|  |  |  |
| --- | --- | --- |
| To: | Client | Memorandum |
| From: | Gregory S. Forman |
| Subject: | Witness affidavits |
| Date: |  |

If we have to go to family court on obtain temporary relief (that is relief pending trial or settlement), or if we have to defend a motion for temporary relief, we cannot have testimony but must rely simply on affidavits in order to present your position. There are page limitations on affidavits for temporary hearings so brevity is crucial. An affidavit is simply a written (preferably typed) statement, signed under oath in front of a notary public. Each witness affidavit should have the following information:

1. Some brief biographical information indicating why the court should believe this persons information and an explanation of the relationship between the witness and the parties (e.g., friend, boss, co-worker, uncle, neighbor, childs teacher).

2. An explanation of how the witness was in a position of knowing what he or she is stating in their affidavit, including dates and times of observations if applicable and remembered.

3. A recitation of important FACTS personally observed by the witness supporting your position. The facts can be corroborated by documents: simply attach the documents and note that you are attaching the documents as an exhibit. Label the first exhibit referenced in any affidavit as Exhibit A, the second as Exhibit B and so on. With the affidavit, describe what each exhibit is, why it is corroborative of what the witness says and note what letter the exhibit (A, B ...) has been labeled.

4. A **SHORT** conclusion.

These affidavits should focus on the following:

If your witnesses have questions about the affidavits, they may call me at (843) 720-3749. Please have them e-mail rough drafts of their statements for my review to attorney@gregoryforman.com and I will turn their statements into affidavits. They may also review: How Does One Draft an Affidavit?