

RECOMMENDED GUIDELINES FOR COURT EXHIBITS

“**Received**” exhibits are maintained by the clerk and made part of the record.

“**Withdrawn**” exhibits may be returned to the proffering party.

“**Denied**” exhibits are to be maintained by the clerk for purposes of appeal.

All exhibits (received, withdrawn, denied) will be marked by the clerk with sequential exhibit labels affixed to each exhibit bearing the case number and date of hearing, and shall be accurately identified on the GF-102 Exhibit List, with notation identifying the offering party (“P” for plaintiff or “D” for defendant) to assist with return of exhibits.

The clerk is responsible for custody, storage and transfer of all court exhibits during trial/hearing. A system to maintain separation of received, withdrawn, and denied exhibits will be required to insure that the jury is not unintentionally presented with any withdrawn or denied exhibits.

There shall be **no pre-marking of court exhibits**. This insures that the exhibits are marked in proper sequence as the case proceeds and will not leave gaps in numbering in case counsel decides not to offer certain exhibits after they’ve been marked, and makes it easier for the clerk to keep track of the exhibits.

For e-filing parties, **do not transmit your exhibits electronically prior to trial**. Exhibits should be physically presented to the clerk in court to have exhibit labels affixed for proper identification and to be accurately recorded on the Exhibit List by the clerk. Transmitting the exhibits electronically will cause duplication and confusion in the court record.

It is helpful if the offering parties can designate whether or not the exhibits being presented are **copies or originals**, to assist with retention. Copies will be scanned and discarded, while originals must be retained and offered back to the proffering party.

Photographs submitted as exhibits may get scanned into the record, but the clerk will be required to maintain all photographs, regardless of format, to be retained as an “original” exhibit, for purposes of appeal.

If any exhibits are deemed to contain **biological (DNA) material**, it is the responsibility of counsel to clearly identify and designate the exhibits as containing biological (DNA) material. The clerk is not responsible for making a discretionary designation. It may also be a good idea to package and seal any exhibits which counsel determines to contain biological (DNA) material to help preserve any DNA evidence in case future testing may be required. The retention period for exhibits containing biological (DNA) material is much longer, so it is important for counsel to properly identify these exhibits so they are retained for the appropriate period of time. Counsel may elect to review the Exhibit List upon conclusion of trial to insure proper designation of exhibits.

To help simplify the return of exhibits, it is very helpful if the parties/counsel can stipulate to the return of exhibits by using **GF-103, Stipulation for Return/Destruction of Exhibits**. Use of this stipulation eliminates the need to send letters to counsel/parties offering back the exhibits. The parties can request return of specific exhibits or just stipulate to destruction of the exhibits upon expiration of the statutory retention period.

Court exhibits are considered open records and can be made available for supervised public inspection upon request, unless there are restrictions imposed by order of the court.