

Quick Reference for Common Objections & Responses

Substantive Objections	
<p>1. Hearsay – witness is asked to relate a statement other than a statement made by the declarant during present testimony. <i>See</i> D.R.E. 801-03 regarding hearsay, its inadmissibility, and exceptions.</p> <p>2. Relevance – the evidence does not make any fact of consequence more or less probable. <i>See</i> D.R.E. 401 & 402.</p> <p>3. Unfair Prejudice - the probative value of the evidence is outweighed by a danger of unfair prejudice. <i>See</i> D.R.E. 403.</p> <p>4. Improper Character Evidence – evidence of a person’s character or a character trait cannot be used to prove that person acted in conformity with his or her character or character trait on a particular occasion. <i>See</i> D.R.E. 404, including with respect to exceptions.</p> <p>5. Lack of Personal Knowledge – no evidence supports that the witness has personal knowledge over the matter that is the subject of testimony. <i>See</i> D.R.E. 602.</p> <p>6. Improper Lay Opinion – a non-expert’s testimony in the form of an opinion is not based on his or her perception. <i>See</i> D.R.E. 701.</p>	<p>7. Speculation – testimony is speculative or would involve guessing</p> <p>8. Authenticity – evidence was not authenticated before admission. <i>See</i> D.R.E. 901 & 902.</p> <p>9. Lack of Foundation – no predicate evidence supports evidence is what it purports to be</p> <p>10. Best Evidence – writing, recording, or photograph evidence submitted to prove its content is not the original. <i>See</i> D.R.E. 1001-07, regarding requirement of originals and exceptions.</p> <p>11. Privilege – evidence is the subject of a privilege, e.g. lawyer-client, physician-patient, spousal, religious, etc. <i>See</i> D.R.E. 501-12 regarding privileges and waivers.</p> <p>12. Subsequent Remedial Measures; Settlement Offers; Liability Insurance – evidence regarding these subjects is not admissible, however there are exceptions. <i>See</i> D.R.E. 407, 408, 411</p>

Objections to Form

1. **Leading Question** – question suggests the answer
2. **Compound Question** – question contains multiple parts
3. **Vague Question** – questions is not specific
4. **Argumentative** – question summarizes, draws inferences to, or comments on evidence
5. **Calls for Narrative Answer** – question elicits disclosure of potentially inadmissible evidence
6. **Asked and Answered** – question is repetitious and has been answered
7. **Assumes Facts Not in Evidence** – question contains a predicate statement of fact not shown through evidence
8. **Calls for Speculation/ Improper Opinion** – question calls for a witness to interpret another’s state of mind or intentions
9. **Calls for Irrelevant Answer** – the question seeks an answer that is irrelevant
10. **Non-Responsive Answer** – the answer does not respond to the question

Responding to an Objection

1. Rephrase the question, if the objection is to form.
2. Articulate the bases for admissibility, and whether you seek to admit the evidence for any limited, precise purpose.
3. If admissibility depends on evidence that will be introduced later, seek conditional admissibility. If the conditions are not satisfied, your opponent may seek to strike the conditionally admitted evidence.
4. Request further argument, if necessary.