CEB® Checklist of Objections

Keep up with CEB news, tips, and releases on our blog, Facebook, LinkedIn, Twitter, and YouTube!

Chapter cross-references are to California Trial Objections

Objections to Competence to Testify

Cannot be understood	Evid C §701(a)(1); chap 18.
Does not understand duty to tell truth	Evid C §701(a)(2); chap 18.
No personal knowledge	Evid C §§702, 800; chap 18.
Juror cannot give subjective evidence impeaching verdict	Evid C §1150; chap 18.
Juror at this trial	Evid C §740(b); chap 18.
Judge at this trial	Evid C §703; chap 18.

Objections to Form of Questions

Ambiguous or unintelligible	Evid C §765(a); chap 7.
Argumentative	Evid C §765(a); chap 14.
Assumes fact not in evidence	Evid C §§210, 765(a); chap 15.
Calls for narrative answer	Evid C §765(a); chap 10.
Calls for speculation	Evid C §§702, 800 (matter not in witness's personal knowledge), 801 (question calls for improper opinion); chap 16.
Compound	Evid C §765(a); chap 8.
Has been asked and answered	Evid C §765(a); chap 11.
Leading	Evid C §767; chap 13.
Misquotes a witness	Evid C §765(a); chap 12.
Too general	Evid C §765(a); chap 9.
Improper hypothetical question	*People v Vang* (2011) 52 C4th 1038; chap 20.

Objections Concerning Experts

Information will not help trier of fact	Evid C §801(a); chap 20.
Insufficient foundation to qualify as expert	Evid C §§720, 801; chap 20.
Should give basis of opinion before stating opinion	Evid C §802; chap 20.
Subject matter not beyond experience of ordinary witness	Evid C §801(a); chap 20.
Use of new scientific technique that does not satisfy *Kelly* test	*People v Leahy* (1994) 8 C4th 587; chap 20.
Witness is basing opinion on material that may not reasonably be relied on	Evid C §801(b); chap 20.
Improper legal opinion	Evid C §801(a); *Summers v A. L. Gilbert* (1999) 69 CA4th 1155; chap 20
Improper hearsay	Evid C §801(b); *People v Sanchez* (2016) 63 C4th 665; chap 20.

Objections to Offered Evidence

Communications made "for the purpose of, in the course of, or pursuant to" a mediation	Evid C §1119; chap 32.
Cross-examination exceeds scope of direct examination	Evid C §§761, 773; chap 26.
Cumulative evidence	Evid C §352; chap 31.
Evidence of subsequent repairs or subsequent remedial conduct	Evid C §1151; chap 32.
Evidence that party has liability insurance	Evid C §1155; chap 32.
Hearsay	Evid C §1200; chap 19.
Illegally obtained evidence	US Const amends IV, XIV; Cal Const art I, §13 (objection normally must be made before trial); chap 28.
Improper evidence of prior sexual conduct in rape case	Evid C §782; chap 22.
Improper impeachment	Evid C §§352, 780, 785,789, 1101–1103; chap 22.
Improper rehabilitation	Evid C §§780, 785, 789–791; chap 23.
Inadmissible opinion of lay witness	Evid C §§800, 802–803; chap 20.
Inadmissible parol evidence	CCP §1856; chap 25.
Insufficient foundation	Evid C §403 or §405; chap 21.
Irrelevant evidence	Evid C §§210, 350–351; chap 17.
Party's offer to compromise, or admissions made during compromise negotiations	Evid C §1152; chap 32.
Writing not (properly) authenticated	Evid C §1401; chap 21.

CP-72552

Objections to Misconduct

Misconduct of counsel:	
Object to specific acts as misconduct and ask for curative admonition	Cite specific grounds and authority, *e.g.*, failure to provide required discovery (Pen C §1054.5(b) (criminal); CCP §2023.010(d) (civil)); chap 29.
Move for mistrial on ground that effect of misconduct is so prejudicial that fair trial is now impossible	*People v McLain* (1988) 46 C3d 97, 112; chap 29.
Misconduct of judge:	
Object to judge's misconduct, describe it, object as error, and	ABA Model Code of Judicial Cond Canon 3(A); *People v Perkins* (2003) 109 CA4th 1562, 1566; chap 29.
Move for mistrial on ground that effect of misconduct is so prejudicial that fair trial is now impossible	*People v Woods* (1950) 35 C2d 504, 512; chap 29.
Misconduct of juror (before verdict rendered):	
Object to specific acts as misconduct	*People v Pierce* (1979) 24 C3d 199; chap 29.
Move for mistrial on ground that effect of misconduct is so prejudicial that fair trial is now impossible	*People v Daniels* (1991) 52 C3d 815, 864; chap 29.
Request that jury be instructed to disregard misconduct	*People v Harper* (1986) 186 CA3d 1420; chap 29.

Motions to Strike

Answer contains inadmissible portions (specify portions)	*People v Glass* (1954) 127 CA2d 751; chap 52.
Answer was nonresponsive to question	Evid C §766; chap 52.
Evidence has been shown to be inadmissible	People ex rel *Dep't of Pub. Works v Dunn* (1956) 46 C2d 639; chap 52.
Insufficient opportunity to object to question before witness answered, and question is objectionable on ground (specify)	*Wysock v Borchers Bros.* (1951) 104 CA2d 571, 581; chap 52.
No foundation has been proved	Evid C §§403, 405; chap 52.
Witness unavailable for cross-examination	*People v Reynolds* (1984) 152 CA3d 42; chap 52.

Objections Because of Privilege

Against self-incrimination	US Const amends V, XIV; Cal Const art I, §15; Evid C §§404, 940; chap 46.
Attorney-client	Evid C §§916, 950–962; chap 34.
Lawyer referral service-client	Evid C §§965–968; chap 34.
Cleric-penitent	Evid C §§1030–1034; chaps 50–51.
Confidential marital communications	Evid C §§916, 980–987; chap 40.
Domestic violence counselor-victim	Evid C §§1037–1037.8; chap 39.
Sexual assault counselor-victim	Evid C §§916, 1035–1036.2; chap 38.
Defendant in criminal case not to be called as witness and not to testify	US Const amends V, XIV; Cal Const art I, §15; Evid C §930; chap 47.
Human trafficking caseworker-victim	Evid C §§1038–1038.3. See chap 39A.
Identity of informer	Evid C §§1041–1042 (usually pretrial motion); chap 44.
Journalist's immunity from contempt	Evid C §1070; Cal Const art I, §2(a)–(b); chap 48.
Not to be called as witness against spouse	Evid C §§970–973; chap 42.
Not to testify against spouse	Evid C §§970–973; chap 41.
Official information	Evid C §§1040, 1047; chap 43.
Physician-patient	Evid C §§916, 990–1007; chap 36.
Psychotherapist-patient	Evid C §§916, 1010–1027; chap 37.
Trade secrets	Evid C §§916, 1060; CCP §2019.210; chap 45.
Voter	Evid C §1050; chap 49.
Work product	CCP §2018.030; Pen C §1054.6; chap 35.

CEB®
CONTINUING EDUCATION OF THE BAR ▪ CALIFORNIA
Oakland, California
For update information call 1-800-232-3444
Website: ceb.com