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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON

7 In Re,

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9 EXHIBITS RETENTION PILOT
10 PROJECT

GENERAL ORDER NO. 03-16

11 The United States District Court for the Western District of Washington (“the Court”)
12 and the Ninth Circuit Court of Appeals (“Court of Appeals”) have agreed to participate in a
13 two-year exhibits retention pilot project (“Exhibits Retention Project”), commencing February
14 1, 2016. The Exhibits Retention Project is expected to increase efficiencies in the filing of trial
15 exhibits, both proposed and admitted, with appellate briefs in the Court of Appeals and to
16 create easy access to such trial exhibits by the Court of Appeals’ panel judges. This General
17 Order sets forth the rules managing the Exhibits Retention Project.
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- 20 1. The Exhibits Retention Project includes all criminal cases filed in the United States
21 District Court for the Western District of Washington.
 - 22 2. Participation in the Exhibits Retention Project is **mandatory** for all criminal
23 litigants except for Central Violations Bureau (“CVB”) proceedings/trials, and for
24 those who receive permission to be exempt by the trial judge.
 - 25 3. The Exhibits Retention Project applies to documentary exhibits only, including
26 photographs when possible, and does not apply to physical or oversized
27 demonstrative exhibits.
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- 1 4. The parties shall receive a date for filing proposed exhibits through the Court's
2 CM/ECF electronic filing system at the time of arraignment, which will typically be
3 the same date as the first day of trial. Each proposed exhibit shall be marked in bold
4 type face in the bottom right corner with the words "**PLAINTIFF/DEFENDANT**
5 **PROPOSED EXHIBIT**".
- 6 5. Each party shall utilize the CM/ECF filing event "Plaintiff/Defendant Proposed
7 Trial Exhibits" through the Court's electronic filing system. To prevent access to
8 exhibits and avoid pre-judgment of any case by potential jurors, all proposed
9 exhibits will be filed automatically under seal, and shall remain under seal until such
10 time as the exhibit is admitted at trial.
- 11 6. Any *pro se* litigant not using the Court's electronic filing system shall file his or her
12 proposed exhibits in the same manner he or she files other briefs and documents in
13 the matter. Such exhibits shall also be filed automatically under seal, and shall
14 remain under seal until such time as the exhibit is admitted at trial.
- 15 7. Each party shall also present his or her proposed trial exhibits in duplicate form in
16 the same manner as prescribed by the trial judge's policy (*i.e.*, marked with exhibit
17 stickers, in tabbed notebooks, etc.). This procedure is not intended to replace or
18 modify any requirements by those trial judges using the JEEPS program in their
19 courtrooms, and any procedures set forth by the judges using that program remain
20 the same.
- 21 8. At the conclusion of trial, the trial judge's in-court deputy will confirm with the
22 parties a list of admitted exhibits which exhibits will then be provided to the trier of
23 fact in the matter.
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1 9. Within seven (7) days of a verdict in the matter, one party shall file through the
2 Court's electronic filing system the set of "Admitted Exhibits" reviewed by the trier
3 of fact utilizing the CM/ECF event "Admitted Exhibits." These exhibits shall be
4 accompanied by a Joint Certification of Counsel that the exhibits are true and
5 correct copies of the documents reviewed by the trier of fact in the matter. In
6 addition, within seven (7) days of a verdict in the matter, any rebuttal exhibits that
7 were offered but not admitted, and that were not previously filed with "Proposed
8 Exhibits," shall be filed by the offering party using the CM/ECF event "Proposed
9 Rebuttal Exhibits." Proposed rebuttal exhibits will be automatically filed under seal
10 like other proposed exhibits.
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12 10. As with proposed exhibits, any confidential exhibits admitted at trial may be filed
13 under seal utilizing the Court's existing methods for filing documents under seal.
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15 11. All admitted exhibits not filed under seal will remain accessible to the public on the
16 Court's electronic docket for a given matter.
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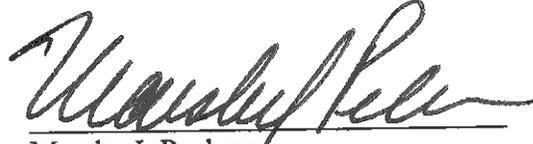
18 12. The Clerk of the Court is authorized to develop, implement, publish, and modify as
19 necessary additional administrative procedures to manage the Exhibits Retention
20 Project.
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22 This General Order shall become effective February 1, 2016, and shall remain in effect
23 through January 31, 2018, subject to extension and/or expansion upon agreement between the
24 Court and the Court of Appeals. The Court may terminate the Exhibits Retention Project at any
25 time. Before February 1, 2018, the Court and the Court of Appeals will evaluate the Exhibits
26 Retention Project and determine whether it should be continued, terminated, modified or
27 expanded.
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IT IS SO ORDERED.

DATED this 19th day of January, 2016.



Marsha J. Pechman
CHIEF UNITED STATES DISTRICT JUDGE