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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON

7 In Re,

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9 EXHIBITS RETENTION PROCEDURES

10 **GENERAL ORDER NO. 01-18**

11 The United States District Court for the Western District of Washington (“the Court”)
12 worked with the Ninth Circuit Court of Appeals (“Court of Appeals”) on a two-year exhibits
13 retention pilot project (“Exhibits Retention Project”), which commenced February 1, 2016. The
14 Pilot Project concludes on January 31, 2018. The participating Courts have found the Pilot
15 Project both useful and successful in meeting its goals; therefore, the Court now implements the
16 procedures permanently, beginning on February 1, 2018.
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18 This General Order sets forth the procedures for Exhibits Retention.

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- 20 1. Exhibits Retention includes all criminal cases filed in the United States District Court
21 for the Western District of Washington.
 - 22 2. Participation is **mandatory** for all criminal litigants except for Central Violations
23 Bureau (“CVB”) proceedings/trials, and for those who receive permission to be
24 exempt by the trial judge.
 - 25 3. Exhibits Retention applies to documentary exhibits only, including photographs when
26 possible, and does not apply to physical or oversized demonstrative exhibits.
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4. The parties shall receive a date for filing proposed exhibits through the Court's CM/ECF electronic filing system at the time of arraignment, which will typically be the same date as the first day of trial. Each proposed exhibit shall be marked in bold type face in the bottom right corner with the words "**PLAINTIFF/DEFENDANT PROPOSED EXHIBIT**".
 5. Each party shall utilize the CM/ECF filing event "Plaintiff/Defendant Proposed Trial Exhibits" through the Court's electronic filing system. To prevent access to exhibits and avoid pre-judgment of any case by potential jurors, all proposed exhibits will be filed automatically under seal, and shall remain under seal until such time as the exhibit is admitted at trial.
 6. Any *pro se* litigant not using the Court's electronic filing system shall file his or her proposed exhibits in the same manner he or she files other briefs and documents in the matter. Such exhibits shall also be filed automatically under seal, and shall remain under seal until such time as the exhibit is admitted at trial.
 7. Each party shall also present his or her proposed trial exhibits in duplicate form in the same manner as prescribed by the trial judge's policy (*i.e.*, marked with exhibit stickers, in tabbed notebooks, etc.). This procedure is not intended to replace or modify any requirements by those trial judges using the JEEPS program in their courtrooms, and any procedures set forth by the judges using that program remain the same.
 8. At the conclusion of trial, the trial judge's in-court deputy will confirm with the parties' a list of admitted exhibits which exhibits will then be provided to the trier of fact in the matter.

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9. Within seven (7) days of a verdict in the matter, one party shall file through the Court's electronic filing system the set of "Admitted Exhibits" reviewed by the trier of fact utilizing the CM/ECF event "Admitted Exhibits." These exhibits shall be accompanied by a Joint Certification of Counsel that the exhibits are true and correct copies of the documents reviewed by the trier of fact in the matter. In addition, within seven (7) days of a verdict in the matter, any rebuttal exhibits that were offered but not admitted, and that were not previously filed with "Proposed Exhibits," shall be filed by the offering party using the CM/ECF event "Proposed Rebuttal Exhibits." Proposed rebuttal exhibits will be automatically filed under seal like other proposed exhibits.

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10. As with proposed exhibits, any confidential exhibits admitted at trial may be filed under seal utilizing the Court's existing methods for filing documents under seal.

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11. All admitted exhibits not filed under seal will remain accessible to the public on the Court's electronic docket for a given matter.

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12. The Clerk of the Court is authorized to develop, implement, publish, and modify as necessary additional administrative procedures to manage the Exhibits Retention Project.

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This General Order shall become effective February 1, 2018.

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IT IS SO ORDERED this 18th day of January 2018.

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RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE