

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

**INTERNAL OPERATING PROCEDURE – TRIAL EXHIBITS**

Effective immediately, upon the filing of a Notice of Appeal in both civil and criminal cases –

**(1)** Trial exhibits will be available for attorney review and copying in the clerk’s office **only**. They will no longer be available for attorney check-out. Attorneys desiring to review trial exhibits should schedule an appointment with the clerk’s office through the deputy clerk assigned to the case and must give notice to opposing counsel of the date and time of the review.

**(2)** Sealed trial exhibits shall remain under seal and shall not be made available for such review, unless otherwise ordered by the court.

**(3)** Physical trial exhibits not capable of being copied will be available for inspection and photographing in the clerk’s office at the time of the review. However, in order to preserve the chain of custody, attorneys will not be permitted to remove exhibits from any closed container or other packaging, unless otherwise ordered by the court.

[This Internal Operating Procedure is in keeping with **(1)** FED.R.CRIM.P. 55 requiring clerks to keep all records of proceedings in a manner prescribed by the Director of the Administrative Office of Courts; **(2)** FED.R.CIV.P. 79(d) requiring clerks to “keep any other records” required by the Administrative Office of Courts; **(3)** L.U.CIV.R. 79(e) and (f) governing the sealing of court records and the duration thereof; **(4)** VOL. 4, CH. 7 § 740(A) of *The Guide to Judiciary Policy* requiring that sealed records “always” be maintained by clerks “at the court location;” and **(5)** VOL. 10, CH. 6, § 645.10 of *The Guide to Judiciary Policy* requiring clerks to “take steps to protect records from unauthorized use, destruction, loss, or damage . . .” It also comports with the letter and spirit of FED.R.APP.P 45(d) stating that the Clerk of the Circuit Court “must not permit an original record or paper to be taken from the clerk’s office” absent an order of the court. Nothing herein is intended to conflict with L.U.CIV.R. 83.3 dealing with disposition of exhibits in cases where no appeal is perfected and with exhibits of a sensitive nature.]