

Blog Post: 10 Tips for Forensic Nurses Testifying in Court

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If we're being honest, most forensic nurses didn't get into the field to spend time in a courtroom. We do this because we care about survivors, and we want to give them the best healthcare possible. Our typical days include meeting with patients, documenting their injuries, coordinating treatment, meticulously charting, and providing follow up care. Whether or not our patients press charges against their assailants is completely up to them, and there are many variables that can affect whether a case goes to trial. However, all forensic nurses can expect to eventually receive a call requesting their testimony regarding a patient encounter. Whether you are a new forensic nurse or a seasoned veteran, testifying in court can be a nerve-racking experience. For this reason, DC Forensic Nurse Examiners (DCFNE) has compiled a list of tips to help you shine on the stand:

1. **Prepare, prepare, prepare.** The attorney will coordinate a time to meet with you ahead of the trial. This is an opportunity to review the evidence they plan to submit, and preview the questions they plan to ask you. It is also a chance for you to share your expertise and help them understand what forensic nurses do. You will also want to review your charts with your supervisors and colleagues to refresh your memory of the patient encounter and to identify important talking points.
2. **Practice your answers.** It is likely that the jury doesn't know very much about healthcare, let alone forensic nursing. For this reason, it might be helpful to practice your verbiage with family and friends who are not in this field. Give them a list of questions that the attorney may ask you and have them quiz you. Work on explaining your practice in layman's terms. Encourage them to point out words and phrases that they don't understand. This will prepare you to deliver a clear and accessible testimony to the jury.
3. **Put your teacher hat on.** Educating a jury is not just about the words you use. When you meet with the attorney before the trial, discuss whether you can bring props (such as a speculum) or diagrams for demonstration purposes. Be prepared to define industry-specific words like didactic, PRN, prophylaxis, toxicology, etc. Use hand gestures to explain anatomy and techniques, and be ready to verbalize it for the court stenographer. Be thorough in your explanations, but know that the attorney will prompt you to elaborate or clarify when necessary.
4. **Make note of policy changes.** When you're on the witness stand, you will likely be asked to describe your forensic nursing practice in great detail. However, your practice may have changed since your encounter with this patient. Make sure you share any relevant changes that have taken place since the

time of the exam, as well as documentation of your organization's policies and protocols with the attorney prior to the trial. It might also be helpful to use the words "guidance" or "practice" in place of "policy."

5. **Get comfortable.** Testifying in court can be a lengthy process. The prosecutors will give you their best estimate of when you might be called up to the stand, but delays are common, and you will likely find yourself waiting. Plan on spending 6-8 hours in the courtroom. Wear comfortable clothing and eat an energizing and filling breakfast. Check the court's policies to find out what items you are allowed to bring along - books, seat cushions, water bottles, etc. You will want to be clear-headed when you take the stand, so it is important to plan accordingly!
6. **Speak directly to the jury.** When you finally make it to the witness stand, it can be tempting to zone in on the attorney who is asking you the questions. However, you should make sure you direct your answers to the jury as well. They will be using your testimony (and the testimony of others) to determine the outcome of the trial, so you will want to be engaging. It might also help to position your chair so that your body is facing the jury. (Bonus: Some of DCFNE's nurses shared that seeing the jury's facial expressions helped them to stay calm.)
7. **Make your voice heard.** Speak directly into the microphone so that the court stenographer can capture all your words. Be aware that non-verbal gestures like head nods or hand signals may not get recorded, and the attorney may prompt you to elaborate on any silent gestures you make. It is also important to note that if the court reporter raises their hand, they want you to slow down your speaking.
8. **You don't have to remember everything.** We see a lot of patients. Sometimes a lot of time passes before you are called to testify on a patient encounter. You may be asked if you have an "independent memory" of an exam - meaning that you can recall it off the top of your head. It's okay to say no. You can ask for a copy of your chart, or the attorney may offer one to you.
9. **Stick to the facts.** When answering questions, think about what you know, what you don't know, and what you couldn't possibly know. You are the expert on your forensic nursing practice and the patient encounter in question, but you may also be asked to confirm information about your patient's intentions, motives, or honesty. Remind the attorney that you cannot confirm what is going on in your patient's head, and that you make no judgments on the information that they have provided you. It is also okay to say that a question is beyond the scope of your practice, and that the information you gather during the forensic exam is for diagnosis and treatment, not for investigative purposes.
10. **Keep your cool.** At some point during the trial, you may have to answer questions from the defense attorney. Remember, their job is to defend the accused. They may attempt to discredit you, to elicit an emotional response, or to give a statement about the patient's motivations. Try not to take it personally, and just stick to the facts. Speak to the defense attorney with the same calm manner that you spoke to the prosecutor.

Testifying in court on behalf of our patients is both a challenge and an honor. We hope that these tips will help you to share your expertise with confidence on the stand!