



**Cheat Sheet:
21 Trial Objections
+
BONUS**

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HELLO!

My name is Jarrett Stone



I'm the founder of Law Venture and the owner of Stone Firm, PLLC.

I put this Cheat Sheet (and **surprise bonus**) together because I love trial advocacy and love helping others become better advocates!

As a member of Law Venture, **you will have exclusive access to some pretty incredible resources and materials.** So be sure to check your email regularly for updates!

If you ever want to reach out to me, then you can find me at @JarrettStoneLaw on social media.

I wish you the best in your journey as a trial lawyer! Enjoy!

Objection to Question

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Improper Impeachment

Privileged

Confusing or Misleading

[Objection]

This section will be an example of how you can make your objection to the court.

Breakdown

This section will better explain the purpose behind the objection and any exceptions.

If you're the one making the objection, then you need to always consider whether it's worth making the objection (cost vs. benefit).

The last thing you want to do is appear to be withholding the truth from the jury.

So if the Court allows for speaking objections, then try to follow each objection with a short justification so that the jury better understands what you're doing.

Response

This section will provide the response to the objection.

Again, pick your battles. Sometimes the objection is valid and it's best to move on.

Leading – FRE 611(c)

”Objection: Leading. Counsel is instructing the witness on what to say.”

Breakdown

Leading questions are *usually* improper on direct examination because the questions suggest an answer.

Thus, leading questions on direct would basically allow for the lawyer to testify because the witness would just need to say “yes” to everything.

It may be beneficial to follow a leading objection with a super short sentence that indirectly explains to the jury why you are preventing the other party from asking questions.

Foundational questions, basic questions, hostile witnesses are normally exceptions to this rule.

Response

“Your Honor, this question is only to establish foundational issues in a quick manner.”

“Your Honor, this is a hostile witness.”

Argumentative

”Objection: Argumentative. Counsel is arguing and not asking for facts.

Breakdown

Use this objection when opposing counsel is no longer asking questions, but trying to tell the witness how to answer or that the witness is wrong.

This objection is mainly used when opposing counsel if conducting a cross examination on your client/witness.

Lawyers conducting cross are normally given some latitude to try to get answers to their questions. So it’s usually best to withhold this objection until it’s pretty obvious that opposing counsel is arguing and not examining.

Response

“Your Honor, this is a question that the jury is going to want answered. I’m only trying to help the jury get that answer.”

Asked and Answered – FRE 403

”Objection: Asked and Answered.”

Breakdown

If opposing counsel keeps asking the same question (or different versions of the same question) and is getting the same answer, then you can use this objection.

Judges and juries can get frustrated if they feel like their time is being wasted by watching the same thing over and over again.

So they may be relieved if you stand up and object so that opposing counsel moves on. Plus, it will allow for you to take some of the heat off of your witness.

Response

“Your Honor, the witness is dodging the question by failing to provide a clear answer to the jury.”

Misstates Evidence

”Objection: Counsel is misstating the evidence.”

Breakdown

You probably won’t win this objection because the judge doesn’t want to be the one to determine the merits of the evidence during trial.

The benefit though is that you can plant the seed in the jurors’ minds that opposing counsel is attempting to twist the truth.

Response

“Your Honor, I am not misstating the evidence. And the jury has heard the evidence and can determine exactly that.”

Calls for Narrative

”Objection: The question calls for narrative.”

Breakdown

This objection heads off the witness’s testimony, which is expected to be long and pointless.

Keep in mind, opposing counsel is supposed to be asking open-ended questions. So you need to use your judgment on whether the question is too broad or whether the question (based on how the witness has been answering) will most likely elicit testimony that will be a waste of the court’s time.

This objection is used pretty rarely. Typically, the “narrative” objection (different from “calls for narrative”) is used more often because it is used once the witness starts rambling.

Response

“Your Honor, my question is simply asking for a short response. And if that wasn’t clear to the witness whenever I asked it, it should be clear now.”

Misquotes Witness

”Objection: Counsel is misquoting the witness.”

Breakdown

You probably won’t win this objection because the judge doesn’t want to be the one to determine the merits of the evidence (including testimony) during trial.

The benefit though is that you can plant the seed in the jurors’ minds that opposing counsel is attempting to twist the truth.

Response

“Your Honor, I am not misquoting the witness. And the jury has heard the testimony and can determine exactly that.” Or “Your Honor, I wasn’t quoting the witness verbatim and never claimed to do so. I was simply referring to the testimony.”

Calls for Speculation

”Objection: Calls for speculation. This question requires the witness to guess the answer.”

Breakdown

You should *always* object if a question requires your witness to guess. And you should *always* prep your witness to never guess on the stand.

Guessing and speculating rarely have any probative value in the courtroom and thereby fail FRE 403.

The only potential exception would be having an expert witness hypothesize, using their relevant expertise, about a particular question or fact.

Response

“Your Honor, if this witness doesn’t know the answer, then this witness can simply testify to not knowing the answer.”

Ambiguous Question

”Objection: the question is ambiguous. I’m not sure what is being asked and I want to make sure that the witness isn’t also confused by what is being asked.”

Breakdown

When using this objection, don’t try to be overly critical of opposing counsel. There’s no need to try to embarrass him or her.

Instead, just politely object and appeal to the court’s sense of fairness by making sure that everyone is on the same page with what is being asked.

More often than not, opposing counsel will then ask the question in a clearer way.

Response

“Your Honor, I can rephrase my question.”

Compound Question

”Objection: Compound Question. There are multiple questions being asked at the same time. I just ask that counsel break them up.”

Breakdown

You should always object if there are two or more questions being asked at the same time.

If you don’t and the witness answers, then it won’t be clear if the answer applies to one or all of the questions.

Especially if the witness answers with just a “yes” or a “no.”

Response

“Your Honor, I can ask the question in multiple parts.”

Assumes Facts Not in Evidence

”Objection: this question assumes facts that are not in evidence. This question requires more foundation to be laid first.”

Breakdown

Evidence comes from the witness and not the lawyer. So when a lawyer’s question mentions a detail that hasn’t first come from a witness, then the question is assuming a fact that is not in evidence.

If the fact is minor, then it may not be worth objecting.

And if you do object, then the court may still overrule you if the court believes the fact will inevitably be in evidence later.

Response

“Your Honor, those facts will be brought up later with other witnesses. But, this witness was called before them so it will save this Court’s time for me to ask this question now.”

Irrelevant

”Objection: this evidence is irrelevant and has no probative value.”

Breakdown

If the evidence has zero probative value, then it should not be admitted because it is irrelevant.

The general exception is the introductory portions of direct examination when the witness is explaining who they are. You typically don't want to come off as a jerk by claiming that the witness's life is irrelevant.

So be sure to give foundational things a little bit of slack before objecting.

Response

“Your Honor, this evidence is probative because it shows [reasoning].”

Lacks Personal Knowledge

”Objection: this witness lacks the personal knowledge required to answer this question properly.”

Breakdown

Lacking personal knowledge and speculating go hand-in-hand because both require guessing.

Sometimes the other party’s witness thinks they know the answer so they make a guess on direct.

If that happens, then you will have to take the witness on voir dire (probably outside the presence of the jury) to show the judge that the answer is not credible because the witness lacks personal knowledge and is guessing.

Response

“Your Honor, I can follow up with some questions that confirm that the witness is not guessing or speculating.”

No Foundation

”Objection: Lack of foundation.”

Breakdown

This objection is most commonly used when opposing counsel or the witness is jumping the gun by reaching a conclusion without providing the factors that lead up to the conclusion.

For example, if a witness starts talking about a car wreck but there has been zero evidence that establishes that the witness was at the scene of the wreck and has personal knowledge, then you can object and ask for the foundation to be laid first.

Response

“Your Honor, I can follow up with some questions that confirm that the witness has personal knowledge.”

Speculation

”Objection: the witness is speculating.”

Breakdown

Sometimes a question doesn’t call for speculation, but the witness starts talking and ends up speculating on their own.

For example, the witness may testify to being at the scene of the car wreck but not seeing the actual car wreck. In doing so, the witness may say, “I drive through that intersection a lot and the light turns red really quickly. The Plaintiff probably stopped real fast, which caused the Defendant to hit her.” That’s speculation.

Response

“Your Honor, I’ll instruct the witness to only speak to what she personally saw or experienced.”

Impermissible Character Evidence

”Objection: Impermissible Character Evidence. Counsel is attempting to prove propensity, which is not allowed under FRE 404 and is highly prejudicial under FRE 403.”

Breakdown

Always try to head off any character evidence with a Motion in Limine. That way opposing counsel will have to approach the bench or ask that the jury be excused before discussing character evidence.

If character evidence is brought up anyways, then it’s usually best to immediately approach the bench and ask that the jury be excused before explaining to the judge that the opposing counsel is violating FRE 404, 607-609.

Response

“Your Honor, this evidence is not being offered to prove propensity. Instead, it falls under the exception of 404(a)(3) [or 404(b)(2)].”

Unfair Prejudicial Effect Substantially Outweighs the Probative Value

”Objection: this evidence violates FRE 403. The probative value is substantially outweighed by the unfair prejudicial effect.”

Breakdown

FRE 403 is the safety net for most objections because even if evidence is admissible under a different rule, it will always have to survive FRE 403 as well.

But, before making this argument, be sure to approach and/or ask that the jury be excused. This will hopefully prevent the jury from hearing the evidence in the first place (can't unring the bell). And the jury probably won't know that you're the one trying to prevent them from hearing certain evidence, which could annoy them.

Response

“Your Honor, this evidence is highly probative. Just because it hurts the other party's case, doesn't mean that it is *unfairly* prejudicial.”

Hearsay

”Objection: Hearsay. The witness is quoting someone that I can’t cross examine to ensure the statement’s accuracy.”

Breakdown

FRE 802 is hyper technical. So always refresh yourself with the corresponding rules and exceptions before trial.

If you ever hear the witness quote someone else, then it’s a good rule of thumb to object to hearsay. Let the other side prove its admissibility.

As a practical matter, if you can master hearsay, then you will immediately have an advantage over most lawyers. I even went against a gray-haired lawyer in trial who didn’t know that party-opponent was a thing.

Response

“Your Honor, this statement is an exception to hearsay because [insert exception].”

Inadmissible Opinion of a Lay Witness

”Objection: this witness is not an expert and cannot give legal conclusions and opinions. That’s for the jury.”

Breakdown

Lay witnesses (non-expert witnesses) are put on the stand to testify to facts – not legal opinions and conclusions. That’s the job for the fact finder.

That being said, lay witnesses can reach opinions or inferences that do not require specialized training or knowledge. You’ll have to use your judgment to determine whether the opinions are ordinary opinions or specialized opinions. See FRE 701/702.

Response

“Your Honor, the witness is only testifying to what she perceived that day.”

Improper Impeachment

”Objection: this is an improper impeachment.”

Breakdown

Check out FRE 404, 607, 608, and 609, which define the limitations on types and use of impeachment.

Response

“Your Honor, I am asking questions so the jury can determine this witness’s credibility.”

Privileged

”Objection: these matters are privileged.”

Breakdown

This one is pretty straightforward.

Be sure to remember that privileged communication doesn't only apply to you and your client.

For example, your client's communications with a therapist may end up being privileged.

Response

“Your Honor, this matter is not privileged because...”

Confusing or Misleading

”Objection: This answer is confusing or misleading.”

Breakdown

Personally, I would rarely use this objection. In fact, I would probably only use it if I didn't have the opportunity to cross examine the witness.

If a witness is attempting to confuse or mislead the jury, then it will probably be better to let the witness think that he or she got away with it on direct by not objecting.

And then show the jury on cross examination how the witness's testimony was deceptive.

Response

“Your Honor, I can ask the question again so that the witness can answer more clearly.”



Here's a Bonus!!!

**7 Steps for
Admitting Exhibits**

1. Mark the exhibit (e.g. “Plaintiff’s Ex. #1)
2. Show opposing counsel the exhibit
 - a. “For the record, I am showing opposing counsel what has been marked as [Plaintiff’s Ex. #1]”
3. Ask to approach the witness
4. Hand exhibit to witness
 - a. “I’ve handed you what’s been marked as [exhibit], do you recognize it?”
 - b. “Without getting into the details of the exhibit, can you tell me how you recognize it?”
 - c. For object: “is it in the same or substantially the same condition today as when you last saw it?”

For Document: “Is this the original or copy?”

(Continued)

For Document: “Is it a true and correct copy?”

“Is that your signature here?”

5. Move the exhibit into evidence
 - a. “Your Honor, I move that [exhibit] be entered into evidence.”
 - b. Judge asks if any objection and considers any objection

6. After admitting, discuss exhibit with witness

7. Don’t forget to ask the Judge if you can publish the exhibit so the jury can see it as well.

Done!



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