

**UNITED STATES DISTRICT COURT
Middle District of Florida
Office of the Clerk
United States Courthouse
Tampa, Florida 33602**

Elizabeth Warren,
Clerk

Lekeshia Jones
Tampa Division Manager
(813) 301-5400

NOTICE TO COUNSEL

INSTRUCTIONS REGARDING THE PRE-MARKING OF EXHIBITS

Local Rule 3.07 requires each party to obtain from the Clerk, in advance of trial, tabs or labels for pre-marking and identification of each exhibit proposed to be offered in evidence, or otherwise tendered to any witness during trial. To assist you in this regard, copies of Court-approved Exhibit Lists and Exhibit Tags are attached for your use. The case number and style should be appropriately inserted on these forms which may then be reproduced on your office copier in such quantities as required.

Prior to pre-marking exhibits, counsel should select the appropriate "party specific" tag from the attachments. These tags are designed to assist counsel and the Court in controlling and managing exhibits throughout the trial.

Counsel should consecutively number each exhibit tag and staple the exhibit tag to the upper right corner of each exhibit. Thereafter, counsel should prepare the Exhibit List and provide a description of each consecutively numbered exhibit, and sub-exhibit, sufficient to identify it throughout trial.

Composite exhibits should be identified by using the main exhibit's sequential number and an alphabetical suffix to identify the composite portions of the exhibit: e.g., if the main exhibit is number 20 and there are two sub-parts to the exhibit, then the main exhibit should be numbered 20/A, the first sub-part numbered 20/B, and final sub-part numbered 20/C.

Local Rule 3.07(b) requires counsel to furnish copies of their Exhibit List to all other counsel at the commencement of trial.

NOTE: These instructions are purposely general in nature 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.

ELIZABETH WARREN, CLERK

Attachments

UNITED STATES DISTRICT COURT
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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 8 1/2" by 11" reductions along with documentary exhibits larger than 8 1/2" 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.

Sheryl L. Loesch, CLERK

Attachments

U.S. District Court
Middle District of Florida
PLAINTIFF'S EXHIBIT

Exhibit Number: _____

Case Number: _____

v.

Date Identified: _____

Date Admitted: _____

U.S. District Court
Middle District of Florida
PLAINTIFF'S EXHIBIT

Exhibit Number: _____

Case Number: _____

v.

Date Identified: _____

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Middle District of Florida
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v.

Date Identified: _____

Date Admitted: _____

U.S. District Court
Middle District of Florida
PLAINTIFF'S EXHIBIT

Exhibit Number: _____

Case Number: _____

v.

Date Identified: _____

Date Admitted: _____

U.S. District Court
Middle District of Florida
GOVERNMENT'S EXHIBIT
Exhibit Number: _____
Case Number: _____

v.

Date Identified: _____
Date Admitted: _____

U.S. District Court
Middle District of Florida
GOVERNMENT'S EXHIBIT
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Case Number: _____

v.

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Middle District of Florida
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Case Number: _____

v.

Date Identified: _____
Date Admitted: _____

U.S. District Court
Middle District of Florida
GOVERNMENT'S EXHIBIT
Exhibit Number: _____
Case Number: _____

v.

Date Identified: _____
Date Admitted: _____

U.S. District Court
Middle District of Florida
DEFENDANT'S EXHIBIT
Exhibit Number:

Case Number:

v.

Date Identified:

Date Admitted:

U.S. District Court
Middle District of Florida
DEFENDANT'S EXHIBIT
Exhibit Number:

Case Number:

v.

Date Identified:

Date Admitted:

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Middle District of Florida
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Middle District of Florida
DEFENDANT'S EXHIBIT
Exhibit Number:

Case Number:

v.

Date Identified:

Date Admitted:

RULE 3.07 MARKING AND LISTING EXHIBITS

(a) In advance of trial and, when reasonable, in advance of evidentiary hearing, counsel for each party in any case shall obtain from the Clerk (or from an outside source in the format utilized by the Clerk or in a format approved by the presiding judge), tabs or labels. These tabs or labels shall be used for the marking and identification of each exhibit proposed to be offered in evidence or otherwise tendered to any witness during trial and evidentiary hearing and for the marking and identification of photographs and reductions proposed to be offered with exhibits in accordance with Rule 5.04. Counsel shall identify a photograph or reduction offered with an exhibit with the number identifying the exhibit.

(b) Upon marking exhibits, counsel shall also prepare a list of such exhibits, in sequence, with a descriptive notation sufficient to identify each separate numbered exhibit. Counsel shall furnish copies of the list to opposing counsel and three copies to the Court at the commencement of trial and, when reasonable, at the commencement of evidentiary hearing. (See also Rules 5.03 and 5.04.)

RULE 5.03 COURTROOM DECORUM

(a) The purpose of this rule is to state, for the guidance of those heretofore unfamiliar with the traditions of this Court, certain basic principles concerning courtroom behavior and decorum. The requirements stated in this rule are minimal, not all-inclusive; and are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Code of Professional Responsibility or the time honored customs of experienced trial counsel. Individual judges of the Court may, in any case, or generally, announce and enforce additional prohibitions or requirements; or may excuse compliance with any one or more of the provisions of this rule.

(b) When appearing in this Court, unless excused by the presiding Judge, all counsel (including, where the context applies, all persons at counsel table) shall abide by the following:

- (1) Stand as Court is opened, recessed or adjourned.
- (2) Stand when the jury enters or retires from the courtroom.
- (3) Stand when addressing, or being addressed by, the Court.
- (4) Stand at the lectern while examining any witness; except that counsel may approach the Clerk's desk or the witness for purposes of handling or tendering exhibits.
- (5) Stand at the lectern while making opening statements or closing arguments.
- (6) Address all remarks to the Court, not to opposing counsel.
- (7) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
- (8) Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.
- (9) Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross examination.
- (10) Counsel should request permission before approaching the bench; and any documents counsel wish to have the Court examine should be handed to the Clerk.
- (11) Any paper or exhibit not previously marked for identification (see Rule 3.07) should first be handed to the Clerk to be marked before it is tendered to a witness for his examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.
- (12) In making objections counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.

- (13) In examining a witness, counsel shall not repeat or echo the answer given by the witness.
- (14) Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.
- (15) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue; shall not read or purport to read from deposition or trial transcripts, and shall not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.
- (16) Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited.