

IN RE: : IN THE COURT OF COMMON PLEAS
ADOPTION OF LOCAL RULES :
L5101-L5105 GOVERNING THE : LAWRENCE COUNTY, PENNSYLVANIA
CUSTODY OF EXHIBITS : NO. 90036 OF 2024 A.D.

ADMINISTRATIVE ORDER

AND NOW, this 12th day of February, 2024, in accordance with the directives of Pennsylvania Rules of Judicial Administration, 5101-5105, and in order to effectuate the purposes thereof, Local Rules L5101-L5105 are hereby adopted as follows:

CUSTODY OF EXHIBITS IN COURT PROCEEDINGS

Rule L5101. Definitions.

- (a) Any word or phrase used in these local rules that are defined in Pa.R.J.A. 5101(a) shall have the meaning and definition as set forth in Pa.R.J.A. 5101(a)(1)-(7), unless the context clearly indicates otherwise, or the particular word or phrase is expressly defined in the local rule in which the particular rule is included.
- (b) For any words and phrases not defined in Pa.R.J.A. 5101, a meaning may be discerned through examination of its dictionary definition and its legal meaning may be gleaned from its use in an applicable body of law.

Rule L5102. Custody of Exhibits. General Provisions.

- (a) During Court Proceedings. The Court Reporter shall be designated as custodian of all documentary exhibits and photographs and non-documentary exhibits accepted or rejected during court proceedings; provided, however, if the Court Reporter is not present during the court proceeding, such as if the proceeding is being electronically and/or digitally recorded, the court assistant serving that courtroom shall be designated as such custodian, and shall, immediately upon the conclusion of the proceeding, deliver such exhibits to the custody of the Court Reporter.
- (b) After Court Proceedings. The Court Reporter shall

be designated as the custodian of all documentary exhibits and photographs and all non-documentary exhibits accepted or rejected during the court proceedings after the court proceedings have concluded.

(1) Custodian. The custodian shall:

- (i) retain and take custody of all documentary exhibits, photographs, and non-documentary exhibits accepted or rejected during the court proceeding;
- (ii) within five (5) business days file of record with the Prothonotary and Clerk of Courts in the case file a numbered list of exhibits, and for each exhibit identify the proponent, whether the exhibit was admitted or rejected from evidence and a textual description or identification of the exhibit, and immediately secure all such exhibits in a secured and locked vault provided to the Court Reporter for such purposes, with access thereto to be provided only under the control and supervision of the Court Reporter and the President Judge.

Rule L5103. Custody of Exhibits. Special Provisions.

(a) Documentary Exhibits.

- (1) If a proponent offers into evidence an exhibit such as a letter, report, drawing, map, photograph, or other document that is larger in size than 8-1/2 x 11 inches, the proponent may provide a copy reduced to 8-1/2 x 11 inches for entry into the record.
- (2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(b) Photographs.

- (1) If a proponent offers into evidence a photograph, the proponent shall ensure that the original or a copy of the photograph in lieu of the original (no larger in size than 8-1/2 x 11 inches) is entered into the record.

- (2) A proponent who provides a copy of a photograph shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.
- (c) Non-documentary Exhibits: Generally.
- (1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger in size than 8-1/2 x 11 inches) of the exhibit is entered into the record.
 - (2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and capable of further reproduction or transfer to digital media.
 - (3) An exhibit that is bulky, oversized or otherwise physically impractical for the Court Reporter to maintain, the exhibit shall be secured as directed by the court in a secured vault established for such purpose.
- (d) Non-documentary Exhibits: Weapons, Contraband, Hazardous Materials.
- (1) In any proceeding in which weapons, cash, other items of value, drugs, or other dangerous materials are offered into evidence, the Court Reporter shall secure the exhibits while the court proceeding is in session as well as during all breaks and recesses.
 - (2) During the proceeding, the Court Reporter shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit.
 - (3) Exhibits comprised of weapons, cash, other items of value, drugs, or other dangerous materials are prohibited from viewing in the jury room. The court shall direct alternative viewing arrangements for such exhibits upon the request of the jury.
- (e) Use of Digital Media. A proponent shall ensure that an exhibit in a digital format entered into the record is in a format acceptable to the court.
- (f) Duplicates. The court may direct that the original item, and not a duplicate, be entered into the record.

Rule L5105. Confidentiality. Exhibits Under Seal.

- (a) If an exhibit offered into evidence contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (“Policy”), the court may direct that the exhibit be sealed and a certification prepared in compliance with the Policy be affixed thereto.
- (b) Any exhibit sealed by the court shall not be accessible to the public.

The effective date of this Order shall be April 1, 2024.

The District Court Administrator of Lawrence County shall:

1. File one (1) electronic copy of this Administrative Order and Rule with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies of this Administrative Order and Rule with the Legislative Reference Bureau and one (1) electronic copy in Microsoft Word format only via email to bulletin@palrb.us for publication in the Pennsylvania Bulletin.
3. Arrange to have this Administrative Order and Rule published in the Lawrence County Bar Association website at lawrencecountybar.org, and forward one (1) copy to the Lawrence Law Journal for publication.
4. Arrange to have this Administrative Order and Rule, as well as all Local Rules, published on the 53rd Judicial District website at lawrencecountypa.gov.
5. Keep this Administrative Order and Rule, as well as all local rules of this Court, continuously available for public inspection and copying in the appropriate Lawrence County filing office. The respective filing office shall furnish to any person a copy of any local rule upon request and payment of reasonable costs of reproduction and mailing.

BY THE COURT:

_____, P.J.
Dominick Motto
President Judge

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