST WITNESS

“P.E.T.”

• PREPARE
• ENGAGE
• TEACH
THE BEST WITNESS - PREPARE

Three Questions to Consider

• 1. Did you do your homework for court?
• 2. Do you know why you’re testifying?
• 3. Have you talked with your prosecutor?

TIPS FOR BEING PREPARED

Three Tips

• 1. Review your evidence,
   – Testify from memory (not memorization)
   – Review ALL of your evidence
• 2. Know Your Role,
   – Understanding your role in the process will help you anticipate issues
   – Practice your answers! (Seriously.)
• 3. Be Punctual. (Seriously.)
THE BEST WITNESS - ENGAGE

Three Questions to Consider

• 1. What does your body language say?

• 2. Are you answering the question asked?

• 3. Do you have an “active memory?”

TIPS FOR BEING ENGAGED

Three Tips

• 1. Credibility.
  – Don’t be evasive.

• 2. Professionalism.
  – Judges/jurors pay attention to demeanor and attitude.
  – No arguing!

• 3. Impartiality.
  – Don’t volunteer information.

THE BEST WITNESS - TEACH

Three Questions to Consider

• 1. How can you teach the jury?

• 2. How can you/should you talk to the jury?

• 3. How can you be a confident expert without being cocky?

TIPS FOR BEING A GOOD TEACHER

Three Tips

• 1. **Educate.**
  – Be able to demonstrate technical topics, your actions, your training/experience.

• 2. **Talk Good.**
  – Judges/jurors pay attention to demeanor and attitude.
  – No arguing!

• 3. **Be confident.**
  – Don’t volunteer information.
  – Most jurors want to trust officers.

From: *Courtroom Testimony, Bench and Bar, Winter 2009 Issue.*
THE BEST WITNESS

The Judge's Perspective

QUESTIONS?
CONTACT INFORMATION:

Joe Van Thomme, City Prosecutor, Eckberg Lammers, P.C.  
jvanthomme@eckberglammers.com

David Bernstein, Assistant Minneapolis City Attorney  
david.bernstein@minneapolismn.gov

Lt. Don Marose, Minnesota State Patrol  
don.marose@state.mn.us

The Honorable Shan C. Wang, Stearns County  
Clerk: Rebecca.Peterson@courts.state.mn.us