

Executive Witness Preparation: Can Your CEO Survive the Stand?

C-suite executives can spend their careers persuading boards, investors, and employees. On the witness stand, those same skills may work against them. Jurors begin sizing up a witness before the first question is asked, weighing likeability and intent alongside competence.

In a recent episode of IMS Elevate, IMS Senior Client Success Advisor Adam Bloomberg spoke with Jury Consultant Alexa Hiley and Senior Director of Jury Consulting Chris Dominic about what effective executive witness preparation looks like for deposition and trial. Below are their key takeaways for in-house counsel, trial attorneys, and the executives they prepare.

How Jurors Evaluate Witness Credibility

Jurors form first impressions quickly, as people do in most settings. At trial, Alexa explained, those impressions are also deliberate, because jurors are "actively attempting to make conscious evaluations of the people they're listening to in a courtroom context." That scrutiny starts early. In Alexa's words, "From the moment your name is called and you're up to testify, it's showtime, and jurors are judging you before you even get on the stand."

Expertise Alone Does Not Earn Trust

Many executives assume their accomplishments will carry weight with a jury. Alexa noted that this assumption often fails, because "jurors are evaluating relatability, warmth, and likeability, along with knowledge, competence, and expertise."

Jurors also assess intent. Alexa described the question they are quietly asking about every witness: "Is your intent to deliver information in a transparent, straightforward way, just to get up there and tell a story? Or is your intent to provide spin for your side and sell them a narrative?" The answer to that question can matter as much as the witness's résumé.

The Neighbor Tone: Speaking to Jurors without Talking Down

In *the Wall Street Journal* article "When the CEO Takes the Stand," Chris discussed what he calls the "neighbor tone."[1] He described it as explaining something "in a way that shows you respect them, because you know that they know things that you don't know too." Its main purpose, he said, is "to particularly protect against accidentally sounding like you're talking down to somebody."

That protection matters because jurors can be "hypersensitive" to perceived status dynamics. As Alexa put it, "If they get even a whiff of an idea that whoever is testifying thinks they're somehow above them, better than them, smarter than them, that reads as a red flag."

Common Ways Executives Create Distance

Chris pointed to four habits that separate executives from the jury:

- Using jargon
- Overexplaining
- Sounding defensive
- Accidentally signaling superiority

His test is simple: "How would you talk to a neighbor at a block party?" The question-and-answer format of testimony can feel unnatural, but witnesses can still turn to the jury and show they are trying to connect with them. Chris summed up the jury's expectations: "Jurors want respect, clarity, and accessibility."

Why Overpreparing Can Hurt CEO Testimony

Preparation is essential, but the wrong kind can backfire. Chris observed that "it's not unusual that the most credible version of the witness we experience is the one we were hanging out talking with over the break." Under pressure, executives worry so much about saying the wrong thing that they "go into a corporate version of themselves, and that's not going to help."



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What Cognitive Strain Signals to Jurors

Jurors expect truthful testimony to come easily. When they notice signs of cognitive strain, Chris said, "they tend to assume it comes from an attempt to pick your words carefully to avoid giving away information." Often, the strain has an innocent cause: a witness trying to speak precisely and hit every prepared point.

Alexa added that memorization makes the problem worse. Executives who spend too much effort recalling prepared themes "word for word" can "inadvertently create the appearance of being evasive or deceptive." It is a common risk in CEO testimony, and an avoidable one.

Deposition Preparation Carries the Same Weight as Trial

Busy executives often treat a deposition as a formality. Chris cautioned against that view, noting that "a lot of people don't realize that a deposition is trial testimony." Witnesses testify under oath, and their answers follow them to the courtroom.

A witness who knew little at deposition but offers a polished answer at trial invites a pointed question from opposing counsel. In those moments, Chris said, "Jurors tend to defer to the deposition." Alexa explained why: jurors gauge memory through consistency, and a natural shift in recollection "is very likely to be read as deliberate revision." Skilled cross-examiners will draw attention to any gap

Thorough deposition preparation also pays off before trial. When an executive's deposition goes well, Chris noted, consultants can "play snippets of your video where you're at your best" during a mock trial, which gives the trial team more accurate juror feedback.

Credible Executive Witnesses Sound Real, Not Rehearsed

Asked what separates a trusted executive witness from one that jurors doubt, both consultants returned to the same themes. Alexa emphasized consistency between deposition and trial, and between a witness's words, tone, and body language. She also stressed the value of practicing the hardest answers and projecting expertise without arrogance. In the end, she said, "Jurors are looking for coherence more than perfection."



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Chris added that witnesses lose ground when they try too hard to argue their side, because "jurors expect the attorneys to be the advocates and the witnesses to be witnesses." His closing advice was direct: "Credibility is usually less about sounding impressive and a lot

more about sounding real." The goal of preparation, he said, is to rehearse enough that "something very unnatural starts to become natural for you."

Preparing Executives to Testify at Every Stage

Testifying rarely comes naturally, even to executives who lead with confidence every day. As Alexa and Chris explained, jurors weigh warmth and intent alongside expertise. They notice when a witness talks down to them or sounds too rehearsed, and they tend to trust the deposition when an answer changes at trial. With the right preparation, executives can speak plainly, stay consistent, and come across authentically on the stand.

IMS jury consultants work with in-house counsel and trial teams to prepare senior executives for that moment. They lead witness preparation sessions, help build case themes that give executive testimony the right context, and test how it is received in mock trials and focus groups. Contact us to discuss how we can help your CEO to testify under pressure.

References

[1] "When the CEO Takes the Stand," The Wall Street Journal, May 14, 2026, https://imslegal.com/news/chris-dominic-wall-street-journal-ceo-brief

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