



United States District Court
DISTRICT OF MINNESOTA

LR 79.1 CUSTODY AND DISPOSITION OF EXHIBITS AND DOCUMENTS

(a) Exhibits Admitted into Evidence at a Hearing or Trial.

(1) *Custody of Exhibits.* Ordinarily, a party must deliver to the clerk or courtroom deputy each exhibit admitted into evidence at a hearing or trial, and the clerk or courtroom deputy will keep custody of each such exhibit. An exhibit that requires special storage procedures, such as drugs, legal or counterfeit money, a firearm, or contraband may be entrusted to the custody of the arresting or investigative government agency pending disposition of the case and during the appeal period.

(2) *Disposition of Exhibits.* After a hearing or trial, the clerk or courtroom deputy must return each exhibit admitted into evidence to the party that offered it. In a criminal case, a defendant and the government may agree that the government will take custody of any admitted exhibit offered by the defendant. In such a case, the clerk or courtroom deputy must deliver the exhibit to the government. The party taking custody of an exhibit must retain and preserve it pending disposition of the case and during the appeal period and must make it available on request by the court or a party.

(3) *Filing of Exhibits.* A party may seek leave of court to file an exhibit that was admitted into evidence at a hearing or trial.

(b) Illustrative Aids. A party that uses an illustrative aid during a hearing or trial must retain and preserve it pending disposition of the case and during the appeal period and must make it available on request by the court or a party.

(c) Withdrawal of Original Exhibits and Documents. An original exhibit or document may be withdrawn from the custody of the clerk or another court officer only:

(1) by leave of court, and

(2) after leaving a proper receipt with the clerk or officer.

(d) Sealed Documents. The clerk must not disclose or make available documents that are filed under seal, unless the court orders otherwise.

[Adopted effective February 1, 1991; amended November 1, 1996; amended May 1, 2000; amended October 18, 2007; amended May 14, 2013; amended _____]

2023 Advisory Committee's Note to LR 79.1

Local Rule 79.1 has been amended to reflect the longstanding practice of returning to the parties exhibits introduced into evidence at a hearing or trial. The rule does not set a precise time for the return of exhibits after a hearing or trial; the timing is left to the court's discretion. Because in certain circumstances, a defendant in a criminal case might prefer the government to take custody of the defendant's exhibits, the rule provides for delivery of the defendant's exhibits to the government if the defendant and the government agree. The rule requires parties to retain and preserve exhibits and illustrative aids pending disposition of the case and during the appeal period, and to make them available on request of the court or a party. Finally, the rule has been amended to allow a party in a civil or criminal case to seek leave of court to file an exhibit that was admitted into evidence at a hearing or trial.

2013 Advisory Committee's Note to LR 79.1

The language of LR 79.1 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

Former subsections (d) and (e) concerning the removal and disposition of sealed documents have been eliminated. All documents, including sealed documents that are filed as part of the case record, are maintained in the case record in accordance with the records-disposition schedule approved by the Judicial Conference and the Archivist of the United States.

1996 Advisory Committee's Note to LR 79.1

To facilitate reference, the portion of the 1991 version of LR 79.1 that relates to filing of discovery documents has been moved to LR 26.4.