

EXHIBITS

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Visual Society

- Trials can be long.
- Three days after event, people retain
- **10 percent of what they have heard;**
- **35 percent of what they have seen;**
- **65 percent of what is shown and discussed with them.**
- *"Presenting Effective Presentations with Visual Aids." May 1996, OSHA Occupational Safety & Health Administration U.S. Department of Labor*

Laying Foundation

- Introduced by a competent witness with personal knowledge
 - FRE 601, 602
- Relevant
 - FRE 401-402
- Reliable
 - FRE 901, 902; 1001-1008
- Admissible, not prejudicial
 - FRE 403

Admitting the Exhibit

- Mark the exhibit
 - Biggest hurdle overcome
- Show to opposing counsel
- Approach the witness with Court's permission
- Show the witness without showing to jury
- Lay foundation (identify and authenticate)
- Offer exhibit (together or separately)

Types of Exhibits

- Real Evidence
 - Firsthand knowledge that it is the (medical device), or is substantially the same type.
- Documentary Evidence
 - Key is Authentication

**Duckworth Pathology Group
Laboratory Medicine**

No. 71-11595

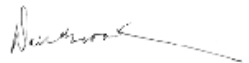
September 18, YR-5

PATHOLOGIST'S REPORT

ANALYSIS FOR 2-SEC BUTYL 4,6-DINITROPHENOL ("DINITRO")

1. Serum -4.3 microgram per ml
2. Urine -less than 1 microgram per ml

COMMENT: This analysis was performed at the Roe Chemical Corporation in Franklin, Roosevelt. Dr. Charles Kramer, from Roe, says that in their employees they try to maintain serum levels less than 4 microgram per ml. Increased blood levels typically cause a hypermetabolic stimulation which simulates a hyperthyroid state with increased body temperature, etc. The half-life of dinitro in the human body is not known; however, Roe employees who develop the hypermetabolic state recover from the disorder in 8 to 10 days, usually. Since Mr. Wilson's exposure to the compound occurred approximately one month ago, the serum level of 4.3 micrograms per ml appears to be good presumptive evidence of previous toxic levels in his blood. A couple of case reports have been published of people developing peripheral neuropathy after significant exposures to chemicals similar to Dinitro.



Dr. Duckworth

cc: Dr. William J. Jason

Types of Exhibits

- Demonstrative Exhibits
 - Competent witness
 - Firsthand knowledge (created it?)
 - Fairly and accurately represents
 - If not identical or to scale, does not distort
 - Diagrams, animations, flip charts
 - Charts created during testimony

**Uremic pericarditis
with
acute hemorrhagic cardiac tamponade**

Types of Exhibits

- Business Records 803(6)
 - Competent witness with knowledge
 - At or near time of event
 - Customary/regular practice of business
 - Kept in ordinary course of regularly conducted business

Types of Exhibits

- Public Records
 - FRE 803(8)
- Records of Regularly Conducted Business
 - FRE 803(6)
- Summaries
 - FRE 1006
 - Admissible if underlying documents available
 - Competent witness

Other Essentials

Experts: reliance

Back-up plan if using technology

Keep track of rulings