

## PROCEDURE FOR MARKING EXHIBITS

PURSUANT TO LOCAL RULE 83.13 NO LATER THAN ONE WEEK before a civil case is set for trial/hearing, counsel shall furnish to the Clerk's Office:

1. **ORIGINAL of typed descriptive list of all exhibits to be offered. Each listing shall indicate whether the exhibit shall be admitted into evidence by agreement of parties or marked for identification (ID).** Forms for use in this listing may be obtained in the Clerk's Office or submitted in a format similar to the sample on the reverse of these instructions.
2. **ORIGINAL MARKED EXHIBITS** that will be used in the proceeding. Stickers for marking exhibits shall be printed with GOVERNMENT EXHIBIT, PLAINTIFF'S EXHIBIT, OR DEFENDANT'S EXHIBIT. DO NOT BRING large or bulky (machinery, tires, large posters) or sensitive exhibits. Those may be produced on the first day of trial.

**Copies of the exhibits should have been reviewed and exchanged by counsel. It is expected that no court time will have to be spent while counsel review documents previously available to them. At the commencement of the proceeding, all agreed-to exhibits will be offered and received into evidence. Those marked for ID will remain so until ruled upon during the proceeding or in the court's opinion or otherwise.** In jury-waived cases, the objection will be ruled on in the course of the written opinion.

PURSUANT TO CRIMINAL LOCAL RULE 16.1, in a criminal case counsel shall file and exchange:

1. **ORIGINAL of typed descriptive list** of all exhibits to be offered no later than one week before case is set for trial.
2. **ORIGINAL MARKED EXHIBITS** that will be used at trial no later than one day before the start of evidence.

### **Marking Exhibits**

The exhibits are held during trial in a rack at the Clerk's bench. For everyone's easy reference, exhibit stickers shall be placed so they will be clearly visible when placed in numerical/alphabetical order in the rack: On portrait-view document, UPPER-RIGHT-HAND CORNER; on landscape-view document, UPPER-LEFT-HAND CORNER (when the document is placed in the rack, the sticker will show in line with the other exhibits).

**PLAINTIFF'S EXHIBITS:** Marked numerically in sequence commencing with the number 1 and using PLAINTIFF'S EXHIBIT stickers.

**GOVERNMENT'S EXHIBITS:** Marked numerically in sequence commencing with the number 1 and using GOVERNMENT EXHIBIT stickers.

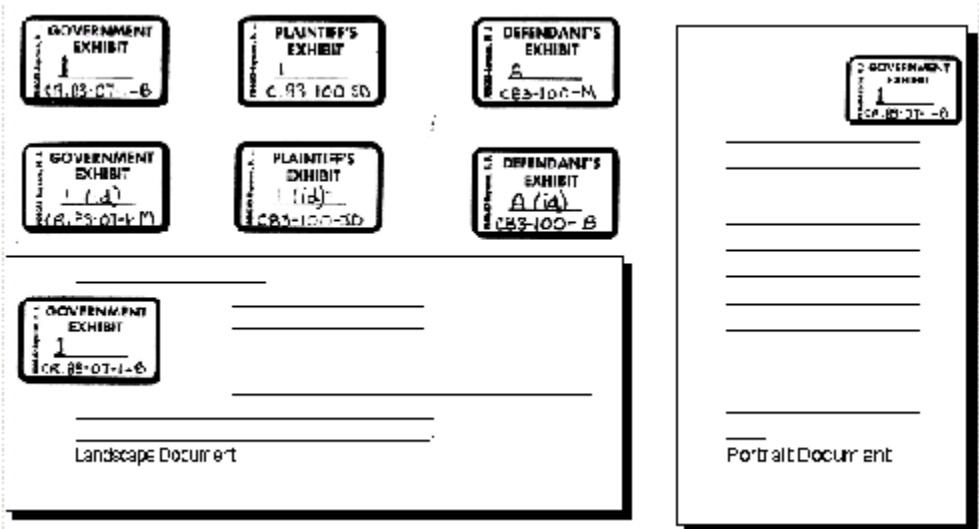
**DEFENDANT'S EXHIBITS:** DEFENDANT'S EXHIBIT stickers. If total number of exhibits does not exceed 78 (three times through the alphabet): Defendant's exhibits shall be marked alphabetically in sequence and commencing with the letter A. After the alphabet has been used, begin with AA, BB, etc., followed by AAA, BBB, etc., for the third time through. If total number exceeds 78: Defendant's exhibits shall be marked numerically.

**MULTIPLE PARTIES:** If there are multiple defendants or third-party defendants submitting separate exhibits, use a letter designation for the specific defendant before the exhibit letter or number. (Example: 2 defendants, Brown and White. Mark exhibits B-A, B-B for Mrs. Brown, and W-A, W-B, etc. for Mr. White.)

**AGREED-TO/ID:** On exhibits to be admitted without objection: Mark with letter or number designation only and list accordingly, e.g. A or 1. **On exhibits to which objection will be made: Mark for identification, e.g. 2(ID) or B(ID) and indicate the ID marking on the exhibit list.**

**A SERIES:** In the case of groupings of related exhibits, mark with a number/letter or letter/number designation, e.g. 1A, 1B, B1, B2. If a series of small items (photos, receipts, checks) are to be marked, they should be mounted on a stiff backing (8 1/2" x 11" or larger). One number or letter should be assigned, although each item may be numbered or lettered (1A, B1) for specific reference on the record. On the exhibit list, enter each subexhibit number and description separately.

**SAMPLE FORMATS - EXHIBIT STICKERS, PLACEMENT OF STICKERS**



**SAMPLE FORMAT - EXHIBIT LISTING**

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

OFFERED BY:

NUMBER/LETTER	DESCRIPTION

To access a sample Exhibit List form, [click here](#).

## **Sample Exhibit List - The Right Way**

### LIST IT RIGHT

v. Case # C. 96-1000-JD

### LIST IT WRONG

### PLAINTIFF LIST IT RIGHT'S EXHIBIT LIST

<b>Number/Letter</b>	<b>Description</b>
1 (A) (ID)	Photo of rear of vehicle
1 (B) (ID)	Photo of left side of vehicle
1 (C) (ID)	Photo of front of vehicle
1 (D) (ID)	Photo of tree "jumping out"
2 (A)	Check #130, payable to Tree Cutters dated 3/1/87 \$500.00
2 (B)	Check #131, payable to Tree Slicers dated 3/2/87 \$600.00
2 (C)	Check #132, payable to Tree Trimmers dated 3/3/87 \$700.00
3 (A)	Flow diagram of tree growth (mounted)
3 (B)	Soil test results (mounted)
3 (C) (ID)	Skid marks results (mounted)
4	Title of tree to owner
4 (A) (ID)	Blow-up of #4, title of tree to owner
5 (ID)	Driving record file of defendant
5 (A)	Record of number of tree accidents
5 (B) (ID)	Record of arrests for attacking trees
6 (ID)	Audio tape of tree crashing
7	3" x 5" photo of sapling (mounted 8 1/2" x 11" backing)

## Sample Exhibit List - The Wrong Way

### LIST IT RIGHT

v. Case # C. 96-1000-JD

### LIST IT WRONG

### DEFENDANT LIST IT WRONG'S EXHIBIT LIST

#### **Number/Letter** **Description**

A (1)-(4) (ID)	Photos	<u>(need description; each should be listed on separate line as each may be entered separately during trial)</u>
1B (1)-(23)	23 Checks	<u>(need description; each should be listed on separate line, UNLESS COUNSEL HAVE AGREED TO THEM AND THE DESCRIPTIONS ARE VERY SIMILAR, as each may be entered and ID stricken separately during trial)</u>
C (1)-(3) (ID)	Large Mounted Charts	<u>(need description; list separately; mounted well; but marked on back, should be marked on front)</u>
D	Title of Tree to Owner (with Blow-Up)	<u>(blow-up should be marked/listed separately with a series #, like D(1))</u>
E (ID)	Driving Record File	<u>(if using excerpts from the file, mark separately as series)</u>
F (ID)	Audio Tape of Tree Crashing	<u>(only cover is marked; placed in small envelope; hard to find, so should be in large envelope)</u>
G (ID)	3 X 5" Photo of Sapling	<u>(not mounted; small, hard to find)</u>