

What is an exhibit?



“Laying Foundation” for Exhibits



Foundation =
proving the
exhibit is
reliable and
relevant

“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