

Procedure for Admission of Exhibits – Jury Trial

1. No exhibit may be published to the jury before it is admitted.

Exception 1: Parties may request permission to utilize exhibits in opening argument. Permission may be granted where there is no dispute about the ultimate admissibility of the exhibit.

Exception 2: Parties seeking to display an exhibit to the jury may clarify to the Court that the purpose of the exhibit is demonstrative, and that it will not be introduced into evidence. In this instance, the Court will advise the jury of the limited purpose of the exhibit pursuant to IPI Civil No. 2.04. before it is published.

Exception 3: Parties seeking to display an exhibit to the jury during examination of a witness may clarify to the Court that the purpose of the exhibit is to examine an expert under *Wilson v. Clark* and Illinois Rule of Evidence 705, and that the exhibit will not be admitted into evidence. In this instance, the Court will advise the jury of the limited purpose of the exhibit pursuant to IPI Civil No. 2.02.

2. Once an exhibit is admitted, is the proponent's right to publish the exhibit to the jury at that time.

Exception: If the exhibit is one which must be read, or which would otherwise be time-consuming to publish after its admission, the proponent may request permission from the Court to delay publication in favor of submitting the exhibit to the jury during deliberations.

Caution: The proponent of the evidence should not assume that the evidence will go to the jury during deliberations unless a ruling to that effect is obtained. See *Van Winkle v. Owens-Corning Fiberglas Corp.*, 291 Ill.App.3d 165, 176-77, 683 N.E.2d 985, 993 (4th Dist. 1997).

Caution: The opposing party must understand that agreeing or stipulating to the admission of an exhibit means agreement that the jury will learn of its contents.