



The International Councilor

Fall 2018

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The International Councilor

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Fall 2018

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President's

Message:

David MacLeod



Dear Members:

It is with great honour that I serve as your president this term and I'm excited about leading the CII over the next 12 months.

Whilst it is Autumn/Fall for most of you, Spring is in the air for us in the Southern Hemisphere. The sun is shining and the buzz in Melbourne is starting to increase every day with people out and about. This is the time when we get busy in my part of the world. With only three months to the festive season it's nearly time to throw another shrimp on the Bar-be!!

I would like to take this opportunity to thank our past President Brett Mikkelson for his leadership and great work over the last of the past 12 months and our outgoing Board members Ryan Colley, Sant Kaur-Jayaram and Marc Reed for their contributions over the past 3 years.

This year's Board is brimming with experience with three past Presidents serving. I would also like welcome our new members Melissa Kelley-Hilton (USA), Maurice Armes (Guyana), Howie Griffiths (South Africa) and returning to the Board Nancy Barber (USA). I very much look forward to working with you.

Speaking of work we have already been hard at it. The Board is always looking to get new members

Continued on page 5

2018 AGM Highlights

2018-2019 Officers

President—David MacLeod

Vice President—Sachit Kumar

Treasurer—Chris Nielsen

Secretary—Toine Goorts

New Board:

Nancy Barber

Howie Griffiths

Melissa Kelley-Hilton

Awards

Investigator of the Year

Fernando Fernandez

Meritorious Service Award

Barbara Burr

Malcom Thomson Award

Anne Styren

Site Selection

2019—Milan, Italy

2020—San Antonio Texas USA

Charity Auction

Almost \$6,000 USD raised by the generous members of the CII for Little Sisters of the Poor.

More details on pages 2, 3 & 4

Photos on pages 7 & 8

Hong Kong AGM a “Roaring” Success

The 64th Annual General Meeting of the Council of International Investigators started off with a bang of a drum and a roar from a Chinese dragon who welcomed over 100 Council members, spouses, partners, and colleagues to the bustling, exciting city of Hong Kong . Held at the Regal Kowloon, just a few steps from Victoria Harbor, the members were treated to great food, eight exceptional seminars; tours of Hong Kong and Victoria Harbor; a crowded hospitality suite; great food and free flowing wine.



The meeting kicked off on Tuesday, August 28 with the Board Meeting to discuss Council business followed by a welcoming cocktail reception with elegant hors d’oeuvres.

On Wednesday, after being welcomed in traditional Chinese fashion at our opening ceremony, over 65 members learned from David Chu about the Bridge & Road Initiative; Philip Layton on the risks and perils of Managing Investigations in China; a panel of CII members, (Toine Goorts, Mike Warburton, Anne Styren, John Withers and David MacLeod) on the GDPR; and from ABL colleague Mona Bhide on Due Diligence Investigations. In the meantime, the partners went on a tour of several famous shopping venues, coupled with a traditional dim sum lunch.

Thursday morning was reserved for the AGM, which was well attended. The officers and committee chairs gave their reports . The elections results were announced and David MacLeod was elected President for the upcoming year. New Board Members elected were Melissa Kelley-Hilton of New York; Howie Griffiths of South Africa; and Nancy Barber from California. The members voted to hold the 2020 AGM in San Antonio, Texas.

Following the AGM was the Awards Luncheon. Barbara Burr was honored with the Meritorious Service Award for her ongoing efforts in promoting the profession. Anne Styren was the recipient of the Malcom Thomson honor as the Regional Director of the Year.

After lunch, the group took a tour of Hong Kong, culminating with a harbor cruise of Victoria Harbor. Afterwards, the members met for a Chinese themed dinner. During this time the annual charity auction was held, that raised almost \$6,000 for the Little Sisters of the Poor in their mission to aid the elderly in Hong Kong.

On Friday, the seminars continued with Mick Symons lecturing on the PEACE method of interviewing; Cypri Yu wowing the members with his presentation on digital investigations; Hawn Chu on investigating counterfeit products in China; and a very interesting panel discussions on women in investigations, moderated by Melissa Kelley-Hilton with panelists Sheila Ponnosamy, Sandra Stibbards, and Alice Cappiello.

Of course no AGM would be complete without a gala banquet and this year’s was exceptional with a delicious choice of seabass or steak and a unique performance by Longman Luk playing a traditional Chinese stringed instrument. Fernando Fernandez of Puerto Rico was awarded the International Investigator of the Year for his pro-bono work in reuniting persons displaced and lost in the aftermath of Hurricane Maria. Fernando received a well deserved standing ovation for his heroic efforts. After the swearing in of officers and new board members, the evening ended with dance music.

On Saturday, about half the members toured Lantau Island, taking the cable car to the top of the mountain to view the giant Buddha statue and then a walking tour of a traditional fishing village.

That about wrapped it up for 2018. There are more details throughout this issue and since a picture is worth a thousand word you can find several hundred thousand words on pages 7 & 8 of this issue.

See you all in Milan 2019 & San Antonio 2020

2018—2019 Executive Board

David MacLeod elected President

Three new board members sworn in

The votes were cast and counted and the results were announced. In what could literally not been a closer election, **David MacLeod** from Australia was elected President over **Brett Mikkelson**, who will remain on the Board for another year as Immediate Past President.



The members also elected **Melissa Kelley-Hilton; Nancy Barber;** and **Howie Griffiths** for a three year term to the Board, 2018 to 2021. They replace retiring Board Members **Ryan Colley; Sant Kaur Jayaram;** and **Marc Reed**, all who have pledged to stay active in Council affairs.

CII Executive Board 2018—2019

Officers

David MacLeod— Australia — President

Sachit Kumar— India —Vice President

Toine Goorts—Netherlands—Secretary

Chris Nielsen—Canada—Treasurer

Board Members

Bob Fenech—USA

Maurice Amres—Guyana

Howie Griffiths—Republic of South Africa

Melissa Kelly-Hilton—USA

Nancy Barber—USA

Immediate Past President

Brett Mikkelson—Panama

Executive Regional Director

Galen Clements—USA



Three CII Members honored for exceptional services

After hearing the nomination letters, no one could dispute that the three CII members honored for their services to the Council, the investigative profession, and the community at large, could be denied.

Fernando Fernandez was honored as the **International Investigator of the**

Year, the Council's most prestigious award. Ponno

Kalastree, who nominated Fernando, told a compelling story

of how after the island of Puer-

to Rico was devastated by Cat-

egory 5 Hurricane Maria, last September, Fernando

worked tirelessly to locate and reunite at least five

individuals who were separated from loved ones

during the storm. He trained volunteers; estab-

lished proper search methodology and social media

protocol; and used news media contacts to bring

the issue to light. He spent countless days in these

efforts, all pro-bono.

efforts, all pro-bono.



Anne Styren, Regional Director

of Europe and Israel, was awarded

the **Malcom Thomson** plaque as

regional director of the year. Her

efforts included reaching out to

new members; writing extensively

on the GDPR; working with the host of the Europe-

an regional meeting; and helping with the upcoming

meeting with ABL and Integra in Florence.

Finally, **Barbara Burr**, received the **Metorious**

Service Award. She was nomi-

nated by Nancy Barber for her

tireless behind the scenes work

for CII; her networking and men-

toring skills to new CII members

and new people in the investiga-

tive field; and a career of supporting the investiga-

tive profession.

tive profession.



Congratulation to all—well deserved!

Generous Council Members Raise big \$ for Charity

Tom & Helen Davies snag the big donation POD Ball goes back to Ireland (sort of)

At the annual CII charity auction, the bidding was fast, furious, and at times ridiculous as CII members combined generous donations with generous bids to raise almost \$6,000 for the Little Sisters of the Poor, the charity chosen by AGM host Jack Chu. The Little Sisters of the Poor operate St. Mary's Home for the Aged, which cares for the elderly of all nationalities and beliefs in Hong Kong.

The prime donation was a commissioned piece of calligraphy donated by Kok Boon Tan of Singapore. The piece was drawn by renowned artist and calligraphist Lok Ng with Chinese characters signifying "Integrity." The calligraphy was not written with the usual brush, but uniquely using a piece of paper to complete the two characters. Moreover, the two characters were written on a very special holy paper using silkworms, made in Myanmar. The bidding for this piece was fast and furious and in the end, Tom and Helen Davies were the proud owners of an exceptional piece of art.



There was a war like bidding for the venerable POD ball which eventually went to John Withers, who will be bringing the ball back to it's home, the Emerald Isle, albeit the northern corner.



Other hot items included rum from Panama and from Guyana donated by Brett Mikkelson and Maurice Amres, respectively. The Guyana rum barely lasted an hour, consumed at the table by several thirsty CII people. Other libations auctioned were ice wine from Canada (thanks to Chris Nielsen); an exceptional single malt whisky donated by the Kumars; wine from Israel via Ron Tevel and amaretto from South Africa, courtesy of Howie Griffiths. Other artwork, books, clothing, jewellery, and coffee added to the items for bid.

Everyone joined in the fun, either successfully bidding or helping bid up the cost, all to raise money for a good cause. CII members were gracious, generous, and a credit to the organization and the profession.

Generous Donors

Tan Kok Boon	Jack Chu
Galen Clements	Chris Nielsen
Suhail Buddha	Bob Fenech
Brett Mikkelson	Ron Tevel
Ed Henry	Maurice Amres
Sachit Kumar	Eddy Sigrist
Anne Styren	Chris Nielsen
Sam Brown	Howie Griffiths
Bob Coombs	Sheila Ponnosamy
David MacLeod	Seth Derish
Steve Kirby	

Successful Bidders

Tom Davies	John Withers
Ryan Colley	Mark McCabe
Alice Cappiello	Brett Mikkelson
Eduard Helfand	Anne Styren
Toine Goorts	Sandra Stibbards
Tawni Tyndall	David MacLeod
Eddy Sigrist	Bob Coombs
Nancy Barber	Bob Fenech
Ajit Singh	Max Hattersley-Hoskins

President's Message (continued from pg. 1)

involved and we have appointed the following new Regional Directors:

<u>REGION</u>	<u>DIRECTOR</u>
04—Far East	Yosh Wong
07—South Pacific	Mick Symons
09—UK / Ireland	John Withers
11—U.S. Central	Jack Burke
12—US West	Barbara Burr

The CII GDPR Policy had been finalised and has now been posted on the website.

The Conference committee and Alice Cappiello have been hard at work planning and organising next year's AGM in the beautiful city of Milan. It looks likely the dates will be in the first week of October 2019, in order to miss the busy Grand Prix period in September.

John Withers is very excited about hosting the European regional in Belfast on 25-27 April.

Continuing the alliance with ABL and Integra, Steve Kirby and Ryan Colley have been arranging the joint conference in Florence on 17-20 October. This is another great opportunity to network with members from ABL and Integra.

I can't encourage you enough to get to the Regional meetings, or AGM's. Every president has said repeatedly, this is when you truly take advantage of your membership privileges. Do not pass up these opportunities to market your business, learn new techniques, to meet old and new friends, to explore the wonders of a new location and to relieve a little stress, from a long year of hard work. So plan ahead, you deserve it!

Remember to check in on the CII website for updates about further Regional Meetings.

Steve Kirby and Marc Reed will be manning the CII marketing booth at the Investigators Super conference in New York on 8-11 November. So if you are planning to visit, or just happen to be in the Big Apple stop by and say hello and help promote CII.

I wish you and your family a magnificent and safe upcoming holiday period and prosperous year in 2019.

Best regards,
David MacLeod

Regional Directors 2018-2019

Region 1—Canada

RD Marc Reed

Region1Canada@cii2.org

Region 2—Central / South America

RDs Maurice Amres & Seth Derish

Region2S.CentralAmerica@cii2lorg

Region 3—Africa

RD Howie Griffiths

Region3Africa@cii2.org

Region 4—Far East

RD Yosh Wong

Region4FarEast@cii2.org

Region 5—Southeast Asia

RD—Ponno Kalastree

Region5SoutheastAsia@cii2.org

Region 6—India / Middle East

RD—Pawan Ahluwalia

Region6India-MiddleEast@cii2.org

Region 7—South Pacific

RD—Mick Symons

Region7SouthPacific@cii2.org

Region 8—Continental Europe / Israel

RD—Anne Styren

Region8Europelsrael@cii2.org

Region 9—United Kingdom / Ireland

RD—John Withers

Region9UKIreland@cii2.org

Region 10—United States East

RD—Ryan Colley

Region10UnitedStatesEast@cii2.org

Region 11—United States Midwest

RD—Jack Burke

Region11U.S.Central@cii2.org

Region 12—U.S. West

RD—Barbara Burr

Region12U.S.West@cii2.org

Upcoming Events

Regional Meeting with ABL and Integra October 17—20, 2018 Florence Italy

CII members have been invited to join our friends and colleagues from the Alliance of Business Lawyers (ABL) and Integra (auditors and accountants) in Florence Italy for an opportunity to network with business lawyers, accountants, and auditors from around the world in the fascinating city of Florence. Networking opportunities will include a cocktail reception with both groups, lunches and outings and two days of seminars.

To register for this meeting you need to click here

[Florence Joint Meeting Registration Form](#)

The agendas for both the ABL and Integra can be found by clicking on these links:

[ABL Joint Meeting Agenda](#)

[Integra Joint Meeting Agenda](#)

For more information contact the CII office at
skirby@cii2.org

CII recruiting and presenting at the National Investigators' Super Conference November 8-11 New York NY Hotel Pennsylvania

CII is supporting this educational endeavor that is expected to draw several hundred private investigators, primarily from the US but also from other countries. Three members of the Council are presenting seminars at this conference: **Steven Rambam**; **Fernando Fernandez**; and **Steve Kirby**. CII will also be participating at a round table discussion of international investigations.

Aside from having CII members speaking at this event, CII will also be hosting a booth to acquaint potential qualified members to our organization.

Anyone interested in learning more about this conference or attending can click on the following link: <http://www.2018investigators.com>

SUBMISSIONS WANTED

For Educational Website and the Councilor

If you have a video presentation or an educational article you would like to post on the CII educational website or in the Councilor please contact Toine Goorts at tgoorts@goorts-ocb.nl

2018 AGM Photo Gallery Courtesy of Ed Kelly a/k/a "Silver Sleuth"



**Putting
on the
Ritz
at the
64th
AGM
Gala
Banquet**



Photos courtesy of Ed Kelly

Membership tops 400

35 new members accepted since January 1
95% renewal rate in 2018

Current Membership Numbers

Certified	335	Affiliate	8
Qualified	28	Honorary	6
Associate	1	Emeritus	4
Senior	21	Applicants	7

Total Membership 403

Countries Represented—68

Continents Represented—6

PENDING APPLICANTS

Fares Atoum
Mena Mecs
Amman, Jordan

Christopher Ballou
Patriot Group Global, Inc.
Conway,, New Hampshire, USA

Clay Biles
High Order Security
Ajijic Jalisco Mexico

Vincent Kelly
Kelly Firm, LLC
Peabody MA, USA

John Lacher
J. Edgar Investigation Agency
Chico CA, USA

Thomas Mathiesen
Etterforsker 1 Gruppen AS
Sanderfjord Norway

Emanuel Melendez
Detectives 24 Horas, Inc.
Bayamon, Puerto Rico

More information about the applicants can be found on the CII website. Anyone with knowledge of these applicant's qualifications can contact Galen Clements at galen.clements@cii2.org

Most recent new members 2018 Welcome

Ronald Bosman, CII
Sourced Research & Consulting
Bern Switzerland
Ronald@sourced.ch

Alejandra Jimenez, QII
Bishops Services, Inc.
New York, NY, USA
ajimenez@bishopsservices.com

Nick Iorfino, CII
IRIS Group Consulting
Pennant Hills, NSW, Australia
nick@irisgroupconsulting.com.au

Efrin "Jolav" Lavina, CII
Expert Absolute Security Services, Inc
Paranaque, Philippines
expertlink.jolav@yandex.com

Adrian Peeters, CII
Group One Investigations
Melbourne, Victoria, Australia
info@grouponeinvestigations.com.au

Sergio Perez, CII
Detectives En Colombia
Bogota Columbia
Sergio@detectivesencolombia.com

Lauren Sowers, QII
Colley Intelligence
Columbus, Ohio, USA
les@colleypi.com

Jeffrey Stein, CII
ELPS Private Detective Agency
West Chester PA, USA
jstein@elpspda.com

Todd Tano, CII
I Unlimited, Inc.
Sacramento CA, USA
todd@iunlimited.net

Joseph Tirado, CII
Troy Group Investigations, Inc.
Chicago IL, USA
jtirado@troyinvestigations.com

Watching the Detectives

submitted by Steve Kirby



It was a blast from the past as a former CII member known to the old timers appeared at the 2018 AGM with his grandson in tow. **Bob Coombs** picked up where he left off with his Downunder attitude, upside down map of the world, and his enjoyable gift of gab.... Wedding bells, wedding bells. First **Jeremy King** and **Kalie Cuffe** get hitched on September 15 with **Ryan Colley**



in attendance and now we hear that the charming and lovely **Alice Cappiello** is tying the knot with **Michele Cogo**, who was a guest at the Hong Kong AGM...A third member of the extended CII family also jumped into wedded bliss. **Laurena Nally** (daughter of **Derek Nally**) and **Nigel Rothwell** were married on September 22 in Greece. Members



who were in attendance at the AGM in Delhi India may remember the proposal at the Taj Mahal... We've got globe trotting CII members...**Francie Koehler** recently returned from a month long visit to Kenya with her granddaughter...**Alice Campbell** also was abroad for a long time a few months ago, driving all over the wrong side of the road in New Zealand...Not to be outdone our editor in chief, **Lois Colley** has been spotted galivanting all over Italy prior to the upcoming ABL /Integra / CII joint meeting in Florence... New board member **Melissa-Kelley Hilton** was recently named President of Bishops Services, the oldest due diligence firm in the United States. Congratulations Melissa...Speaking of accomplishments, **Bernhard Maier** was be-

stowed the Vinson-Holmes Security Professional of the Year award at the WAD annual conference. It was presented by **Mike LaCorte**... Finally, it was shock and some awe when upon conclusion of the AGM **David MacLeod** shaved his big red beard off and suddenly took on the appearance of his high school years. Word is that Mrs. MacLeod had put her foot down and hid all the razors, preferring the red beard look.... Until



next issue, keep on Watching those Detectives...



Future meetings in the works

Plans are being made for a favoloso time in Milan Italy October 2019

Food, wine, scenery, antiquity, and more. What's not to like about a trip to Milan in October to learn with and from your fellow CII members. This conference looks like it is going to be one for the ages as Alice Cappiello is guaranteeing a **buon momento per tutti.**

European Regional Meeting set for April 25-27, 2019 in Belfast

John Withers is planning an excellent meeting in Belfast Northern Ireland next May. Already members from Continental Europe, England, Ireland, Canada, USA, and other countries are making plans for what will be a fun and educational get together with plenty of networking opportunities and maybe even a pub crawl.

"Go west young man go west" To San Antonio in 2020

Our venue is the venerable Menger Hotel, the oldest hotel in the US west of the Mississippi. Situated directly adjacent to the famous Alamo, the Menger has class, elegance, and history (the bar where Teddy Roosevelt recruited his roughriders is still there) and host Kelly Riddle has already started making plans for outstanding seminars and networking outings in an authentic western US city.

Remember the Alamo

CII Educational Portal Continues to Grow

It has taken some time and effort by members but the CII Educational Website continues to grow and has the basis to continue to expand, hopefully one day creating a research library. There are currently five video presentations; two power point lectures; and five essays on the site, www.ciieducation.org. This site is for CII members and requires a login and password. The login is *ciimembers* and the password is *cii1955*. Both are case sensitive.

The videos are:

- Internet Profiling
by Michele Stuart
- Computer Security
by Kevin Ripa
- Marketing Your Business
by Kelly Riddle
- Best Business Practices
Panel Discussion from Panama AGM
- Introduction to GDPR
Short government video

The Power Point presentations are:

- GDPR: Implications & How to Comply
Panel Discussion from Hong Kong AGM
- PEACE: A Different Approach to Investigative Interviewing
by Mick Symons

The Essays are:

- FOIA: Be Careful What You Wish For
by Nancy Barber
- Risk Based Pre-Employment Screening
by Bernhard Maier
- The Wrong Question (Ethics)
by Kitty Hailey
- A Primer on International Investigations in the 3rd World
by Jeff Williams
- Legal Regulation and Practical Implementation of Observation as Operational Methods of Detective Work:
by Bernarda Skrabar

If you have a video, power point presentation, or essay you would like to contribute, forward to the Chairman of the Professional Development Committee, Toine Goorts at tgoorts@goorts-ocb.nl



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Advertise on the website or in the Councilor!

The Councilor is offering members only the opportunity to advertise their services on the website or in the Councilor. Rates are affordable but space is limited. The website advertising runs for three months period and is a very affordable \$250. It includes a banner ad / logo and link to your website. The next available time block is October 15—January 15. The Councilor is also accepting ads at rates of:

1/2 Page—\$125 per issue

1/4 Page—\$75 per issue

Bus Card—\$50 per issue

To place your ad simply go to:

[Website / Councilor advertising form](#)

Or contact Steve Kirby at skirby@cii2.org

Featured Article

PUBLIC BY DEFAULT?: MINING VENMO USER DATA

Privacy advocates are attempting to shape user experience- and failing.

By Lauren Sowers



No cash on hand for the babysitter or the lawn guy? No problem. Venmo has replaced Paypal as the premier user-to-user money exchange platform. Unlike Paypal's 2.9% sender fee regardless of fund origin, Venmo is free so long as you use a debit card.

Why does this matter to investigators? Because anytime money is moving between parties, we can begin to build a sense of an individual's relationships. And as unlikely as it seems, Venmo's *user data is set to "public" by default*. That means, unless an individual knows this and makes a specific effort to privatize their transactions, all information about money being sent between parties is public. This includes sender, receiver, amount, and a memo (which the app doesn't permit to be left blank). Venmo does allow friend lists, similar to Facebook. But this public setting means *everyone*, not just Venmo friend lists. A search of Venmo activities should be a *routine por-*

tion of any social media, pre-employment or pre-surveillance investigation.

Over 25,000 Americans signed a petition asking Venmo to change its default user settings. Venmo replied that they had zero interest in privatizing their platform by default. The reason? They seem to envision themselves as a social network as much as a money exchange platform.

A software engineer named Joel Guerra made headlines in July for his use of Venmo's API data. As a project that illustrates the incredible information available on Venmo's users, he mined the API data for drug related money exchanges (flagging certain terms which may appear in drug related transactions) and outed the exchanges via a Twitter account. He later shut it down, but it alerted thousands of users to their lax privacy settings on Venmo.

Continued on next page

Globe Detective Agency, India

The Pioneer and the Leader.



Trusted
Since 1961



Global
Network



20
Offices



Over 100,000
Cases & Counting

Feature Article

MINING VENMO USER DATA

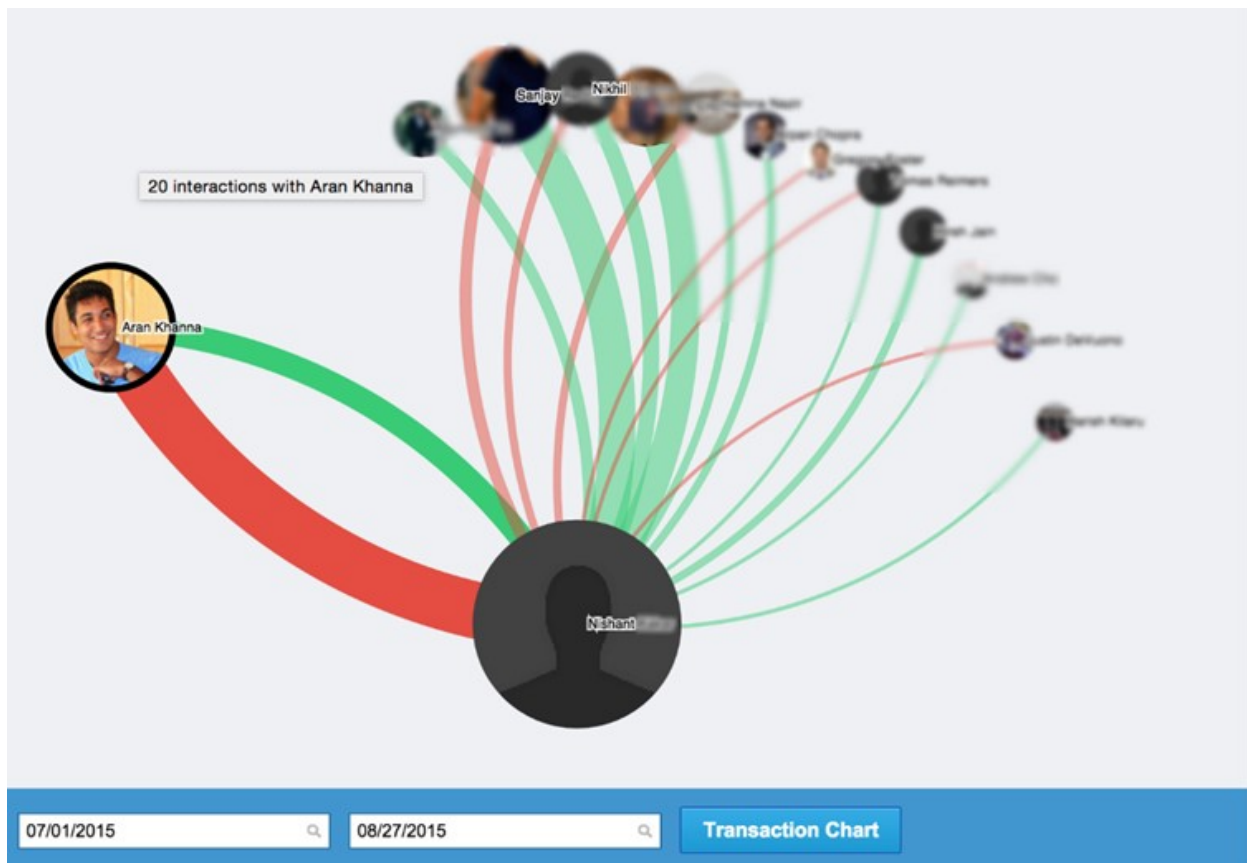
Continued from page 11

As Venmo gains popularity, small businesses are increasingly using the platform for smaller exchanges, as are religious and cultural institutions. Venmo is also becoming a common option for larger retailers. Using Venmo's basic search tools within the app, you can pull up past transactions on your subject- maybe you'll figure out who their poker buddies are, who their roommates are, and even where they were on a specific night/ where they spent an occasion. If you want to get fancy, **download the chrome extension below**, written by one of the whistleblowers on Venmo privacy issues. He wrote this extension to help people visualize exactly how much private information they've launched into the Venmo-sphere.

<chrome-extension://pfpapkinkogbekmajdmmdiifcmnkeflm/html/help.html>



The money trail actually graphs out an individual's activities and relationships based on Venmo history: (Images sourced via <https://medium.com/swlh/have-you-left-a-money-trail-on-venmo-d3676d624310>)

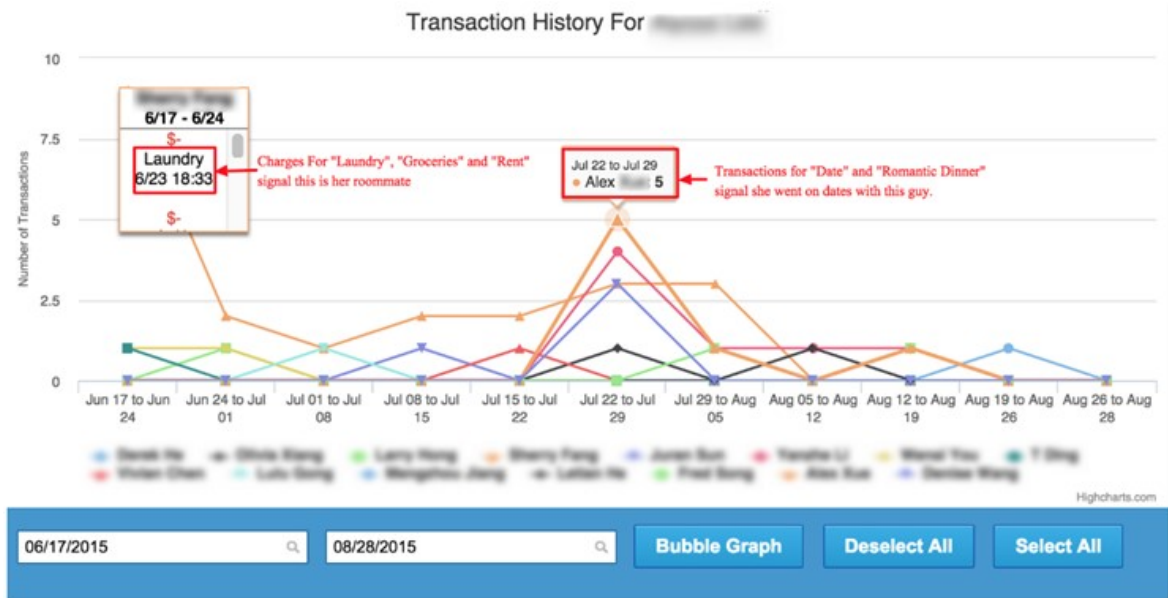


Continued next page

MINING VENMO USER DATA

By Lauren Sowers

Continued from page 12




SETTING YOUR OWN TRANSACTION PRIVACY

Want to limit your transaction visibility on Venmo? It's not as simple as it seems. There are two levels of privacy settings, global, and transactional. At the time of transaction completion, you will not receive a privacy option or notification. Setting privacy within each transaction, you'll be looking for these tiny icons:

The globe  means a public transaction- the lock  means a private one. If your app is defaulting your transaction to the globe, you must click the globe and select the privacy for that individual transaction.

To set your Global Privacy within the app, select the "hamburger" menu button in upper left corner; go to Privacy and Sharing; adjust settings accordingly. Don't forget to adjust your settings for past transactions as well.

Setting Global Privacy:

-  **Public**
Visible to everyone on the Internet
-  **Friends**
Visible to sender, recipient, and their Venmo friends
-  **Private (Your Default)** ✓
Visible to sender and recipient only

Want to view your own trail on Venmo? Login and try this link: <https://venmo.com/#yours>

Ten Tips on Testifying

Even though most CII members have a lot of experience in testifying in court—it never hurts to review. When all is said and done this is where your expert work is validated.

Be Consistent.

Prior to testifying, review any previous statements you have made in the case. This may be a recorded statement to an insurance company, an affidavit, interrogatory responses, or a deposition transcript. Studies show that when a witness in trial makes a statement that contradicts an earlier statement, juries believe the witness is more likely to be purposely lying than making an honest mistake.

Dress for Success.

Your attire for the courtroom should be professional and appropriate; however, you should take care to be yourself to reduce any nervousness you may otherwise feel. You can look nice without spending a fortune, and there is no reason to run out and buy a new Brooks Brothers suit for the occasion. Take care to remove any flashy jewelry. Jewelry in the courtroom should be limited to functional watches and wedding bands.

Be Prepared.

Know what you are being called upon to testify about ahead of time and review any materials at your disposal related to the case prior to trial. Know the facts. If you have never testified in court before, take time to go to the courthouse and familiarize yourself with the layout so you feel more comfortable the day of your testimony.

Pay Attention to Your Body Language.

What you say with your body is just as important as what you say with your words. Juries often equate moderate to excessive nervousness with dishonesty. Use non-verbal cues to enhance your credibility the jury. Positive indicators of credibility typically include confidence, keeping an open posture, making eye contact with the jury and questioner, and wearing appropriate attire. Look at the person who asks you the question, whether it's your lawyer or the opposing attorney. Then, when you answer look at the judge or jury. That is who you are really talking to at that point.

Listen.

Too often witnesses let their nervousness and desire to get off the stand interfere with their testimony. Listen carefully to what is being asked by the attorney and respond only with what is necessary to fully answer the question. Avoid jumping to a non-responsive point and elaborating on details that are not germane to the question. This is especially important on cross examination. You are not obligated to offer information not asked. Just answer what you are asked – not what you think the attorney is trying to get at.

Speak with Confidence.

The jury needs to hear what you are saying in order for them to reach a decision in the case. Ensure you are speaking loudly and clearly so everyone in the courtroom can hear you. It will also ensure you are not interrupted by requests from the judge or court reporter to speak up so they can hear you. Speaking loudly and clearly, rather than mumbling, will also enhance your credibility.

No Fighting.

On cross examination, do not try to argue or become combative with the attorney. Also, do not interrupt. This often does more harm for your credibility than it does good. Remember that the attorney calling you will more than likely be able to fix any damage on redirect. Also try to avoid taking sides in your testimony. Present your testimony in an objective manner and let the attorney do the advocating. When jurors think a witness is partisan, they tend to give their testimony less weight and may even reject it altogether.

Pay Attention to Objections.

Pause 1 or 2 seconds before you answer every question. It gives you time to frame your answer properly and also gives your attorney a chance to object before you answer. If an objection is raised, stop talking. If a judge says, "Overruled," you may answer the question. If a judge says, "Sustained," you may not answer the question. If you do not remember the question after the lawyers argue the objection, then ask that it be repeated before you start answering.

Do Not Memorize.

Some witnesses have a tendency to try to memorize everything they are going to say on the stand. This is at odds with the goal of effective testimony in trial, which is to develop a conversational tone. It is important to know your facts, but it is also important not to memorize word for word what you plan to say. Juries often find testimony less credible when it sounds rehearsed.

Tell the Truth.

Always tell the truth on the stand, even if it hurts. No case is perfect, and it's up to the attorney to advocate on their client's behalf. You should be an unbiased witness, not an advocate. A lying witness only complicates matters for the side calling that witness. As a fact finder, all you can do is tell the truth.

Submitted by Steve Kirby