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# **"Simon Says," You Need a Witness Expert**



**Bill Kanasky, Ph.D.**

**W**AIT ... YOU HAVE IT BACKWARDS" my attorney friend says ... "you mean an 'Expert Witness,' right?"

No ... rather, you need a Witness Expert, a highly trained expert in psychology and communication science that can accurately assess your witness's strengths and weaknesses, and then teach them the skills needed to become an effective, persuasive witness. A Witness Expert has one ultimate goal: ensuring optimal witness performance at deposition and/or trial.

Witness performance is a critical factor to success in litigation, both at mediation and trial. However, getting your witness to perform at their full potential is not an easy task, as it goes far beyond reviewing the substance of testimony. A *Witness Expert* can carefully assess your witness's true strengths and weaknesses, and then design a training plan to meet their specific needs. Next, a *Witness Expert* can teach your witness the proper skills that will lead to optimal performance.

There are many important skills that *Witness Experts* teach witnesses, but to no surprise, the most critical skill for witnesses to master is LISTENING CAREFULLY. Witnesses, regardless of their achievement, intelligence, work ethic, personality traits, income....DON'T KNOW HOW TO LISTEN CAREFULLY. They are terrible at it, as our society reinforces speed and efficiency of communication, rather than careful, meticulous communication.

*Consider this:* A father and his 5-year-old son sit in their living room, playing the classic game "Simon Says." The father enthusiastically says "Simon

says... touch your nose. Simon says... hop on one foot. Simon says... wiggle your fingers. ...Wiggle your toes--- GOTCHA!" They smile, burst out in laughter, and play the game over and over again. This simple game that we play with our children illuminates the most critical aspect of successful witness performance: THE ABILITY TO SLOW DOWN AND LISTEN CAREFULLY. In litigation, the very same mistakes being made by the 5-year-old get made by witnesses during trial and deposition testimony.

Specifically, witnesses make two crucial errors during testimony:

1. They start thinking about their answer BEFORE they have even heard the entire question. In other words, they try to listen and think at the same time.
2. They start talking before they have carefully thought about what precisely is being asked of them. In other words, they try to think and talk at the same time.

Want to eliminate your witness's silly (and preventable) mistakes? Sure you do, and a Witness Expert can make your witness shine (and give your opposition fits). In the game "Simon Says," mistakes result in laughter. In litigation, the very same mistakes are expensive, as they result in:

- Higher financial exposure
- Lost leverage
- Strategic disadvantage

In sum, be wise and make witness effectiveness training a top priority in your litigation plan. The return on your investment is very high, perhaps higher than any other litigation support service.

Oh, and one more thing ... **Wiggle your toes** ...  
GOTCHA!

### About the Author



Bill Kanasky Jr., Ph.D. is Vice President of Litigation Psychology at Courtroom Sciences, Inc., a full-service, national litigation consulting firm. He is recognized as a national expert, author and speaker in the areas of witness preparation and jury psychology. Dr. Kanasky specializes in a full range of jury research services, including the design and implementation of mock trials and focus groups, venue attitude research, and post trial interviewing. Dr. Kanasky's success with training witnesses for deposition and trial testimony is remarkable. His systematic witness training methodology is efficient and effective, as it is designed to meet each witness's unique needs, while concurrently teaching core principles of persuasive communication. Clients benefit from Dr. Kanasky's ability to transform poor or average witnesses into extraordinary communicators. He can be reached at 407.883.2325 or [bkanasky@courtroomsciences.com](mailto:bkanasky@courtroomsciences.com).



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