TRIAL EXHIBITS

The following procedures for handling exhibits during trial were established to ensure that trials move along as expeditiously as possible and also to alleviate any confusion.

All exhibits are to be marked prior to trial using the following procedures unless discussed otherwise at the pretrial conference:

(a) Plaintiff exhibits are marked with numbers as follows: 1 - infinity;

(b) Defendant exhibits are marked with letters as follows: A-Z, A1-A26, B1-B26, C1-C26, etc. Organizing defendant exhibits with double letters or more becomes too burdensome and ultimately raises much confusion;

(c) Cases involving voluminous exhibits should be brought to the Court's attention at the pretrial conference and as a result will be marked as follows: plaintiffs will be assigned exhibit numbers 1- 499 and defendants will be assigned exhibit numbers 500 - whatever;

(d) The use of "sub" exhibits, for example 1-A or A-1, is discouraged because, again, organization of the exhibits is more burdensome and confusing. As a result, if there are groups of exhibits that are related, counsel are encouraged to mark them as one exhibit;

(e) If a trial involves more than one plaintiff and/or defendant, counsel are encouraged to submit joint exhibit lists. If joint lists are not possible, counsel are required to get together and decide who will use which sequence of numbers or letters depending on the volume of exhibits for each party. For example, plaintiff #1 may use the 100 series, plaintiff #2 may use the 200 series, etc. Likewise, defendant #1 may use the A1-A26 series, defendant #2 may use the B1-B26 series, etc;

(f) Counsel are to prepare exhibit lists that include an indication of stipulated exhibits. Stipulated exhibits are to be offered to the Court for admission at the beginning of the trial to save time. Copies of exhibit lists are to be provided to each party, the Court, the Courtroom Clerk and the Court Reporter prior to the beginning of trial.

(g) To the extent possible, counsel are to prepare a notebook with copies of all exhibits for the Court's use during trial. Please be aware that the Clerk's Office will allow very limited amounts of photocopying during the trial by trial attorneys free of charge. If attorneys require more than a few copies, they will be charged the standard fee of .50 cents per page. A tally will be kept and payment is expected on the day that the trial ends.

(h) Counsel are to retain custody of all original marked exhibits throughout the trial. All exhibits admitted into evidence are to be delivered to the Courtroom Clerk for confirmation of admission either during the trial (if time permits) or during a break. Confirmation of admission is done by the Courtroom Clerk placing his/her initials, date, or some other identifying mark on the actual exhibit sticker. For all other purposes, exhibits remain in the custody of the introducing party until the case goes to the jury or the Court. Counsel are responsible for keeping all admitted exhibits together in numerical or alphabetical order until the case is delivered to the jury or the Court. This will ensure efficient transfer of all admitted exhibits to the jury or the Court in cases where there are voluminous exhibits and that admitted exhibits are not misplaced or unavailable at the time of transfer.

(i) The Clerk's Office does not have the resources to store trial exhibits. Accordingly, at the conclusion of the proceeding, responsibility for custody of all exhibits reverts back to the parties. Should any exhibits remain in court custody, the Courtroom Clerk will either mail those exhibits back to the appropriate party if possible or notify the parties that the exhibits should be removed by a specified date. Exhibits not removed or otherwise provided for may be destroyed or otherwise disposed of without further notice.

For further assistance with the procedures for marking exhibits please refer to Local Rule 83.4 or contact the appropriate Courtroom Clerk as follows:

The Honorable J. Garvan Murtha
Austin Burbank, Courtroom Clerk
(802) 254-0250

The Honorable William K. Sessions III
Joanne Muir, Courtroom Clerk
(802) 951-6395 Ext. 120

The Honorable Jerome J. Niedermeier
Jeffrey Jarvis, Courtroom Clerk
(802) 951-6395 Ext. 115