

MOCK TRIAL OBJECTIONS

- | | |
|---|-------------------------|
| 1. Ambiguous & vague question | Rule 611(a)(1) |
| 2. Compound question | Rule 611(a)(1) |
| 3. Assumption of facts not in evidence | Rule 611(a)(1) |
| 4. Misquote or mischaracterize testimony | Rule 611(a)(1) |
| 5. Narrative answer or question | Rule 611(a)(1) and (2) |
| 6. Non-responsive answer (cross-examination) | Rule 611(a)(1) |
| 7. Asked and Answered | Rule 611(a)(2) |
| 8. Harassing/embarrassing witness | Rule 611(a)(3) |
| 9. Argumentative question | Rule 611(a)(3) |
| 10. Leading question (direct examination) | Rule 611(c) |
| 11. Improper authentication (documents, voices, etc) | Rule 901 |
| 12. Character evidence offered for improper purpose | Rule 404 405 |
| 13. Character evidence improper method of proving
credibility, conduct reputation, truthfulness | Rule 405, 608 |
| 14. Habit & routine not in conformity | Rule 406 |
| 15. Judicial notice, improper foundation | Rule 201 |
| 16. Relevant/irrelevant | Rule 401, 402 |
| 17. Relevant evidence inadmissible

Danger of unfair prejudice, mislead jury,
Undue delay, surprise, confusion of issues | Rule 403 |
| 18. Cumulative evidence | Rule 403 |
| 19. Prior inconsistent statement not properly presented | Rule 613(b) |
| 20. Witness called by Court improper grounds | Rule 614 |
| 21. Lack of personal knowledge | Rule 602 |
| 22. Lack of foundation | Rule 104(b) |
| 23. Improper opinion testimony by lay witness | Rule 701 |
| 24. Expert testimony objection | Rule 105 |
| 25. Expert opinion objections | Rule 702, 703, 704, 705 |
| 26. Calls for legal conclusion by lay witness | Rule 701 |
| 27. Hearsay definitions | Rule 801 |
| 28. Hearsay general rule | Rule 802 |
| 29. Hearsay exception declarant available | Rule 803 |
| 30. Hearsay exception declarant unavailable | Rule 804 |
| 31. Hearsay residual exception | Rule 807 |

HEARSAY CHECKLIST

Is it an out of court statement offered for the trust of the matter asserted?	Is the witness asserting some fact? Rule 801(a) Is the testimony being used to prove the truth of that fact? Rule 801(c) Was the statement made by this witness at some prior time? If so check Rule 801(d) Is the witness testifying about what someone else said or wrote in the past? Rule 801(a)
Is it an admission of a party opponent?	Criminal – did the defendant or a co-conspirator make the statement? Is the statement being used against the defendant? Rule 801(d)(2)(E) Civil – did the plaintiff or defendant make the statement? Rule 801(d)(2)(A) Has the party adopted the statement or shown that he/she believes the statement? (Rule 801(d)(2)(B)) Is the statement made by an agent of the party? Rule 801(d)(2)(D) Is the statement being offered against the party?
Is there an exception that applies?	Present sense impression Rule 803(a)(1) Excited utterance Rule 803(a)(2) State of mind Rule 803(a)(3) Medical diagnosis, history or treatment Rule 803(a)(4) Recorded recollection Rule 803(a)(5) Business record Rule 803(a)(6) Absence of business record Rule 803(a)(7) Public record or report Rule 803(a)(8) Absence of public record Rule 803(a)(10) Reputation of boundaries or general history of community Rule 803(A)(20) Reputation of character in community Rule 803(a)(21) Offered to show the effect of the statement on the person who heard it Rule 803(a)(3)
Is the declarant unavailable?	Death, mental illness or illness Rule 804(a)(1) Absent and could not be made to attend Rule 804(a)(2) If refusal to appear, claim lack of memory, or absence procured to prevent witness from testifying then declarant is not unavailable. Rule 804(a)(2)
If unavailable then the following are admissible	Former testimony Rule 804(B)(2) Dying declaration Rule 804(B)(2) Statement against interest Rule 804(B)(3) Statement of personal/family history Rule 803(B)(4)
Does the residual exception apply?	Rule 807 (A) Statement is offered as evidence of a material fact (B) Statement is probative and relevant (C) Interests of justice best served by admitting the evidence BUT intention to use statement must be made known to other party prior to trial