MOCK TRIAL OBJECTIONS

OBJECTIONS TO FORM OF QUESTION

- VAGUE AND AMBIGUOUS
 Ouestion cannot be understood.
- Question suggests the answer
- 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.

PERSONAL KNOWLEDGE

- NARRATIVE
 FOUNDATION
 Witness has not testified to facts sufficient to show they are able to provide the testimony they are giving.
- UNIFAIR EXTRAPOLATION /
 CREATION OF MATERIAL FACT
 Testimony about a material fact not in the case
 packet. A fact is material if it offects 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

- Stand and say "Objection", then identify the objection you're making
- Argue only when the judge allows it. Give a succinct, 1-2 sentence argument.
- 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

United States. Supreme Court

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