

Basic Evidence Rules and Objections

Objection:
Lacks
Relevance

Evidence must be logically relevant to be admissible. Evidence is logically relevant when it tends to prove or disprove a material fact of the case. (Evid. Code, §§ 210, 350, and 351.)

Objection: Evidence
will waste time or
cause an undue delay

A trial judge has broad discretion to exclude relevant evidence if its probative value is substantially outweighed by its prejudicial effect. Evidence is prejudicial if it may bias the jury, confuse the jury, waste time, or unduly delay the proceeding. (Evid. Code, § 352.)

Objection: Lacks
Foundation

An attorney cannot ask the witness to answer a question for which he or she lacks foundation. (Evid. Code, § 400, et seq.)

Objection:
Lacks Personal
Knowledge

A witness may only testify to facts that are within his or her personal knowledge. (Evid. Code, § 403.)

Objection: Calls
for a Narrative

A question that is so broad and general that it permits the witness to narrate is impermissible. Proper questions should be specific enough to allow the witness to answer only on specific subjects.

Objection:
Assumes Facts
Not in Evidence

A question may not assume as true, any fact not yet introduced into evidence.

Basic Evidence Rules and Objections

Hearsay	Hearsay is an out-of-court statement offered for the truth of the matter asserted. It is generally inadmissible because the truthfulness of the witness at the time the statement was made cannot be tested. (Evid. Code, § 1200.) Consider that a statement may have non-hearsay purposes such as effect on person hearing the statement. In this instance, it is admissible.
Hearsay Excep.: Admission of a party	An out-of-court statement made by a party to the proceeding is admissible when used or offered against that person. (Evid. Code, § 1220, et seq.)
Hearsay Exception: Spontaneous Statement	Also known as an excited utterance, it is a statement made by a witness as the witness is perceiving or experiencing an exciting event. Excited utterances are admissible because the spontaneity and excitement of the statement leave little time for the witness to lie. (Evid. Code, § 1240.)
Hearsay Exception: Business Records	Under the business records exception, a business record that contains hearsay will be admitted if it was prepared by someone during the normal course of business by someone with personal knowledge of and a duty to report the matter contained therein. (Evid. Code, § 1270, et seq.)
Hearsay Exception: Official Records	Under the official records exception, a writing may be admitted into evidence if it was made by a public agency as: (1) made within the scope of the public employee's duties; (2) was made at or near the time of the act, condition or event; and (3) both the source of information and the method of preparation indicates trustworthiness. (Evid. Code, § 1280, et seq.)