

Revised: 2/5/2025

JURY EVIDENCE RECORDING SYSTEM (JERS)

1. Introduction to JERS

JERS is a computer system that the jury will use to review exhibits on a wide-screen video monitor, rather than reviewing paper copies. The jury room has the JERS computer, a touch-screen monitor for the jury to pick an exhibit to display, and the wide-screen monitor. JERS can display what otherwise would have been on paper (including photos), and JERS also can play audio and video files.

With JERS, the jury can zoom-in on parts of an exhibit, and for audio and video, there's no need for a party to supply the jury with a laptop for deliberations. We hope that in the future there will be other advantages, such as a text-search function.

JERS is not directly used to present evidence in court *during* trial. It is only used to display exhibits during deliberations. But JERS does *indirectly* affect your trial preparation because you must supply your exhibits to the Court in digital format, and you must name your exhibits using a specific convention. This in turn may affect your preparation even for the *pretrial conference*.

2. File types usable with JERS

JERS accepts these common file types:

Documents and Photographs: .pdf, .jpg.

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

JERS does NOT except .xls (excel) file types. Spreadsheets will need to be saved as a PDF or provided as a paper document.

3. Exhibit-naming convention

To use JERS, both sides must use the following exhibit-naming convention, which also will serve as the file name for the digital file: the exhibit number, followed by an underscore, followed, if you wish, by a neutral description of the exhibit (the description is not required; it is optional).

The naming convention is thus:

[exhibit number]_[exhibit description].[file extension]¹

Examples:

001_Financial Statement 2009 Annual.pdf

002_Contract 2010 Renewal.pdf

003_Photo Front Door.jpg

004_Audio Dec 11 2013 Phone Call.mp3

005_Video Traffic Stop.wmv

It is recommended that plaintiffs use consecutive numbers to designate exhibits and defendants use letters to distinguish exhibits. (However, using consecutive numbers for both parties is acceptable.) In a case in which you will have more than ten exhibits, use leading zeroes when numbering your exhibits (001, 002, etc.). The neutral description cannot be more than 200 characters (hopefully, you'll never come close to that limit). The only exception to this is when there are multiple defendants or multiple plaintiffs. See below for more details during those circumstances.)

If there are **multiple parties** on a particular side, then you must coordinate with your co-plaintiff's or co-defendant's attorney to generate a consecutively numbered set of exhibits. For example, Defendant 1 would be A001, A002, A003,

¹ The file-type extension (*e.g.*, .pdf, .wmv) is automatically added by your computer; it's included here for completeness.

etc.; Defendant 2 would use B001, B002, B003, etc. (In the rare case of dual juries, we'll discuss how to handle the JERS submission.)

It is important to avoid “group exhibits.” The Jers system will not recognize the difference between exhibits named 001_A or 001_B. The system will think that these are the same exhibits. Each exhibit must have its own number. If there is an issue with the naming convention, then the courtroom deputy will return the exhibits to the parties to rename them. A document with multiple pages cannot be separated into subparts once it is entered into the JERS system. If there is a reasonable chance that you will be offering only part of a multiple-page exhibit, **use a separate number for each sub-part that may be offered.** The same holds true for redacted exhibits. The JERS system cannot redact exhibits.

If you're using litigation-display software that imprints a "digital" exhibit sticker on documentary exhibits, that's fine, though you should confine the exhibit sticker to the party designation (*e.g.*, Pla or Gov, and Def) and the exhibit number. A physical object, of course, will not be imported into JERS, but you should still assign a consecutively numbered exhibit designation to it, along with a neutral description. Then create a one-page .pdf with the exhibit number and neutral description on it, and submit those exhibits as part of the JERS disc. By creating this stand-in for physical objects, we accomplish two things: (1) we can print a comprehensive exhibit list before the trial for the Court and for the parties, which we all can use to track whether an exhibit is allowed into evidence (including physical objects); and (2) the jury's exhibit list will be complete, and it will serve as a reminder of what physical objects were allowed into evidence.

4. Pretrial conference exhibits

If ordered by the Court, you should use the JERS exhibit-naming convention even at the pretrial-conference stage. At least three business days before the pretrial conference supply the exhibits to the Court (and to the other side) on a USB drive or through Box.com. Parties are to ask the Judge which preference they prefer.

5. Trial exhibits before the trial's start

After the pretrial conference, **do not renumber** the exhibits, even if during the pretrial conference the Court deemed some of them inadmissible. This will preserve consistency of exhibit numbering from the pretrial conference and

throughout trial, and the record will be clearer.

At least three business days before the trial, supply the trial exhibits to the courtroom deputy and to the other side, again on a USB drive or through Box.com. Parties are to ask the courtroom deputy which method is preferred by the Judge. At this trial stage, you need not include exhibits that have been deemed inadmissible (you may include exhibits that still have a chance of being allowed, *e.g.*, if the other party opens the door to evidence deemed otherwise inadmissible). Consistent with the Standing Order Governing Proposed Pretrial Orders, you should continue to include even those exhibits that are not likely to be allowed directly into evidence, but to which the Court will likely need to refer (*e.g.* deposition transcripts for impeachment of will-call witnesses). The Court will run a test to ensure that the exhibits are imported correctly into JERS. For now, also supply **one copy of the exhibits in paper form**. This paper set will serve as the backup to JERS, in the event that JERS suffers a technical failure during deliberations.

6. Trial exhibits newly added during trial

When an exhibit is allowed into evidence during trial and the exhibit was not previously supplied on the JERS disc, not surprisingly the exhibit must follow the same exhibit-naming convention as described above. Counsel for the offering party must supply the exhibit in digital format as soon as possible (a thumb drive comes in handy for this), and the courtroom deputy will import it into JERS.

7. Close of Evidence

Before closing arguments, the lawyers will provide, by a flash drive or through Box.com, only the exhibits to be released on JERS to the jury for deliberations. Some Judges may confer on the record to ensure agreement on which exhibits were allowed into evidence during the trial. Some Judges will have the parties sign a “certification” that these exhibits should be released to the jury.

As indicated above, you will need to provide a single hard copy of each exhibit admitted in evidence as a fail-safe to provide to the jury for its use during deliberations.

Physical-object exhibits that the Court allows the jury to examine during deliberations will be provided to the jury as usual, via the court security officer.

8. Use of JERS by the jury

At or near the end of the trial, the Court will inform the jury that they will be using the JERS system. At some point at or before the end of the trial, the jury will watch a video tutorial that explains how to use the system. The jurors will be instructed that, like any other question during deliberations, the jury must ask questions about JERS in writing (and like any other jury question, the Court will share it with counsel before responding). The JERS computer is not equipped to allow the jury to access the internet, or indeed any other program other than JERS.

If JERS fails during deliberations, the jury will ask for help in writing. The systems staff will not be permitted in the jury room without the Court's express permission, and only after the jury has been escorted out of the jury room. If the problem is not fixable in a short time, the Court will provide the jury with the paper-copy backup of the allowed exhibits.