

The Advocate's Gateway

Table of Contents

1. INTRODUCTION	1
2. WHAT IS STAMMERING?	2
3. IMPACT OF STAMMERING IN A COURT SETTING	4
4. SUGGESTED ACTIONS BEFORE A COURT APPEARANCE	5
5. REASONABLE ADJUSTMENTS AND GOOD PRACTICES	7
9. ACKNOWLEDGEMENTS, REFERENCES AND FURTHER RESOURCES	9

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The Advocate's Gateway toolkits aim to support the early identification of vulnerability in witnesses and defendants and the making of reasonable adjustments so that the justice system is fair. Effective communication is essential in the legal process. The handling and questioning of vulnerable witnesses and defendants are specialist skills.

These toolkits draw on the expertise of a wide range of professionals and represent best practice guidance; they are not legal advice and should not be construed as such.

1. INTRODUCTION

1. This toolkit provides legal professionals with comprehensive guidance on supporting individuals who stammer during court proceedings. Developed by the national charity STAMMA, it draws significantly from the relevant section of the **Equal Treatment Bench Book**, also authored by that organisation.
2. The toolkit outlines the nature of stammering, its potential impact on communication and perception within a legal context, and offers practical strategies for pre-hearing preparation and in-court adjustments. The primary objective is to ensure fair treatment, mitigate misunderstandings, and enable individuals who stammer to participate fully and effectively in the legal process. Although not all legal for are discussed, the principles outlined can be readily transferred to other settings.
3. A stammer can affect both what the person says and how their responses are interpreted by others. Stammering is not always readily apparent, and its associated behaviours can be misinterpreted (e.g., as evasiveness or uncertainty), potentially leading decision-makers to draw adverse inferences regarding an individual's credibility or reliability. Stigma related to stammering can make some people reluctant to disclose that they stammer, or to acknowledge that it can cause them difficulties.
4. This toolkit aims to:
 - a. Inform readers about stammering and its likely impact on individuals;
 - b. Suggest methods for discussing this often-sensitive issue;
 - c. Propose adjustments and practical suggestions to mitigate the impact of stammering in legal processes, supporting full individual contribution.

2. WHAT IS STAMMERING?

5. Stammering (sometimes referred to as “stuttering”) is a neurological condition characterised by repetitions, prolongations, or physical blocks of sounds and words during speech. While most cases resolve within weeks, months, or years, it persists for some individuals. Stammering intensity naturally fluctuates daily and situationally, with individuals experiencing varying periods of fluency.
6. Stammering often starts in early childhood when speech and language skills are developing. Around 8% of children will start stammering in early childhood. Stammering will stop for the majority at some point over the coming weeks, months or years, but not for all.
7. A second type is acquired stammering, which begins later in life and is relatively rare. It can appear following a head injury, stroke, progressive neurological condition, trauma or other conditions that affect brain function. It can also arise as a side-effect of certain drugs or medicines. Sometimes the trigger is unclear
8. It is estimated that at least 1 in 100 adults stammer, with stammering being more common in males than females. The physical effort involved in speaking may manifest as visible facial, head, and body movements, including quivering lips, blinking eyes, tapping fingers, and stamping feet.

Coping Strategies

9. People who stammer use a range of conscious and unconscious strategies to manage moments of speech difficulty. These strategies are often developed over many years and can be misunderstood by listeners, including legal professionals.

10. Some individuals use techniques to navigate or ease moments of stammering, such as:
 - a. **Filler words** (e.g., “um”, “eh”, “you know”, “actually”) to ease into a word or maintain conversational flow.
 - b. **Word substitution**, choosing an alternative word that feels easier to say.
 - c. **Momentary loss of eye contact**, which may help them concentrate or protect themselves from unhelpful reaction.
11. These behaviours are not signs of evasiveness, uncertainty, or lack of credibility. They are simply tools to manage speech.

Variation

12. Stammering is inherently variable:
 - a. It differs **between individuals** and **within the same individual** from day to day.
 - b. It can fluctuate depending on context, pressure, fatigue, or the perceived authority of the listener.
 - c. A person may speak fluently in one situation and stammer significantly in another.
13. This variability is normal and should not be interpreted as inconsistency or unreliability.
14. Because many people who stammer have done so since childhood, they may carry the impact of years of unhelpful reactions including interruption, impatience, mockery, or assumptions about competence. This can lead to:
 - a. Fear of speaking
 - b. Shame or embarrassment
 - c. A strong desire to avoid stammering in front of others
15. These emotional responses can shape how a person communicates in legal settings, where pressure and formality are high.

Covert Stammering

16. Some people go to great lengths to hide their stammering, some or all the time. This is sometimes referred to as “covert” stammering. It may involve individuals:
 - a. Saying less than they want to
 - b. Choosing words based on ease of pronunciation rather than meaning
 - c. Avoiding speaking opportunities altogether
 - d. Claiming to have “forgotten” what they wanted to say when speech becomes difficult.

Situational Changes

17. Many people who stammer experience particular difficulty in certain speaking situations. One of the most common is being required to say fixed or non-negotiable information, such as their name, address, date of birth, or specific terminology. These moments can be especially challenging because they remove the possibility of using coping strategies such as word-substitution or rephrasing.
18. Stammering may also increase in:
 - a. High-stakes or high-pressure situations
 - b. Situations involving an audience
 - c. Contexts where the person feels judged, scrutinised, or observed.
19. These factors can significantly heighten speech difficulty. Courtrooms and tribunal settings often combine several of these pressures at once: formality, authority figures, public observation, and the need to provide precise information on demand. It is therefore entirely expected—not unusual—that a person’s stammer may become more pronounced in legal proceedings.
20. For legal professionals, it is important to recognise that increased stammering in these situations is a **predictable response to context**, not a sign of

evasiveness, unreliability, or emotional instability. Understanding these situational challenges helps ensure that individuals who stammer are able to participate fully and fairly in legal processes.



SUMMARY

- Stammering (or stuttering) is a neurological speech condition. It affects the physical production of speech, even though the person knows exactly what they want to say.
- It most commonly begins in childhood, but it can also develop later in life, often linked to factors such as brain injury, trauma, or side effects of certain medications.
- Variation is normal. The frequency and intensity of stammering can fluctuate from moment to moment, day to day, and across different situations or environments.
- The condition can have significant emotional impacts. Experiences of stammering—especially in high pressure or highly scrutinised settings—can lead to fear, shame, or avoidance of speaking altogether.

3. IMPACT OF STAMMERING IN A COURT SETTING

How the person might respond in court

21. Individuals who stammer may experience a range of communication challenges in court. These can occur whether the stammer is overt or largely hidden, and the impact can vary significantly between individuals and even from one exchange to the next. The courtroom environment—formal, high-stakes, and often fast-paced—can intensify these difficulties.
22. **Swapping words:** To avoid saying particular words that feel difficult, a person may substitute alternative words or phrases. This can sometimes distort meaning or lead to less precise answers. In response to a “yes or no” question, a witness might avoid saying “no” and instead produce a longer or more complex phrase simply because it is easier to say. This behaviour reflects speech management, not evasiveness.
23. **Saying Less:** Some people who stammer may limit what they say to reduce the risk of stammering. They may give shorter or incomplete answers. They may not present their argument fully. In some cases, they may choose not to give evidence or may avoid responding to a point because of the effort, stress, or potential embarrassment involved in speaking. This can affect the completeness of their evidence or submissions, even when they have more to contribute.
24. **Difficulty Speaking Quickly:** Courtroom exchanges can be rapid. People who stammer may struggle to interject, respond at speed, or keep pace with questioning. They may miss opportunities to clarify, correct, or challenge points simply because they cannot speak quickly enough. This should not be interpreted as passivity, agreement, or lack of engagement.

Increased Stammering in High-Pressure Situations

25. It is common for stammering to increase in high-stakes or highly scrutinised environments. Although stammering is not caused by nervousness, people who stammer may feel more anxious in situations where they must speak publicly or address authority figures such as judges. This can lead to more frequent or more severe stammering than they typically experience in everyday life. In court, this means an individual may be managing both the demands of the legal process and a heightened level of stammering at the same time.
26. Although stammering is not due to nervousness, people who stammer can be more nervous about situations where they will have to speak, especially in public, in front of a group of people or to an authority figure such as a judge. This can mean that a person must deal with more stammering than they usually experience, in addition to the pressure of the court environment itself.



TOOLKIT 21

PLANNING TO QUESTION PEOPLE WHO STAMMER

FEBRUARY 2026

SUMMARY

Difficulties and anxieties associated with stammering may lead a litigant in person or witness to do some or all of the following:

- Not put forward their view when asked, including on procedural matters, because speaking feels too difficult or risky
- Avoid asking questions when they do not understand, even when clarification is needed.
- Miss their opportunity to speak, particularly in fast paced exchanges
- Present only part of their argument, leaving important points unsaid
- Provide incomplete evidence, despite having more information to offer
- Express themselves in ways that appear artificial, hesitant, or equivocal, due to coping strategies rather than uncertainty
- Alter words or phrases in ways that unintentionally change meaning or create an impression of inconsistency.

Perceptions of Stammering

27. Because stammering naturally fluctuates, and because many people work hard to conceal it, it may be difficult for a judge, jurors, or others in court to appreciate the full extent of the individual's communication challenges.
28. A person's stammer may appear minimal, yet they may be exerting significant effort to hide or manage it. This effort can reduce the accuracy, completeness, or clarity of what they say, even though the listener may not realise why. In such cases, the court may not recognise that the individual's communication is being shaped by their stammer rather than by their intentions or credibility.
29. **Risk of Incorrect Stereotyping:** Listeners may, consciously or unconsciously, misinterpret the speech patterns or physical behaviours associated with stammering.

30. Common but incorrect assumptions include that the speaker is:
 - a. unsure or confused
 - b. nervous or lacking confidence
 - c. unintelligent
 - d. evasive, untruthful, or deceitful.
31. Additionally, coping strategies, such as substituting words or restructuring sentences, can make speech sound convoluted or artificial. These features reflect the mechanics of stammering, not the reliability or honesty of the speaker.

KEY POINTS

People who stammer may:

- alter words or phrasing to manage moments of stammering, sometimes at the expense of clarity
- give incomplete answers or avoid speaking altogether
- struggle to interject or respond quickly in fast paced exchanges
- experience increased difficulty in high pressure environments, including courtrooms.

These behaviours reflect the mechanics of stammering, not the person's willingness or ability to participate.

4. SUGGESTED ACTIONS BEFORE A COURT APPEARANCE

32. Optimising the support available for someone who stammers requires planning and, ideally, disclosure by them of their stammering at the earliest opportunity. Official guidance (such as the Equal Treatment Bench Book) underscores the importance of making arrangements in advance.
33. However, there are many reasons why a person who stammers may find it hard to tell others that speaking is a challenge for them. This can arise both when the stammering is obvious in a person's speech and when it is "covert" or not particularly obvious to others (as

discussed above). As a result, individuals may not volunteer information even when support would significantly improve their ability to participate.

The Role of Legal Representatives

- 34. Legal representatives and advocates have a responsibility to identify any factor that may affect a client’s or witness’s ability to participate effectively in proceedings.
- 35. However, a legal team may suspect a stammer but feel unable to raise it if the individual has not mentioned it. The individual may have disclosed the stammer but declined adjustments due to embarrassment or misunderstanding of what support is possible.
- 36. To avoid putting someone “on the spot,” it can be helpful to provide information **in writing**, allowing them to reflect privately. The Appendix includes wording that can be shared with *all* clients and witnesses to help identify those who may need support with speaking in court.
- 37. If you have noticed something about the person’s speech that may affect their participation, it is appropriate, and often necessary, **to ask sensitively**.

GOOD PRACTICE

A neutral, non-judgemental approach might be:

“We know that speaking in court can be difficult for a whole range of reasons. How do you feel about speaking in court?”

“If it’s helpful, we can discuss some changes we could request to reduce some of that speaking pressure.”

- 38. This framing gives the individual space to choose whether to disclose concerns and to explore adjustments without feeling singled out or criticised.

KEY POINTS

Key suggestions when speaking to a client who stammers

- Value their way of speaking. Stammering is simply how some people talk. Allow space for it without rushing or signalling impatience.
- Show attentive listening. Occasional nods or brief acknowledgements can reassure the person that you are following and that they have time to speak.
- Maintain natural, comfortable eye contact. A calm, relaxed presence helps reduce pressure.
- Avoid finishing their words or sentences. Even if well-intentioned, this can increase pressure and disrupt their train of thought.
- Do not offer fluency advice or coaching. Techniques to “speak more smoothly” can feel intrusive or invalidating and are not your role as a legal professional.
- Offer flexible communication options. Keep a notepad and pen available and make it clear that either of you can speak or write questions, comments, or responses—whichever feels most comfortable.

Advance information for those involved

- 39. With the consent of the person who stammers—whether a client, witness, or another participant—it can be helpful to inform relevant court participants in advance that the individual has a stammer. This allows everyone involved to prepare appropriately and helps reduce unnecessary pressure during the hearing. See also:
 - a. The **Equal Treatment Bench Book** (covering: What is stammering / Difficulties with the legal process / Reasonable adjustments)
 - b. STAMMA’s website, for example: <https://stamma.org/about-stammering/stammering-facts/what-is-stammering>
- 40. With the judge’s permission, participants may also be informed about the individual’s specific pattern of speech and the strategies they may use to work through

moments of stammering. This can help prevent misinterpretation of speech behaviours during the hearing.

5. REASONABLE ADJUSTMENTS AND GOOD PRACTICES

41. Section 5 of this toolkit outlines a range of possible adjustments. These should always be **tailored to the individual**, and **appropriate to the specific court or tribunal setting**.
42. Adjustments may be agreed in advance as part of a Ground Rules Hearing (see [The Advocates' Gateway Toolkit 1 – Ground Rules Hearings](#)), ensuring clarity for all participants and reduces the risk of misunderstandings during the hearing.
43. Adjustments should be identified **as early as possible** and agreed on the basis of the **individual's specific needs**, in consultation with them. Generic assumptions should be avoided. Where the person who stammers is a witness, claimant, or defendant, a **case management hearing** may be the appropriate forum to determine what adjustments are required and how best to meet those needs.
44. It is essential that all participants in the hearing—magistrates, judges, tribunal panel members, jurors, and all legal teams (particularly other advocates)—are informed in advance about **stammering in general**, and **the individual's own pattern of stammering**. This ensures that participants are alert to the risks of drawing inappropriate inferences from behaviours associated with stammering, as outlined in Section 3 of this guide. Early notification helps prevent misunderstandings and supports fair treatment.
45. Once arrangements have been agreed, the following steps can help ensure the adjustments work as intended:
 - a. **Confirm** the individual's understanding of the adjustments that have been put in place for their court appearance.
 - b. **Provide reassurance** that participants have been briefed about stammering. Offering concrete examples, such as confirming that there will be no time pressure, can be particularly helpful.
 - c. **Familiarise the individual with the environment**. Explain the likely number of people present, the level of formality, and the layout of the room. Many courts and tribunals will allow participants to visit in advance to get used to the setting, which can significantly reduce speaking pressure.

Suggested Reasonable Adjustments in Court

46. The adjustments outlined below, as outlined in the Equal Treatment Bench Book, should be discussed with the parties in advance and tailored to the individual's needs.
47. Their suitability will depend on the nature of the case, the type of hearing, and the rights of others. Some adjustments may be more appropriate in non-jury settings or where the individual will not be cross-examined.
48. Courts should also remain flexible, as unanticipated issues may arise during live evidence. Such adjustments aim to welcome stammering, reduce pressure on speech, and lessen the heightened anxiety that can make speaking more difficult.
49. **Oath-taking:** Adjustments may be justified under the Equality Act. Options may include allowing the clerk to speak the oath in unison with the witness, which can reduce stammering permitting a short affirmation confirming agreement to the oath.
50. **Names:** allow the person to confirm their name rather than requiring them to say it on demand. Many people who stammer find introductions particularly challenging.
51. **Reassurance about time:** Make clear that the individual can take the time they need and that the court will not rush them.
52. **Minimising questioning:** For individuals who may otherwise restrict what they say, keep questions and answers to a minimum where appropriate.

TOOLKIT 21

PLANNING TO QUESTION PEOPLE WHO STAMMER

FEBRUARY 2026

53. **Allowing witnesses to answer in their own way:**

Provided the necessary ground is covered, avoid insisting that the person “answer the question” in a particular form, as this may force them into words or sounds they are trying to avoid.

54. **Use of brief written notes:**

Allow the person to jot down points before responding. This can help when the cognitive effort of managing stammering disrupts their train of thought.

55. **Written evidence:**

In some cases, giving evidence in writing may be preferable. This may reflect the severity of the individual’s stammer, whether overt or covert. Legal advice should be taken to ensure this is appropriate for the specific proceedings.

56. **Active checking for understanding:**

Do not rely on the individual to intervene if they do not understand. Check in regularly. Wait for their response. Look for subtle non-verbal cues (e.g., intake of breath, raised hand) indicating they wish to speak.

57. **Reducing background noise:**

Where possible, minimise noise that would require the person to raise their voice.

58. **Managing the audience:**

Reduce the number of people in the room where appropriate, or—if permitted and preferred—use screens to reduce the perceived size of the audience.

59. **Use of an intermediary:**

Consider whether an intermediary could support the person’s communication needs. See: [The Advocate’s Gateway Toolkit 16 – Intermediaries: Step By Step](#).

60. **Format of the hearing:**

Remote hearings may be more difficult for some people who stammer and easier for others. A request for a particular format may be helpful. If using video links, be aware that technological delays combined with stammering can create additional challenges and require patience and care.

GOOD PRACTICE EXAMPLE

At his original hearing, C did not speak because he was worried about stammering and was concerned that the jury might have regarded his stammering as a sign of not being certain of his answer, perhaps to the point where they regarded him as untruthful. At his appeal hearing, with the intention of neutralising such biases, all parties were provided with a one-page document outlining some general information about stammering, how C’s stammering looks and sounds, and how he works through moments of stammering.

GOOD PRACTICE EXAMPLE

Ahead of her magistrates’ court hearing, N explained to her solicitor that she tends to swap words as a way of working through moments of stammering, finding a synonym or a different way to explain something if she knows she will stammer on a particular word. When her stammering frequency increases, this repeated word-swapping can sometimes make it difficult for her to hang onto the thread of what she is saying and cover key points. Her solicitor ensured she was allowed to make brief written notes of her key points before responding to questions is a useful anchor for N. It helps her make sure she has covered the key points that she needs to convey.

GOOD PRACTICE EXAMPLE

The Employment Tribunal allowed G to ask short questions, to begin his answers in cross-examination again if he stammered or lost his train of thought (say, due to word-swapping associated with stammering). His father was allowed to sit next to him to find the page numbers in the bundle which G could refer.

9. ACKNOWLEDGEMENTS, REFERENCES AND FURTHER RESOURCES

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Further resources

- [Stammering Law](#)
- [STAMMA](#)
- [Citizens Advice](#)

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FURTHER WORK FROM THE ADVOCATE'S GATEWAY

Visit <https://www.theadvocatesgateway.org/> for further resources published and shared by The Advocate's Gateway, including our internationally recognised Toolkits, case law updates and guidance on intermediaries.

TOOLKIT 1: Ground Rules Hearings

TOOLKIT 1A: Case Management in Criminal Cases

TOOLKIT 2: General Principles from Research, Policy, and Guidance

TOOLKIT 3: Planning to Question Someone with Autism

TOOLKIT 4: Planning to Question Someone with a Learning Disability

TOOLKIT 5: Planning to Question Someone with 'Hidden Disabilities'

TOOLKIT 6: Planning to Question a Child or Young Person

TOOLKIT 7: Additional Factors Concerning Children under Seven

TOOLKIT 8: Effective Participation of Young Defendants

TOOLKIT 9: Planning to Question Someone using a Remote Link

TOOLKIT 10: Identifying Vulnerability in Witnesses

TOOLKIT 11: Planning to Question Someone who is Deaf

TOOLKIT 12: Planning to Question Someone with a Suspected (or Diagnosed) Mental health Disorder

TOOLKIT 13: Vulnerable Witnesses in the Family Courts

TOOLKIT 13A: Family Court Cribsheet

TOOLKIT 14: Using Communication Aids

TOOLKIT 15: Witnesses and defendants with autism

TOOLKIT 16: Intermediaries: Step by Step

TOOLKIT 17: Vulnerable Witnesses in the Civil Courts

TOOLKIT 18: Working with traumatised witnesses, defendants and parties

TOOLKIT 19: Supporting Participation in Courts and Tribunals

TOOLKIT 20: Court of Protection