

**MOCK EXAMINATION TRANSCRIPT**

Court File No. CV-123456

ONTARIO  
SUPERIOR COURT OF JUSTICE

B E T W E E N:

PLAINTIFF

Plaintiff

- and -

DEFENDANT

Defendant

\* \* \* \* \*

This is the Examination of trial lawyer **MICK HASSELL**,  
produced and examined on behalf of **FUTURE WITNESS**, a  
future witness in the proceeding herein, taken verbatim  
before a COURT REPORTER, and updated on the **1st day of**  
**November, 2016.**

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A P P E A R A N C E S:

MICK HASSELL - on his own behalf

FUTURE WITNESS - on their own behalf

--- Upon commencing at 10:00 a.m.

MICK HASSELL, sworn:

EXAMINATION BY FUTURE WITNESS:

1. Q. Mick, I'm a witness preparing for testifying at trial, examinations for discovery and/or a cross-examination and I have some questions for you.

A. Please ask away.

2. Q. Where do I go and at what time should I get there?

A. If we are going to Court for trial, I will let you know the Courthouse address, but specific Courtroom assignments are not made available until the day before or the day of Court. It is very difficult to predict the exact time you will testify in Court, so unless you are a party in the case, please bring a book or some work to do should you have to wait. If we are doing an examination for discovery, I will let you know the office address and time you should arrive.

3. Q. So I might have to wait? But I have to be at work?

A. Yes, you might have to wait and I can give you a letter or if necessary a summons that you can show to your employer. We will do our best to minimise any

inconvenience to you. Unless you are a party to the case, you will generally have to wait in the hallway seating area until someone comes to get you or you are paged by the Court's intercom system. This is because there is often an order excluding witnesses from the Courtroom, which means that you cannot discuss your testimony or the testimony of any other witness until I let you know you can do so. Such discussions can undermine the case and could be contempt of Court.

4. Q. Who will be at the trial or examination for discovery?

A. At trial, the lawyers and parties will be there, along with a Judge and possibly a Jury, together with Court staff, which may include a Court Reporter, Court Registrar and Court Services Officer. The Court Registrar assists the Judge and the Court Services Officer is there for security. At an examination for discovery, the lawyers for both sides will be there, the parties are allowed to attend and there will be a Court reporter, but no Judge.

5. Q. What is a Court Reporter?

A. A Court Reporter is someone who records word for word or verbatim what is said during trial or an out-of-Court examination such as an examination for discovery

or cross-examination on an affidavit. All submissions, questions and answers are recorded using shorthand, a stenograph, a computer and/or a tape recording device. When any party or the Court requests a copy of a transcript, the Court reporter types it out.

6. Q. Um --- so if the Court reporter is recording verbatim, does that mean ums and ahs are recorded?

A. Hmm-hm --- I mean Yes. So you may be reminded from time to time by a lawyer or the Court reporter to speak slowly, clearly and answer questions with words rather than saying hmm-hm as it's unclear whether that means yes or no. It is also important that only one person can talk at any time, otherwise it is impossible to have a clear transcript.

7. Q. Where does the expression "on the record" come from?

A. When we are on the record, everything is recorded and when we are off the record, the discussions are not recorded. Note however that what is said off the record can be referred to when we are back on the record so you must be aware of what you say, even if it is off the record. Going on and off the record is rare at trial and more common at examinations for discovery.

8. Q. When it is my turn to testify, where do I go?
- A. When it is your turn, as I said earlier, someone will get you from the hallway or you will be paged. Upon entering the Courtroom, either Court staff or I will direct you to the witness box.
9. Q. What does it mean to be under oath?
- A. Before giving testimony, all witnesses must promise to tell the truth. This is done by taking an oath or providing a solemn affirmation. An oath has religious implications. An affirmation is secular. Moral issues aside, it is a criminal offence to lie if you have taken an oath or affirmed.
10. Q. Do I have to swear an oath on the bible?
- A. No, if you choose to take an oath, you do not need to swear on the bible and can take an oath in relation to any religion. Or you can solemnly affirm to tell the truth.
11. Q. What is the purpose of transcripts?
- A. Transcripts are used for a number of reasons. The obvious answer is that they create a written record of your testimony. A transcript of evidence taken before trial, such as at an examination for discovery, can be used as evidence at trial. The transcript can be read in

at trial, meaning the questions and answers are literally read to the Court and become evidence at trial. As well, a transcript can be used to expose a lying witness if they are previously recorded as testifying to a different story prior to trial. This is called impeaching the witness.

12. Q. How about trial transcripts?

A. Trial transcripts are useful in two ways. First, trials can take a number of days spread out over a period of months. Any party or the Judge can order a copy to confirm exactly what was said at an earlier time in trial. Second, trial transcripts are ordered if there is an appeal, so the appeal Court can review everything that was said on the record at trial. Either side can appeal and the better the transcript, the better the appeal.

5. Q. What are the most important pieces of advice you have for a witness?

A. First and foremost, always tell the truth. This will make you a credible witness and the Judge more likely to believe you. If you lie, exaggerate or make up an answer, you take a very large risk of destroying your credibility and the case. Second, respect the Court, the legal process and everyone involved. If you show respect, there is a better chance you will receive respect. Witness

likeability is important. Third, preparation is the key to successful testimony. You need to know the facts, the documents, the issues and the types of questions you will be asked. If you are well prepared, you will be a better storyteller, enhance your credibility, be more persuasive and ultimately get a better result.

6. Q. Those are all my questions for now.

A. Please feel free to contact me with any other questions to help you prepare your testimony.

--- Whereupon the examination concluded at 10:15 a.m.

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I hereby certify the foregoing to be the Examination for Discovery of **MICK HASSELL**, produced and examined on behalf of **FUTURE WITNESS**, involved with the proceeding herein, taken to the best of my skill and ability.

CERTIFIED CORRECT:

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Court Reporter