

Objections



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Competency to Testify

| | |
|--|--------|
| Does not understand duty to tell the truth | EC 701 |
| Lacks personal knowledge | EC 702 |

Form of Question

| | |
|---------------------------------------|--------|
| Ambiguous | EC 765 |
| Argumentative | EC 765 |
| Asked and answered | EC 765 |
| Assumes facts not proved or admitted | EC 765 |
| Beyond the scope of prior examination | EC 773 |
| Calls for speculation | EC 702 |
| Compound | EC 765 |
| Leading on direct | EC 767 |
| Misquotes the witness | EC 765 |

Hearsay Exceptions

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|------------------------------|---------|
| Admission by party opponent | EC 1220 |
| Prior inconsistent statement | EC 1235 |
| Spontaneous statement | EC 1240 |
| Contemporaneous statement | EC 1241 |
| Exisiting state of mind | EC 1250 |
| Business records | EC 1271 |
| Official records | EC 1280 |
| Former testimony | EC 1291 |
| Family history | EC 1311 |
| Statement in deed or will | EC 1330 |

Protected Communications

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|-------------------------|---------|
| Attorney-client | EC 954 |
| Self-incrimination | EC 940 |
| Physician-patient | EC 994 |
| Psychotherapist-patient | EC 1014 |
| Trade secret | EC 1060 |
| Mediation | EC 1119 |
| Settlement | EC 1152 |

Other Objections

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|----------------------------------|---------|
| Irrelevant evidence | EC 350 |
| Cumulative or unduly prejudicial | EC 352 |
| Evidence by eavesdropping | EC 2022 |
| Misconduct during marriage | EC 2335 |
| Parole evidence | EC 1856 |
| Improper impeachment | EC 786 |
| Improper rehabilitation | EC 786 |

Writings

| | |
|-----------------------------|---------|
| No authentication | EC 1401 |
| Improper secondary evidence | EC 1521 |

Expert Opinion Testimony

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|----------------------------|--------|
| Lack of qualification | EC 702 |
| Improper basis for opinion | EC 801 |
| Cumulative experts | EC 723 |

EVIDENTIARY OBJECTIONS

THE FOUR OBJECTION TO A WITNESS

1. A percipient witness lacks sufficient personal knowledge
2. An expert witness lacks sufficient expertise
3. A witness is incapable of understanding the duty to tell the truth
4. The witness is incapable of expressing him/herself so as to be understood

THE SOLE OBJECTION TO A WITNESS' ANSWER

1. The answer is non-responsive

THE TEN OBJECTIONS TO THE FORM OF THE QUESTION

1. * Leading (during direct examination only)
2. * Calls for a narrative response
3. * Too general
4. * Ambiguous
5. * Compound
6. * Calls for speculation
7. * Asked and answered
8. * Argumentative
9. * Misquotes a witness
10. * Assumes facts not in evidence

*** DEPOSITION TIP:**
if you don't make one of
these 11 objections
during deposition, you
have **WAIVED** it

THE TWELVE OBJECTIONS TO EVIDENCE

1. Insufficient foundation
2. Hearsay
3. * Privilege/work product
4. Irrelevant
5. Improper impeachment
6. Improper rehabilitation
7. Inadmissible opinion
8. Inadmissible parol evidence
9. Evidence Code section 352
10. Beyond scope of preceding examination
11. Illegally-obtained evidence
12. Other objections (e.g., settlement offer, privacy right)