

## **NOTICE TO COUNSEL REGARDING EXHIBITS AND EXHIBIT SUBSTITUTES**

**Requirement to Offer Exhibit Substitutes:** Local Rule 5.04, as amended effective April 1, 1991, requires you to offer photographs with sensitive exhibits (i.e. weapons, drugs, currency) and with exhibits other than documents. It further requires you to offer 8½" by 11" reductions along with documentary exhibits larger than 8½" by 14". Unless otherwise ordered by the Court, if an appeal is filed, the clerk will send these photographs and reductions as substitutes for original exhibits in the record on appeal to the United States Court of Appeals for the Eleventh Circuit.

**Custody of Exhibits and Substitutes:** In connection with civil cases, Local Rule 3.06 requires you to examine proposed exhibits and exhibit substitutes at a meeting prior to pretrial conference and to include objections to use of specific exhibits and substitutes in the pretrial statement. At trial and evidentiary hearings in civil and criminal cases, the clerk will accept the exhibit substitutes along with exhibits at the time you offer them unless the Court otherwise directs on its own initiative or upon objection. The clerk will mark accepted substitutes as such. Unless the Court orders otherwise, at the time of jury verdict or final order, if the clerk has custody of exhibit substitutes, the clerk will return the corresponding original exhibits to you. The clerk will return original sensitive exhibits to you earlier in the proceedings. If no appeal is filed, or upon the filing of the mandate, the clerk will notify you by postcard to pick up any exhibits and substitutes then in the clerk's custody within thirty days. Exhibits and substitutes not picked up will be destroyed.

**Pre-Marking of Exhibits and Substitutes and Preparation of Exhibit Lists:** Local Rule 3.07 requires you to obtain exhibit tabs or labels in advance of trial and, when reasonable, in advance of evidentiary hearing, from the clerk, from an outside source in the format utilized by the clerk, or in a format approved by the presiding judge. It also requires you to prepare a list of exhibits. Copies of court approved Exhibit Lists and Labels are attached for your use. To prepare Exhibit Labels, list the case number and style on the appropriate "party specific" labels, and copy the labels as needed. Consecutively number the labels, and staple (or affix) the labels to the upper right hand corner of exhibits and exhibit substitutes. Identify an exhibit substitute with the same number used to identify the corresponding exhibit. To complete the Exhibit List, fill in the general information required on the first page of the form and, for each exhibit, list the exhibit number, the witness, and description of the exhibit. Make enough copies of the list to furnish copies to all counsel and three copies to the clerk at the commencement of trial or evidentiary hearing. Identify a composite exhibit with one exhibit number and different letters on each portion of the composite. (e.g. 20/A, 20/B, 20/C)

**Note:** These instructions are general and are intended to supplement the Local Rules and any other instructions issued by the trial judge. Accordingly, counsel shall be responsible for ensuring that any additional requirements established by the trial judge are also met.