

ADVISORY NO. 157

TOPIC: UNSIGNED WITNESS STATEMENTS

Recent decisions of hearing officers have again reminded us of the importance of having a signature on a witness statement as a predicate to having it admitted into evidence.

Rarely do we meet with an objection. However, if we try to introduce a statement that has not been signed by the witness, and if the opposing party objects, a hearing officer may exclude it. In Appeal No. 92490, decided over two years ago, the Appeals Panel held that it was error for a hearing officer to admit an unsigned witness statement over objection. Therefore, it is clear that this is something we should be doing. These are rarely signed.

The most common problem has to do with transcribed telephone Q & A's. The Appeals Panel has permitted the introduction of a transcribed statement if the transcriber authenticates it with a statement of the accuracy of the transcript and cites the authentication. Appeal No. 92577.

The easiest time to obtain a signature is the time the statement is obtained, or as a part of your standard operating procedure when transcribing the statements. We urge that you adopt this policy.