

EXHIBIT PROCEDURES

United States District Court

Honorable Dominic W. Lanza

GENERAL INSTRUCTIONS:

Marking and listing of exhibits is the responsibility of counsel/party, not the Courtroom Deputy. All exhibits, including the Judge's set of exhibits and triplicate copies of the witness and exhibit lists (detailed below), must be delivered to the Courtroom Deputy on an agreed upon date and time no later than three business days prior to the start of trial/hearing. Counsel are required to use the adhesive labels and/or cover sheets as described herein. If you have any questions or need more adhesive exhibit labels, please call or e-mail the Courtroom Deputy (Sara_Quinones@azd.uscourts.gov; 602-322-7108).

USE OF LABELS/COVER SHEET:

1. Exhibit cover sheets and labels are divided by color to indicate whether the exhibit is offered by Plaintiff (yellow) or Defendant (blue).
2. Exhibit cover sheets are provided to counsel by the Courtroom Deputy (or on the court's website: www.azd.uscourts.gov → Judge's Orders, Forms & Procedures → Standard Forms Used By All Phoenix Judges) for numbering and labeling exhibits *before* trial. Exhibit cover sheets shall be copied on yellow or blue paper and used in cover sheet fashion to identify standard sized paper exhibits. The cover sheet shall be stapled to the top of the original exhibit, and the exhibit shall be placed in a numbered file folder to correspond with the exhibit number. Prepare extra cover sheets and provide extra file folders to the Courtroom Deputy for exhibits marked during trial.
3. If the exhibit is a photo, *staple* the photo to the exhibit cover sheet.

4. Large or bulky items may require the use of tie tags with an adhesive exhibit label placed on a tag or may be marked in a logical location on the item or on the plastic bag containing the item.

5. Large charts used for demonstrative purposes should be identified in the lower right-hand corner with an adhesive exhibit label (or placed on the back of the chart). If the item is an enlargement of another marked exhibit, it should be numbered as a sub-part of the smaller exhibit.

6. *Before* a witness is called to testify at trial/hearing, advise the Courtroom Deputy which exhibits will be needed for the witness.

NUMBERING:

1. Blocks of numbers are assigned to each side. Plaintiff starts with number 1 through the estimated number of exhibits. Defendant is to utilize numbers starting after Plaintiff but allowing space for additional exhibits marked during trial (example: Plaintiff 1-80 and Defendant 100 - 180). *Failure to comply with this procedure will result in counsel re-marking the exhibits. Court time will not be used for the marking of exhibits.*

2. Plaintiff and Defense counsel shall consult with one another prior to marking exhibits to avoid marking duplicates. If Plaintiff marks a document, the Defendant should *not* mark the same document. The exhibits are considered Court exhibits, not Plaintiff or Defendant. Either side may move the other's exhibits into evidence.

3. Use *numbers only*, including when identifying sub-parts (e.g. Exhibit 3-1, Exhibit 3-2, Exhibit 3-3). Categorizing exhibits should be kept as simple and clear as possible.

4. Multiple-page exhibits should be stapled or ACCO fastened; please do not use paper or binder clips or rubber bands. *The Court will reject incorrectly-bound exhibits.* Regarding bulky documents,

BATES stamp numbers may be placed on each page in the bottom right hand corner and shall be continuously numbered for easy reference.

5. Blocks of numbers may be used to categorize exhibits (*e.g.* series 1-99 are bank records; series 100-199 are tax returns; series 200-299 are photographs, etc.)

USE OF FOLDERS:

1. Place exhibits loose in file folders so that the exhibit may be pulled out of the folder during trial. Do not attach the exhibit to the file folder. Label the folder tab to identify the exhibit. Provide extra folders and exhibit cover sheets to the Courtroom Deputy the first day of trial/hearing for exhibits marked during trial/hearing.

2. Place the exhibit file folders in a box in numerical order. Mark the outside of the box to indicate which exhibits are contained therein. Leave room in the box for any extra exhibits that may be submitted during trial.

3. Do not place trial exhibits in binders except when the binder is considered *one* exhibit. When an exhibit is placed in a binder, mark the binder with an exhibit label in the lower right-hand corner. However, the Judge's copies of exhibits *are* to be compiled in binders and must be numerically tabbed. The Judge's copies should *not* have original exhibit cover sheets on them.

4. On the day of trial/hearing, counsel must bring and provide to the Courtroom Deputy their marked exhibits (labeled/placed in file folders/boxed), three (3) copies of the witness lists, three (3) copies of the exhibits lists, and the Judge's set of exhibits in tabbed binders.

EXHIBIT LISTS:

1. Exhibits must be listed on the exhibit list available on the Court's website (www.azd.uscourts.gov → Judge's Orders, Forms & Procedures → Standard Forms Used By All Phoenix Judges), or the list may be reproduced on a word processor so long as it follows the same format. Include blank rows/pages at the end of the exhibit list to add additional exhibits.
2. Provide the Courtroom Deputy with **3 copies each** of the exhibit list with the exhibits on the day of trial. Do not arrive in court without these copies. Counsel may *not* provide the courtroom clerk with the list of exhibits provided in the Pretrial Order (civil cases) in lieu of the exhibit list form.

WITNESS LISTS:

1. Witness names must be listed on the witness list available on the Court's website (www.azd.uscourts.gov → Judge's Orders, Forms & Procedures → Standard Forms Used By All Phoenix Judges), or the list may be reproduced on a word processor so long as it follows the same format. Please provide the full name of each witness and list them in alphabetical order by last name. Include blank rows/pages at the end of the witness list to add additional witnesses.
2. Provide the Courtroom Deputy with **3 copies each** of the witness list on the day of trial. Do not arrive in court without these copies. Counsel may *not* provide the Courtroom Deputy with the list of witnesses provided in the Pretrial Order (civil cases) in lieu of the witness list form.

SENSITIVE EXHIBITS:

The Courtroom Deputy *will not* take custody of any sensitive exhibits. During breaks (morning, lunch and afternoon) and at the close of each day, these exhibits are returned to the government (usually the agent) until court resumes. Pursuant to General Order 98-07 dated July 30, 1987:

The arresting or investigative agency or designated representative shall retain custody of sensitive exhibits prior to, throughout and after trial. Sensitive exhibits shall include drugs and drug paraphernalia, guns and other weapons, money and any other exhibits designated as sensitive by the Court.

IMPEACHMENT EXHIBITS:

Impeachment exhibits are given to the Courtroom Deputy the *first* day of trial/hearing, not the day a witness testifies, in a **sealed** envelope. The envelope should be marked with the caption of the case and shall identify the party presenting the exhibits (e.g. Plaintiff's Impeachment A). If there is more than one exhibit in the envelope, mark each one with a separate number so you (and the Courtroom Deputy) will be able to identify it. Identify these exhibits with a numbering system of your own for easy retrieval, and the Courtroom Deputy will assign the next available number on the exhibit list when the exhibit is used.

STIPULATED EXHIBITS:

In civil trials, parties may agree on most of the exhibits prior to trial and as listed in the Pretrial Order. Counsel may give the Courtroom Deputy a list of the stipulated exhibits to be marked in evidence before moving for their admission. In criminal trials, stipulated exhibits usually come in one at a time during the trial.

DEPOSITIONS:

Do not mark depositions as exhibits. Identify them by party (so they will be returned to the correct party after trial), place them in a box in alphabetical order, and give them to the Courtroom Deputy the morning of trial.

RETURN OF EXHIBITS

1. Pursuant to LRCiv 79.1(a), all exhibits are returned to respective parties for them to keep custody pending all appeals. If the exhibits are not retrieved by counsel within 30 days of the Notice of Return of Exhibits issuing, pursuant to LRCiv 79.1(c) the clerk may destroy or otherwise dispose of those exhibits.

2. Usually, trial exhibits are returned immediately to respective counsel upon conclusion of trial. Counsel will sign for returned exhibits. When a case is taken under advisement and a verdict or court ruling issues at a later date, a separate order will follow directing counsel to retrieve the exhibits from the Courtroom Deputy.