MIHERETEAB BERHANE-DIRECT

1. Mr. Berhane, what is your full name and address?
2. How long have you lived there?
3. Are you married?
4. Do you work?
	1. Priest
5. What kind of work do you do as a priest?
	1. What do you do on moday?
6. As a priest, what other duties do you do?
7. What do you teach the candidate to be deacons?
8. What language do you teach the children?
9. Why do you teach language classes to the children?
10. Do you have any other jobs?
11. Have you attended any school?
12. I am now going to ask you questions about the March 20, 2015 car crash which is the subject of this litigation? At the time of the crash, where were you going?
13. Where did you start?
14. Who was with you?
15. When did the car crash happen?
16. Describe the cars that were involved?
17. What time was the carsh occurred? In the morning
18. Describe the place where the car crash was?
19. Are you familiar with the I-5 ?
	1. How many times have you been there?
20. What was your direction of travel?
21. Please describe the street?
22. Describe how did the car crash happen?
23. Describe the damage to your car?
24. Could you describe the force of impact?
25. Did the police showed up? Or Was the car crash investigated by police?
26. Who called the police?
27. When did the police arrive?
	1. Few seconds after the accident
28. What did the police say?
	1. Can I call medics
	2. I complained a neck
29. I am now going to ask you questions about your injuries? During the impact, did any part of your body hit anything inside of your car?
30. What was your condition at that time after the car crash?
	1. Shocked, don’t know. I didn’t feel anything.
31. How did you leave the scene? I drove to the church
32. What happen after that?
33. When you get home, what was your condition?
34. How long did you remain at home?
35. Were you able to do anything else?
36. Did you notice anything about your neck or back during those times?
	1. What is the first thing you noticed about yourself?
	2. What was the condition of neck after the crash?
	3. What was the condition of your back now?
	4. What was the condition of your shoulder
	5. What is the condition of your head?
	6. Where you able to function or move after the car crash?
37. What did you do when that happened?
38. Did you see a doctor?
39. What is the name of the Hospital?
40. What did the doctor say to you?
	1. What injuries did you sustain according to the ER physician?
	2. Tell me what kind of treatment you received at the hospital?
41. What did you do after the ER visit?
42. Tell us what was your condition after the ER visit?
43. Did you see any other doctor?
44. When did you see Dr. Erin Edwards?
	1. Why did you see Dr. Edwards?
	2. Is Dr. Edwards your primary care doctor
45. What injuries did you sustain according Dr. Edwards?
	1. Neck and Back Sprain and Strain?
46. Tell me what kind of treatment or prescription were you receiving from Dr. Edwards?
	1. Prescription
	2. Referred me to Physical Therapy and Massage Therapy
		1. Did she prescribe medication?
		2. Did you take the medication.
		3. Did the medication help?
47. Did you follow up with the physical Therapy?
48. Where did you get a physical therapy?
	1. Did you remember for how long you received physical Therapy?
	2. Did the physical therapy help?
	3. At the end of the physical therapy, what was the condition of your neck?
49. Did you also receive a Massage Therapy?
50. Where did you receive a Massage Therapy?
	1. Clark Chiropractic
51. How did you find Clark Chiropractic?
52. How many massage therapy sessions did you get?
53. Did the massage therapy help?
54. Beside the physical and massage therapy, did you receive any other treatment?
55. Where did you get a chiropractic treatment?
56. How many chiropractic sessions did you get? (#26)
	1. On average 1/week
57. Did you remember what kind of chiropractic treatment you received?
58. Where you receiving the chiropractic treatment at the same with the massage therapy sessions?
59. Did the chiropractic treatment help?
60. When was the last time you received massage or chiropractic treatment?
61. How was your condition at that time?
62. Beside Dr. Edwards, the physical and massage therapist, and the chiropractor, Dr. Theodor Clark, Did you see any other doctor?
63. Finally, Mr. Berhane, let’s talk about how you feel and what you can do now.
	1. What is the condition of your neck now?
		1. Is there anything you can do that makes it feel better?
	2. What is the condition of your back now?
	3. What is the condition of your shoulder now?
	4. ( I just want to be able to lift objects now)
64. Do you want to see any doctor in the future for these injuries? No. I don’t want see a doctor or court.
65. Mr. Berhane, Describe your health before the car crash?
	1. I had neck pain in 2011, but generally I did not have neck pain for some time ( I didn’t even remember because I go to see a doctor for a check up every months. But, now I rembered that in 2011, and I did physical therapy, and in 8/2014, I went to ER. Beside of these two, I had no neck and back or shoulder complaint. I am very health for 72 yrs.
	2. Quite frankly, I have done physical therapy for my neck and back pain before. I would like to tell the jurors that I forgot this past treatment and complaint when I was doing deposition because I am forgetful.
	3. But, I can tell you that I had no pain or complaint Since August 2014, and I was
	4. I had no mid back, shoulder pain
66. What is different about your medical condition now compared with before the car crash?
67. Earlier I asked you about your job. Let’s talk for a moment about the effect all this had on your job. When was the first time you returned to work after the car crash?
	1. Are you asking the jury to award you a money for the wage loss
68. Do you have any hobbies or sports? Or What do you do for fun?
	1. After the car crash, were you able to do any kind of activities that you like to do?
	2. Sport and biking
		1. Are you still doing these exercises?
	3. Lifting weight? No
	4. What happens when you try to do these activities?
		1. Fill pain in my back
69. Losses
	1. Describe your medical bills? $13,000
70. Are there any other areas of your life that have been impacted by this car crash that we haven’t talked about?
71. Thank you. I have no further questions.

(What to Wear: Sweatpants, sweatshirt and sneakers should not be worn. Three piece or other slick suits should also be avoided). Vests suggest the witness “is playing it close to the vest” or is “closed” and hiding something.

CROSS EXAMINATION:

-Explain that cross-examination, when handled effectively by the witness, can backfire. Often, ineffective cross-examination simply gives the witness a second chance to repeat their earlier testimony to the jury.

-Secondly, impress upon the witness the fact that if they tell the truth, they have little to fear.

-Finally, it is often a good idea to “practice” cross examination with all lay witnesses in advance of trial-Something which can be done immediately following the direct testimony “practice session.” If possible, have another lawyer in your office play “defense lawyer” to give the witness a more realistic idea of what they will fact at trial. By going through this exercise, the witness will know what to expect on cross, and loses the fear “of the unknown”

-Review Deposition responses and things asked at the arbitration hearing.

-Review exhibits with the witnesss, especially if you intend to use certain exhibits with the witness;

-If you do not understand a question, say so. If you don’t know the answer, say so. If you don’t remember, say so.

-Use words that you feel comfortable with (but not profanity). Do not try to sound like a lawyer. Juries tend to like (and believe) “down to earth” testimony.

-Be serious and polite. Do not exaggerate or understate facts;

-Never argue with the lawyers or the judge

-Never lose your temper;

-Testify only about what you saw, heard or did-not to unsupportable opinions, conclusions or speculation. Do not try to “fill in the gaps” in your knowledge;

-If there is an objection, wait for the judge to rule. If the objection is “overruled,” answer the question. If the objection is sustained, wait for the next question. Never try to squeeze in an answer when an objection is made.

-Instruct the witness how to behave in the courtroom;

-Warn witness to have no contact with the jury; and most importantly,

-Always tell the complete truth according to your best memory.

Lawyer’s Conduct

1. Keep it simple, stupid)-attenttion spans drop after 15 minutes
2. Avoid Legalese-
	1. Motor vehicle- care
	2. Subject collision-the crash
	3. Proximate cause-but for this accident
	4. Soft tissue injury- Whiplash; torn or damaged muscles or ligaments
	5. Time loss/Wage loss- couldn’t work to support his or her family

USE LOGICAL ORGANIZATION:

1. Personal background basis for knowledge regarding the incident or the plaintiffs;
2. Scene description;
3. Action description;
4. Exhibits to highlight and repeat testimony; and
5. Injury and damages description

The Witness Should be the Center of Attention:

The trial lawyer should place himself at the end of the jury box so that the witness will speak loudly enough and will look at the jury while testifying.

-Let the witness Explain: Tell the jury more about\_\_\_\_\_\_

-Use Repetion: Studies show that repetition leads to recall. In other words, the more that jurors hear and/or see certain information, the more likely they are to remember it. Do not be afraid to be repetitive in questioning witnesses about important facts or details.

-Usually, descriptions of pain are more powerful when given by doctors, physical therapists, pschologists, co-workers, or friends than by a plaintiff.