

PROCEDURE FOR CIVIL BENCH TRIALS DISTRICT COURT, DEPT XV

Audio Visual Equipment

If counsel anticipate the need for audio visual equipment during the trial, a request must be submitted to the District Courts AV department following the calendar call. You can reach the AV Dept at 671-3300 or via E-Mail at CourtHelpDesk@ClarkCountyCourts.us

Depositions

All original depositions anticipated to be used in any manner during the trial must be delivered to the clerk three (3) judicial days prior to the commencement of trial. If deposition testimony is anticipated to be used in lieu of live testimony, a designation (by page/line citation) of the portions of the testimony to be offered must be filed and served by facsimile or hand, three (3) judicial days prior to the commencement of trial. Any objections or counter-designations (by page/line citation) of testimony must be filed and served by facsimile or hand, one (1) judicial day prior to the commencement of trial. Counsel shall advise the clerk prior to publication.

Exhibits

Parties can chose to use either paper or electronic exhibits. Parties must notify the court of their format choice at the trial readiness pre-trial conference. If the exhibits will take up more than three 3-inch binders, the court strongly encourages using electronic exhibits. All exhibits must comply with EDCR 2.27. Any demonstrative exhibits including exemplars anticipated to be used must be disclosed prior to the final pre-trial conference. Unless otherwise agreed to by the parties, demonstrative exhibits are marked for identification and taken as court's exhibits but not admitted into evidence.

- A. If the parties chose to use paper exhibits, three (3) sets must be three-hole punched, placed in three ring binders along with the exhibit list. The sets must be delivered to the clerk at the final pre-trial conference in accordance with EDCR 2.69(a)(1).
- B. If the parties chose to use electronic exhibits, they must comply with the court's protocol regarding electronic exhibits, which can be obtained upon request from the court's clerks. Electronic exhibits must be submitted to the court's clerk 21 days prior to trial.

Proposed Findings of Fact and Conclusions of Law

Each side shall provide the Court, two (2) working days prior to the start of trial, a detailed, proposed Findings of Fact and Conclusions of Law with an electronic copy in Word format. The detailed, proposed Findings of Fact and Conclusions of Law shall include all elements of each Cause of Action alleged by Plaintiff and the basis for Defendant's Affirmative Defense. These can be e-mailed to the Department JEA, RiveraA@ClarkCountyCourts.us and the Department Law Clerk, Dept15LC@ClarkCountyCourts.us . Opposing counsel must be cc'd on the email.

EXHIBIT GUIDELINES
DEPARTMENT 15
THE HONORABLE JUDGE JOE HARDY, JR.
RJC BUILDING, 11TH FLOOR

1. **JOINT EXHIBITS – *If not already Ordered*, Counsel are encouraged to submit Joint Exhibits.** If Joint Exhibits are being submitted, counsel are encouraged to get together and stipulate to the admission of as many of the Joint Exhibits as possible and to notify the Court Clerk of their stipulation(s) prior to start of trial. Stipulated exhibits will be admitted on the record.
2. If submitting separate sets of Exhibits, duplicate Exhibits should be eliminated.
3. **SETS/COPIES - Submit three sets of exhibits (Judge, Courtroom Clerk, and Witness).**
4. Depositions do not go to the jury, are not marked, nor admitted as Exhibits; however, original depositions which counsel intend to use for impeachment purposes are “published and filed” during trial proceedings and they should be original certified and sealed depositions, unless otherwise agreed to. Submit these to the Court Clerk along with your exhibits.
5. **When submitting exhibits, please submit exhibits in a binder**, separated by tabs. Label the tabs **with numbers for Plaintiff’s Exhibits** and **letters for Defendant’s Exhibits**. If Joint Exhibits are submitted, label tabs with **numbers**. Bates Stamp the pages for ease in locating a specific page of an Exhibit and to ensure a clean record. If there are an excessive number of Exhibits, contact the Court Clerk prior to trial. In order to keep each Exhibit intact, be certain they are bound in some fashion, either by staples, brads, etc. Additionally, exhibits must be **single-sided**.
6. **When submitting exhibits that will take up more than three (3) 3-inch binders, please submit electronic exhibits.** Counsel must seek permission to use electronic exhibits as the Courtroom Clerk must assign each party a designated set number of exhibits to use. Please reach out to the Courtroom Clerks, Francisco Reyes at reyesf@clarkcountycourts.us and Dafne Rabon Lopez at RabonD@clarkcountycourts.us for instructions on submitting electronic exhibits. Electronic Exhibits must be validated with the Vault and must be validated **at least** two weeks prior to the start of trial.
7. **PHOTOS - Photographs MUST be identified separately. DO NOT PLACE MORE THAN ONE PHOTOGRAPH** on one sheet of paper, as this causes problems if a single photo is admitted. For example, if Exhibit 7 consists of three photographs, label them 7-A, 7-B and 7-C. You may place more than one photo on a page, if counsel are stipulating to admitting all of them.
8. **NUMBERING YOUR EXHIBITS -** Label the tabs with numbers for Plaintiffs exhibits use numbers 1-1000 and Defendants exhibits use A-Z, AA-ZZ, etc. Should Defendants exhibits exceed ZZZ, please reach out to the Courtroom Clerk for a range of exhibit numbers to use. For joint exhibits, use J1-J1000 (Please notify the Courtroom Clerk/Dept. should there need to be any adjustments.) Label the first page of the exhibit with its exhibit number (i.e. Plaintiffs Proposed Exhibit 13).
9. **MARKING EXHIBITS -** Mark the first page of each exhibit as proposed, format is shown below. If there are other exhibit labels on your documents, please make sure they are not colored. Follow the format here, placing the box at the **bottom right of the first page of each exhibit** (like you would bates stamp). Please ensure the proposed label does not cover information on the exhibit. If exhibits are less than twenty, you may skip this step.

MARKED FOR IDENTIFICATION
PLAINTIFF’S PROPOSED EXHIBIT #1
DISTRICT COURT CASE NO. A-15-123456-B
10. **DEMONSTRATIVES -** Larger versions of Exhibits may be used as demonstrative exhibits. These are not marked as exhibits. If parties wish for the larger exhibits to be admitted, they must submit a standard sized copy to be marked, offered, and admitted.
11. Counsel should contact the Courtroom Clerks **at least** 5 days prior to trial to make arrangements to deliver the exhibits directly to the Courtroom Clerk. Exhibits must be **hand delivered** to the Courtroom Clerk only. They cannot be dropped off in the bin nor handed to other Department staff.
12. **EXHIBIT LIST –** Use the exhibit list template sent and email a Word version of the exhibit list to the Courtroom Clerks when you submit your exhibits at reyesf@clarkcountycourts.us and RabonD@clarkcountycourts.us. If you do not have it, please obtain it from the Courtroom Clerk.
13. **CD’S, DVD’S, USB THUMBDRIVES, ETC. –** If you are proposing a CD, the Clerk needs the actual CD, do not submit a photocopy of the disk. **DO NOT PLACE MORE THAN ONE** exhibit on the CD, DVD, or Thumbdrive. If you are planning to admit a portion of this, please separate the portion into another exhibit. Court cannot admit part of a CD. Also, if in a jury trial and digital media is given, Counsel must provide and stipulate to use a dvd player, or laptop that is “clean” to go back to the jury in order for them to view it.

Proposed Order Regarding Electronic Exhibits for Trial

1. Whenever a party determines and the Court orders that the submission of documentary and/or photographic evidence will be made in electronic format in a particular case, the submission of the proposed exhibits will be made pursuant to this order.
2. The proposed electronic exhibits shall be submitted in portable document format (.PDF).
3. Photographs must have at least a 1 inch border at the top of the page for the clerk to be able to affix the indicator documenting the admission of the photo. If the court deems the quality of the photograph is not of sufficient quality for demonstrative purposes, the photo shall be re-submitted in traditional format.
4. Prior to trial each party will be assigned a range of exhibit numbers for use in naming exhibits. The file name for each proposed electronic exhibit shall be numerical, i.e. 1047.pdf. Each page within the proposed exhibit will be internally and sequentially numbered beginning with the trial exhibit number and the page number will be placed on each page of the proposed electronic exhibit in the lower right hand corner in the following format "1047-001". No letters will be used as exhibit numbers for identifying proposed electronic exhibits.
5. The proposed electronic exhibits shall be submitted on a single electronic storage device, except when the integrity of the proposed electronic exhibit would be corrupted by being on a single electronic storage device or the volume of the proposed electronic exhibit(s) cannot practically be stored on a single electronic storage device. The electronic storage device must have space available for additional storage of electronic data in at least an amount equal to the storage required for the proposed electronic exhibit(s). External hard drives must have a minimum read speed of 33 MBps and minimum write speed of 25 MBps.
6. An exhibit list in substantially the same form as the attachment hereto shall be provided in paper form as well as electronic in Excel format. The electronic (Excel) version of the exhibit list is to be named "Exhibit List" and is to be located on the master electronic storage device only. The font size shall be 12 and the font style to be used is Times New Roman. The list must include the following information in tabular format for each proposed electronic exhibit (please note that traditional "physical" evidence is not to be listed on the electronic exhibit list and should be submitted on a separate exhibit list):
 - a. The exhibit number for the proposed electronic exhibit consistent with paragraph 4 above
 - b. The identification of the electronic storage device on which the proposed exhibit is stored or a space for the clerk to make notation in the event the Exhibit was submitted in traditional form
 - c. A description of the proposed electronic exhibit
 - d. Any numeric or alphanumeric designation used on the proposed electronic exhibit during discovery or other pretrial proceedings

- e. Whether a stipulation to the admission of the proposed electronic exhibit exists
 - f. A space for the clerk to make notation on the date the proposed electronic exhibits is offered
 - g. A space for the clerk to make notation on objections made to the proposed electronic exhibits at the time it is offered for admission
 - h. A space for the clerk to make notation on the admission of the proposed electronic exhibits
7. Absent good cause shown, no exhibits not included in the proffered electronic storage device will be accepted electronically.
 8. The proposed electronic exhibit shall exactly match the admitted electronic exhibit. Any change between the proposed electronic exhibit and the admitted electronic exhibit will require the submission of the exhibit as a supplemental proposed electronic exhibit by offering counsel with a new proposed exhibit number in conformance with paragraph 4.
 9. The party offering the proposed electronic exhibits shall provide the clerk with two identical sets of the proposed electronic exhibits on separate electronic storage devices. In the event of a jury trial, an additional blank electronic storage device will be required to copy all of the admitted electronic exhibits onto for use by the jury (see paragraph 12). The clerk will maintain one of the electronic storage devices as a master without modification.
 10. Prior to the clerk admitting the electronic storage devices, the clerk will perform a virus check on each device in the presence of counsel or their designee.
 11. Following admission of a proposed electronic exhibit, the clerk will electronically move the admitted electronic exhibit to a subfolder for all admitted exhibits wherein the clerk will electronically affix an indicator documenting the admission of the proposed electronic exhibit in the case and identifying the case number and date of admission. The admitted electronic exhibit will be protected from any additional attempts to modify the admitted electronic exhibit.
 12. Prior to the commencement of deliberations by a jury, if the trial is a jury trial, the party proffering the electronic exhibits will provide a laptop computer and additional monitor with only an operating system and associated programs, an adobe program to permit viewing of the admitted exhibits, and no internet or other research capability. The laptop will be subject to inspection by Court I.T. staff and counsel for compliance prior to it being provided to the deliberating jury.
 13. Upon completion of the trial, the clerk will transmit the electronic storage device to the vault for retention in accordance with Part XI of the Supreme Court Rules.

EXHIBIT(S) LIST

Case No.: A

Trial Date: _____

Dept. No.: 15

Judge: Joe Hardy, Jr.

Plaintiff:

Courtroom Clerk: _____

Reporter:

Counsel for Plaintiff: _____

VS.

Defendant:

**Counsel for
Defendant:**

TRIAL BEFORE THE COURT

[Select Type] EXHIBITS

[illegible]

EXHIBIT(S) LIST

[illegible]