



North Carolina Mock Trial Program Objections and Motions

Objections can be made by student attorneys when they believe an attorney or witness has violated the Rules of Evidence during either side's case-in-chief. The attorney wishing to object should stand up and do so at the time of the violation. For example, the objection should be made as soon as the improper question is asked by the other attorney and before the witness answers, whenever possible.

When an objection is made, the judge will ask the objecting attorney the reason for the objection. Then the judge will turn to the attorney who asked the question and give her/him a chance to explain why the objection should not be accepted (sustained) by the judge. Then, if the objecting attorney would like to be heard further on the reasons for the objection, s/he should politely ask the judge, "Your Honor, may I be heard?" The judge will usually allow both attorneys to speak twice before making a ruling, but students should not ask to speak a second time if they have nothing further to add. Finally, the judge will rule on the objection, deciding whether an attorney's question or witness' answer must be disregarded ("objection sustained"), or whether to allow the question or answer to remain on the trial record ("objection overruled").

Common mock trial objections (additional objections are based upon the Rules of Evidence):

1. Relevance (Rule 401)
"Objection, Your Honor. This testimony is not relevant to the facts of this case."
2. Leading question on direct examination (Rule 611(c))
"Objection, Your Honor. Counsel is leading the witness."
3. Improper character testimony (Rules 404 – 405, 608 - 609)
"Objection, Your Honor. Character is not an issue here."
4. Hearsay (Rules 801 – 805)
"Objection, Your Honor. Counsel's question (or the witness' answer) is based on hearsay." (If the objection is sustained and the witness has already given a hearsay answer, the objecting attorney should also say, "and I ask that the statement be stricken from the record.")
5. Opinion testimony (Rule 701)
"Objection, Your Honor. Counsel is asking the witness to give an improper opinion."

6. Lack of personal knowledge (Rule 602)

"Objection, Your Honor. The witness has no personal knowledge to answer the question."

NOTE: The bailiff/timekeeper should **stop the timer** as soon as the objection is made and should **restart the timer** after the judge makes his/her ruling.

Objections by Category

Schools are permitted to raise any objection falling within the NCHSMT Rules of Evidence, which closely track the Federal Rules of Evidence. Listed below are the most commonly used objections with corresponding rule numbers (when applicable). This list, however, is not exhaustive and cannot be used to bar an opponent from raising an objection otherwise grounded in the NCHSMT Rules of Evidence.

I. Objections to the Form of the Question

| | |
|--------------------------------------|-------------------------------|
| Leading | Vague |
| Asked & Answered | Compound Question |
| Argumentative, Badgering the Witness | Assumes Facts not in Evidence |

II. Objections to the Substance of the Question

| | |
|--------------------------------------|--|
| Relevance [401] | Lack of Foundation |
| Lack of Personal Knowledge [602] | Calls for Speculation [602] |
| Calls for Improper Opinion [701/702] | Ultimate Issue [704] |
| Calls for Hearsay [801] | Improper Character Evidence [404] |
| Cumulative [403] | More Prejudicial than Probative [403] |
| Calls for a Narrative Answer | Outside Scope of Re-Direct/Re-Cross [611(d)] |

III. Objections to the Witness's Answer

| | |
|-----------------------------------|--|
| Relevance [401] | Lack of Foundation |
| Lack of Personal Knowledge [602] | Speculation [602] |
| Improper Opinion [701/702] | Ultimate Issue [704] |
| Hearsay [801] | Hearsay within Hearsay [805] |
| Improper Character Evidence [404] | Improper Bolstering [608(a)] |
| Cumulative [403] | More Prejudicial than Probative [403] |
| Narrative | Outside Scope of Re-Direct/Re-Cross [611(d)] |
| Non-Responsive | |

Motions

As stated in Rule 4.11, most motions in mock trial are prohibited. No *voir dire* of witnesses or *motions in limine* are permitted (see glossary of legal terms). No exclusion of any witnesses from the courtroom (“sequestering”) is permitted.

The following 2 motions are allowed:

A motion to strike testimony following a sustained objection; and

A motion to enter a witness as an expert after sufficient foundation has been laid under Rule 702.