
OBJECTIONS

Why Objectⁱ

- Protect the record
 - Preserve any error on appeal
- Keep the court from hearing improper evidence

How to Object

- Timeliness
 - If a question is improper, the objection should be made before the answer to the question is given.
 - If the question itself is prejudicial as well as improper, object right away.
 - Can't "un-ring the bell."
- Legal Basis
 - State legal basis
 - The question calls for a hearsay answer
 - The question is unresponsive
 - Insist on a ruling or the error may be waived on appeal
 - Your honor, may we have a ruling on the objection?
 - Have the answer struck
 - If an objection is sustained against you, see how you can overcome
- Procedure
 - Stating a specific ground for your objection
 - If you state a ground for an objection but it is not proper, the court can overrule even if there is a proper legal basis for objecting.
 - More than one legal ground may exist

COMMON OBJECTIONSⁱⁱ

Objections to questions

- calls for irrelevant answer
- calls for immaterial answer
- witness is incompetent
- violates the best evidence rule
- calls for a privileged communication
- calls for a conclusion
- calls for an opinion (by a lay or an incompetent witness)
- calls for a narrative answer
- calls for a hearsay answer
- leading
- repetitive (asked and answered)
- beyond the scope (of the direct, cross or redirect)
- assumes facts not in evidence
- confusing/misleading/ambiguous/vague/unintelligible
- speculative
- compound question
- argumentative
- improper characterization
- misstates evidence
- cumulative
- improper impeachment

Objections to answers

- irrelevant
- immaterial
- privileged
- conclusion
- opinion
- hearsay
- narrative
- improper characterization
- violates parol evidence rule
- unresponsive/volunteered

Objections to exhibits

- irrelevant
- immaterial
- no foundation
- no authentication
- violates original documents (best evidence) rule
- contains hearsay/double hearsay
- prejudice outweighs its probative value

i Thomas A. Mauet, Trial Techniques (Sixth Edition) p.465-470

ii Thomas A. Mauet, Trial Techniques, 6th ed.(New York: Aspen Publishers, 2002) 472.