

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	<i>People v McLain</i> (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); <i>People v Perkins</i> (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	<i>People v Woods</i> (1950) 35 C2d 504, 512; chap 29.
Misconduct of juror (before verdict rendered):	
Object to specific acts as misconduct	<i>People v Pierce</i> (1979) 24 C3d 199; chap 29.
Move for mistrial on ground that effect of misconduct is so prejudicial that fair trial is now impossible	<i>People v Daniels</i> (1991) 52 C3d 815, 864; chap 29.
Request that jury be instructed to disregard misconduct	<i>People v Harper</i> (1986) 186 CA3d 1420; chap 29.

Motions to Strike

Answer contains inadmissible portions (specify portions)	<i>People v Glass</i> (1954) 127 CA2d 751; chap 52.
Answer was nonresponsive to question	Evid C §766; chap 52.
Evidence has been shown to be inadmissible	<i>People ex rel Dep't of Pub. Works v Dunn</i> (1956) 46 C2d 639; chap 52.
Insufficient opportunity to object to question before witness answered, and question is objectionable on ground (specify)	<i>Wysock v Borchers Bros.</i> (1951) 104 CA2d 571, 581; chap 52.
No foundation has been proved	Evid C §§403, 405; chap 52.
Witness unavailable for cross-examination	<i>People v Reynolds</i> (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 48.
Attorney-client	Evid C §§916, 960-962; 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, 960-967; 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 §1054.8; chap 35.



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California Trial Objections

Marcel A. Müller



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