

LCR 79.
BOOKS AND RECORDS KEPT BY THE CLERK

- (g) Other Books and Records of Clerk.
- (1) Exhibits. Exhibits shall be kept separately from the court file. Any inspection of an exhibit must be in the presence of the clerk or a deputy clerk unless authorized by a court order.
- (2) Rejection of Unsuitable Materials. The Clerk shall not accept for filing in the court file material which should be filed as an exhibit or other materials not to be included by reason of CR 5(i) and LCR 5(i). When the Clerk is uncertain as to whether material is suitable for filing, he or she shall seek the advice of the presiding judge before filing the same.
- (3) Return of Contraband Exhibits. When contraband, alcoholic beverages, tobacco products, controlled substances or fish or wildlife parts are being held by the Clerk as part of the records and files in any criminal case, and all proceedings in the case have been completed, the court may order the Clerk to deliver such contraband or substances to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. The Clerk shall then deliver the contraband and take from the law enforcement agency a receipt which shall be filed in the case. The Clerk shall also file any certificate issued by an authorized federal or state agency and received by the Clerk showing the nature of such contraband or substances.
- (4) Return of Administrative Record on Appeal. When a case for review of an administrative record is finally completed, the Clerk shall treat the administrative record as an exhibit. The Clerk shall return the administrative record to the officer or agency certifying the same to the Court.
- (h) At the discretion of the Clerk, a file may be removed from the courthouse by a resident attorney, a representative of a title company with proper authorization, or a judicial officer. Authorization for an attorney to remove a file from the courthouse may be given in writing by the Clerk or Clerk's deputy and shall not exceed two (2) court days. Files may be withdrawn to be taken to a courtroom by the following persons: judicial officers, deputy clerks, bailiffs, the court administrator or his/her staff, and resident attorneys.

In instances of mail or telephonic requests by non-resident attorneys, the file will be mailed by certified mail to the Clerk of the county where such applicant attorney is a resident. All costs of mailing shall be borne by the applicant attorney. All files so withdrawn must be returned to the Clerk's office within the period specified by the Clerk, but in no event will this period exceed two (2) court days. The court may, upon written application showing cause therefor, authorize the withdrawal of specified Clerk's files for a period in excess of two (2) court days.

Any person found in violation of the provisions of this rule shall be subject to sanctions as ordered by the court.