

COURTROOM ATTIRE:

Ensuring Witness Attire Makes The Right Statement

by *Merrie Jo Pitera*

While witnesses' verbal and non-verbal behaviors affect their credibility, another factor in jurors' perceptions of them is their appearance. Witnesses often ask us, "What should I wear when I testify in court?" Of course it is important to remember that a courtroom is a very conservative arena; therefore, our golden rule for witness fashion is: "If you aren't comfortable wearing it to a religious ceremony, then you shouldn't be wearing it in the courtroom." Witnesses should choose attire that shows respect for the judge and the court proceedings keeping in mind that the way they dress and present is a direct reflection of their credibility. A witness's appearance and manner should never distract the judge or jury from careful consideration of their testimony.

For all witnesses, the goal is to look professional, dressing appropriately for their position in the company or community. The goal is not for a witness to be noticed because of his outfit, but for the value of her testimony. Because jurors tend to perceive witnesses they identify with more favorably, another goal is for the witness to select clothing and accessories that do not "distance" her from the jury. In other words, a witness doesn't want to make herself seem different from the jurors simply by her appearance. For example, by wearing expensive jewelry or a designer suit, both of which would likely be beyond the means of most jurors, a witness risks creating a perception she is "very wealthy." Thus, she can inadvertently distance herself from the jury. As mentioned previously, a witness should dress appropriately for her role and position (e.g., CEOs should avoid jeans), but steer clear of selecting items that highlight differences between her and the jurors (e.g., cufflinks).

Below are some basic "DOs and DON'Ts" for witness fashion:

DO

- Dress for your role. Look professional.

Men:

- Wear a business suit; if a suit is not available, then slacks, sports coat, white shirt and tie.
- Wear a long-sleeved shirt with shirt tail tucked in.
- Style hair in a manner that is well-groomed and neat.
- Wear only one ring (wedding band, if married) and a modest watch.

Women:

- Wear a dress suit (or pantsuit if appropriate), or business casual (e.g., nice sweater set).
- Wear a solid-colored blouse.
- Wear conservative dress shoes.
- Style hair in a manner that is neatly groomed. Long hair should be pulled back from the face to convey professionalism and avoid distracting nervous behavior (e.g., twirling, putting behind ears). If a witness is not used to having her hair pulled back, we recommend she practice wearing the planned courtroom hairstyle in advance to allow time to become comfortable with it.

DON'T

- Appear disheveled.

Men:

- Wear a short-sleeved shirt.
- Wear a shirt with French cuffs and / or cufflinks.
- Wear sneakers.

Women:

- Wear a blouse that is low-cut or that is busy / patterned.
- Choose skirts that are short; they should be at knee level or no more than one inch above the knee.
- Be provocative in your appearance by wearing tight-fitting or form-fitting clothes.
- Wear spike heels, flip-flops (even dressy ones), sandals or other open-toed shoes.
- Wear a black suit. A woman's suit color can impact jurors' perceptions of her. Academic research suggests that people can make negative or positive attributions about a person based on the colors they are wearing; and this fact is particularly true for women. For example, people wearing black have been perceived by others as aggressive; and for women specifically, black may convey a "cold" persona. Therefore, a female witness should steer away from wearing a black suit.
- Wear loud colors. Instead beige, gray or blue suits encourage the perception of a more approachable witness.
- Over-accessorize. Too much jewelry can distract the jury from your testimony (e.g., rhinestone belt, glittery jewelry, diamond-like bracelets, large earrings, etc.).

As the well-known saying goes, one never gets a second chance to make a first impression. By following these guidelines, and keeping in mind jurors' perceptions of themselves and each witness's particular role / position, a legal team will optimize their witnesses' credibility and thereby the believability of their case.

Merrie Jo Pitera, Ph.D. is CEO of Litigation Insights, a women-owned trial consulting firm headquartered in Overland Park, Kansas, and with offices in Minneapolis, Dallas and St. Louis. Dr. Pitera has over 20 years of jury research experience and regularly conducts witness preparation for deposition, trial and congressional testimony. In addition to making frequent presentations, on behalf of in-house legal departments at large corporations, to guide corporate and fact witnesses as they prepare case testimony, she has also written several white papers discussing the characteristics that increase/decrease witness credibility. Dr. Pitera is a member of the American Society of Trial Consultants and in August 2010, the Kansas City Business Journal named her among the "25 Women Who Mean Business."