What is an exhibit?







"Laying Foundation" for Exhibits



Foundation = proving the exhibit is reliable and relevant

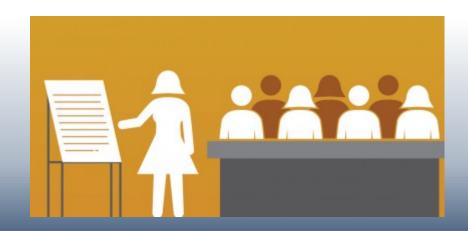
Tucker Ellis LLP

"Laying Foundation" for Exhibits

Discretion of court per FRE 611(a)

Based on case law & local practice

Stipulations



"Laying Foundation" for Exhibits

Admissibility

Not Hearsay



Or Non Hearsay Purpose

What's the Process? Simple Steps

- Exhibit is marked with a number
- Show exhibit to opposing lawyer
- Ask judge permission to show exhibit to witness
- Give exhibit to witness





What's the Process? Simple Steps

- Establish proper foundation for exhibit
 - Familiar with it?
 - How so?
 - Accurate (e.g., true & correct copy, same or similar condition, etc.)?
- Offer exhibit into evidence
- Ask permission to show publish or show exhibit to jury



Demonstration

UNITED STATES DEPARTMENT OF AGRICULTURE

Agricultural Research Service Pesticides Regulation Division Washington, D.C. 20250

Roe Chemical Company P. O. 1984 Eleanor, Roosevelt 01932

Attention: Mr. O. H. Hammer

Gentlemen:

Subject: PREMERGE

USDA Reg. No. 98765-A

This is in reply to your letter of October 28, YR-37, informing us of the change in formulation for the above product.

It is our understanding that this product under the new formula is to replace the old product accepted for registration on October 29, YR-37. The Regulations for the Enforcement of the Act provide that after the effective date of a change in claims or formula the product shall be marked only under new claims or formula, except that a reasonable time may be permitted to dispose of properly labeled stock or old products.

Sincerely yours,

Ima Bureaucrat Assistant Director For Registration



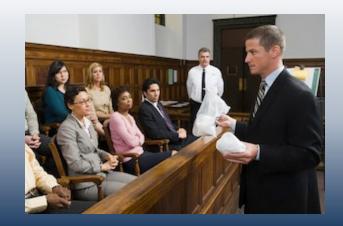
Similar Steps for Other Exhibit Types

Photographs

Objects

Diagrams/maps







Recurring Issues

Move the exhibit into evidence

Anticipate objections

Don't forget to lay foundation



Recurring Issues

Focus on key exhibits

Chain of custody for an object

Have a plan for your visuals

