

TYPES OF OBJECTIONS

Relevance

You can object to the relevance of evidence if you think a piece of evidence or something a witness is saying has nothing to do with the case or it is not important in determining who should win in court.

Example: Asking how many sexual partners someone has had wouldn't be relevant in a protection order case.

Unfair/prejudicial

You can object to evidence, even if it's relevant, if the evidence would unfairly turn the judge or jury against you. This is what is meant by saying the evidence is prejudicial.

Example: Evidence that one of the parties has been in jail before may be relevant, but that evidence may also be unfairly prejudicial if it paints the party in a bad light to the judge or jury.

Leading question

If the other party poses a question on direct examination that leads the witness to a certain answer, then you can object to the question as leading. This is usually the case with "yes" or "no" questions. Keep in mind that the judge might allow some leading questions during direct examination for simple background information to move the testimony along faster. For example, let's say the other party's mother is testifying, the judge might allow the question "You are the respondent's mother, correct?" instead of "How do you know the respondent?" However, when someone is asking about issues that directly relate to the case, leading a witness is not allowed.

Example: On direct examination, this leading question could be objected to: "The car that you saw leave the scene of the robbery was blue, right?" Instead, it should be asked: "What color was the car that you saw leaving the scene of the robbery?"

Compound question

A compound question is when two or more questions are combined as one question. Compound questions are not allowed because they can confuse the witness, the judge, and the jury. Also, it may not be clear for the court record which of the questions the witness is answering.

If you find yourself asking a compound question, don't get flustered with the other party's objection and skip the issue entirely. Just separate out the questions, ask them one at a time, and they might then be allowed.

Example: Why did you go back into the house and what made you think you it was a good idea to then take the children away?

Argumentative

When the person asking cross-examination questions begins to argue with the witness, known as "badgering the witness," then the other party can object to the questioning as argumentative.

Example:

Opposing party's attorney: "You are not afraid of my client, correct?"

You: "Yes, I am."

Opposing party's attorney: "Oh come on, how can you be afraid of a guy who weighs 120 lbs when you weigh 300 lbs?"

You: "I am afraid of him no matter his weight."

Opposing party's attorney: "Well, you didn't look very afraid to me when you walked into court today."

You: "Objection, Your Honor, argumentative."

TYPES OF OBJECTIONS

Asked and answered

Sometimes during cross-examination, the person asking questions might ask the same question over and over again, perhaps in slightly different ways, or re-ask a question s/he had asked earlier in the testimony. What's unique about this objection is that it could come up in two different scenarios, First, opposing counsel could repeatedly ask you or your witness the same question, hoping that contradicting answers will be given. Second, opposing counsel could repeatedly ask his/her own client the same question in slightly different ways, hoping that the client will give a better answer than one given before. Either way, a question can only be asked once, and after it has been answered, any further attempts to ask the question are objectionable.

Example:

Other party: "Do you remember when I wrote you a check for \$10,000?"

You: "No, that never happened."

Other party: "You're saying that I didn't write you a check for \$10,000?"

You: "No, you didn't."

Other party: "I'm talking about last year, you remember, the check I wrote for you, right?"

You: "Objection Your Honor, asked and answered."

Vague

A vague question is when it is difficult or impossible to tell what the question is about. You would want to object to a vague question that is asked of your witness because of the risk that the witness will misunderstand the question and say something that will hurt your case. If the question is objected to, the person asking the question might then be able to ask the question in a different way that makes more sense or is more specific.

Example: Let's say the opposing party asks "Can you tell the court where you went earlier?" The term "earlier" is not specific enough; it's vague. After an objection, the question could be rephrased to say "Can you tell the court where you went this morning right before you came to court?"

In addition, a question that refers to "this" or "that" might be too vague if there is no context as to what "this" or "that" refers to.

Foundation issues

A question or response can be objectionable if a person failed to explain the background circumstances of how s/he knows the information s/he is testifying about, or are being asked about. When answering about specific facts, the witness has to set the stage and explain how s/he knows the information that s/he knows.

Example: A person can't testify that it was a certain person's voice on the phone, without first explaining that s/he had spoken with the person many times over the last few years and the call came from the same number.

Non-responsive

When a witness starts responding to a question with information that is completely unrelated to the question, you can object to it as being "non-responsive." This can be especially important in cross-examination when you are looking for very specific "yes" or "no" answers.

Example:

You: "Isn't it true that you put your hands around my neck after you pushed me on the ground?"

Other party: "Well, yes I did."

You: "When I broke free, isn't that how you got the bruises on your arms?"

"Look, I didn't mean to hurt you, I was just trying to get your attention and...."

You: "Objection Your Honor, the answer is non-responsive."

TYPES OF OBJECTIONS

Judge: "Please answer the question sir."

In addition, sometimes when a witness is being questioned on direct examination, s/he will try to explain away a bad answer during the next question, regardless of what the question asked is. This is another instance when you could object to the non-responsive answer.

Example:

Other party's lawyer: "How many time did you see your children last month?"

Other party: "Once."

Other party's lawyer: "When is your next visit scheduled for?"

Other party: "The reason I only saw them once last month is because their mother likes to play games and hang the children over my head and..."

You: "Objection, Judge, non-responsive!"

Speculation

The speculation objection can be used in two different situations. First, if a witness does not know a fact to be true or not, but testifies about it anyway, this testimony would be objectionable as speculation. A witness must have personal knowledge of a fact to testify about that fact and put it into the court record.

Example: A witness could not testify that s/he thinks a person left the house at 8:00 pm unless s/he actually saw the person leave the house, or s/he has some other valid basis for that belief.

Second, if a question that is posed can only be answered by using speculation, the question would be objectionable.

Example:

Opposing attorney: "What do you think your sister was thinking when she left?"

You: "Objection, Your Honor, the question calls for speculation."

Opinion

If a witness testifies about an opinion s/he has that is technical in nature and not based on any facts the witness has first-hand knowledge of, then you may be able to object based on it being their opinion. Generally, only a witness who has been recognized as an expert witness by the judge can offer an opinion.

Example: An abuser cannot testify that you are "crazy." S/he can testify about behaviors s/he might have witnessed that s/he finds concerning. However, any testimony that might suggest some sort of diagnosis would usually be objectionable as opinion. Similarly, you could not testify definitively that the substance you found in the abuser's glovebox was cocaine unless it was tested by a lab or the abuser admitted it. You could testify that you saw "a white powdery substance in a baggie that appeared to be cocaine," based on your understanding of the drug and what you looked up online. However, a judge may allow testimony such as "I am a good mother" or "He is a good father" even though that is an opinion.

Hearsay

A person can only testify as to what s/he knows to be true, not what s/he heard from someone else. If a witness tries to testify about what a non-party told him/her or tries to enter into evidence something in writing that a non-party wrote, then the testimony or written evidence is objectionable as hearsay. However, there are hearsay exceptions that may apply. You can learn more in [What is hearsay?](#) and [What are some hearsay exceptions?](#)