Hints and Pitfalls for Coroner’s Court (from MDU)

List of general hints and pitfalls to take into account when answering questions at a Coroner’s inquest. There is a great deal of overlap between the qualities of a good witness and good bedside skills.

1. That being so I would regard the golden rule as one of the listening to the question you are asked and answering that question rather than any other question.

A common mistake with professional witnesses is to respond to the first question with effectively a massive haemorrhage of information. As a rule of thumb try and limit your responses to (in your mind’s eye) no more than say three lines. If (in your mind’s eye) the answer rattles on much further than this then bring the response to a conclusion. Try and think in terms of a drip feed not bolus.

2. Focus on the question you are asked. Do not allow your mind to drift back to the question you were asked two questions ago, then attempt to answer it “out of sequence”.

3. When responding to questions, resist the temptation to look at the questioner – whether this be your own advocate or the advocate “for the opposition”. It is good practice to try to address responses to HM Coroner. Indeed when you are asked to come forward to give evidence then stand/sit with your feet pointing towards HM Coroner; whatever the direction of the question your feet position should compel you to answer in the direction of HM Coroner.

4. HM Coroner should be addressed as Sir/Madam.

5. If you are not sure that you have understood the question being asked, always ask for the question to be repeated. In cross examination this sometimes has the advantage that you can collect your thoughts whilst opposing advocate is rephrasing his question. The fact that you have asked for the question to be repeated sometimes causes the advocate to pause for thought in rephrasing, as (s)he had already probably moved on in his mind to the next question.

6. You have spent your professional life being rewarded for answering questions correctly but in this forum if you do not know the answer to a question you should not hesitate to say so. Do not make the answer up. It is quite acceptable to say that you do not know, or that you do not remember.

7. In answering any questions from opposing advocate try to avoid starting your answer with an affirmative “yes”. Whatever you say after the yes tends to be viewed in the light of your affirmation. It is far better to pause, think about your answer and avoid agreeing with opposing advocate’s point. If you do fall into the trap, make sure you qualify your answer with a full explanation. Do not ever simply yes or no to questions from opposing advocate.

8. This point is linked to the point above in relation to answering the question you have been asked two or three questions back. Resist the temptation to anticipate the second or third future question. It is a mistake to second guess where advocate is going with the line of questioning. Keep your thoughts in the present.

9. Speak clearly and slowly, making full use of any microphone assistance.

10. Many questions may in fact be broken down into two or three or more issues. If this is the case it is acceptable to ask advocate to break the question down into bite size pieces so that you can answer each component separately.

11. You will have your prepared statement before you, and it is acceptable to ask to refer to a copy should you need to refresh your memory prior to giving an answer. Do not guess at your answer, if you are unsure how you answered the same issue in your statement.

12. Exhibits will be presented to you if they are to be used in the hearing. It is not permitted for a witness to introduce an exhibit, (eg an academic articles on which he relies) without prior discussion with advocate, opposing advocate and leave from the Court.

13. If possible speak in non-technical language in order that you comprehended in full by non-medical personnel in Court. Again there are comparisons with bedside manner.

14. Although the remit of the Coroner is limited to specific questions there is sometimes more to be gained than lost by (within reason) by not objecting to questions that strictly speaking are offside. On the one hand you have to rely upon your advocate to object when necessary and on the other providing additional factual information can prove extremely helpful for the deceased’s family who may not know basic facts concerning the death.

15. Tell the truth. Your evidence will be given on oath. There are consequences for witnesses who attempt to mislead the hearing and sanctions may follow.