



North Carolina Mock Trial Program Establishing Foundation for Exhibits

Before questioning a witness about an exhibit or entering an exhibit into evidence, the attorney must first establish that the witness is familiar with the exhibit. One possible way to do this is as follows:

1. Ask for permission to approach the witness. “Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit Number ___?”
2. Show the exhibit to opposing counsel, then walk over to show the exhibit to the witness.
3. Ask the witness to identify the exhibit. “I now hand you what has been marked for identification purposes as Exhibit Number ___. Would you identify it, please?” Witness answers with identification only: “It is the Arcadia Police Department Policies and Procedures Manual.” Or “It is an article from the Arcadia News & Record about School Resource Officers.”
4. Ask the witness a series of questions that are offered for proof of the admissibility of the exhibit. These questions lay foundation for admissibility, including questions to demonstrate relevance and materiality of the exhibit.

Q: “How are you familiar with this exhibit?”

A: “I received a copy when I joined the Arcadia Police Department.”

Q: “Did you read the whole document carefully at that time?”

A: “Yes. We were required to read it during an orientation session.”

By a series of similar questions, the student attorney can demonstrate both that the witness is familiar with the document and why the document is relevant to the case.

It may be better to ask some of these questions before showing the witness the exhibit. For example, if the exhibit is referencing a report written by a physician, it may be better to ask what types of tests the doctor conducted **before** showing the report to the witness to enter it into evidence, thereby laying foundation for the exhibit.

5. After appropriate foundation has been laid, offer the exhibit into evidence: “Your Honor, we offer Exhibit Number ___ into evidence at this time. Its authenticity has been stipulated.” Opposing counsel can object if s/he believes that sufficient foundation has not been laid, and the attorney attempting to enter the exhibit may be required by the judge to lay further foundation if the judge agrees with the objection.