

PROCEDURE FOR OBJECTIONS

An attorney may object any time that the opposing attorney has violated the Mock Trial Rules of Evidence. The attorney wishing to object should stand up and do so at the time of the violation. When an objection is made, the presiding judge will ask the reason for it. Then the presiding judge will turn to the attorney who asked the question, and that attorney usually will have a chance to explain why the objection should not be accepted ("sustained") by the presiding judge. S/he will then decide whether to "sustain" the objection, thereby disallowing the question or discarding the answer; or the presiding judge will "overrule" the objection, thereby allowing the question to be answered or the answer to remain on the trial record.

REMEMBER: Winning or losing the ruling on an objection is not what is important, but rather how knowledgeable of the Rules of Evidence the team is and how each team reacts to the decision of the presiding judge. What is important is the presentation of the objection and the opponent's response (both verbally and strategically) to the objection and to the Court's ruling.

Only the attorney "responsible" for the particular witness may object. For instance, the attorney who directly examines a witness objects when that witness is being crossed, and the attorney who crosses a witness objects when that witness is being directly examined.

Following are examples of standard forms of objection:

1. **IRRELEVANT EVIDENCE:** "I object, your Honor. The evidence/testimony is irrelevant to any issue in this case."
2. **LEADING QUESTION:** "Objection. Counsel is leading the witness."

(NOTE: Remember that an attorney may ask leading questions when cross-examining the opponent's witnesses.)
3. **IMPROPER CHARACTER TESTIMONY:** "Objection. The witness's character or reputation has not been put in issue." OR "Objection. Only the witness's character for truthfulness is at issue here."
4. **HEARSAY:** "Objection. Counsel's question is seeking a hearsay response."
(NOTE: If the witness makes a hearsay statement, the attorney should say, "The witness's answer is based on hearsay, and I ask that the statement be stricken from the record.") In responding to a hearsay objection, it may be appropriate for counsel to point out a specific exception, or to argue that the hearsay rule does not apply: "Your Honor, the testimony is not offered to prove the truth of the matter asserted, but only to show. . . ."
5. **OPINION:** "Objection. Counsel is asking the witness to give an expert opinion for which he has not been qualified."