

**THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION**

ADMINISTRATIVE DOCKET No. 04 of 2017

In re: Philadelphia Rule of Judicial Administration No. *1900

ORDER

AND NOW, this 22nd day of November, 2017, it is hereby ORDERED that *Philadelphia Rule of Judicial Administration No. *1900. Protocols to Mark, Inventory, Store and Retain Exhibits, Physical Evidence and Electronic Evidence Offered During Trials and Evidentiary Hearings in the Philadelphia Court of Common Pleas, Trial Division* is adopted effective January 6, 2018.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1. In light of the subject matter of the rule, consistent with Pa.R.J.A. 103(d), the proposed local rule was submitted to the Supreme Court of Pennsylvania Civil and Criminal Rules Committees for review. Written notification has been received from the Rules Committees certifying that the proposed local rule of judicial administration is not inconsistent with any general rule of the Supreme Court. This Administrative Order and the attached local rule shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. One certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rule shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media, Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ Jacqueline F. Allen

HON. JACQUELINE F. ALLEN
Administrative Judge, Trial Division
Court of Common Pleas
Philadelphia Country

Philadelphia Rule of Judicial Administration No. *1900

Rule *1900. Protocols to Mark, Inventory, Store and Retain Exhibits, Physical Evidence and Electronic Evidence Offered During Trials and Evidentiary Hearings in the Philadelphia Court of Common Pleas, Trial Division.

- (a) **General Rule.** Counsel and unrepresented parties shall pre-mark all exhibits, physical evidence and electronic evidence used and offered during trials or evidentiary hearings, which shall be inventoried, filed and retained as provided in this rule.
- (b) **Physical evidence.** Physical evidence and oversized exhibits must be photographed by the proponent, converted to letter sized pdf and appropriately marked and produced during the trial or evidentiary hearing. Unless otherwise provided by the presiding judge, at the conclusion of the trial or evidentiary hearing, physical evidence shall be returned to the police in criminal cases and to counsel in civil cases for safekeeping as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.
- (c) **Electronic Evidence.** Electronic evidence, including audio or video exhibits, must be produced by the proponent on a USB drive, or other medium specified by the Office of Judicial Records from time to time, together with any associated player.
- (d) **Confidential Documents.** Confidential documents offered as Exhibits shall be produced with a *Confidential Document* form as provided by the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* (UJS Case Records Policy) as provided in Phila.R.J.A. No. *401. Confidential Documents are not accessible by the public.
- (e) **Confidential Information.** Documents offered as Exhibits which contain confidential information listed in the UJS Case Records Policy shall be produced in a *Redacted Format* and *Unredacted Format* as provided in Phila.R.J.A. No. *401. *Unredacted Documents* which contain confidential information are not accessible by the public.
- (f) **Sealed Documents.** Any documents the presiding judge deems necessary to seal will not be accessible by the public.
- (g) **Exhibit List.** At the conclusion of the trial or evidentiary hearing, designated court staff shall inventory all exhibits and evidence, whether documentary, physical, electronic, audio, video or otherwise, and whether admitted or marked for identification. Any oversize exhibit, physical evidence or visual evidence not previously converted to letter size pdf format as provided in subsection (b) shall be photographed and/or converted to pdf letter size and marked. Each Exhibit and piece of evidence shall be clearly marked and placed on the *Exhibit List* which shall be reviewed and approved by the presiding judge, filed of record and copies provided to all parties.
- (h) **Uploading Exhibits and Evidence.** Exhibits and evidence shall be made part of the record as follows:
 - (1) **Trial Division, Civil:** within five (5) days of the conclusion of the trial or evidentiary hearing, counsel for each proponent of the exhibits and evidence shall upload their documentary exhibits through the Electronic Filing System and, if not already done, provide to the Office of Judicial Records any USB drive with audio or video evidence, as provided in this rule. The Office of Judicial Records shall either upload the contents of any USB drive to a documentary-evidentiary program, or retain any USB drive as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.

- (2) **Trial Division, Criminal:** at the conclusion of the trial or evidentiary hearing, the Office of Judicial Records shall take possession of all exhibits and any USB drive, shall upload all documentary exhibits through the Electronic Filing System and shall either upload the contents of any USB drive to a documentary-evidentiary program, or retain any USB drive as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.
- (3) **Self-represented Parties:** at the conclusion of the trial or evidentiary hearing, designated court staff shall take possession of all exhibits and USB drive proffered by self-represented Parties and shall deliver them to the Office of Judicial Records which shall either upload the contents of any USB drive to a documentary-evidentiary program, or retain any USB drive as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.