

RULE 39

COURTROOM PRACTICE

(a) Examination of Witnesses

Upon oral motion of a party or on its own motion, the Court may order on such terms as it may prescribe, that a witness under examination in Court shall not discuss the witness's testimony, including during any recess taken during the examination or before the witness is finally excused.

(b) Attorneys as Witnesses

No attorney shall without leave of Court conduct the trial of a jury action in which the attorney is a witness for the party represented at trial.

(c) Exhibits

- (1) Custody and Marking. All exhibits shall be marked for identification prior to trial in accordance with the final pretrial order. Unless otherwise ordered by the Court, all exhibits offered in evidence, whether admitted or excluded, shall be held in the custody of the Clerk during the pendency of the proceedings, except that exhibits which because of their size or nature require special handling shall remain in the possession of the party introducing them. Exhibits retained by counsel shall be preserved in the form in which they were offered until the proceeding is finally concluded. United States Magistrate Judges and Official Court Reporters may retain custody of exhibits when necessary to expedite the business of the Court. Exhibits that are excluded, withdrawn or not tendered shall not be held in the custody of the Clerk but shall be identified as having as such on both the exhibit list and on the exhibits themselves. A party who offers valuable exhibits shall be responsible for their insurance and protection.
- (2) Inspection and Copying of Exhibits. All inspections of exhibits of any type shall be conducted in the presence of the Clerk or an authorized deputy clerk of this Court. Inspections by attorneys for the parties are not excepted from this rule, nor is application of this rule affected by whether the inspection is being made with or without specific leave of Court.
 - (A) Sensitive Exhibits. Sensitive and special criminal evidence may not be inspected or copied without specific leave of the Court. Such evidence includes, without limitation, narcotics, weapons, currency, exhibits of a pornographic nature, articles of high monetary value, exhibits depicting or describing a particularly brutal crime, exhibits in a highly publicized case, and any other evidence designated by the Court.
 - (B) Sealed Exhibits. Exhibits ordered sealed or impounded by the Court may not be inspected or copied by anyone, including attorneys for the parties, except upon leave of the Court.

- (C) Other Exhibits. Attorneys of record for any party may inspect or copy all exhibits, other than those exhibits defined in (A) and (B) above, without specific leave of Court.
- (3) Return. Unless otherwise ordered by the Court, exhibits shall be withdrawn by counsel who offered them within thirty (30) days after the parties have exhausted their appeals before the Court of Appeals. Upon counsel's failure to timely remove any exhibits, the Clerk may, after due notice to counsel, dispose of them as necessary.

(d) Official Record

The only official record of any court proceeding shall be a record prepared by an authorized court reporter or an electronic sound recording made by court personnel or a transcript prepared therefrom by professional transcription services, when properly certified in each case.