

The Purpose for Objections

Lawsuits are nothing like a hockey game, where a player's bitter objections have little or no effect on the referee.

In a hockey game, if a player has a beef, he can complain to the referee until he is benched, and that will be the end of it.

In a lawsuit, complaints to the referee are called "objections", and they *do* have an effect.

Unlike a hockey referee, courtroom judges *do* listen to objections. Many times, after an objection is made, they will listen to both sides and make decisions that determine the outcome of the case – *win or lose!*

Fail to make your objections effectively, and you run the risk of losing your case!

When you're engaged in a bitter courtroom battle, the other side will play every trick in the book to win. Expect it. Lawyers are trained to push the limits, and many of them will intentionally break the rules to get what they want. You must be on your toes at all times, anticipating that the other side will resort to unfair tactics whenever possible.

Don't count on the judge to interfere! Most of the time he won't. Many judges just sit back and let the two parties battle it out between themselves with little or no interference. Unlike the referee who "calls 'em as he sees 'em", judges may remain silent when the other side crosses the line. It may surprise you to learn that much of the time you'll look up to find the judge fiddling with the laptop computer on his bench or staring out the window. I even caught one reading his newspaper during an important hearing.

It's *your* job to speak up.

It's *your* job to toss a red flag when your opponent commits a foul.

"Objection!" stops the proceedings until the judge rules.

"Objection!" calls foul on the other side ... and sometimes calls foul on the judge!

Failure to object lets fouls go unnoticed – and prevents you from complaining later to an appellate court that those errors caused you to lose.



If you don't object to an error when the error is made (or as soon thereafter as possible), the appellate courts will not hear your objection for the first time on appeal.

If you don't object during proceedings in the lower court, you lose your right to appeal the judge's errors that caused you to lose!

Objections are essential to the process of winning. Unlike what happens at the end of a hockey game when the score is tallied and the winner declared, if you lose your case in court but made effective, timely objections every time the judge made the errors that hurt your cause, you get a second chance to win on appeal!

This is only true, however, *if you preserve your objections on the record.*

When a hockey game is over, the game is over.

When a lawsuit is over – if harmful errors were made – *and you objected properly to those errors and did so in a timely manner* – the final score may be revisited by a panel of appellate justices who will review the judge's errors and, if they agree with what you say in your appellate brief, may reverse the lower court's ruling or send the case back for another round of play.

Proper and timely objections are essential to winning lawsuits.