**“I object!” – A Guideline for *Objecting* in the Courtroom**

Unfair Extrapolation

* Unfair extrapolation is when a witness includes testimony that was not originally included in the case materials and this testimony can potentially affect the trial’s outcome.
* When objecting, the attorney should stand and say **“Objection. The witness is unfairly extrapolating.”** or **“Objection. The witness’s testimony is going beyond the information provided in the case materials.”**
* NOTE: This objection should only be made if the extra information has a profound impact on the trial.

Relevance

* Relevant evidence is evidence presented that tends to prove or disprove any fact related to the case.
	+ Ex.) Attorney: “What did you have for breakfast?”
* When objecting, the attorney should stand and say **“Objection. This question is irrelevant.”**

Character of the Witness

* Character evidence is evidence that concerns some trait about the witness other than honesty or truthfulness.
	+ Ex.) Attorney (crossing a lay witness): Miss, can you please explain to the court why you received a speeding ticket 5 months ago?
* When objecting, the attorney should stand and say **“Objection. This question calls for improper character evidence.”**

Lack of Personal/Professional Knowledge

* Questions that call for hearsay testimony or a lay witness’s opinion are inappropriate as they call for something that the witness has no knowledge of.
	+ Ex.) Attorney: Do you think that the driver was drunk at the time of the hit and run?
* When objecting, the attorney should stand and say **“Objection. The witness does not have the personal knowledge to answer this question.”**

Leading Questions

* Only allowed during cross-examination and when laying foundation, leading questions are questions that suggest the answer.
	+ Attorney: The money was under the hay bale, correct?
* When objecting, the attorney should stand and say **“Objection. Counsel is leading the witness.”**

Beyond the Scope

* Questions that cover information outside of what the crossing attorney/re-directing attorney brought up in questioning are considered beyond the scope.
* When objecting, the attorney should stand and say **“Objection. Counsel is asking a question which is beyond the scope of my cross/re-direct examination.”**

Hearsay

* Perhaps the most common objection, Hearsay is “an out of court statement being offered in court to prove the truth of the matter asserted.”
	+ Ex.) Attorney: Now Ms. Smith, you say that you heard your neighbor say that he was going to kill his wife?
* When objecting, the attorney should stand and say **“Objection. This question calls for hearsay.”** or **“Objection. The witness’s answer is based on hearsay.”**
* When objecting to hearsay, be ready for a fight as there are a plethora of ways to get around a hearsay objection.

Argumentative

* Argumentative questioning is when the opposing attorney questions the witness roughly or in a harsh tone.
	+ Ex.) Attorney: You killed your wife!!
* When objecting, the attorney should stand and say **“Objection. Counsel is being argumentative.”**

Badgering

* Similar to argumentative questioning, badgering the witness is when the opposing attorney asks the same question several times in order to harass the witness, usually done in a harsh manner.
* When objecting, the attorney should stand and say **“Objection. Counsel is badgering the witness.”**

Asked and Answered

* Asked and answered is when a question that has already been asked and answered is being asked again. Most often, attorneys do this when they don’t get the answer they wanted.
* When objecting, the attorney should stand and say **“Objection. This question has already been asked and answered.”**

Assumes Facts Not in Evidence

* Questions that assume facts not in evidence jump straight to the point without showing how they got there. In other words, they ask about facts that have not been shown to exist.
	+ Ex.) Attorney (without proving there was a pie in the first place): You stole the pie, didn’t you?
* When objecting, the attorney should stand and say **“Objection. This question assumes facts not in evidence.”**

Lack of Foundation

* Lack of foundation is an objection that arises when an attorney begins to question a witness about a certain subject without first proving that (s)he is qualified to answer questions about said subject.
	+ Ex.) Attorney: Can you tell the court a little about how the bomb was built?
* When objecting, the attorney should stand and say **“Objection. Counsel has not laid the appropriate foundation.”**
* NOTE: The opposing party may ask for you to explain how the appropriate foundation has not been laid.

Speculation

* Closely tied to Lack of Personal Knowledge, speculative questions ask a witness to testify to the motives, intentions, or reasons behind the actions of another without knowledge of said motives, intentions, or reasons.
	+ Ex.) Attorney: Why do you think he did it?
* When objecting, the attorney should stand and say **“Objection. This question calls for speculation.”**

Unresponsive

* The attorney directing or crossing a witness may object if the witness does not directly respond to the questions put to him/her. Witnesses may also be unresponsive if their testimony goes beyond what is asked.
* When objecting, the attorney (who should already be standing) should say **“Objection. The witness is being/has become unresponsive.”**

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