

MOCK TRIAL OBJECTIONS

OBJECTIONS TO FORM OF QUESTION

- ❖ **VAGUE AND AMBIGUOUS**
Question cannot be understood.
- ❖ **LEADING**
Question suggests the answer.
- ❖ **COMPOUND**
Question is really 2 or more questions.
- ❖ **ARGUMENTATIVE**
Look for characterizations of people/things, and for questions that suggest a conclusion opposing counsel wants the judge to reach
- ❖ **ASKED AND ANSWERED**
The witness has already provided a response to the question.
- ❖ **OUTSIDE SCOPE OF CROSS EXAM**
During redirect, a question cannot be about a topic not raised during cross examination

OBJECTIONS TO TESTIMONY

- ❖ **NON-RESPONSIVE**
Witness does not answer the question.
- ❖ **RELEVANCE**
 - Evidence is relevant if it has any impact on an important fact in the case.
 - Consider asking the Court to make an offer of proof.
- ❖ **MORE PREJUDICIAL THAN PROBATIVE**
Relevance is substantially outweighed by a substantial danger of undue prejudice, confusion of issues, waste of time, or misleading the judge.
- ❖ **NARRATIVE**
- ❖ **FOUNDATION**
Witness has not testified to facts sufficient to show they are able to provide the testimony they are giving.
- ❖ **PERSONAL KNOWLEDGE**
- ❖ **UNFAIR EXTRAPOLATION / CREATION OF MATERIAL FACT**
Testimony about a material fact not in the case packet. A fact is material if it affects the outcome of the case.
- ❖ **IMPROPER LAY WITNESS OPINION**
Lay witnesses can only give opinions on issues that don't require specialized knowledge.
- ❖ **IMPROPER EXPERT OPINION**
Expert witness must have special knowledge, education, training, experience, or skill in the subject area they are opining on
- ❖ **CHARACTER EVIDENCE**
 - 1. Is evidence of a person's character trait being offered to show that the person acted in accordance with that trait?
 - 2. If so, does an exception to the character evidence rule apply?
- ❖ **HEARSAY**
 - 1. Evidence of an out-of-court statement being offered for the truth of the matter?
 - 2. If so, does a hearsay exception apply?

MAKING AND ARGUING OBJECTIONS

- 1 Stand and say "Objection", then identify the objection you're making
- 2 Argue only when the judge allows it.
Give a succinct, 1-2 sentence argument.
- 3 Communicate your intentions in a professional manner.
 - "May I be heard, Your Honor?" = This is how to tell the judge you want to argue.
 - "Submitted" = This is how to tell the judge you are done arguing and are ready for a ruling.

RESPONDING TO THE JUDGE'S RULING

- ❖ **Be respectful of the judge and opposing counsel.**
Be mindful of your body language.
- ❖ **"Sustained" means the objecting party wins.**
 - If the objection was to a question, the question cannot be answered and must be re-phrased (or not asked at all).
 - If the objection was to testimony, the witness should not proceed any further.
 - If your objection to a witness's testimony is sustained, **MOVE TO STRIKE** improper testimony that the witness provided.
- ❖ **"Overruled" means the objecting party loses.**
 - If the objection was to a question, the witness may answer it.
 - If the objection was to testimony, the witness may continue.

Oregon Objections At Trial

Francis R Doyle



Oregon Objections At Trial:

Oregon Trial Objections Susan K. Eggum, Stephen A. Houze, 2009 *Oregon Objections at Trial* Myron H. Bright, Ronald L. Carlson, 1992 *California. Court of Appeal (5th Appellate District). Records and Briefs* California (State)., **Searching the Law - The States** Francis R Doyle, 2022-11-14 This revised two volume set reproduces the easy to use logically organized format of *Searching the Law* for each of the 50 U S states Arranged by state and by topic within each state it features a complete list of all the legal research materials available for each state jurisdiction thousands of citations to the legal literature of each state materials applicable to more than one topic listed under each topic repeated listings under each state and topic where they apply and author title publisher format and the latest known supplement for each citation *Searching the Law The States* is the companion text to *Searching the Law Together* the sets form one of the most comprehensive logical legal reference sources available Published under the Transnational Publishers imprint The print edition is available as a set of two volumes 9781571052872 *A Treatise on the Law of Depositions* Edward P. Weeks, 1880

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