**Witness**

**Overview:**

• Can state facts (or opinions, if they are experts) in support of a party’s case.

• During examination-in-chief the witness will:

* present their statement of evidence to the Court.
* faithfully keep to the facts set out in the statement.
* ensure all facts in their statement are disclosed.
* not add to the statement.

• During cross-examination the witness may:

* when cross-examined about matters outside their own statement bring in additional evidence that is within the general ambit of witness statements and the agreed facts or answer: “I don’t know” or “I can’t remember,” provided such answers do not alter the facts of the statement. Judges are entitled to prohibit a witness giving evidence or, alternatively deduct marks from the witness’s score if the witness unfairly introduces evidence that is not within the general ambit of witness statements or the agreed facts.

• During examination-in-chief did they:

* keep to the facts set out in their statement.
* ensure all facts in their statement are disclosed.
* not add to the statement during evidence in chief.
* allow the barrister to ask questions.

• During cross-examination how well did they:

* when cross-examined about matters outside their own statement bring in additional evidence that is within the general ambit of witness statements and the agreed facts.
* answer “I don’t know” or “I can’t remember” to appropriate questions.
* avoid arguing with the barrister.
* provide answers that did not alter the facts of the statement, but either assisted or at least did not damage their teams case.
* demonstrate understanding of how the evidence fits together in the case.

• Judges are entitled to prohibit a witness giving evidence or, alternatively deduct marks from the witness’s score if the witness unfairly introduces evidence that is not within the general ambit of the trial scenario as it appears from the witness statements or the agreed facts.

• No marks will be awarded to a witness who reads their statement or refers to their written statement during the trial.

• The witness must disclose all of their witness statement when giving evidence in chief and is not allowed to edit the evidence. If they do not disclose all evidence or edit the evidence, the Judge shall read out what was not disclosed and should mark down both the witness and the barrister.

• The witness should not recite the evidence from start to finish without allowing the barrister an opportunity to ask questions. A Judge should mark down both the witness and the barrister if this occurs.

• Marks will be awarded based on:

* Confident and clear presentation.
* Expression, poise and confidence.
* The overall presentation of the witness, including their role playing as the character of the witness, is an important element of their score.