

## COMMON OBJECTIONS

### Form of the Question

- Ambiguous
- Vague
- Compound
- Argumentative
- Assumes Facts not in Evidence
  - Misstates prior testimony
- Asked and Answered/Cumulative
- Leading (Direct only)

### Form of the Answer (“Question calls for...:)

- Narrative Response
- Non-responsive – (Generally this objection is reserved to the attorney who asked the question)
- Self-Serving Hearsay (this witness’s prior out of court statements, not in an 801(d)(1) context)
- Opinion
- Privileged information
- Speculation

### Relevancy

- Irrelevant - No Probative Value as to an Issue in the Case
- Relevant but prejudicial, confusing, wastes time (403)
- Character Evidence/prior bad acts
  - Admissible if shows:
    - motive, intent, preparation, plan
    - opportunity, knowledge, identity
    - absence of mistake or accident (404)
    - credibility, on c-x only (608)
- Subsequent remedial measure (407)
- Settlement Talks (408)
  - Outside scope of direct/cross

### Foundation

- Competency/lack of personal knowledge (601,602)
- Writing used to refresh memory, production required (612)
- Best Evidence
- Speculation
- Opinion
  - Lay (701)
  - Expert (702, 703)

### Hearsay

- Out of Court Statement – Offered to Prove the Truth
  - Does not fall within an EXEMPTION (see 801)
  - Does not fall within an EXCEPTION (See 803 et. Seq).

This is a non-exhaustive list of common objections. It is not a substitute for familiarity with the Rules of Evidence!