

Topic proposal on  
should testimonies of  
lay witnesses be  
allowed in court



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Research Proposal Research topic Should testimonies of lay witnesses be allowed in court? Introduction The law of evidence in the criminal and civil cases generally limits the witnesses' testimony to the concrete facts' statements within their own knowledge, recollection, and observation. Normally, testimonies state the facts as they are perceived by the witnesses. These perceptions are based on the senses of the witnesses and can be distinguished from their personal conclusions, inferences, opinions, and impressions as retrieved from the facts. Facts-based opinion testimony is deemed inadmissible and incompetent when the fact-finders and witnesses are equally qualified to use the facts to make conclusions (Hill and Hill, 2005).

#### Significance of the research

The law in some cases permits the witnesses to give their opinion evidence that can be categorized into expert opinion and lay opinion. " While the courts have made concessions in certain recurring situations, necessity as a standard for permitting opinions and conclusions has proved too elusive and too unadaptable to particular situations for purposes of satisfactory judicial administration" (Legal Information Institute, 2011). Lay witnesses give their opinions when they are based rationally on their perceptions, prove helpful in determining facts in the issue, and when they are not based on technical, scientific, and other kinds of knowledge in the expert testimony scope. Lay witnesses are permitted to give their opinion to help determine the weight, height, dimensions, quantity and such other features of things despite the lack of precision of their testimony. By definition, lay witnesses cannot be considered as experts on a specific matter. Even lay witnesses themselves are not willing to appear as witnesses when they are given subpoena from <https://assignbuster.com/topic-proposal-on-should-testimonies-of-lay-witnesses-be-allowed-in-court/>

the court. “ For most inexperienced witnesses, the prospect of testifying in a deposition or courtroom fills them with dread” (Heaney and Koonan, 2007, p. 1). When lay witnesses meet other witnesses before appearing in the court, it reduces the chances of collusion and fabrication (Slovenko, 2004). This imparts the need to study to what extent the parties involved in the judicial cases are optimistic about the reliance of lay witnesses for evidence.

Research in this field is very limited. By studying whether testimonies of the lay witnesses should or should not be allowed in court, this research would fill gap in the literature.

### Methodology

This research would identify the response to the question; whether testimonies of lay witnesses should be allowed in court or not. Answer to this question would be obtained from different categories of people involved in cases that include but are not limited to lawyers, judges, lay witnesses, and the plaintiffs. Answers to questions regarding lay witnesses belonging to different age groups would be identified as there is possibility that younger lay witnesses would be believed to be more honest and truthful as compared to the older lay witnesses. Therefore, the eligibility of lay witnesses from different age-groups in the perceptions of all research respondents would be studied by means of a simple questionnaire. Finally, the responses of the research respondents would be compared, and conclusions would be drawn from their responses.

### References:

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