

United States District Court
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

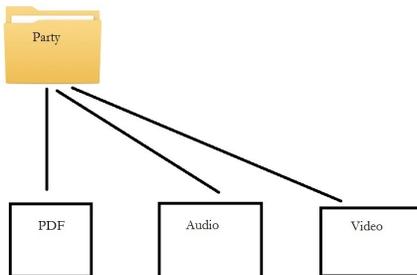
Protocol for Use of Electronic Evidence at Trial

The Court has developed a computer system that will allow the jurors, during deliberations, to access exhibits without having to ask the court to play the recordings and present admitted evidence in open court during deliberations. This system has been used with great success in a recent trial in this Court. This system is particularly helpful where the evidence consists of a large number of audio and video recordings as well as a large number of documents.

To implement this procedure, counsel will prepare a chart in Word format with all of their exhibits, admitted into evidence, along with a neutral non argumentative description of each exhibit. The format is as follows:

Exhibit No.	Description	Marked	Admitted	Witness
X-101	Audio recording of the collected works of Tiny Tim	[Date]	[Date]	[Name]
X-102	Video of the crash of the Hindenburg	[Date]	[Date]	[Name]
X-103	Copy of the Bill of Sale for the Louisiana Purchase	[Date]	[Date]	[Name]

Each party provides a list in the above format along with a thumb drive with their exhibits separated into three computer folders. One folder is for documents which were in PDF format, one folder is for videos which were are AVI format (although other formats will probably work) and audio files in WAV format (which also may work in other formats). On the computer we create a folder for each party and then in each of those folders we create three subfolders for the documents, audio files and video files. The file structure on the computer will be as follows:



The table of exhibits is placed in the “Party Folder” with the PDFs, audios and videos being placed in the respective subfolders. The exhibit numbers will then be hyperlinked to each of the exhibits that it references which are located in the subfolders. Hyperlinking is a very easy function that can be used in Word to allow you to access documents, videos and audio files by simply clicking on the exhibit number in the table.

We then place desktop icons for each party on the computer. From each of these icons the jury can access the table of exhibits for each party, see the exhibit description and then click on the exhibit number to be able to view that particular exhibit. In addition, the judge can provide a copy of his/her charge to the jury on this computer.

The operation of this computer and access to the exhibits will be demonstrated for the jury in the courtroom in the presence of counsel. The jury will then be able to have this computer in the jury room connected to a video projector which projected each exhibit on the wall as they click on the exhibit designation in the table.

The Court will have counsel agree on the record to the following:

1. The use of this computer, and
2. that they have reviewed *all* of the exhibits that are on the computer and agree that they are accurate representatives of the exhibits admitted into evidence at the trial.

As stated above, counsel will prepare the list *with the hyperlinks* to the exhibit folders and place them on a thumb drive and deliver them to the court so they only have to be downloaded to the computer that will go to the jury.