

LCR 43.
TAKING OF TESTIMONY; EXHIBITS

(a) - (k) (No Local Rules)

(1) Matters Not Reported. Unless requested by a party and expressly directed by the judge, the following matters may not be reported or recorded:

- (1) Opening statements and closing arguments in non-jury civil trials;
- (2) Ex parte matters on the law and motion calendar;
- (3) Verbal statements in a tape recording;
- (4) Video tape recording used at trial or in a hearing; and
- (5) Deposition transcripts read at trial in lieu of live testimony.

(m) Trial Exhibits.

(1) Marked in Advance of Trial Date. In all contested matters, the parties shall cause all exhibits, except such exhibits as are intended for impeachment purposes, to be marked for identification by the clerk in advance of the trial date; provided that a party may present exhibits for marking on the day of trial if the number of exhibits to be marked is ten (10) or less and the exhibits are provided for marking at least one (1) hour before the start of the trial. An exhibit list, without exhibit numbers filled in, shall be given to the Clerk when the exhibits are presented for marking.

(2) Copies. Copies of all documents offered as exhibits, except large maps or drawings, shall be prepared and presented to opposing counsel and to the judge at such time as the exhibits are offered into evidence; provided that, with the permission of the other party, the judge's courtesy copies may be provided before or at the commencement of the trial.

(3) Withdrawal of Exhibits. After final judgment, if the time for appeal has elapsed and no appeal has been taken, the court, upon application of any party or other person entitled to the possession of one or more exhibits, may in its discretion order the withdrawal of such exhibit or exhibits and delivery thereof to such party or other person.

(4) Return or Destruction of Exhibits. When judgment in a civil case shall become final after an appeal or upon judgment of dismissal, or upon filing a satisfaction of judgment, the clerk, on stipulation of the parties, shall return all exhibits and unopened depositions or destroy them. The court shall enter an order accordingly.

(5) Records in Administrative Appeals. Records of proceedings and exhibits filed as the record in an appeal of any administrative hearing shall be presumed to be exhibits to the file in the superior court. Any video conference tapes or audio tapes shall have a transcript filed in addition to the video or audio tape.

