

Hearsay:

Broadly defined, "hearsay" is testimony or documents quoting people who are not present in court, and hearsay evidence is inadmissible for lack of a firsthand witness. When the person being quoted is not present, establishing credibility becomes impossible, as does cross-examination.

Relevance

In order to be admissible in court, evidence must be relevant, or relate in some way to the issues being argued about at trial.

Speculation

The witness provides evidence which he or she does not have direct knowledge of and is instead guessing at.

Providing an answer to a question which he or she would obviously not know the answer to.

Expert witnesses may base an opinion on facts or data that he/she has been made aware of (Rule 703 - pg 8 of packet & Rule 705 - pg 9).

Entering a Narrative

A response in which the witness is allowed to ramble instead of sticking to answering the question.

Leading the Witness

A query that suggests to the witness how it is to be answered or puts words into the mouth of the witness to be merely repeated in his or her response.

Leading questions should not be used on the direct examination of a witness unless necessary to develop the person's testimony. They are permissible, however, on cross-examination.

Out of Court Settlements

Settlements out of court not allowed as admissible (Rule 408a). Exception: Rule 408 b (page 4 of Mock Trial Case packet) allows for evidence from out of court settlements to prove a witness's bias or prejudice.