

GMU Rules of Evidence CS 405 Mock Trial Project

1. Objection: "Relevance"

Meaning: The question asked is not relevant to the issues in dispute.

Exceptions: (a) The question is laying a foundation for evidence that will be relevant.

(b) The opposing side "opened the door" (i.e. already commented about this topic)

2. Objection: "Calls for a conclusion on the part of the witness"

Meaning: The question is asking the witness to make a conclusion regarding various bits of information, something only an expert is permitted to do.

Exception: The witness has been qualified as an expert in the field, and so is permitted to make conclusions within the realm of his/her area of expertise.

(Note that in our cases, the witnesses must be factual witnesses rather than experts, so this exception would not ordinarily make sense.)

3. Objection: "Calls for Speculation"

Meaning: The question is asking the witness to speculate on something, rather than state known facts.

4. Objection: "Assumes facts not in evidence"

Meaning: The question requires the witness to assume something that has not already been shown by other testimony.

5. Objection: "Hearsay"

Meaning: The question is asking the witness to repeat something s/he heard from someone else.

Due to the extremely complex number and nature of traditional hearsay exceptions, no exceptions will be permitted under these GMU rules

(Note: Statements offered for a purpose other than to prove their truth are not considered hearsay. For example, a witness may testify to a statement heard that contradicts an earlier statement made by another witness, for impeachment purposes.)

6. Objection: "Leading the Witness"

Meaning: The question is giving the witness information about what the intended answer ought to be.

(Example: "So, is that when he pointed the gun at you?")

Exception: When dealing with an opposing party's witness, you are permitted to lead.

7. Objection: "Asked and Answered"

Meaning: The question is just reiterating something that has already been covered (perhaps to emphasize a response to the judge or jury).

8. Objection: "Counsel is testifying"

Meaning: The attorney is making factual statements rather than only asking a question. (The attorney is not allowed to testify.)