

**EXHIBITS - MARKING, LISTING AND CUSTODY**  
for United States District Court  
DISTRICT JUDGE DOUGLAS L. RAYES

**USE OF LABELS/COVER SHEET**

1. Exhibit labels are divided by color to indicate whether the exhibit is offered by plaintiff (YELLOW) or defendant (BLUE).
2. Place the exhibit label in the lower right hand corner of a blank sheet of paper (see attachment #1) and run as many copies as needed in the appropriate color. Staple one to the top of each exhibit.
3. If the exhibit is a photo or item smaller than 8"x10", **STAPLE** it to plain paper or the cover sheet label form. **Photos** that are 8"x10" should have the exhibit tag sticker (sticker type labels can be obtained from the Courtroom Deputy) on the reverse side, **UPPER** right hand corner. These sticker labels can be also used for large demonstrative items that will be possibly admitted as evidence.
4. Large or bulky items may require the use of tie tags with the exhibit label placed on tag or may be marked in a logical location on the item or on the plastic bag containing the item.
5. Large charts should be identified in the lower right hand corner with an exhibit label. If the item is an enlargement of another marked exhibit, it should be numbered as a sub-part of the smaller exhibit.

**NUMBERING**

1. Blocks of numbers are assigned to each side; plaintiff is normally given number 1 through 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-???) .
2. Plaintiff and defendant should consult as to marking exhibits to **AVOID HAVING 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** 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**.
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 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.

## **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.
2. If there are many folders, place them in a box in numerical order. Mark the outside of the box as to what exhibits are contained therein. Leave room in the box for any extra exhibits that may be submitted during trial.
3. The box of exhibits shall be given to the courtroom deputy at least **TWO FULL COURT DAYS** prior to trial/hearing or any such time as the court requires.
4. **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 SET**

The judge's copies of exhibits may be placed in binders and tabbed. The judge's copies should not have original exhibit stickers on them.

## **EXHIBIT LISTS**

1. Exhibits may be listed on the exhibit list provided (see attachment #2) or reproduced on a word processor, as long as it follows the same format. The form is self-explanatory. Be sure to leave enough **SPACE** at the end of the list to add additional exhibits. Each page should be completed to the end with blank blocks. Extra blank pages would be appreciated for both the exhibit and witness list. The exhibit number and description should be started at the top of each block.
2. Provide the courtroom deputy with the original and two copies of the exhibit list with the exhibits.

## **WITNESS LISTS**

1. Witnesses may be listed on the witness list provided (see attachment #3) or reproduced on a word processor, as long as it follows the same format. Witnesses should be listed in alphabetical order. Names should be at the top of the block; extra spaces should be left between names; this is helpful 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.

## **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 **At least one full court business day prior to the trial/hearing**, not the day a witness testifies, in a SEALED envelope. The envelope should 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 when the exhibit is used.

## **STIPULATED EXHIBITS**

1. In civil trials, parties may agree on most of the exhibits prior to trial/hearing 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.
2. In criminal trials, stipulated exhibits usually are admitted one at a time during the course of trial.

## **DEPOSITIONS**

1. Depositions **DO NOT** have to be marked as an exhibit. 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 trial/hearing.

## **MEDICAL OR TECHNICAL TERMS**

Provide a list of medical or technical terms for the court reporter prior to the trial commencing.

## **ADDITIONAL EXHIBITS INTRODUCED AT TRIAL/HEARING**

Each time exhibits are added you **MUST** provide the clerk with two sets along with corresponding cover sheets and tabs/folders. You must also provide the clerk with two copies of an updated exhibit list (one for the court record and the other for the judge's set).

## **ADMITTED EXHIBITS**

Towards the last day of the trial/hearing the clerk will provide counsel with a copy of the exhibit lists showing which exhibits have been admitted into evidence and which ones have not. It will be counsel's responsibility to have any exhibits not already in evidence admitted before the end of the trial/hearing.

## **RETURN OF EXHIBITS**

1. Pursuant to Local Rule 79.1(a), all exhibits are returned to respective parties for them to keep custody pending all appeals; or if the exhibits are not picked up within 30 days of the Notice of Return of Exhibits, Local Rule 79.1(c), the clerk may destroy or otherwise dispose of those exhibits.
2. Usually trial exhibits are handed back immediately to respective counsel, and counsel will sign for them, when the verdict or court ruling issues; a separate order will follow.

If you have any questions, or need more exhibit labels, please do not hesitate to call me.

Thank you:

Michele Morgan  
Courtroom Deputy to  
District Judge Douglas L. Rayes  
(602) 322-7227

**ATTACHMENT #1**

**CASE NO.** \_\_\_\_\_

**VS.** \_\_\_\_\_

**PLAINTIFF'S EXHIBIT** \_\_\_\_\_

**DATE** \_\_\_\_\_ **IDEN.**

**DATE** \_\_\_\_\_ **EVID.**

**BY** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**VS.** \_\_\_\_\_

**DEFENDANT'S EXHIBIT** \_\_\_\_\_

**DATE** \_\_\_\_\_ **IDEN.**

**DATE** \_\_\_\_\_ **EVID.**

**BY** \_\_\_\_\_  
**Deputy Clerk**

**ATTACHMENT #2**





**ATTACHMENT #3**

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

CIVIL WITNESS LIST

Preliminary Injunction     TRO     Bench Trial     Jury Trial

Case Number \_\_\_\_\_ Judge Code 7037 Date \_\_\_\_\_

\_\_\_\_\_ vs. \_\_\_\_\_

Plaintiff/Petitioner                       Defendant/Respondent

NAME	SWORN	APPEARED

