

Generally Accepted Trial Objections

A. Objections to the form of the question.

1. Vague.
2. Compound.
3. Calls for a narrative answer.
5. Asked and answered (repetitious).
6. Misstates the witness's testimony.
7. Document speaks for itself.
8. Leading (TRE 611 (c)).
9. Argumentative.
10. Assumes facts not in evidence.
11. Calls for speculation.
12. Calls for a legal conclusion.
13. Calls for inadmissible opinion.
14. Misleading –to witness or jury.
15. Indefinite – fails to fix time or place.
16. Inflammatory.

B. Objections to offered evidence.

1. Irrelevant.
2. Incompetent (insane or child – TRE 601).
3. Hearsay (TRE 802).
4. Not based on personal knowledge (TRE 602).
5. Insufficient foundation.
6. Improper impeachment.
7. Improper rehabilitation.
8. Cumulative (TRE 403).
9. Redirect beyond the scope of the cross-examination.
10. Privileged material (TRE 501).
11. Not supported by pleadings.
12. Probative value of evidence is substantially outweighed by danger of (1) unfair prejudice, (2) confusion of issues, (3) misleading the jury, (4) undue delay, and (5) needless presentation of cumulative evidence (TRE 403).
13. Improper character evidence. (TRE 404)

C. Objections to answers given by witness (Frequently with this type objection must follow with motion to strike or disregard).

1. Not supported by pleadings.
3. Hearsay (knows and understands what hearsay is—exceptions to hearsay).
4. Collateral –matter which tend to mislead, confuse and prejudice the jury.
5. Violative of provisions of dead man's statute.
6. Attempt to vary written instrument by parole.
7. Matters on which the witness is incompetent to testify (e.g., statement by a deceased).
8. Unresponsive.
9. Narrative.

D. Conduct of counsel.

1. Coaching the witness.
2. Attempt to intimidate witness.
3. Side bar remarks.
4. Arguing with witness.
5. Testifying on direct (leading).
6. Abusive language.
7. Failure to maintain proper place at the bar.
8. Privileged communication.
9. Facts assumed, but not in evidence, and not judicially noticeable.
10. Violative of some rule or exclusion, such as compromise, insurance, determination of Ind. Accident Board, "collateral source" rule.
11. Witness is disqualified to testify because he has violated the rule.
12. Objection to counsel's hypothetical question because it assumed facts not in evidence.

THINGS TO REMEMBER:

- (1) Objections must be timely (before witness testifies and after exhibit is offered.) (TRE 103(a)(1)(A))
- (2) Objections must be supported by a stated legal ground.
- (3) No speaking objections. (Example: "Objection – hearsay", not "Objection – This witness has no personal knowledge of what happened because he was not even there when it happened.")
- (4) Only objection where you are allowed to make statement other than "Objection" and the legal basis is an objection to relevance where explanation is done at the bench after getting permission to approach (outside jury's hearing).