

| FIRST STEP   | FOUNDATION  | FORM OF QUESTION   | ANSWER                                    | NEXT STEP  | FORM OF IMPEACHMENT                              |
|--|---|--|---|--|--|
| Identify a statement made at trial that is inconsistent with a prior statement       | A statement made at trial that is inconsistent with a prior statement | "Did you tell . . ."<br>or<br>Do you remember telling . . . "  | I don't remember saying that              | Refresh<br>↙<br>don't remember did not say it<br>or<br>said it<br>Allow to explain | extrinsic<br>extrinsic<br>intrinsic<br>extrinsic |
|  |   |  | I did not say that                        | Allow to explain   | extrinsic  |
|  |   |  | I did say that                            | Allow to explain   | intrinsic  |
| Elicit testimony about a particular fact if it was not already testified to at trial | Not established yet   | > No particular form Required<br>> Remember, you are asking about the factual matter and not a prior statement | I don't remember                          | Refresh<br>or<br>Allow to explain  | extrinsic  |
|  |   |  | Fact is consistent with prior statement   | Stop - no foundation   | none   |
|  |   |  | Fact is inconsistent with prior statement | Allow to explain   | extrinsic  |

Prepared by:  
 Judge ~~John~~ Prasad  
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## OBJECTIONS—TABLE OF OBJECTIONS

### OBJECTIONS PROVIDED BY EVIDENCE RULE:

1. Asked and answered. Rule 403
2. Best Evidence. Rule 1002
3. Calls for conclusion. Rule 701
4. Confusion of the Issues. Rule 403
5. Conjecture. Rule 701
6. Delay. Rule 403
7. Hearsay. Rule 802
8. Impeachment of own witness. See Rule 607 for limitations.
9. Incompetent. Rule 601
10. Irrelevant. Rule 402
11. Leading and suggestive. Rule 611(c)
12. Misleading the Jury. Rule 403
13. Opinion by non-expert. See Rule 701 for limitations.
14. Privilege. Rule 501
15. Unfair Prejudice. Rule 403.
16. Waste of time. Rule 403.

### OTHER OBJECTIONS:

17. Answer not responsive.
18. Argumentative.
19. Compound.
20. No corpus delicti.
21. Document speaks for itself.
22. No proper Foundation.
23. Indefinite term or adjective.
24. Parol Evidence Rule.
25. Beyond the scope (Federal).
26. Self-incrimination.
27. Self-serving statements or documents.
28. Unintelligible.
29. Unresponsive (only available to examining counsel).

## BIBLIOGRAPHY

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Edited by Hon. David M. Lawson, Kathleen Lang & Ronald S. Longhofer

*Michigan Civil Procedure Litigation Manual*, 2008 Edition

By A.J. Stephani & Glen Weissenberger

*Michigan Courtroom Evidence*, Fourth Edition

By Michael D. Wade & Hon. Dennis C. Kolenda