

Allegheny County Rules of Judicial Administration. Orphans' Court Division: Custody of Exhibits in Court Proceedings.

Rule 5101.2 Orphans' Court Division Custody of Exhibits. Definitions

- (a) The following words and phrases when used in these rules shall have the following meanings, unless the context clearly indicates otherwise, or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:
1. "Court proceeding." Any trial, hearing, argument or similar event before a Judge or Master where evidence, if entered, is on the record;
 2. "Custodian." The person or persons designated by local rule of judicial administration to safeguard and maintain exhibits offered into evidence in a court proceeding. The custodian shall be the proponent of the exhibit. Custodian shall also include the custodian's designee. However, in circumstances where the proponent is unable to serve as custodian, a member of the court staff may serve as custodian;
 3. "Exhibit." A document, record, object, photograph, model, or similar item offered into evidence whether or not admitted, in a court proceeding;
 4. "Proponent." A party seeking the admission of an exhibit into the record in a court proceeding; and
 5. "Records office." The Allegheny County, Department of Court Records, Wills/Orphans' Court Division ("Department of Court Records") shall serve as the Records Office for the Allegheny County Court of Common Pleas Orphans' Court Division.
- (b) For any words and phrases not defined by these rules, meaning may be discerned through examination of its dictionary definition and its legal meaning may be gleaned from its use in an applicable body of law.

Rule 5102.2 Orphans' Court Division Custody of Exhibits. General Provisions

- (a) In all Orphans' Court Division proceedings, all parties must designate an individual who shall serve as that party's custodian of exhibits throughout the court proceedings and until such time as the court proceedings concludes.
1. The custodian of exhibits shall be identified at the outset of the court proceedings, and all parties' custodian's names shall be placed on the record.
 2. The Court shall identify a Court custodian, whose role during the court proceedings shall be limited as set forth in (3) below.

3. If the Court determines that a *pro se* party is unable to perform the duties of a custodian, the Court custodian shall assume the duties of that party only during and after the trial, including all duties identified in this local rule.
- (b) During and throughout the court proceedings, the custodian(s) shall be responsible for securing and maintaining all documentary exhibits, photographs, and photographs of non-documentary exhibits, including breaks and recesses, unless otherwise provided in Pa. R.J.A. 5103(c)-(d).
- (c) After court proceedings the custodian(s) shall:
1. Take custody of and retain all documentary exhibits, photographs, and photographs of non-documentary exhibits offered into evidence, whether admitted or not admitted, during the court proceedings;
 2. File all documentary exhibits, photographs, and photographs of non-documentary exhibits with the Department of Court Records within five (5) business days of the conclusion of the court proceedings, unless otherwise directed by the court, including an index of exhibits stating the following:
 - a. The exhibit number or letter used by the proponent to refer to the exhibit;
 - b. A description of the exhibit; and
 - c. Whether the exhibit was admitted into evidence.
 3. Secure and maintain all non-documentary exhibits as directed by the Court, or as agreed by the parties.
 4. After the court proceedings, the Court custodian shall confirm that the custodian designated by each party has complied with subsections (c)(1), (2), (3). If the custodian designated by each party has failed to comply, the Court custodian shall promptly notify the Court, who may impose sanctions.

Comment: The Parties may benefit from working collaboratively to stipulate to those unobjectionable trial exhibits prior to trial, and file said stipulation(s) with accompanying index of exhibits and exhibits, with the Department of Court Records.

Rule 5103.2 Orphans' Court Custody of Exhibits. Special Provisions

- (a) Oversized exhibits and large photographs exceeding 8 ½ x 11 inches shall be reduced in size and/or photographed so that the copy or photograph of the physical exhibit can be photocopied/scanned on to 8 ½" x 11" inch paper for filing.
 - 1. The actual oversized exhibit or large photograph shall be maintained by the party seeking to admit it until the conclusion/completion of the trial, all post-trial events, appeals and appellate procedures.
 - 2. A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction to transfer to digital media.
- (b) Use of Digital Media. A proponent shall ensure that an exhibit in digital format entered into the record is in a format acceptable to the court.
- (c) Duplicates. The court may direct that the original item, and not a duplicate/photocopy, be entered into the record.
- (d) Exhibits Under Seal. If an exhibit offered into evidence contains confidential information or confidential documents as defined by the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* ("Policy"), the custodian shall file the exhibit and a certification prepared in compliance with the Policy, and the Department of Court Records requirement, with the Department of Court Records. Any exhibit sealed by the court during the court proceedings shall not be accessible to the public.
- (e) Parties shall provide copies of exhibits to the Court at the time of the proceeding; however, the Court shall not be responsible for filing the exhibits, except if the Court custodian is acting on behalf of a *pro se* party.
- (f) The Court of Common Pleas, Orphans' Court Division will not store or maintain exhibits following the conclusion of the proceeding for which the exhibits were used.