

8.06 | MOTIONS DURING THE COURSE OF THE TRIAL

Motion for Judgment as a Matter of Law:

This motion is usually made by the defendant at the close of evidence presented by the plaintiff. It is based on the premise that the plaintiff has failed to prove his or her case. If this motion is granted, the trial is concluded in the movant's favor. If the Court denies the motion, the trial continues with presentation of the defendant's side.

Motion for Mistrial:

Either party can move for a mistrial if, for example, during the course of the trial certain matters which are not admissible (such as those determined to be inadmissible in a prior motion in limine) are presented by any witness, either purposely or unintentionally, in the presence of the jury. If the Judge grants the motion for mistrial, the trial is immediately ended and the jury is dismissed.

Objections:

During the examination of a witness, one side may "object" to the questioning or testimony of a witness, or presentation of evidence, if the litigant believes that the testimony or evidence about to be given should be excluded. If the objection is sustained by the Judge, that particular testimony or evidence is excluded. If the objection is overruled by the Judge, the testimony or evidence may be given despite the objection. Check the Federal Rules of Evidence to make sure you know the proper grounds for making an objection.

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Honorable Mention: USNYND, USCAND)

