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EXHIBIT AND TRIAL MATERIAL INSTRUCTIONS

United States District Judge Steven P. Logan

THE PARTIES ARE RESPONSIBLE FOR THE MARKING AND LISTING OF EXHIBITS, NOT THE COURTROOM DEPUTY, AND DELIVERY OF EXHIBITS AND OTHER TRIAL MATERIALS AS FOLLOWS.

1. Delivery

As set forth by the Order Setting Final Pretrial Conference, trial exhibits and deposition transcripts shall be delivered to the Courtroom Deputy no later than **48 hours** prior to trial. The parties shall arrange a time with the Courtroom Deputy for the delivery of the trial materials. The Courtroom Deputy may be contacted as follows:

Courtroom Deputy: Christine Boucher

Phone: (602) 322-7235

Email: Christine_Boucher@azd.uscourts.gov

2. Exhibit Lists

As set forth in the Order Setting Final Pretrial Conference, exhibit lists shall be emailed to the Courtroom Deputy no later than **five (5) days** prior to trial. At the time of delivery of the exhibits, the parties shall provide the Courtroom Deputy with one (1) original and two (2) copies of the exhibit list(s). The parties shall not provide the Courtroom Deputy with a copy of the Final Pretrial Order in lieu of the exhibit list.

Exhibits may be listed on the exhibit list attached or in a Microsoft Word[®] document that mirrors the same format. Be sure to leave enough space to add additional information, such as subparts and additional exhibits. Each page shall be completed to the end or finished with blank blocks. Extra blank pages for the exhibit lists should also be provided. The exhibit number and description should start the top of each block. *Use brief descriptions.*

3. Witness Lists

As set forth in the Order Setting Final Pretrial Conference, witness lists shall be emailed to the Courtroom Deputy no later than **five (5) days** prior to trial. At the time of delivery of the exhibits, the parties shall also provide the Courtroom Deputy with one (1)

1 original and two (2) copies of the witness list(s). The parties shall not provide the
2 Courtroom Deputy with a copy of the Final Pretrial Order in lieu of the witness list.

3 Witnesses may be listed on the witness list attached or in a Microsoft Word®
4 document that mirrors the same format. Provide the full name of each witness and list
5 them in alphabetical order. Names should be at the top of the block and extra spaces
6 provided at the end of the list. Extra blank pages for the witness lists should also be
7 provided.

8 **4. Numbering of Exhibits**

9 The parties shall number the exhibits. Court time will not be used for the marking
10 of exhibits and failure to comply with this directive will result in exhibits being remarked
11 by the parties. The parties shall consult with one another prior to marking exhibits to
12 *avoid marking duplicates* as set forth in the Order Setting Final Pretrial Conference. If
13 Plaintiff marks a document, Defendant should not mark the same document. The exhibits
14 are considered court exhibits, not Plaintiff or Defendant exhibits. Either side may move
15 the other's exhibits into evidence.

16 Blocks of numbers are assigned to each side: Plaintiff begins with number 1
17 through the estimated number of exhibits. Defendant begins with numbers following
18 Plaintiff's block of numbers (e.g., Plaintiff 1 - 80; Defendant 100 - 150). The blocks of
19 numbers should allow space for additional exhibits marked during trial. Please contact
20 the Courtroom Deputy to arrange number block assignments.

21 The parties should only use numbers when identifying subparts of exhibits (e.g.,
22 subparts of Exh. No. 3: 3-1, 3-2, 3-3). Blocks of numbers may be used to categorize
23 exhibits (e.g., series 1 - 99 are bank records; series 100 - 199 are tax returns; series 200 -
24 299 are photographs; etc.). Categorizing exhibits should be kept as simple and clear as
25 possible. In bulky documents, BATES stamp numbers may be placed on each page in the
26 bottom right corner and can be continuously numbered for easy reference.

27 **5. Use of Exhibit Cover Sheets and Labels**

28 The parties shall use the exhibit cover sheet attached to affix to each exhibit. The

1 parties shall print the exhibit cover sheets on colored paper; Plaintiff cover sheets should
2 be **Yellow**, and Defendant cover sheets should be **Blue**. The exhibit cover sheet shall be
3 stapled to the top of the original exhibit, and the exhibit shall be placed in a manila file
4 folder numbered to correspond with the exhibit number. Prepare extra cover sheets to use
5 for exhibits marked during trial.

6 If the paper exhibit is too large to staple, use a 2-hole fastener to fasten the exhibit
7 together at the top of the page, with an exhibit cover sheet attached to the front of the
8 exhibit. If the exhibit is a photograph or item smaller than 8" x 10", staple it to an exhibit
9 cover sheet or place an exhibit label on the reverse side, lower right-hand corner. Large
10 or bulky items may require the use of tie tags with the exhibit label placed on the tag or
11 may be marked in a logical location on the item or on the plastic bag containing the item.
12 Large diagrams, charts, drawings, and other demonstrative or visual evidence should be
13 identified in the lower right-hand corner with an exhibit label. If the item is an
14 enlargement of another marked exhibit, it should be numbered as a subpart of the smaller
15 exhibit. If exhibit labels are required, the parties shall request them from the Courtroom
16 Deputy no less than *five (5) days* prior to trial. As with exhibit cover sheets, Plaintiff
17 labels should be **Yellow**, and Defendant labels should be **Blue**.

18 **6. Use of Folders and Boxes**

19 Place exhibits loosely in manila file folders so that the exhibits may be pulled out
20 of the folder during trial. Do *not* attach the exhibit to the manila file folder. Label the top
21 of the folder to identify the exhibit number. Provide extra folders to the Courtroom
22 Deputy for exhibits marked during trial. Place the exhibit folders in a box in numerical
23 order. Mark the outside of the box to indicate which exhibits are contained within it.
24 Leave room in the box for any extra exhibits that may be submitted during trial. *Do not*
25 *place trial exhibits in binders.*

26 **7. Stipulated Exhibits**

27 **THE PARTIES MAY AGREE TO THE ADMISSION OF EXHIBITS**
28 **BEFORE TRIAL. THE PARTIES SHALL INDICATE WHICH EXHIBITS THE**

1 PARTIES STIPULATE TO BE MARKED AS ADMITTED INTO EVIDENCE BY
2 PLACING AN “X” IN THE COLUMN ENTITLED “STIPULATED’ NEXT TO
3 THE CORRESPONDING EXHIBIT ON THE EXHIBIT LIST ATTACHED.

4 **8. Redacted Exhibits**

5 ANY REDACTIONS TO THE EXHIBITS SHALL BE COMPLETED BY
6 THE PARTIES PRIOR TO TRIAL. IF DURING THE COURSE OF TRIAL
7 REDACTIONS ARE NECESSARY, IT IS THE RESPONSIBILITY OF THE
8 PARTIES TO IMMEDIATELY PROVIDE PROPERLY REDACTED VERSIONS
9 TO THE COURTROOM DEPUTY.

10 **9. Impeachment Exhibits**

11 As set forth in the Order Setting Final Pretrial Conference, impeachment exhibits
12 shall be delivered to the Courtroom Deputy on the **first day of trial** *in a sealed envelope*.
13 Each envelope should be marked with: (1) the caption of the case; (2) case number; and
14 (3) the party presenting the exhibit. If there is more than one impeachment exhibit, each
15 sealed envelope should be marked with a separate alphabetical letter for easy retrieval
16 (e.g., A, B, C) and the Courtroom Deputy will assign it the next available trial exhibit
17 number if used at trial. The offering party shall be prepared to provide the Courtroom
18 Deputy with a brief identifying description of the exhibit when offered at trial.

19 The parties are cautioned that if an exhibit has value *in addition* to impeachment,
20 it is not an impeachment exhibit and must be marked, listed, and delivered in the manner
21 prescribed for non-impeachment exhibits.

22 **10. Depositions**

23 The party offering a deposition or a portion of a deposition shall provide a
24 certified copy of the transcript in accordance with the federal rules. As set forth in the
25 Order Setting Final Pretrial Conference, portions of depositions to be used at trial shall be
26 delivered to the Courtroom Deputy no later than **48 hours** prior to trial. Depositions are
27 *not* to be marked as exhibits. Depositions shall be placed in alphabetical order at the time
28 they are delivered to the Courtroom Deputy.

1 **11. Sensitive Exhibits**

2 At trial, the Courtroom Deputy will not take custody of any sensitive exhibits.
3 During lengthy breaks and at close of the day, these exhibits are returned to the parties
4 until court resumes.

5 **12. Return of Exhibits**

6 All exhibits are returned to the respective parties for custody at the conclusion of
7 trial pending all appeals unless otherwise ordered by the Court. If a Notice of Return of
8 Exhibits is issued and the exhibits are not retrieved within thirty (30) days, the exhibits
9 may be subject to destruction or otherwise disposed of.

10 **13. Courtroom Technology**

11 The parties are encouraged to use the document camera or any other audio and
12 video equipment available in the courtroom for presentation of evidence during trial.
13 Should the parties have questions or wish to test courtroom equipment, they may contact
14 Brian Lalley, A/V Specialist, at (602) 322-7131, but must do so no later than **two (2)**
15 **weeks** prior to trial. Information regarding the use of courtroom technology can be found
16 on the District Court’s website under “Electronic/Video Courtroom Equipment
17 Information – Phoenix,” located at <http://www.azd.uscourts.gov/judges/judges-orders>.

18 **14. Courtesy Copies for Judge**

19 **Exhibits:** A courtesy copy of trial exhibits should be provided to the Judge at the
20 time of the delivery of the trial exhibits. Exhibits should be placed in 3-ring binders with
21 numbered tabs to correspond with the exhibit numbers. The Judge’s copies should *not*
22 have original exhibit covers sheets on them. The parties should also provide the Judge
23 with a CD-ROM disc or USB flashdrive containing an electronic copy of paper exhibits
24 offered.

25 **Impeachment Exhibits:** A courtesy copy of impeachment exhibits for the Judge
26 should also be provided to the Courtroom Deputy. The courtesy copy of an impeachment
27 exhibit should be provided in a sealed envelope and marked “courtesy copy” along with
28 an alphabetical letter for easy retrieval (e.g., A, B, C).

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Depositions: The Judge should be provided with a courtesy copy of any deposition to be used at trial. The offering party shall highlight, in color, the portions of the deposition to be offered. If multiple parties are offering the same deposition, only one (1) copy of such deposition shall be provided. Plaintiff shall highlight in **Yellow** the portions it wishes to offer, and Defendant shall highlight in **Blue** the portions it wishes to offer.

CASE NO. _____

VS. _____

PLAINTIFF EXHIBIT NO. _____

DATE: _____ IDEN.

DATE: _____ EVID.

BY: _____

Deputy Clerk

CASE NO. _____

VS. _____

DEFENDANT EXHIBIT NO. _____

DATE: _____ IDEN.

DATE: _____ EVID.

BY: _____

Deputy Clerk