

From the Alameda County Public Defender's office\

Objections Cheat Sheet

Generally

Objection	Supporting Authority
Relevance	Evidence Code §§ 210, 350
Unduly prejudicial: The "probative value" of the evidence is "substantially outweighed by the probability that its admission will (a) necessitate undue consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury."	Evidence Code § 352

Jury Selection

Asking the Juror to Prejudge the Evidence	<i>People v. Fowler</i> (1918) 178 Cal. 657, 661
Indoctrinating on the Law or Facts	C.C.P. § 222.5; <i>Rousseau v. West Coast House Movers</i> (1967) 256 Cal.App.2d 878, 882
Testing the Juror's Knowledge of the Law	C.C.P. 222.5.; <i>People v. Love</i> (1960) 53 Cal.2d 843, 852;
Misstating the Law	<i>Kelly v. Trans Globe Travel Bureau, Inc.</i> (1976) 60 Cal.App.3d 195, 203-204
Question not related to any challenge for cause	C.C.P. § 222.5; <i>People v. Williams</i> (1981) 29 Cal.3d 392, 407.

Opening Statement

Admissibility of Evidence	
Asserted Facts are Unsupported by Evidence	<i>Smith v. Covell</i> (1980) 100 Cal.App.3d 947, 958; <i>Upham Co. v. United States Fid. & Guar.</i> (1922) 59 Cal.App. 606, 610
Fact Stated Will Not Be Proven	<i>Hawk v. Superior Court</i> (1974) 42 Cal.App.3d 108, 121; California Practice Guide: Civil Trials & Evidence, Chap. 6-C 6:44 (2006)
Injecting Inadmissible Material	<i>Hawk v. Superior Court</i> (1974) 42 Cal.App. 3d 108, 118. California Practice Guide: Civil Trials & Evidence, Chap. 6-C 6:43 (2006)
Violation of Motions in Limine	<i>Hawk v. Superior Court</i> (1974) 42 Cal.App. 3d 108, 118
Mentioning Settlement Discussions	Evidence Code § 1152
Referring to the Liability of Others	Evidence Code § 350; <i>Neumann v. Bishop</i> (1976) 59 Cal.App.3d 451, 476.
Mentioning Wealth or Poverty of Party	Evidence Code § 350; <i>Brokopp v. Ford Motor Co.</i> (1977) 71 Cal.App.3d 841, 860.
Misconduct - Generally	Rules of Prof. Conduct, Rule 5-200; <i>People v. Bolton</i> (1979) 23 Cal.3d 208, 214.

Improper Form	
Addressing Juror by Name	<i>People v. Freeman</i> (1994) 8 Cal. 4th 450, 517-518; <i>Neumann v. Bishop</i> (1976) 59 Cal.App.3d 451, 474-475; 75A American Jurisprudence 2d Trial § 565
Arguing the Case	<i>Williams v. Goodman</i> (1963) 214 Cal.App.2d 856, 869; California Practice Guide: Civil Trials & Evidence, Chap. 6-A 6:20, 6-C 6:60-61; <i>Love v. Wolf</i> (1964) 226 Cal.App.2d 378, 392
Instructing Jurors on the Law	<i>Williams v. Goodman</i> (1963) 214 Cal.App.2d 856, 869; California Practice Guide: Civil Trials & Evidence, Chap. 6-C 6:63 (2006)
Misstatement of Evidence	California Practice Guide: Civil Trials & Evidence, Chap. 6-C 6:58-59 (2006)
Stating Personal Belief or Opinion	<i>Hawk v. Superior Court</i> (1974) 42 Cal.App.3d 108, 119; California Practice Guide: Civil Trials & Evidence, Chap. 6-C 6:68 (2006).
Protracted Opening Statement	<i>Bates v. Newman</i> (1953) 121 Cal.App.2d 800, 809-810
Direct & Cross Examination	
Competency of Witnesses	
Expert Witness	
Expert Unqualified	Evidence Code § 720
Lay Witness	
Incompetent	Evidence Code § 701.
Inability to Express Self	Evidence Code § 701(a)(1).
Inability to Understand Duty to Tell the Truth	Evidence Code § 701(a)(2).
Personal Knowledge Lacking	Evidence Code § 702.
Other Witnesses	
Mediator Called as Witness	Evidence Code § 703.5.
Judge Called as Witness	Evidence Code § 703.
Juror Called as Witness	Evidence Code § 704.
Form of the Question	
Ambiguous/Misleading	Evidence Code § 352; Evidence Code § 765.
Argumentative	Evidence Code § 765.
Asked and Answered	Evidence Code § 765.
Assumes Facts Not in Evidence	<i>People v. Heldenburg</i> (1990) 219 Cal.App.3d 468, 472; 3 Witkin Evidence, Chap., XI, § 172.
Beyond Scope of Direct Examination	Evidence Code §§ 761, 773.
Beyond Scope of Cross-Examination	Evidence Code § 763.
Beyond Scope of Redirect Examination	Evidence Code § 763.

Beyond Scope of Discovery	C.C.P. § 2017 et seq.; Penal Code § 1054 et. seq.
Burdensome/Harassing/Insulting	Evidence Code § 765.
Calls for Expert Opinion	Evidence Code § 800.
Calls for Legal Conclusion	Evidence Code § 310; <i>Downer v. Bramet</i> (1984) 152 Cal.App.3d 837; <i>McHugh v. United Service Auto Ass'n</i> (9th Cir. 1999) 164 F.3d 451, 454.
Calls for Narrative	<i>Schuur v. Rodenback</i> (1901) 133 Cal. 85, 89.
Calls for Speculation	Evidence Code § 702.
Compound or Complex question	Evidence Code § 765; <i>Wiese v. Rainville</i> (1959) 173 Cal.App.2d 496, 506.
Cumulative/Repetitive	Evidence Code § 352.
Misusing Hypothetical Question	Evidence Code § 801; <i>People v. Gardeley</i> (1996) 14 Cal. 4th 605; 31A Cal. Jur. 3d Evidence §§ 599-600. [Conflict with other evidence in case] <i>State to Use of Solomon v. Fishel</i> (Md. 1962) 228 Md. 189.
Hypothetical question does not contain all the necessary facts	<i>Am. Towing & Lightering Co. of Balt. v. Baker-Whiteley Coal Co.</i> (Md. 1912) 117 Md. 660.

Testimony & Exhibits

Credibility of Witnesses

Prior Consistent Testimony	Evidence Code § 791.
Improper use of Witness' Good Character	Evidence Code § 790.
Improper reference to Religious Belief	Evidence Code § 789.
Improper Rehabilitation	Evidence Code § 790.
Specific instances of misconduct to prove character	Evidence Code §§ 787, 1101.

Admissibility of Evidence

Improper Judicial Notice	Evidence Code § 450
Rule of Completeness	Evidence Code § 356
Limited Admissibility	Evidence Code § 355
Insurance Inadmissible	Evidence Code § 1155.
Privileged or Protected Information - Generally	Evidence Code § 952; <i>Specific privileges are listed below</i>
Settlement Discussions Disclosed	Evidence Code § 1152
Inadmissible Mediation Communication	Evidence Code §§ 1119 [Motion for New Hearing], 1128.
Inadmissible Offer to Compromise	Evidence Code § 1152.
Subsequent Repairs/Remedial Conduct Inadmissible	Evidence Code § 1151.

Exhibits

Lack of Authentication	Evidence Code § 1400.
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Best Evidence Rule; Oral testimony regarding the content of a writing	Evidence Code § 412; repeated in criminal cases, see Evidence Code § 1523.
Lack of Foundation	Evidence Code § 403.
Rule of Completeness	Evidence Code § 356.
Witness Testimony	
Collateral Matter	Evidence Code § 352.
Conclusion Improperly Elicited	<i>Evinger v. MacDougall</i> (1938) 28 Cal.App.2d 175.
Cumulative/Repetitive	Evidence Code § 352.
Foundation Defective	Evidence Code § 403.
Hearsay	Evidence Code § 1200 et. seq.
Irrelevant.	Evidence Code § 350
Narrative Answer	<i>Schuur v. Rodenback</i> (1901) 133 Cal. 85, 89.
Non-Responsive Answer	Evidence Code § 766.
Opinion Based on Improper Matter	Evidence Code § 803.
Prejudicial or Inflammatory	Evidence Code § 352.
Beyond the Scope of Direct [or Cross]	Evidence Code §§ 761, 773.
Speculation	Evidence Code § 702.
Wealth or Poverty of Party Injected	Evidence Code § 350; <i>Brokopp v. Ford Motor Co.</i> (1977) 71 Cal.App.3d 841, 860
Improper Impeachment	<i>Foreming v. Stockton Elec. R. Co.</i> (1915) 171 Cal. 401, 408; 3 Witkin Evidence 4th Chap. XI § 328.
Privileges	
Attorney-Client	Evidence Code § 954.
Clergy-Penitent	Evidence Code § 1033, 1034.
Defendant in Criminal Case	Evidence Code § 930.
Identity of Informer	Evidence Code § 1041.
Journalist's Immunity	Evidence Code § 1070.
Marital Communications	Evidence Code § 980.
Privilege Not to Testify Against Spouse	Evidence Code § 970.
Official Information	Evidence Code § 1040.
Physician-Patient	Evidence Code § 994.
Psychotherapist-Patient	Evidence Code § 1014.
Self-Incrimination	Evidence Code § 940.
Trade Secrets	Evidence Code § 1060.
Voter Information	Evidence Code § 1050.

Work Product	C.C.P. § 2018 et seq.
Closing Argument	
Admissibility of Evidence	
Excluded Matter Mentioned	<i>Hawk v. Superior Court</i> (1974) 42 Cal.App. 3d 108, 118; California Practice Guide: Civil Trial & Evidence, Chap. 6-C 6:43 (2006)
Improperly mentioning Insurance	Evidence Code § 1155.
Disclosing Settlement Discussions	
Disclosing Inadmissible Mediation Communications	Evidence Code § 1119
Disclosing Inadmissible Offer to Compromise	Evidence Code § 1152.
Discussing Wealth or Poverty of a Party	Evidence Code § 350; <i>Brokopp v. Ford Motor Co.</i> (1977) 71 Cal.App.3d 841, 860
Restricting the scope of closing argument	<i>People v. Beivelman</i> (1968) 70 Cal.3d 73, 76-77; <i>People v. Polite</i> (1965) 236 Cal.App.2d 85, 93 [both sides have broad discretion to argue the merits of the case]; <i>People v. Travis</i> (1954) 129 Cal.App.2d 29 ["The right of discussing the merits of the cause, both as to the law and facts, is unabridged"]
Barring reference to outside sources	<i>People v. Guzman</i> (1975) 47 Cal.App.3d 380, 392 [newspaper and magazine articles]; <i>People v. Travis</i> (1954) 129 Cal.App.2d 29, 37 [Time magazine and a court opinion]; <i>People v. Woodson</i> (1964) 231 Cal.App.2d 10, 15 [newspaper article]; but see <i>People v. Williamson</i> (1977) 71 Cal.App.3d 206, 216-217 [counsel not permitted to read Scientific American article on eyewitness identification]
Improper Form	
Addressing Jurors by Name	<i>People v. Freeman</i> (1994) 8 Cal. 4th 450, 517-518; 75A American Jurisprudence 2d Trial § 565; <i>Neumann v. Bishop</i> (1976) 63 Cal.2d 141, 144.
Attacking Counsel, Party, or a Witness	<i>People v. Chong</i> (2000) 76 Cal.App.4th 232, 244; <i>Tingley v. Times Mirror Co.</i> (1907) 151 Cal. 1, 20.
Misstating the Evidence	California Practice Guide to Personal Injury, Chap. 9-F, 9:325; Rules of Prof. Conduct, Rules 5-200, 5-220.
Instructing Jurors on the Law	<i>People v. Calpito</i> (1970) 9 Cal.App.3d 212, 222; <i>Regus v. Gladstone Holmes, Inc.</i> (1962) 207 Cal.App.2d 872, 858; California Civil Courtroom Handbook & Desktop Reference, § 37:9 (2006).
Stressing Irrelevant Facts or Issues	Evidence Code § 352; 88 Corpus Juris Secundum: Trial § 263; <i>Loya v. Fong</i> (Arizona 1965) 1 Ariz.App. 482.
Misstating the Law	Rules of Prof. Conduct, Rule 5-200(A); <i>Gotcher v. Metcalf</i> (1970) 6 Cal.App.3d 96, 100; <i>People v. Sudduth</i> (1966) 65 Cal.2d 543; California Civil Courtroom Handbook & Desktop Reference, § 37:9 (2006)
Asserting Personal Belief re the evidence or credibility of witnesses [Vouching]	Rules of Prof. Conduct, Rule 5-200(E); see below
Prejudicial or Inflammatory Statements	<i>Taylor v. Aetna Life Ins. Co.</i> (1933) 132 Cal.App. 434, 439; <i>Stone v. Foster</i> (1980) 106 Cal.App.3d 334, 355; <i>Las Palmas Associates v. Las Palmas Center Associates</i> (1991) 235 Cal.App.3d 1220, 1247.

Conduct of the Parties

Conduct of Witness	
Argumentative Answers	31A Cal. Jur. 3d Evidence § 703
Communicating with a Juror	California Civil Courtroom Handbook & Desktop Reference, § 32:36 (2006); California Judges Benchbook: Civ. Proceedings Before Trial. (CJER 1995), §§ 8.47-8.48.
Fee Contingent on Answers	<i>Pelkey v. Hodge</i> (1931) 112 Cal.App. 424.
Narrative Answers	<i>Schuur v. Rodenback</i> (1901) 133 Cal. 85, 89.
Prejudicial or Inflammatory Statements.	66 Corpus Juris Secundum, New Trial § 29
Refusal to Answer Precise Question	C.C.P. § 2064.
Un-responsive Answer	C.C.P. § 2064.
Motion to Strike - Generally	<i>Seidenberg v. George</i> (1946) 76 Cal.App.2d 306.
Conduct of Counsel – In General	
Lapse of Candor or Fairness	Rules of Prof. Conduct, Rule 5-200(A).
Communication with a Juror	Rules of Prof. Conduct, Rule 5-320; <i>Hasson v. Ford Motor Co.</i> (1982) 32 Cal. 3d 388, 416.
Currying Jury Favor	<i>Augustus v. Shaffer</i> (1959) 171 Cal.App.2d 160, 167
Cutting Off Witness's Answers	<i>Estate of Dupont</i> (1943) 60 Cal.App.2d 276, 289.
Displaying inadmissible Evidence to Jury	<i>Cote v. Rogers</i> (1962) 201 Cal.App.2d 138, 142-145; <i>People v. Hernandez</i> (1977) 70 Cal.App.3d 271, 281.
Disparaging of Counsel, Party, or Witness	<i>People v. Chong</i> (2000) 76 Cal.App.4th 232, 244; <i>Tingley v. Times Mirror Co.</i> (1907) 151 Cal. 1, 20.
Harassing or Insulting Questions	Evidence Code § 765.
Asserting facts that were not provable or proven	<i>Shaff v. Baldwin</i> (1951) 107 Cal.App.2d 81, 86; <i>Love v. Wolf</i> (1964) 226 Cal.App.2d 378, 390
Failure to follow court instructions	<i>People v. Chojnacky</i> (1973) 8 Cal.3d 759, 766; <i>Hernandez v. Paicius</i> (2003) 109 Cal.App.4th 452, 463-468
Habitual or Intentional Violation of Court's Rules	<i>People v. Chojnacky</i> (1973) 8 Cal.3d 759, 766; C.C.P. § 1209
Inadmissible Matter Sought or Stated	<i>Shaff v. Baldwin</i> (1951) 107 Cal.App.2d 81, 86; <i>Love v. Wolf</i> (1964) 226 Cal.App.2d 378, 390.
Mentioning Insurance	<i>Hatfield v. Levy Bros.</i> (1941) 18 Cal.2d 798.
Misquoting Testimony or Evidence	Rules of Prof. Conduct, Rules 5-200, 5-220; Cal. Practice Guide on Personal Injury, Chap. 9-F, 9:325;
Objecting for Improper Purposes	<i>Continental Dairy Equip. Co. v. Lawrence</i> (1971) 17 Cal.App.3d 378, 384.
Stating a personal belief in the merits of the case or the credibility of a witness	Rules of Prof. Conduct, Rule 5-200(E)
Raising Prejudicial or Inflammatory Matters	<i>Taylor v. Aetna Life Ins. Co.</i> (1933) 132 Cal.App. 434, 439; <i>Stone v. Foster</i>

	(1980) 106 Cal.App.3d 334, 355; <i>Las Palmas Associates v. Las Palmas center Associates</i> (1991) 235 Cal.App.3d 1220, 1247.
Publicity Violations	Rules of Prof. Conduct, Rule 5-120.
Self-Serving Speaking Objections	<i>Continental Dairy Equip. Co. v. Lawrence</i> (1971) 17 Cal.App.3d 378, 384.
Subornation of Perjury	Rules of Prof. Conduct, Rule 5-200(A).
Suppression of Evidence	Rules of Prof. Conduct, Rule 5-220.
Testimony by Counsel	Rules of Prof. Conduct, Rule 5-200(E).
Prosecutorial Error	
Lapse in Candor or Fairness	Rules of Prof. Conduct, Rule 5-200(A).
Failure/refusal to follow court instructions	<i>People v. Chojnacky</i> (1973) 8 Cal.3d 759, 766; <i>Hernandez v. Paicius</i> (2003) 109 Cal.App.4th 452, 463-468
Misstatements of the Law [note that while the court must correct all misstatements, it's misconduct only if in bad faith]	<i>People v. Sudduth</i> (1966) 65 Cal.2d 543, 547-548; <i>Beard v. Bryan</i> (1966) 244 Cal.App.2d 836, 842; <i>People v. Pineiro</i> (1982) 129 Cal.App.3d 915; <i>People v. Meneley</i> (1972) 29 Cal.App.3d 41; <i>People v. Calpito</i> (1970) 9 Cal.App.3d 212, 222 [and cases cited therein]
Misquoting Testimony or Evidence	Rules of Prof. Conduct, Rules 5-200, 5-220; Cal. Practice Guide on Personal Injury, Chap. 9-F, 9:325;
Vouching for a Witness	<i>People v. Talle</i> (1952) 111 Cal.App.2d 650, 673; <i>People v. Prysock</i> (1982) 127 Cal.App.3d 972; <i>People v. Adcox</i> (1988) 47 Cal.3d 207; <i>People v. Hidalgo</i> (1947) 78 Cal.App.2d 926, 936; <i>People v. Anderson</i> (1990) 52 Cal.3d 453, 478- 479; Rules of Prof. Conduct, Rule 5-200(E)
Referring to matters not in evidence	<i>People v. Kirkes</i> (1952) 32 Cal.2d 719, 724; <i>People v. Hill</i> (1998) 17 Cal.4th 800, 828; <i>People v. Perry</i> (1972) 7 Cal.3d 756, 790; <i>People v. Perez</i> (1962) 58 Cal.2d 229, 241; <i>People v. Johnson</i> (1968) 260 Cal. App.2d 343, 344; <i>People v. LoCigno</i> (1961) 193 Cal. App.2d 360, 388; <i>People v. Johnson</i> (1981) 121 Cal.App.3d 94; <i>People v. Hall</i> (2000) 82 Cal.App.4th 813, 816 817; <i>People v. Dagget</i> (1990) 225 Cal.App.3d 751; <i>People v. Warren</i> (1988) 45 Cal.3d 471, 481 482
Urging jurors to step into the victim's shoes	<i>People v. Fields</i> (1983) 35 Cal.3d 329, 362; <i>People v. Pensinger</i> (1991) 52 Cal.3d 1210, 1250; <i>People v. Zurinaga</i> (2007) 148 Cal.App.4th 1248; <i>People v. Leonard</i> (2007) 40 Cal.4th 1370, 1406; <i>People v. Mendoza</i> (2007) 42 Cal.4th 686
"Were they lying questions"	<i>United States v. Sanchez</i> (9 th Cir. 1999) 176 F.3d 1214; <i>United States v. Richter</i> (2 nd Cir. 1987) 826 F.2d 206, 208; <i>Greenberg v. United States</i> (1st Cir. 1960) 280 F.2d 472; <i>United States v. Boyd</i> (D.C. Cir. 1995) 54 F.3d 868, 871; Compare <i>People v. Chatman</i> (2006) 38 Cal. 4th 344 [such questions are not necessarily improper]
Objecting for Improper Purposes	<i>Continental Dairy Equip. Co. v. Lawrence</i> (1971) 17 Cal.App.3d 378, 384.
Cutting Off Witness's Answers	<i>Estate of Dupont</i> (1943) 60 Cal.App.2d 276, 289.
Harassing or Insulting Questions	Evidence Code § 765.
Displaying inadmissible or Un-admitted Evidence to Jury	<i>Cote v. Rogers</i> (1962) 201 Cal.App.2d 138, 142-145; <i>People v. Hernandez</i> (1977) 70 Cal.App.3d 271, 281.
Self-Serving Speaking Objections	<i>Continental Dairy Equip. Co. v. Lawrence</i> (1971) 17 Cal.App.3d 378, 384.

Inadmissible Matter Sought or Stated	<i>Shaff v. Baldwin</i> (1951) 107 Cal.App.2d 81, 86; <i>Love v. Wolf</i> (1964) 226 Cal.App.2d 378, 390.
Griffin Error [commenting upon defendant's decision not to testify]	<i>Griffin v. California</i> (1965) 380 U.S. 609; <i>People v. Vargas</i> (1973) 9 Cal.3d 470, 474; <i>In Re Rodriguez</i> (1981) 119 Cal.App.3d 457, 460; <i>In re Dalton</i> (2002) 98 Cal.App.4th 958; <i>People v. Medina</i> (1995) 11 Cal.4th 694, 755-756; <i>People v. Morris</i> (1988) 46 Cal.3d 1; <i>People v. Frausto</i> (1982) 135 Cal.App.3d 129; <i>U.S. v. Robinson</i> (1988) 488 U.S. 25
Doyle Error [commenting upon defendant's invocation of the right to remain silent]	<i>Doyle v. Ohio</i> (1976) 426 U.S. 610, 619; <i>People v. Galloway</i> (1979) 100 Cal.App.3d 551, 556; <i>People v. Earp</i> (1999) 20 Cal.4th 826, 864
Commenting upon the defendant's failure to produce evidence	<i>People v. Conover</i> (1966) 243 Cal.App.3d 38, 49; <i>People v. Whitehead</i> (1957) 148 Cal.App.2d 701; <i>People v. Earp</i> (1999) 20 Cal.4th 826, 864 <i>People v. Gaulden</i> (1974) 36 Cal.App.3d 942, 955
Commenting upon the defendant's exercise of Fourth Amendment rights	<i>People v. Keener</i> (1983) 148 Cal. App.3d 73; <i>People v. Wood</i> (2002) 103 Cal.App.4th 803; <i>People v. Redmond</i> (1981) 29 Cal.3d 904, 911
Biblical References	<i>People v. Sandoval</i> (1992) 4 Cal.4th 155, 192-194; <i>People v. Wrest</i> (1992) 3 Cal.4th 1088, 1107; <i>People v. Wash</i> (1993) 6 Cal.4th 215, 258-260; <i>People v. Pitts</i> (1990) 223 Cal.App.3d 606, 699-700
Raising Prejudicial or Inflammatory Matters	<i>Taylor v. Aetna Life Ins. Co.</i> (1933) 132 Cal.App. 434, 439; <i>Stone v. Foster</i> (1980) 106 Cal.App.3d 334, 355; <i>Las Palmas Associates v. Las Palmas Center Associates</i> (1991) 235 Cal.App.3d 1220, 1247.
Denigrating defense counsel	<i>People v. O'Farrell</i> (1958) 161 Cal.App.2d 13, 19; <i>People v. Podwys</i> (1935) 6 Cal.App.2d 71, 73; <i>People v. Herring</i> (1993) 20 Cal.App.4th 1066, 1077; <i>Bruno v. Rushen</i> (9th Cir. 1983) 721 F.2d 1193; <i>People v. Jones</i> (1997) 15 Cal.4th 119, 167 168; <i>People v. Chatman</i> (2006) 38 Cal. 4th 344; <i>People v. Seaton</i> (2001) 26 Cal.4th 598; <i>People v. Bell</i> (1989) 49 Cal.3d 502; <i>People v. Cummings</i> (1993) 4 Cal.4th 1233, 1302, fn. 47; <i>People v. Davis</i> (1995) 10 Cal.4th 463, 539-540; <i>People v. Hawthorne</i> (1992) 4 Cal.4th 43; <i>People v. Chong</i> (2000) 76 Cal.App.4th 232, 244; <i>Tingley v. Times Mirror Co.</i> (1907) 151 Cal. 1, 20.
Denigrating the defendant	<i>People v. Prysock</i> (1982) 127 Cal.App.3d 972; <i>People v. Boyette</i> (2002) 29 Cal.4th 381; <i>People v. Herring</i> (1993) 20 Cal.App.4th 1066, 1074; <i>People v. Singh</i> (1936) 20 Cal.App.2d 244, 255; <i>People v. Patterson</i> (1953) 118 Cal.App.2d 45, 48; <i>People v. Patino</i> (1979) 95 Cal.App.3d 11, 29 31
Communication with a Juror	Rules of Prof. Conduct, Rule 5-320; <i>Hasson v. Ford Motor Co.</i> (1982) 32 Cal. 3d 388, 416.
Currying Jury Favor.	<i>Augustus v. Shaffer</i> (1959) 171 Cal.App.2d 160, 167
Publicity Violations	Rules of Prof. Conduct, Rule 5-120.
Subornation of Perjury	Rules of Prof. Conduct, Rule 5-200(A).
Suppression of Evidence	Rules of Prof. Conduct, Rule 5-220.
Testimony by Counsel	Rules of Prof. Conduct, Rule 5-200(E).
Conduct of Judge	
Mistakes or Misconduct - Generally	Cal. Code of Judicial Ethics, Canon 3B(4); <i>Lewis v. Bill Robertson & Sons, Inc.</i> (1984) 162 Cal.App.3d 650, 654.
Judicial Coercion - Generally	<i>Shippy v. Peninsula Rapid Transit Co.</i> (1925) 197 Cal. 290, 295; <i>Pratt v. Pratt</i>

	(1903) 141 Cal. 247, 250
Independent Investigation	<i>People v. Handcock</i> (1983) 145 Cal.App.3d Supp 25; <i>Brown v. Lynaugh</i> (5 th Cir. 1988) 843 F.2d 849, 851 [judge as witness]
Intimidation to induce Plea Bargain	<i>Ryan v. Commission on Judicial Performance</i> (1988) 45 Cal. 3d 518, 543; <i>In re Lewallen</i> (1979) 23 Cal. 3d 274, 278 281
Overzealous questioning of witnesses	<i>People v. Perkins</i> (2003) 109 Cal.App.4th 1562; <i>People v. Santana</i> (2000) 80 Cal.App.4th 1194, 1206; <i>People v. Rigney</i> (1961) 55 Cal.2d 236; <i>McCartney v. Commission on Judicial Qualifications</i> (1974) 12 Cal.3d 512, 533
Witness Coercion	<i>Webb v. Texas</i> (1972) 409 U.S. 95
Gestures or Facial Expressions	Cal. Code of Judicial Ethics, Canon 3B(4); <i>Spruance v. Commission on Judicial Performance</i> (1975) 13 Cal.3d 778, 797; <i>Allen v. State</i> , 644 A.2d 982, 983, fn.1 (Del. 1994); <i>Veteto v. State</i> , 8 S.W.3d 805, 816 817 (Tex. App. 2000); <i>People v. Franklin</i> (1976) 56 Cal.App.3d 18
Interference with Presentation of Case	Cal Judges Benchbook: Civ. Proceedings-Tr. § 5.98; <i>People v. Perkins</i> (2003) 109 Cal.App.4th 1562, 1566-1567; See <i>Geiler v. Commission on Judicial Qualifications</i> (1973) 10 Cal.3d 270, 286
Disparaging Counsel or a Party	California Code of Judicial Ethics, Canon 3B(4); <i>People v. Cole</i> (1952) 113 Cal.App.2d 253, 261; <i>Meeks v. U.S.</i> (9 th Cir. 1947) 163 F.2d 598, 601; <i>Bursten v. U.S.</i> (5 th Cir. 1968) 395 F.2d 976, 983 ["Juries are highly sensitive to every utterance by the trial judge, the trial arbiter, and ... some comments may be so highly prejudicial that even a strong admonition by the judge to the jury ... will not cure the error"]; <i>People v. Fatone</i> (1985) 165 Cal.App.3d 1164, 1180 -1181; <i>People v. Chong</i> (1999) 76 Cal.App.4th 232; <i>Fletcher v. Comm'n on Judicial Performance</i> (1998) 19 Cal.4th 865, 905; <i>Offutt v. United States</i> (1954) 348 U.S. 11, 17; California Practice Guide: Civil Trial. & Evidence, Chap. 12-A, 12:56. See <i>Geiler v. Commission on Judicial Qualifications</i> (1973) 10 Cal.3d 270, 286
Disparaging a Witness or Testimony	California Code of Judicial Ethics, Canon 3B(4); <i>People v. Terry</i> (1970) 2 Cal. 3d 362, 298; <i>People v. Harris</i> (2003) 37 Cal.4th 310, 347; <i>People v. Mahoney</i> (1927) 201 Cal. 618, 627; <i>Fletcher v. Comm'n on Judicial Performance</i> (1998) 19 Cal.4th 865, 905; California Practice Guide: Civil Trial. & Evidence, Chap. 12-A, 12:56.
Permitting Counsel To Disparage Opposing Counsel, Parties or Witnesses	<i>People v. Herring</i> (1993) 20 Cal.App.4th 1066
Limiting or Preventing Objections	<i>Gallagher v. Municipal Court</i> (1948) 31 Cal.2d 784; <i>Cooper v. Superior Court</i> (1961) 55 Cal.2d 291
Negative reaction to aggressive advocacy	<i>Lambert v. U.S.</i> (5 th Cir. 1939) 101 F.2d 960, 963; <i>Bennett v. Superior Court</i> (1950) 99 Cal. App. 2d 585, 595
Restricting the scope of closing argument	<i>People v. Beivelman</i> (1968) 70 Cal.3d 73, 76-77; <i>People v. Polite</i> (1965) 236 Cal.App.2d 85, 93 [both sides have broad discretion to argue the merits of the case]; <i>People v. Travis</i> (1954) 129 Cal.App.2d 29 ["The right of discussing the merits of the cause, both as to the law and facts, is unabridged"]
Commenting upon the Evidence or the Credibility of Witnesses [which is permissible so long as it's not partisan]	<i>People v. Mahoney</i> (1927) 201 Cal. 618, 627; <i>People v. Proctor</i> (1992) 4 Cal.4th 499, 543; <i>People v. Cook</i> (1983) 33 Cal.3d 400; <i>People v. Rodriguez</i> (1986) 42 Cal.3d 730, 766; <i>People v. Cummings</i> (1993) 4 Cal. 4th 1233, 1305; Cal. Code of Civ. Procedure § 608

Prejudicial Statements	<i>Hernandez v. Paicius</i> (2003) 109 Cal.App.4th 452, 460-463
Improper Ex Parte Communication with Parties or Witnesses	<i>Ryan v. Commission on Judicial Performance</i> (1988) 45 Cal.3d 518, 543; <i>Rushen v. Spain</i> (1983) 464 U.S. 114, 117 118; <i>Guadalupe A. v. Superior Court</i> (1991) 234 Cal.App.3d 100
Inappropriate Communication with Jurors	<i>U.S. v. Coke</i> (2 nd Cir. 1964) 339 F.2d 183, 186; <i>People v. Alfaro</i> (1976) 61 Cal.App.3d 414, 426; <i>People v. Lazarus</i> (1929) 207 Cal. 507; <i>United States v. Miroyan</i> (1978) 577 F.2d 489, 494; <i>People v. Knighten</i> (1989) 105 Cal.3 128 (1980).
Commenting to press re pending case	<i>Ryan v. Commission on Judicial Performance</i> (1988) 45 Cal.3d 518, 543
Encouraging or permitting Spectator Misconduct	<i>Arizona v. Gevrez</i> (1944) 148 P.2d 829; <i>Commonwealth v. Hoover</i> (1910) 75 A. 1023; <i>People v. Slocum</i> (1975) 52 Cal.App.3d 867, 883
Telling counsel in front of the jury to take his objection up with the appellate court	<i>People v. Alfaro</i> (1976) 61 Cal.App.3d 414, 426