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Concrete Steps for Enhancing Witness Preparation Through Self-Efficacy

This month's issue of *The Jury Expert*, published by the *American Society of Trial Consultants*, features a succinct, practical and instructive "How to" article on prepping difficult witnesses entitled ***Using Self-Efficacy for Witness Preparation***. Below is a synopsis of the key points (link to the full article included below).

- Providing a list of Do's and Don'ts for testifying rarely produces any measurable improvement in a difficult witness (the task is too complex for such a simple approach).
- We all have areas in life where we feel competent and capable (a psychological construct known as "self-efficacy") but testifying in court is rarely one of them.
- When we experience self-efficacy, we perform with increased confidence and credibility.
- When a difficult witness is coached on increasing self-efficacy and relaxation, s/he naturally becomes a better witness *without having to memorize a list of Do's and Don'ts*.

4 Steps to Enhancing Your Witness's Self-Efficacy

1. **Practice** testifying while giving the witness praise so that the witness develops the belief that s/he can testify well. Start slowly before moving to more challenging situations like cross-examination, and you'll likely see your witness's sense of competence grow.
2. **Observe** examples of good testimony (on videotape) with the witness, while pointing out behaviors that make the testimony effective. The witness will have concrete examples to emulate and realize that s/he can do the same.
3. **Persuade** the witness to improve by using positive reinforcement. Point out all the things that s/he does right and give informative feedback with compliments.
4. **Relax** the witness with guided imagery. Relaxation training involves guided imagery and can be performed by a trained professional. Relaxed witnesses have better focus and typically exhibit fewer distracting behaviors.

The article also contains details of guided imagery techniques, and excerpts of Dr. Marcus Boccaccini's model, ***Persuasion Through Witness Preparation*** which recommends obtaining a baseline videotape, using praise to modify behavior, reinforcing positive skills, teaching new skills, providing videotaped feedback and repeating all of the above until the desire improvement occurs.

The bottom line is that a trained professional can use these techniques to help even the most difficult, distracted, defensive and nervous witness measurably improve his or her performance, so that the truth of their testimony can shine through.

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Originally published on Los Angeles Legal Strategy's Typepad Blog at 8:28 PM, October 3, 2011.

Presented here unedited to preserve its original voice and context.

The Jury Expert is published by the American Society of Trial Consultants:

<https://www.astcweb.org/>

Link to the full article:

<http://www.thejuryexpert.com/wp-content/uploads/Cramer.pdf>

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Tags: guided imagery, improve testimony, jury consultant, self-efficacy, trial consultant, Witness preparation