

**Allegheny County Rules of Judicial Administration. Civil Division: Custody of Exhibits in Court Proceedings.**

**Rule 5101.1 Civil 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, panel, or hearing officer where evidence, if entered, is on the record. It does not include a proceeding before a Magisterial District Court, a non-record proceeding before a judicial arbitration matter pursuant to Pa.R.Civ.P. 1301 et sec., or any other proceeding excluded by Local Rule of Judicial Administration 5103.1(e);
  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, where circumstances occur that that the proponent is unable to serve as custodian, a member of court staff, court reporter, clerk of court, and/or hearing officer 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, Civil/Family Division ("Department of Court Records") will serve as the records office for the Allegheny County Court of Common Pleas Civil 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 application body of law.

**Rule 5102.1 Civil Division Custody of Exhibits. General Provisions**

- (a) In all Civil Division court proceedings, as defined by Local Rule 5101.1, all parties must designate an individual who shall serve as that party's custodian of exhibits throughout the court proceedings and until which 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 to locking the Courtroom at the conclusion of each day of the court proceedings and opening the Courtroom at the beginning of each day of the court proceedings.
  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 the custodian during and after the trial, including all duties identified in this local rule.
- (b) During and throughout the court proceedings, the custodian(s) shall secure and maintain all 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. Retain or take custody of all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings;
  2. File all documentary exhibits, photographs, and photographs of non-documentary exhibits with the Department of Court Records office within five (5) business days of the conclusion of the court proceedings unless otherwise directed by the court.
    - a. The custodians filing exhibits shall include an index of exhibits.
    - b. The index shall identify the exhibit using the number or letter used by the proponent during the court proceedings to refer to that exhibit, whether the exhibit was admitted or rejected from evidence, and a description or identification of the exhibit.
  3. Secure and maintain all other 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 proponent-custodian(s) filed all exhibits with the Department of Court Records.
    - a. If a proponent-custodian determines that another party's proponent-custodian has not filed the exhibits pursuant to this rule within five (5) business days, the complying party or parties may seek appropriate relief with the court regarding the non-compliant proponent-custodian's failure to file their exhibits.

*Note: 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 5103.1 Civil Division 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. In addition to photocopying the oversized physical exhibit (e.g. medical device, tire, axel, blueprint, map, large photograph etc.), the party seeking to admit said physical exhibit shall be responsible for maintaining said physical exhibit 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, 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 proponent shall file a copy of the exhibit and a certification prepared in compliance with the Policy, and the Department of Court Records requirement, with the Department of Court Records.
  - 1. Any exhibit sealed by the court during the court proceedings shall not be accessible to the public.
- (e) Exclusion. This rule does not apply to record hearings that may be appealed *de novo* to the court of common pleas or upon which exceptions or objections can be filed to a court of common pleas, such as hearings before the Board of Viewers and/or arbitration hearings where a party elects to have the arbitration hearing recorded.
- (f) Parties shall provide copies of exhibits to the trial Judge, at the time of the trial;
- (g) The Court of Common Pleas, Civil Division will not store or maintain exhibits following the conclusion of the trial or court proceedings for which the exhibits were used.