	CLERK OF THE COURT INTERNAL POLICY	
	Area: Courtroom Services Document Number: POL-CRS-1003 Subject: eExhibit (Phase 1) Page: 1 of 7	Effective Date: 10/6/03 Revision Level: C Last Revised Date: 5/5/15

PURPOSE:

The Clerk of the Superior Court (COSC), recognizing its responsibility to control and maintain custody of exhibits, all in accordance with Criminal Rule 28.1a, Local Rule 2.8b, and Supreme Court Rule 91f, must define policy regarding the increasing frequency and use of electronic exhibits, or eExhibits, in court proceedings.

The elements defined in this policy are in addition to, and do not replace, existing policies related to the control and custody of exhibits.

POLICY:

(A) Control of eExhibits. Counsel and/or parties who plan to present electronic exhibits in a court proceeding are required to present those eExhibits to the courtroom clerk no less than two (2) business days prior to the court hearing or trial. The electronic exhibits submitted to the clerk at this point will be designated as the original version of the eExhibit. The Court will not accept any other version of the exhibit (i.e., printed or paper copies) if eExhibits have been submitted. This original version of the eExhibit will be the exhibit that remains as the official permanent court record.


(1) Delivery Format. eExhibits must be delivered to the COSC in the following manner.

CD-ROM. Until the COSC is able to store and manage eExhibits in another format, counsel are required to deliver exhibits on CD-ROM.

(2) Marking Exhibits. The courtroom clerk will not mark eExhibits with a traditional exhibit tag. The Court and counsel shall refer to the official exhibit worksheet in order to identify exhibits and their status (i.e., accepted in evidence by the Court). The CD will be tagged but not the individual contents of the CD.

(3) Courtroom Presentation. After submitting the official version of the eExhibits to the courtroom clerk, counsel and/or parties may use duplicates of these eExhibits with the permission of the Court. It is assumed that counsel avow the duplicates of eExhibits utilized during a hearing or trial are identical to those eExhibits provided to the clerk. The judicial officer should settle any discrepancies or disputes as to the authenticity of these eExhibit copies.

(4) Jury Deliberation. The jury will only be able to view eExhibits presented to and controlled by the courtroom clerk as the official version of the eExhibit for

	CLERK OF THE COURT INTERNAL POLICY	
	Area: Courtroom Services Document Number: POL-CRS-1003 Subject: eExhibit (Phase 1) Page: 2 of 7	Effective Date: 10/6/03 Revision Level: C Last Revised Date: 5/5/15

purposes of deliberation. Additionally, the courtroom clerk will only provide the jury eExhibits that were received in evidence by the judicial officer.

(5) Permanent Courtroom Releases. The COSC strongly encourages the Court to order the permanent release of all eExhibits at the conclusion of the hearing. If the Court orders the eExhibits kept for storage, the Clerk must store all eExhibits contained on the CD-ROM.

(6) Temporary Courtroom Releases. If the Court were to order the temporary release of any eExhibit, the Clerk will ask that counsel work together in creating a duplicate of the eExhibit for the requesting party. If this is not possible, the COSC will make arrangements allowing the party to pick up a copy of the eExhibit from the exhibits department. If the purpose of the temporary release was to redact, or otherwise alter, the eExhibit, counsel must present a new CD-ROM to the courtroom clerk and have the exhibit marked and identified as a new exhibit.


(7) Sealing e-Exhibits. Due to the electronic nature of eExhibits, it is difficult for the Clerk to identify a set policy, therefore, the COSC will work with the Court and counsel on a case-by-case basis to determine the best practice an eExhibit is sealed.

(8) Court of Appeals. eExhibits in the custody of the COSC and maintained as the official court record will be the exhibits that are presented to the Court of Appeals in the case.

(B) Required File Formats. The COSC will require counsel and/or parties to adhere to the same file format standards adopted for the purposes of electronic filing. Standards are identified in the "Arizona Code of Judicial Administration, Part 1: Judicial Branch Administration, Chapter 5: Automation, Section 1-506: Filing and Management of Electronic Court Documents, Section D". The below file-format requirements closely resemble those identified for e-filing and are only modified for the purposes of relating them to electronic exhibits.

(1) Authenticity. All materials identified as eExhibits shall be preserved so that the content of the original material is exactly duplicated with the eExhibit, and not altered in any way from the appearance of original non-electronic materials. The eExhibit, when displayed or printed, shall closely resemble the original without any material alteration.

(2) Non-Proprietary File Formats. eExhibits shall be in a format that provides for browser accessibility and no material alteration to content or appearance.

	CLERK OF THE COURT INTERNAL POLICY	
	Area: Courtroom Services Document Number: POL-CRS-1003 Subject: eExhibit (Phase 1)	Effective Date: 10/6/03
	Page: 3 of 7	Revision Level: C Last Revised Date: 5/5/15

If the eExhibit does not satisfy the required file format indicated in this section, the COSC will be unable to manage that exhibit and must return it. eExhibits shall be formatted in either:

(a) Imaged Files. All paper documents or graphic formats (pictures or maps) imaged to present as an eExhibit shall be in a non-proprietary file format (for example, TIFF, GIF, .PDF, or JPEG) and shall comply with ACJA §1-504. If a paper document exceeds one (1) page, the document shall be imaged in a format that creates one (1) electronic file for the entire document (i.e. multi-page TIFF or .PDF).

(b) Converted Files. All electronic files or graphic formats (Microsoft Word Documents or Portable Network Graphic files) converted to a non-editable file format in order to present as an eExhibit shall be converted to a non-proprietary file format (for example, TIFF, GIF, .PDF, or JPEG) and shall comply with ACJA §1-504. If an electronic text document exceeds one (1) page, the document shall be converted in a format that creates one (1) electronic file for the entire document (i.e. multi-page TIFF or .PDF).

(b) Non-Text Files. Other multimedia files (video or audio files) shall adhere to established industry standards and shall be in a non-proprietary format (MPEG, AVI, and WAV).

(3) Navigation. Hyperlinks, bookmarks and other similar navigational functions shall only refer to other parts within the same file.


(C) File Naming Convention. The COSC will require counsel and/or parties to adhere to the specific file-naming format in presenting eExhibits to the courtroom clerk.

This is necessary in order for the clerk to properly mark and identify each exhibit for the permanent court record. File names should adhere to the following naming convention:

AAA_PartyName_#.ext

Where the "Party Name" is equal to a logical portion of the party name in the case caption. For example:

Smith	John Smith
Motorola	Motorola
American	American Insurance

	CLERK OF THE COURT INTERNAL POLICY	
	Area: Courtroom Services Document Number: POL-CRS-1003 Subject: eExhibit (Phase 1) Page: 4 of 7	Effective Date: 10/6/03 Revision Level: C Last Revised Date: 5/5/15

Where the # is equal to the Exhibit Number, and where the "ext" is equal to the file format.

Consider the following examples:

DEF_Smith_3.tiff

This is defendant Smith's Exhibit number 3, and is a tagged image file format (TIFF). Or:

PLF_American_22.pdf


This is Plaintiff American Insurance's exhibit number 22, and is a portable document format, or Adobe Acrobat file.

(D) Storage of Exhibits. The COSC strongly encourages that the Court order the release of all eExhibits upon conclusion of the court proceeding. However, if the Court orders that the COSC maintain control of the eExhibits, the exhibits will be stored in the format that the eExhibits were delivered. It may be presumed that this format is CD-ROM since this is the only allowable delivery format.

(1) Exhibit Processing. The Exhibits Department handles eExhibits differently than traditional exhibits in numerous aspects of processing. The following sections describe circumstances in which eExhibits will need special processing.

(a) Verification. The exhibit worksheet will be compared to each eExhibit to verify the description on the worksheet is accurate. In order to verify exhibit descriptions, the exhibit clerk shall insert the CD-ROM into their PC and view each electronic exhibit and compare it to the description on the worksheet. Due to the inability of the courtroom clerk to electronically mark eExhibits, the exhibit clerk shall presume the typical tag information on the exhibit worksheet is accurate (i.e., offering party and date in evidence).

(b) Storage Location. The exhibit clerk shall indicate a storage location for all exhibits on the CD-ROM as the location that the CD-ROM is placed (i.e., Area 1, Envelope Shelf).

	CLERK OF THE COURT INTERNAL POLICY	
	Area: Courtroom Services Document Number: POL-CRS-1003 Subject: eExhibit (Phase 1) Page: 5 of 7	Effective Date: 10/6/03 Revision Level: C Last Revised Date: 5/5/15

(c) **Viewing.** If a member of the public or court requests a viewing of eExhibits, they shall be treated in the same manner as security exhibits. It is the responsibility of the requesting party to provide the equipment for viewing/listening in compliance with COSC policy, ACCESS TO AUDIO/VISUAL MATERIALS FOR VIEWING, LISTENING OR COPY PUPOSES, Effective 4-30-12.


(d) **Check In/Check Out.** If court personnel would like to check out an eExhibit contained on a CD-ROM, the exhibits department will check out the entire CD-ROM to their possession. If a courtroom clerk is checking out eExhibits with the intention of remarking them, they should be advised that section (D) (2) requires that duplicates be used and marked as new exhibits.

(e) **Court-Ordered Releases from Storage.** The exhibit department shall process eExhibit court-ordered releases in compliance with COSC policy 35.15. If a party seeks the permanent or temporary release of any eExhibit contained on a CD-ROM they shall file a motion with the Court for the release of all eExhibits on the CD-ROM. The exhibit department will release the CD-ROM containing all eExhibits only if the order specifies that all eExhibits on the CD-ROM be released.

Note: For phase 1 section (D) (1) (e) addresses both permanent and temporary court-ordered releases from storage.

(2) **eExhibits and Multiple Hearings.** In the event that an exhibit is requested for check-out to be re-used as an eExhibit in a subsequent hearing or trial (for the same case/party, or otherwise), the courtroom clerk will first request that counsel utilize and provide a duplicate of the eExhibit to be marked as a new exhibit. The COSC will NOT remark eExhibits. If counsel is unable to secure a copy of the eExhibit, they may make arrangements with the courtroom clerk to secure a copy from the Department to be marked and used as a new exhibit.

(E) Retention Schedule. eExhibits will follow the same retention schedule as prescribed for paper exhibits.

	CLERK OF THE COURT INTERNAL POLICY	
	Area: Courtroom Services Document Number: POL-CRS-1003 Subject: eExhibit (Phase 1) Page: 6 of 7	Effective Date: 10/6/03 Revision Level: C Last Revised Date: 5/5/15

(F) Public Access.

The public is allowed access to eExhibits with the viewing privileges outlined in section (D) (1) (c).

APPLICABILITY:

This policy applies to COSC staff and any party, attorney or entity presenting information to the Court in the form of an eExhibit as defined above.


DEFINITIONS:

The following is the definition of an eExhibit for the purposes of allowing the COSC to develop policy and procedure with regard to the control and custody of eExhibits.

A document or object (including a photograph) marked for identification or introduced as evidence during a court hearing utilizing devices constructed, working or displayed by the methods or principles of electronics; *also*: implemented on or by means of a computer <electronic files> <electronic images>.

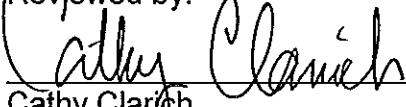
REVISION HISTORY:

Revision Number	Issuing Authority	Summary of Changes	Approval Date
-	N/A	Document Origination	10/6/03
A	N/A	Revised	5/16/11
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C	Christine Kelly	Updated to Controlled Document Index	6/29/15

	CLERK OF THE COURT INTERNAL POLICY	
	Area: Courtroom Services Document Number: POL-CRS-1003 Subject: eExhibit (Phase 1) Page: 7 of 7	Effective Date: 10/6/03 Revision Level: C Last Revised Date: 5/5/15

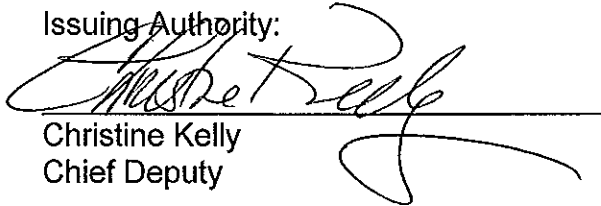
AUTHORIZED SIGNATURES:

Reviewed by:



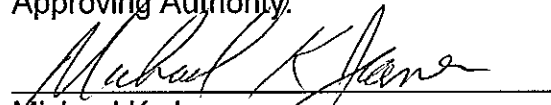
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Date Signed: _____

