**EXCLUSION OF EVIDENCE**

Admissibility

1. Relevant (logical connection to fact in issue)
2. More probative than prejudicial
3. Not excluded

Objections

1. Irrelevant
2. Hypothetical
3. Speculation or conjecture
4. Bad faith
5. Badgering
6. Statements known to be false
7. Misstating facts
8. Arguing, abuse, rhetoric
9. Opinion (except measurements, speed, identity, state of mind, appearance of intoxication, sobriety, handwriting, testamentary capacity)
10. Asking witness to draw a conclusion
11. Asking witness to interpret a document (and the document speaks for itself)
12. Asking witness to comment on other evidence
13. Pure “fishing expedition”
14. Asking witness to disclose evidence rather than facts
15. Involves a matter of law
16. Reputation for veracity (ie goes to credibility only)

**QUESTIONING**

* If response includes name, get full name.
* **"I don't know"**: What you did to inform yourself of relevant and material documents prior to questioning? Who have you spoken to? What documents have you reviewed? (r 5.4)
* **“I don’t remember”** is there anything you could do to refresh your memory?
* Speak **“yes”** clearly.
* This will be quicker if you answer without **editorializing**.
* **“What is this relevant to?”**
* Undertaking **under advisement**, or **best efforts** to provide.
* **“Just off the record…”**
* Redirect: “That’s not a **clarification**. My understanding in redirect is that you can’t raise new issues. It’s only to clarify evidence if it’s confusing.”
  + **Redirect** per 5.25(5), to explain, elaborate or provide context for an answer initially given..
* Can take form of **cross-examination** per r 6.20(2).