

Rule 9070-2

USE OF EXHIBITS AT TRIAL

(a) ***Use of Electronic Exhibits at Trial.*** Exhibits filed using the CM/ECF Electronically Stored Exhibit Upload are the official exhibits for purposes of trial. Parties may introduce exhibits into evidence using their own laptop computers or electronic devices and courtroom technology. Parties only need to bring paper copies of exhibits to trial (1) for unrepresented parties, (2) as required in subsection (b), or (3) when ordered by the Court.

(b) ***Use of Paper Exhibits at Trial.*** If exhibits will be used to examine a witness, then at the commencement of the examination, the examining party must provide to the Court, the witness being examined, and other parties, paper copies of the exhibits in the following format:

(1) ***Witness Binders.*** If a party uses more than one exhibit to examine a witness, the exhibits must be placed in a three-ring binder. The parties are directed to consult with each other to decide on the color of the binders that each party will use (*e.g.*, plaintiff using blue binders and defendant using white binders). Each witness binder must include only those exhibits that the examining party expects to use in the examination of that witness. However, if a party's Exhibit List includes no more than five exhibits, and those exhibits are not voluminous, the party may use one exhibit binder for all witnesses.

(2) ***Witness Binders Must Be Labeled.*** Witness binders must be labeled with the case caption, the name of the party offering the exhibits, and the witness's name.

(3) ***Voluminous Exhibits.*** If an exhibit is voluminous and the entire exhibit is not relevant to the witness's testimony, the witness binder should include only the relevant portion of that exhibit.

(4) ***Exhibit Tabs.*** Each exhibit in the witness binder must be tabbed with the number of the exhibit as designated on the Exhibit List.

(5) ***Failure to Include an Exhibit in a Witness Binder.*** A party's failure to include a previously exchanged exhibit in a witness binder will not bar the party from offering the exhibit into evidence or from using that exhibit to examine the witness.

(c) ***Disposal of Trial Exhibits.*** Witness binders or other paper copies of exhibits that are not removed from the courtroom following trial will be disposed of by the courtroom deputy immediately after trial.

(d) ***Unrepresented Parties.*** Unrepresented parties must comply with this rule to the best of their ability.

Notes of Advisory Committee

2025

This new rule incorporates and expands on the provisions of Local Rule 9070-1 regarding copies of exhibits and preparation and use of witness binders at trial. Section (b) lists the specific requirements for witness binders. This new rule is effective August 15, 2025.