

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

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