

Make an Objection if Four Steps:

- 1) Stand up
- 2) Say, "Objection ____" (Fill in the blank with your reason)
- 3) Identify your specific objection.
 - a) At a minimum, say the topic type (Hearsay, Relevance, Improper Impeachment, Character, Lack of FOundation, Leading Question)
 - b) State the evidence rule number if you know it (ER 404, etc.)
 - c) A combination of the above
- 4) Stop talking and listen to the judge. Be prepared to state reasons for you objection and to make an argument to support your position.

How to Respond to An Objection:

- 1) Speak to the judge, not the lawyer who objected
- 2) Explain to the judge why your evidence should be admissible. ("Your HONor, that statement is not hearsay because I am not offering it for the truth but rather to show notice.")
- 3) If you recognize that you did not lay an appropriate foundation for the evidence explain that you will do that. ("Your HONor, I will lay the foundation.")
- 4) If you recognize that the opposing counsel was objecting to the form of your question, which most often happens on your direct examination, simply say, "I'll rephrase." Rephrase the question and move on with your witness examination. Do not get sidetracked by the opposing counsel who might have objected just to throw you off track.
- 5) For any physical piece of evidence, statement, or testimony that you will be introducing, prepare in advance and have a reason why you believe the evidence is admissible. Be ready to make that argument for the judge.
- 6) If the objection is to relevance, and you think you will be able to show that it is relevant, say to the judge "I will connect it up in a few questions Your HONor." Such a statement is equivalent of saying "Trust me." If you do that, you'd better connect it up or the judge will not trust you in the future.

A List of Common Possible Objections

Ambiguous	Improper rehabilitation
Argumentative	Inadmissible opinion
Asked and answered	Incompetent witness
Assumes facts not in evidence	Incomplete Inflammatory
Authentication	Inflammatory
Badgering	Insufficient foundation
Best evidence	Irrelevant (Relevance)
Beyond the scope	Lack of foundation
Bias	Lack of personal knowledge
Bolstering	Leading question
Calls for a conclusion	Misleading
Calls for speculation	Misquotes a witness or exhibit
Chain of custody	Misquotes evidence
Collateral	Misstates witness
Competence	More prejudicial than probative
Compound question	Motion to strike
Compromise / Settlement offer	Narrative
Confrontation (lack of)	(Question calls for a narrative)
Confusing	Narrative answer
Counsel is testifying	Non-responsive
Cumulative	Nothing pending
Document speaks for itself	Outside the scope of cross
Expert (Improper opinion)	Overly broad or general
Expert (not qualified)	Parole evidence rule
Habit	Personal knowledge
Harassing the witness	Prejudice (unfair)
Hearsay	Privilege communication
Hypothetical question misused	Relevance
Improper character evidence	Speculation/ Opinion/ Lack of
Improper characterization	personal knowledge
Improper impeachment	Unintelligible
Improper opinion	Vague

There are many more possible objections,
limited only by the lawyer's imagination.