

Objections

Objections are a legal process that ensures that both sides need to follow the rules in regard to questions, responses, and documents and objects offered as evidence. They also make mock trial fun - both for the judges and the lawyers. Use objections as a tool to make it challenging for the other side to make its case.

Only lawyers can object. Each group of opposing lawyers has the opportunity to keep the lawyers on the other side honest as they are trying to lay out their case.

To object, say "Objection, your Honor _____!" and fill in the blank with any of the objection terms below.

- Examples: Objection your honor, relevance! Objection your honor, hearsay! Objection your honor, asked and answered!

The judge will stop what is happening in the courtroom and he or she will turn to the lawyer who made the objection, and ask why the objection applies. Simply explain your logic for making the objection.

- Example: Judge, "why isn't this relevant?" Lawyer replies, "Your honor, what does General LeMay's childhood have to do with the bombing raids on Japan?"

Then the judge will turn to the opposing counsel to explain why the objection does not apply.

- Example: "Your honor, I was asking the general about his childhood because I wanted to get at the motivating factors in his personality, so the court can understand his thought process when he is making decisions."

Once both lawyers have made their arguments, the judge rules. There are two possible outcomes:

- "Sustained!" means that the judge agrees with the objection. This means the lawyer who was objected to will have to break up his or her question, rephrase it, or move on to a new question.
- "Overruled!" means that the judge does not agree with the objection and that the lawyer or witness can continue with what they were asking or saying.

Common Objections

Remember - fill in the blank with one of the boldfaced legal terms below: "**Objection your honor, _____!**"

Objections usable by both sides at any time during a lawyer's questions or a witness' answers:

- **Relevance:** The question or answer has little or nothing to do with the case.
 - **Example:** "What is your favorite color?" Each question needs to clarify some fact of importance to the case.
- **Hearsay:** The question asks for, or the witness is saying, what someone else said out of court.
 - **Example:** "What did General Arnold say?" or "General Arnold said..." No secondhand information allowed. If the court wants to know what General Arnold said, he has to be brought in, placed on the stand, and sworn in so he can be asked directly.
- **Asked and Answered:** Question already asked and witness already answered it. Some lawyers forget and some like to repeat questions for emphasis - this is not allowed.
- **Compound Question:** Question is asking for more than one answer, making it too complex.
 - **Example:** "What happened and how did you respond?" Needs to be broken into two questions.

- **Calls for a Narrative Answer:** Question asks for a long answer or a witness is giving one.
 - **Example:** "Tell us about your time in the military" asks for too much information at once or the witness tells a long story (more than five long sentences).
- **Calls for Speculation:** Question asks witness to guess about something they do not know.
 - **Example:** "What was he thinking?" or "Why did he do that?"
- **Calls for Conclusion:** Asks witness for an opinion on a topic in which they have no expertise. Only experts in subjects can draw conclusions about those subjects. General LeMay can be considered an expert on military strategy, but not on medicine, engineering, etc.
- **Unfair Use of Character Evidence:** Draws unfair conclusions from one's bad character.
 - **Example:** "Since you admitted you are a racist, you do not care about the lives of civilians either, do you?" The court must consider the evidence and not whether someone is bad or unlikable.

Objections usable against lawyers who are attempting to enter a piece of evidence into court:

- **Lack of foundation:** Lawyer has not established in the testimony of a witness that a piece of evidence exists before producing it and attempting to enter it into the official record of the court or asking questions about it. Lawyers need to follow this protocol:
 - Get the witness to say that the evidence exists.
 - Show the witness the evidence; and
 - Ask the judges if it can be entered into evidence.
 - Then questions about the evidence may be asked.

Objection usable against lawyers who are conducting a direct examination of a witness:

- **Leading Question:** A lawyer cannot ask questions that look for specific answers.
 - **Example:** "Isn't it true, General, that you saw burned out drill presses in the neighborhoods when you drove through them?" Correct non-leading example: "What did you see?"

Objections usable against lawyers who are cross-examining a witness:

- **Argumentative:** Counsel is arguing their case in their question.
 - **Example:** "You knew that women and children would die, but you decided to violate the rules of warfare anyway, didn't you?" Lawyers cannot do this on cross examination (unlike on television).
- **Badgering the Witness:** Counsel is pushing the witness too hard, trying to provoke them.
 - **Example:** "You don't care how many people you hurt, do you?" This is not allowed.

Objections usable against the witness by a lawyer who is cross-examining the witness:

- **Nonresponsive Witness:** The witness will not answer the question the way it is being asked. This is used when a witness is not being cooperative.