

## **JERS (JURY EVIDENCE RECORDING SYSTEM)**

Judge Beverly Reid O'Connell is participating in a pilot project using a jury evidence recording system (JERS) that allows evidence admitted during trial to be viewed electronically in the jury deliberation room upon the conclusion of the trial. JERS provides easy access to evidence during the deliberations through the use of a large screen monitor in the jury room.

Judge O'Connell will determine how and if JERS will be used during each specific trial.

Attorneys of record will be given an opportunity to review the exhibits at the conclusion of evidence. The Courtroom Deputy Clerk, at the Judge's direction, will release exhibits to the jury as deliberations begin.

JERS has the ability to: Store all exhibits submitted prior to trial, and then designate just those admitted into evidence for the jury's use during deliberations; Capture, through the courtroom's presentation equipment, exhibits that were not submitted prior to trial but later admitted by the court; print a list of the exhibits, by number and by description, that can be released to the deliberating jury; and restrict how the jury may review the exhibit: Audio Only, Video Only, Zoom Off (Zoom Off restricts the jury from enlarging an exhibit on the large screen in the deliberation room).

At the conclusion of the trial (after the verdict is returned) the Courtroom Deputy Clerk has the ability to produce a DVD of all exhibits presented to the jury for the attorney of record for the plaintiff and defendant, upon request.

JERS will accept electronic evidence only in the following formats as other types cannot be uploaded:

Documents and Photographs: .bmp, .gif, .jpg, .pdf, .tif

Video and Audio Recordings: .avi, .mpg, .mp3, .wav, .wma, .wmv

Regarding the file size of electronic evidence, individual files should not exceed 500MB. If possible, exhibits approaching or exceeding this size limit should be separated into multiple files. Note: PDF documents can often be reduced significantly in size by using tools such as Adobe's "Reduce File Size" feature. Images can be significantly reduced in file size by lowering its resolution or dimensions, usually with minimal affect to viewing quality. Videos should be separated into 10 minute clips to satisfy the 500 MB threshold.

## **SUBMITTING EXHIBITS**

Counsel shall submit all proposed exhibits on a flash/thumb drive. The drive shall be labeled with the title of the case and the name of the party for whom the exhibits are submitted. These files will be utilized BY THE COURT ONLY and will not be provided to the opposing party.

All the files shall be in one directory on the thumb drive (preferably the root directory). A hard copy of the party's exhibit list that includes the electronic file name for each exhibit shall be submitted with the Thumb Drive and an electronic copy of the Exhibit List shall be accompanied on the thumb drive in Word Format. Unless otherwise directed by the court, the Thumb Drive will not be returned to counsel.

Parties shall be prepared, as is the usual practice, to submit hard copies of all exhibits admitted during trial. JERS is NOT used by counsel during trial to present evidence. Exhibits shall be presented to the jury by a laptop connect or by conventionally presenting exhibits using the electronic document camera. It is the responsibility of counsel that exhibits used during trial coincide in exhibit number and image as the exhibits electronically submitted to the court and to substitute any documents that have been altered.

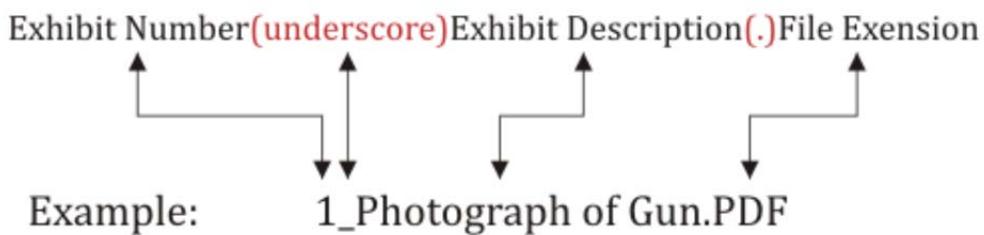
There are two ways for attorneys to electronically prepare exhibits for use in JERS. Exhibit files can be formatted in a manner that permits them to be batch imported into the JERS system.

The method used is described below:

## **METHOD ONE (MOST COMMONLY USED)**

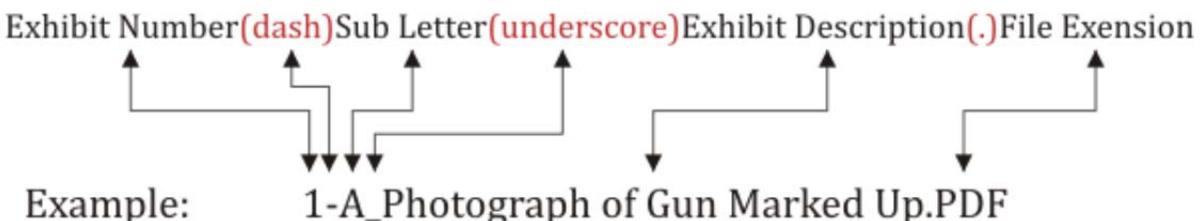
File Naming Method: All files are provided on a single storage device such as a CD, DVD, or USB drive.

Using any software or method, exhibit files are renamed using a naming convention similar to: (exhibit number)-(exhibit part)\_(exhibit description).(file extension)  
The use of the “underscore” character is required when a description of the exhibit is included and cannot be used elsewhere in the exhibit name.



Note: An underscore must be placed between the exhibit number and exhibit description. Do not use an underscore anywhere else in the exhibit file name.

## **SUB EXHIBIT**



### **Example listing of valid exhibit file names:**

1_photograph.jpg	1-a_photograph.jpg
12_2009 Tax Statement.pdf	15(a)_camera footage.wmv
10_2009 tax statement.pdf	101_camera footage.wmv
103_Sara Smith depo part 1.pdf	103-a_Sara Smith depo part 2.pdf

Please do not use descriptive words in the file names such as, "damages/damaging", "stolen", "confidential", "attorneys eyes only", etc.

## **METHOD TWO**

Attorneys using exhibit management software may submit (on a CD or DVD-R) exhibits exported using an indexed file method. The CD shall also contain a text delimited file naming the exhibits. The text file must be named “Exhibits.txt” and each line must contain information using this format:

exhibit number|optional subpart|exhibit description|exhibit file name.

For example:

001-001|Camera footage|001.wmv  
002-001|Contract.pdf|002.pdf  
003-001|Photo of bank from west|003.jpg  
003-002|Photo of bank from east|004.jpg

The “Exhibits.txt” file must be in the same folder or directory as all the exhibits.

**IMPORTANT:** The exhibit description for either method may not exceed 130 characters, including spaces. Quotation marks, brackets, parentheses, and foreign language accent marks MAY NOT be used in the exhibit description.

The exhibit description will appear on the list displayed to the jury. The file name MUST NOT begin with a number. Hyphens and underscore characters must be used only as shown in the examples

Above.

### **PRIOR TO TRIAL**

Counsel shall mark all exhibits as directed by the court, and produce an exhibit list and produce the thumb drive/flash drive as indicated above.

### **DURING TRIAL**

There is no real difference for the attorneys or the jury during the trial. Exhibits still will be presented and admitted in the traditional format (i.e., on paper or electronically). Attorneys shall have paper copies of all exhibits available to be marked by the clerk when admitted by the court, and for use by the jury during deliberations. On occasion evidence may be modified by a witness (for example, marking a picture or document) or by the court (redacting certain pages of an exhibit), during the trial. Counsel must clearly communicate to the Courtroom Deputy whenever a substitution is made and present the exhibit during the trial in electronic form on a USB flash drive and/or via email. This is so that the Courtroom Deputy may update the exhibit list in JERS for use during deliberation.

JERS also has the functionality to capture live evidence being displayed over the evidence presentation equipment (document camera, DVD/VCR, or audio system). A snapshot, audio or video clip may be admitted to the record when requested by counsel and approved by the Courtroom Deputy Clerk and the Judge.

### **PRIOR TO DELIBERATIONS**

The courtroom deputy clerk will meet with counsel prior to the court's charge to the jury and review all exhibits entered in the JERS software, to guarantee that the evidence is labeled correctly.

The JERS software has the ability to permit, or not permit, the jury to zoom in or zoom out of any evidence (other than audio or video submissions). The court may make a determination, when necessary, as to how that function will be used.

The presiding judge will advise the jury as part of his or her charge that JERS is available in the deliberation room and explain that a tutorial is available.

### **APPEALS**

The Court of Appeals requires the submission of hard copies of any and all trial exhibits. Hard copy (paper) exhibits are returned to counsel at the conclusion of deliberations. Counsel must retain those exhibits until the appeal time has lapsed.