During a trial, both sides in the case may present evidence. The testimony of witnesses is important evidence. To guarantee that a trial is fair and to help the jury find the truth, courts have rules about how witnesses give evidence and what kinds of evidence they can give. The judge ensures that everyone follows these rules of evidence. **If a lawyer believes that something said in court is against the rules, he or she can object.** Lawyers use the guidelines listed below in their objections.

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| **Relevance**  Evidence must be relevant. It must have something to do with proving the case.  *EXAMPLE: In a trial over stolen baseball caps, a lawyer asks a witness about her favorite kind of pizza. The opposing lawyer objects that the question is not relevant.* |
| **Hearsay**  Hearsay is not usually allowed as evidence. Hearsay is something a witness may have heard about from someone else, but they did not hear or see firsthand.  *EXAMPLE: In a case about missing apple, a witness testifies, “A neighbor told me that Kim was hanging around the apple tree.” The opposing lawyer objects that the statement is hearsay. The witness did not actually see Kim near the apple tree.* |
| **Opinion**  Opinions are generally not allowed as evidence. Witnesses are to stick to the facts. Unless witnesses qualify as experts, their opinions, or what they think about those facts, are not acceptable as evidence.  *EXAMPLE: The witness’s first sentence in this exchange is a fact. The second statement is an opinion and would not be allowed as evidence. Lawyer: “Did the ticket taker tell you what his name is?” Witness: “He told me his name is Robert. I don’t think he was telling the truth.”* |
| **Speculation**  Speculation means drawing conclusions and coming up with an idea about what might have happened. This is not allowed by witnesses. A witness cannot jump to conclusions that are not based on what the witness experienced.  *EXAMPLE: A witness is asked if he saw his friend Kelly on Saturday. He answers, “No, but she was probably playing soccer. She always plays soccer on Saturday.” The other lawyer objects that this is speculation, as the witness himself didn’t see where Kelly was.* |
| **Leading**  Leading questions suggest an answer for the witness. This is not usually allowed with direct examination (questioning your own side’s witnesses), but it IS usually allowed during cross.  *EXAMPLE: A lawyer asks a witness during direct examination, “You enjoyed stealing that candy bar, didn’t you?” The other lawyer objects that this is a leading question, as it suggests a specific answer. The lawyer may have to re-frame the question as something broader, such as “What did you take from the store? How did it make you feel?”* |

**Part A. I Object!** Read the following exchanges to determine the possible reasons that a lawyer might object to the question or answer. Using the reading on pg. 1, list the appropriate reason or reasons for objection. Explain why that is the reason based on the witness’s answer. Finally, rewrite each Q & A exchange to remove the objection in a way that demonstrates impartiality and fairness. The first one has been done for you as an example. You may use a choice more than once.

Choices:

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| **Relevance** | **Hearsay** | **Opinion** | **Speculation** | **Leading** |

1) Lawyer: At 8 pm that day, you were at the deli, correct?

Witness: Yes.

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| On what grounds would you object?  ANSWER: Leading |
| Explain why.  ANSWER: This question suggests that the witness should say that he was at the deli, but he might say something else if asked the question differently. |
| Rewrite the Q and A in a way that removes any objections and demonstrates impartiality and fairness.  LAWYER: What were you doing that day at 8pm?  WITNESS: I was at Publix getting a chicken tender sub.  LAWYER: Did you visit the deli?  WITNESS: Yes. |

2) Lawyer: What happened next?

Witness: John heard something and went outside and yelled out that he saw Ken break the garage door.

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| On what grounds would you object?  ANSWER: |
| Explain why.  ANSWER: |
| Rewrite the Q and A in a way that removes any objections and demonstrates impartiality and fairness.  LAWYER:  WITNESS: |

3) Lawyer: What did you see when you returned home?

Witness: The garage door was broken. Ken had broken it. It must have been him because no one else was home at the time.

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| On what grounds would you object?  ANSWER: |
| Explain why.  ANSWER: |
| Rewrite the Q and A in a way that removes any objections and demonstrates impartiality and fairness.  LAWYER:  WITNESS: |

4) Lawyer: What did you make for breakfast that morning?

Witness: I usually make pancakes on Saturday, but that morning I made scrambled eggs. They’re my favorite.

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| On what grounds would you object?  ANSWER: |
| Explain why.  ANSWER: |
| Rewrite the Q and A in a way that removes any objections and demonstrates impartiality and fairness.  LAWYER:  WITNESS: |

5) Lawyer: Do you know the defendant?

Witness: No. I’ve never met him, but my wife knows him and says he is not very nice. I’m sure that he broke the garage door.

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| On what grounds would you object?  ANSWER: |
| Explain why.  ANSWER: |
| Rewrite the Q and A in a way that removes any objections and demonstrates impartiality and fairness.  LAWYER:  WITNESS: |

6) Lawyer: Did you notice anything unusual?

Witness: The door of the garage next to us was broken. It’s a shame; it was the best-looking garage in the neighborhood. I wish mine looked like that.

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| On what grounds would you object?  ANSWER: |
| Explain why.  ANSWER: |
| Rewrite the Q and A in a way that removes any objections and demonstrates impartiality and fairness.  LAWYER:  WITNESS: |

7) Lawyer: How long have you lived in the neighborhood?

Witness: I’ve lived there for five years. I moved there when I got a new job. I was happy to live in the neighborhood, but I didn’t like Ken when I first met him.

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| On what grounds would you object?  ANSWER: |
| Explain why.  ANSWER: |
| Rewrite the Q and A in a way that removes any objections and demonstrates impartiality and fairness.  LAWYER:  WITNESS: |

**Part B. Reflection.** Reflect on our criminal mock trial experiences. What was your favorite part of the experience, and why? Write a paragraph explaining this, what you learned from the mock trial, and also what you would do differently in a future mock trial. Do you remember any point in which your side could object to a question?

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