

EXHIBITS – MARKING, LISTING, AND CUSTODY
for United States District Court Judge Roslyn O. Silver
Judge Code: 7022

Exhibits shall be prepared by counsel or the parties, if pro se, and delivered to the courtroom deputy **AT LEAST 48 HOURS IN ADVANCE OF TRIAL** or any such time as the Court orders.

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). Cover sheets are available on the Court's website under "Judges' Information". If counsel needs adhesive labels for demonstratives or photographs, they shall contact the courtroom deputy PRIOR to trial.
2. Exhibit cover sheets shall be copied on yellow or blue paper and used in cover sheet fashion to identify standard size paper exhibits (Including standard size paper photographs). The cover sheet shall be stapled to the top of the original exhibit, and the exhibit shall be placed in a manilla folder numbered to correspond with the exhibit number only.
3. If the exhibit is a photo (i.e. 4 x 6, 5 x7), use adhesive labels on the back of the photo, and place in the manilla folder with the corresponding exhibit number.
4. Large or bulky items may require the use of tie tags with the exhibit label placed on the tag or may be marked in a logical location on the item or on the plastic bag containing the item.
5. Charts used for demonstration should be identified in the lower right hand corner with an exhibit label or on the reverse side 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 (i.e. 1a, 2a).
6. During trial, always advise the courtroom deputy in advance which exhibits will be needed for each witness. If you are only using electronics to display the exhibits, this is not necessary. Paper copies of the exhibits are still required as listed above, should the witness need to see the hard copy of the exhibit and to provide to the jury during deliberations.

NUMBERING

1. Blocks of numbers are used by each side; Plaintiff uses numbers 1 thorough the estimated number of exhibits. Defendant is given numbers starting after Plaintiff but allowing space for additional exhibits marked during trial (example: Plaintiff 1-80 and Defendant 100-). Parties shall work with each other on determining the blocks of

numbers to be used. **Failure to comply with this directive will result in exhibits being properly remarked by counsel.**

2. Plaintiff and Defendant shall consult regarding marking exhibits to AVOID MARKING DUPLICATES. If Plaintiff(s) marks a document, Defendant(s) should not mark the same document. The exhibits are considered Court exhibits, not Plaintiff's or Defendant's exhibits. Either side may move the other's exhibits into evidence.

3. Use **NUMBERS ONLY** except when identifying sub-parts; i.e., 3a, 3b, 3c. If the sub-parts will be more than a - z, commence with another number; i.e., 4a, 4b, 4c. Categorizing exhibits should be kept as simple and clear as possible. For the most part, **USE NUMBERS**. The exhibit list shall list each subpart individually for marking in evidence, unless moving to admit the exhibit as a whole.

4. Multiple page exhibits should have each page marked for easy reference and should be stapled or ACCO fastened; please do not use paper or binder clips. In bulky documents, BATES stamp numbers may be placed on each page, at the bottom right corner, and can be continuous numbering.

5. Blocks of numbers may be used to categorize exhibits; i.e., series 1-99 are Bank Records; series 100-199 are Tax Returns; series 200-299 are photographs; series 300-399 are Miscellaneous. The exhibit list will break down the categories and should be tabbed accordingly. If the parties anticipate admitting parts of an exhibit, then those parts shall be identified with a subpart and marked accordingly, including on the exhibit list.

USE OF FOLDERS

1. Place exhibits loose in 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 top of the folder to identify the exhibit number.

2. If there are many folders, place them in a box in numerical order. Mark the outside of the box with the exhibits 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. Mark the binder with an exhibit label in the lower right-hand corner.

JUDGE'S COPIES

1. Judge's copies of the exhibits shall be provided in a binder that is tabbed by exhibit number. No exhibit tags are needed on the judge's binders or set of exhibits. Mark the binder with what exhibits are contained in that particular binder. Notification on the front and side of the binder is helpful to the Court.

EXHIBIT LISTS

1. Exhibits shall be listed on the exhibit list provided or reproduced on a word processor, so long as it follows the same format as listed on the Court's website. Be sure to leave enough space at the end of the list to add additional exhibits marked during trial. The exhibit number and description should begin at the top of each block.
2. Provide the courtroom deputy with the original and two copies of the exhibit list along with the delivery of the exhibits. Email copies of the lists in Word format to Robert_Vasquez@azd.uscourts.gov.

WITNESS LISTS

1. Witnesses shall be listed on the witness list provided or reproduced on a word processor, so long as it follows the same format. Witnesses should be listed in alphabetical order unless otherwise ordered by the Court. Names should be at the top of the block and extra blank spaces included at the end. This is needed when names have to be added that are not on the list.
2. Provide the courtroom deputy with the original and two copies of the witness list along with the delivery of the exhibits. Email copies of the lists in Word format to Robert_Vasquez@azd.uscourts.gov.

SENSITIVE EXHIBITS

1. 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 the trial. Sensitive exhibits shall include drugs and drug paraphernalia, guns and other weapons, money and any other exhibits designated as sensitive by the Court."
2. The courtroom deputy will not take custody of any sensitive exhibits. During lengthy breaks and at close of the day, these exhibits are returned to the government (usually the agent) until court resumes.

IMPEACHMENT EXHIBITS

1. Impeachment exhibits are given to the courtroom deputy **the first day of trial**, in a **SEALED** envelope, not the day a witness testifies. The envelope shall be marked with the caption of the case and Plaintiff/Defendant impeachment exhibits. If there is more than one exhibit in the envelope, mark each one with a **SEPARATE NUMBER** so you (and the clerk) 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 in the block of numbers, when the exhibit is used. Additional copies for the Court and opposing side are to also be included in the envelope should the exhibit be used.

STIPULATED EXHIBITS

1. In civil trials, counsel or the parties may agree on most of the exhibits prior to trial and as listed in the pretrial order. Counsel and the parties may give the courtroom deputy a list of the stipulated exhibits to be marked in evidence before moving for their admission. The stipulation shall also be filed on the docket.
2. In criminal trials, stipulated exhibits usually are admitted one at a time during the course of trial. If the parties do stipulate to the admission of exhibits prior to trial, the parties are to provide a list to the courtroom deputy and file a stipulation on the docket prior to trial. The exhibit numbers will be read into the record for the jury.
3. All exhibits stipulated **will be admitted and provided to the jury** whether or not they are used during trial.

DEPOSITIONS

1. Depositions **ARE NOT** marked as exhibits. Identify them as plaintiff/defendant (so they will be returned to the correct party after trial), place them in alphabetical order and give them to the courtroom deputy the morning of the first day of trial.

MEDICAL OR TECHNICAL TERMS

1. Provide a list of medical or technical or complex terms for the court reporter at least five days prior to the trial commencing. (See “Notice to the Court Reporter”)

RETURN OF EXHIBITS

1. Pursuant to LRCiv 79.1(a), all exhibits are returned to respective counsel or the parties to keep custody of pending all appeals. If exhibits are not retrieved by counsel or the parties within 30 days of the Notice of Return of Exhibits, LRCiv 79.1(c), the courtroom deputy may destroy or otherwise dispose of them.
2. Usually, trial exhibits are returned immediately to counsel or the parties upon conclusion of trial. Counsel or the parties 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 or the parties to retrieve exhibits from the courtroom deputy.

If you have any questions or need more exhibit labels, please e-mail

Robert_Vasquez@azd.uscourts.gov or call 602-322-7134. Please note the courtroom deputy is away from his desk when in court and responses are generally received quicker by email.