

§ 11.4**Preparing Exhibits for Trial**

Plaintiff's Copy. Defendant's Copy. Original to the Court.

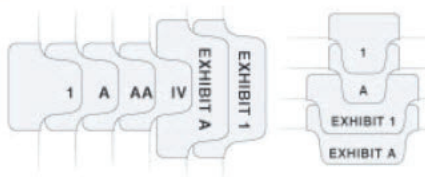
EXAMPLES OF EXHIBITS

- *maps*
- *contracts*
- *photographs*
- *charts*
- *documents*
- *computer-generated graphics*
- *other demonstrative items relevant to the case*

PREPARING EVIDENCE

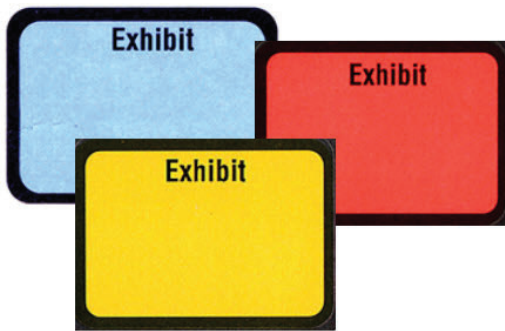
An exhibit is a physical item that will be presented as evidence at trial.

A party must ask the court to “admit” an exhibit as evidence. If the opposing party does not object, the court will admit the exhibit into evidence for the jury’s consideration. If the opposing party objects, the attorney asking that the item be admitted must establish the admissibility of the exhibit. If the exhibit is admitted, it will be assigned either a letter or number and a label identifying the party who submitted it.



There are two typical methods for identifying exhibits: Exhibit *labels*, or exhibit *tabs* (shown above). They serve exactly the same function, except that *labels* have a light adhesive and are placed on the surface face of the item, while *tabs* are attached to the edge. The decision to use labels or tabs is usually left to the preference of the attorney.

When preparing the exhibits, the paralegal will need to ask the attorney whether they will be numbered or lettered. (i.e., Exhibit A, B, C, or Exhibit 1, 2, 3.) Some courts have specific rules requiring that the Plaintiff use lettered exhibits and Defendants use numbered exhibits.



The paralegal must make copies of the exhibit for each party in the litigation, and the original document will be provided to the court as the official exhibit. Labels are especially handy for exhibits because the paralegal may color code the items. For instance, all blue-labeled exhibits are the original exhibit to be submitted to the court, all yellow-labeled exhibits are the Plaintiff's copies, and all red-labeled exhibits are copies for the Defendant.

For instance, if a contract is introduced by the plaintiff as an exhibit:

- *The original document prepared for the court may be identified by a blue label titled Exhibit D.*
- *A copy of the document is prepared for the plaintiff and is identified by a corresponding yellow label as Exhibit D.*
- *A copy of the document is prepared for the defendant and is identified by a corresponding red label as Exhibit D.*



Of course, the colors may change from case to case and depending on the label provider, but the colors must remain consistent within a single litigation.

Note that the adhesive on the exhibit labels is not permanent, but instead is similar to the adhesive used on sticky notes. This is important because the original evidence is not to be altered in any way, including the use of staples, writing, folding, or other disfiguring. Once properly labeled, the paralegal should collect each exhibit, along with the copies of that exhibit, in order. This means that Exhibit A, and the Plaintiff and Defendant copies of Exhibit A should be together, Exhibit B, and copies, should be together, and so forth. All exhibits should then be placed in an expandable file, preferably with dividers to make access easier.

Ask your firm's office manager for the appropriate labels or contact a legal supply store for assistance. You may also check the *Rules of Evidence* for your jurisdiction for the appropriate titles of exhibits.