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GUIDELINES FOR ARBITRATION WITNESSES

Suggestions for the Witness in Appearing at an Arbitration Hearing

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INFORMATION SERIES NO. 5

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Guidelines for Arbitration Witnesses

Suggestions for the Witnesses in Appearing at an Arbitration Hearing

1. *Dress sensibly* for the hearing. Don't try to be impressive in this respect.

2. *Tell the truth* in respect to facts and tell it as *clearly and briefly* as you can.

3. The witness is present to tell what *he knows of the facts*. It does not serve any purpose to have him present unless he makes his words understood—hence, *speak up clearly and distinctly*. Be sure the *arbitrator* and the *reporter*, if one is present, hear you.

4. *Listen to the questions* carefully so that you will not try to answer before you know what has been asked. *If you don't understand the question, ask that it be clarified for you*.

5. *Don't lose your temper* or show great personal feeling. You are at the hearing to give the arbitrator the facts, not emotional pressure.

6. *Don't be a "smart Alec."* If the questioner "gets smart with you," you will do your side the best service by remaining cool, clear, and in calm self-control.

7. Don't let the questioner *on either side lead you into statements of facts of which you do not have full knowledge*. Tell only the facts *you do know*—*don't be led into stating your inferences* from the facts. The arbitrator is required to draw his own inferences.

8. *Don't volunteer information*—just answer the question.

9. If you are asked if you have talked, over your testimony with the attorney or other spokesman for your side, *answer truthfully*. *You are expected to do this*. This is the only proper way to decide whether to offer you as a witness or not.

10. *If you are asked if you are being paid for the time you are acting as a witness, tell the exact truth*. Such conduct is sound and proper, but it can be made to seem reprehensible, if falsely denied.

11. If an opposing attorney indicates he wants *time to state an objection, be polite*; keep still until he has spoken. To blurt out an answer in these circumstances is to invite suspicion of your good faith and reliability as a witness.

12. *Don't try to testify as to facts on a secondhand or "hearsay" basis*. If testimony expected of you is within an exception to the hearsay rule, wait, and the attorney on your side should lay a proper foundation for it. When you say, "I know John hit Bill first, because Jim said so," you are not the witness. Jim is. He should be called.

13. *Don't argue with the person questioning you*. It makes no difference which side he is on. Answer the questions and then be silent. If he asks, "Is there anything you would like to add?" either give more

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facts or say "No." Don't offer your inferences from the facts or opinions. These are not part of the witness' responsibility.

14. *If you don't know the answer* to a question when you are sure you understand it, say "I don't know." No other answer will do as well. Too many witnesses try to guess the answers they don't know. They involve themselves in rambling speculations and sometimes lose a good case for their organization.

15. Moreover, there are times when facts once well-known to an individual will partly or completely pass from his memory. Don't hesitate to say "I don't remember," if that is the truth. In many cases regularly kept records or other memoranda may be used to supplement or revive the memory. Your attorney should be ready with these, when they can be used.

16. *Don't write out a full statement of your expected testimony and plan to read it.* It never sounds convincing that way.

17. *Don't let a cross-examiner get you to make a "yes or no" answer unless it is correct.* If you are sure the answer must be qualified, put your reply accordingly, and respectfully but firmly indicate that you do not believe the "yes or no" will be a truthful statement.

18. *Don't talk to opposing parties before the hearing about your intended testimony.* This forewarns them and may, with or without justification, open you to the charge that as a witness you have contradicted the statements you made in the careless prehearing conversations.

19. *Be prompt in arriving at the place of hearing at the beginning and after each recess.* If you are working and your shift ends before you are called to testify, *don't leave the plant until you are assured that you will not be needed as a witness that day.*

