

**QUESTION 3 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I
OR IN EXAMPLIFY ANSWER SCREEN 3**

Polly claims she was sexually harassed at work by her supervisor Sully. She filed suit against her employer after her employer's internal investigation concluded Sully had not sexually harassed Polly. At trial in a Michigan state court, Polly's employer seeks to call as a witness its vice president, Vince. Vince did not have a direct role in addressing Polly's internal claim; Vince's role was to "rubber stamp" the decision made by others that Polly's internal claim was without merit. Vince is handsome and well spoken. Vince is also Sully's older brother.

Before Vince is sworn, Polly's attorney objects to Vince taking the stand. At sidebar, Polly's counsel argues that Vince is an unqualified witness due to his inescapable bias in favor of his younger brother Sully. Polly's attorney further argues that, should Vince be allowed to take the stand, Polly intends to impeach Vince with evidence that he had an extramarital affair several years ago. Finally, Polly's counsel argues that, should Vince deny his unfaithfulness on the stand, Polly has located Vince's former mistress and will call her to the stand to prove Vince is lying.

The employer responds that Vince is a competent witness under MRE 601 and that Polly's threatened impeachment evidence is improper character evidence under MRE 608, as well as irrelevant and unduly prejudicial. Outside the presence of the jury, the court asked Vince if he was willing to take an oath, and whether he understood his obligation to testify truthfully. Vince answered "yes" to both questions.

1. How should the court rule on Polly's objection to Vince's qualifications as a witness? Explain.

2. How should the court rule on the employer's response that Polly's impeachment evidence is irrelevant and unduly prejudicial? Explain.

3. How should the court rule on the employer's response that Polly's impeachment evidence does not comport with MRE 608? Explain.

*******THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I*****
OR IN EXAMPLIFY ANSWER SCREEN 3**