

Assessing Credibility in Telephonic Hearings

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&

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WE HAVE A FEW QUESTIONS



Who is Amy?



Who is Mark?



In Person vs. Over the Phone



What do we use to determine Credibility

- Ability to Hear & Evaluate ALL Evidence
- Direct Testimony & Cross Examination
- Conflicting or Contradictory Testimony
- Conflicting or Contradictory Evidence/Documents
- Prior Inconsistent Statements
- Plausibility or Implausibility of Testimony

What do we use to determine Credibility

- Existence or Non-existence of facts to which the witness testified
- Admission of Untruthfulness
- Bias, Interest, or Motive

SHHHHHH! Listen

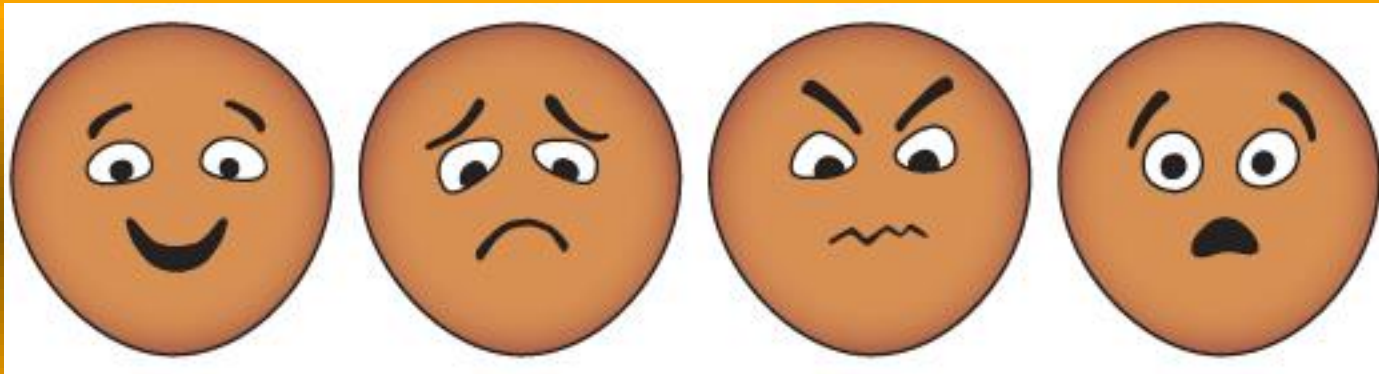


Changes in Pattern or Manner of Testimony

- Pay attention when getting basic information
- Witness may seem calm, candid, and forthcoming

AND THEN SOMETHING CHANGES.....

You can HEAR a change if you are
listening



Listen for Changes in Manner of Testifying

- Being Coached (whispers or pen on paper)
- Sudden Evasiveness
- Sudden Long Pause Before Answer
- Sudden Anger at a Certain Question
- Sudden “Hemming and Hawing” or Hesitation
- Repeating the Question just asked
- Change in Tone of Voice

Listen for Changes in Manner of Testifying

- Answering the same question differently
- Change in Vocabulary e.g. witness all of a sudden switches from everyday language to technical or legal terminology
- Change from candid testimony to faultless testimony that sounds rehearsed or coached

Nervousness vs. Deceit



**NAME SOMEONE SPECIFIC YOU'D BE
NERVOUS ABOUT LYING TO.**

MOTHER	31	HUSBAND	7
PRIEST	23	FRIEND	7
GOD	13	WIFE	7
FATHER	7		

Serenity NOW

- Set the tone so the witnesses understand the need to be truthful
- Place each witness under Oath individually so they hear their name and have to respond to the Oath.
- Control the testimony and objections at all times
- Don't be afraid to pry a little deeper into a response

Cross Examination is Your Friend

- Witness is calm and pleasant when answering your questions
- Under cross examination the witness becomes verbally combative or evasive
- Witness may also become emotional to make the examiner uncomfortable and end questioning.

DISCUSSION/QUESTIONS



THANK YOU!

and of course we can't leave without a picture of our famous football field

