



## **BANKRUPTCY TRIALS AND EVIDENTIARY HEARINGS**

### **• TRIAL EXHIBIT PROCEDURES**

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Unless the court orders otherwise in a particular matter, the following procedures apply to trials and evidentiary hearings held in the bankruptcy court. This document is intended to provide additional information not detailed in the scheduling order. Effective January 1, 2023, all exhibits shall be presented digitally on courtroom monitors. Note: Exhibits used to support the written testimony of a witness filed in preparation for trial may be attached to the witness's declaration.

#### **1. EXHIBIT DEADLINES**

- 28 days before trial - Exchange exhibits
- 14 days before trial - Meet and confer regarding admissibility/objections
- 7 days before trial - File PDFs of exhibits with court
  - Note: Exhibits are filed with restricted access in PACER in order to restrict public access to any protected personal or otherwise confidential information contained in the exhibit.

#### **2. PREPARATION OF EXHIBIT SET**

##### **2.1 Digital Format**

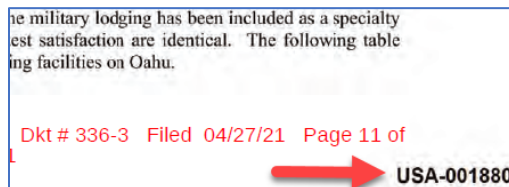
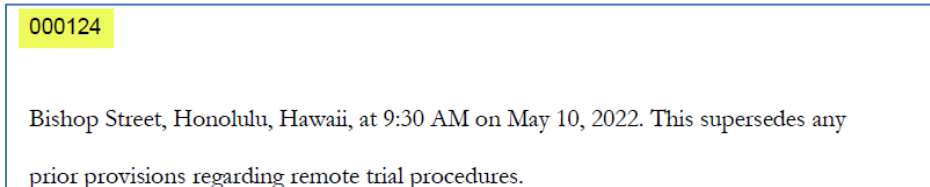
All documentary exhibits to be filed with the court and presented at trial must be converted to a digital (PDF) format. During an examination, counsel must be prepared to navigate through the exhibits (scrolling, zooming in, etc.). The courtroom deputy will schedule a pretrial test session in the courtroom to ensure compatibility with the technology used in the courtroom.

##### **2.2. Marking**

- 2 parties:
  - Plaintiff/Movant: Use numbers starting at "101"
  - Defendant/Respondent: Use numbers starting at "501"
- More than 2 parties: Contact courtroom deputy for marking instructions
- Location: Exhibit markings may be noted either on an exhibit cover page or at the bottom of each exhibit page

### 2.3 Continuous Pagination of Exhibit Set

To facilitate reference to specific pages of a document, each set of exhibits must be continuously paginated (“Bates-stamped”). This pagination should be placed in the upper left corner (see top figure below) of the documents to avoid any confusion with a Bates-stamp number on a document used in a deposition or other proceeding, typically placed in the lower right corner (shown by the arrow in the second figure below).



### 2.4 Exhibit List Form

Parties must attach their exhibits to the court’s form **Exhibit List for Trial / Evidentiary Hearing**. The form may be downloaded from the forms page at the court website: [www.hib.uscourts.gov](http://www.hib.uscourts.gov).

H7016e (11/20)			
Filer's Name, Address, Phone, email & Signature: 			
Filed by: /s/ _____			
UNITED STATES BANKRUPTCY COURT DISTRICT OF HAWAII			
Debtor(s):		Case No.:	
Plaintiff(s)/Movant(s):		Adversary Proceeding No.:	
<i>(Use "et al." for multiple parties)</i> Defendant(s)/Respondent(s):		Trial/Hearing Date:	
<i>(Use "et al." for multiple parties)</i>			
<b>EXHIBIT LIST FOR TRIAL / EVIDENTIARY HEARING</b>			
Instructions: Leave blank <i>Marked &amp; Admitted</i> columns. Add continuation sheets as needed.			
Exhibit No./Ltr.	Marked	Admitted	Description

## 2.5. Bookmarking Exhibit PDFs

The PDFs in a party's digital set of exhibits must be bookmarked for easy reference, as shown below.

The screenshot displays a PDF viewer interface. On the left, a 'Bookmarks' sidebar is visible, listing various exhibit bookmarks from 'Exhibit List' to 'Exh Z-21'. The main document area on the right shows a page titled 'Z-005001'. The page content includes a header with a case number, a court name 'UNITED STATES BANKRUPTCY COURT DISTRICT OF HAWAII', and an 'EXHIBIT LIST FOR TRIAL /' section. Below this, there are instructions and a table with columns for 'Exhibit No./Ltr.', 'Marked', and 'Admitted'. The table lists exhibits Z-1 through Z-4 with their respective descriptions.

Exhibit No./Ltr.	Marked	Admitted	Description
Z-1			Subcontra
Z-2			Teaming A
Z-3			Profit and
Z-4			Initial Bid for TO 6

### 3. **FILING OF EXHIBITS**

#### 3.1. **Online Filing of Exhibits**

Parties must file their final, comprehensive set of digital exhibits (PDFs) 7 days before trial. ECF Users should select the CM/ECF menu item **Miscellaneous Documents > Trial Exhibits**. Use of this menu item will restrict public access to the exhibits prior to their being admitted at trial. The exhibits must be attached to the local form **Exhibit List for Trial/Evidentiary Hearing** and marked, bookmarked, and paginated as noted above in these procedures.

If the PDF of a particular exhibit will be difficult to view on courtroom monitors, such as a large spreadsheet with multiple rows and columns, parties should bring paper copies of the exhibit to display. Sufficient copies are needed for the judge, courtroom deputy, and other parties. However, a marked PDF of the exhibit must also be uploaded in CM/ECF.

#### 3.2 **Voluminous Sets of Exhibits**

Contact the Clerk's Office if there is difficulty in uploading a voluminous set of exhibits. Online filing may require more than one docket entry if the PDF files exceed a certain size.

#### 3.3. **Submission of Exhibits by Non-ECF Users**

Attorneys or non-represented litigants who do not have access to online filing must submit their set of exhibits on paper not later than 7 days before trial. The exhibits should be marked and continuously paginated as noted above in these procedures.

### 4. **USE OF EXHIBITS AT TRIAL**

#### 4.1. **Admitting Exhibits**

The scheduling order will have provided deadlines for filing objections to exhibits. Parties should be prepared to stipulate into evidence all exhibits to which there are no objections. The court discourages motions in limine but if such a motion is required, it must clearly identify the subject matter and be filed not later than 14 days before trial. A response to a motion in limine may be filed not later than 7 days before trial.

#### 4.2. **Presentation of Exhibits by Counsel**

At trial, the parties' attorneys are responsible for presenting exhibits during examination of witnesses. Attorneys may wish to have an assistant with a laptop

computer at the counsel table charged with presenting the exhibits while lead counsel speaks from the lectern. Attorneys should be prepared technologically to use their software to present digital images, scroll through them, and zoom in and annotate as necessary.

Although, all exhibits should be presented digitally, document cameras are available to display paper documents if needed.

#### 4.3. Technical Considerations

Images of the exhibits will appear on various monitors in the courtroom. These are located on the bench, witness stand, lectern, counsel tables, and courtroom deputy's desk, as well as a large free-standing monitor viewable primarily by the Judge. If the court has allowed a witness to appear remotely, the image should appear on that individual's computer monitor using Zoom.

Prior to trial, the courtroom deputy will schedule a courtroom test session in the courtroom with each party to ensure that each party is able to present exhibits effectively. If the court has allowed an attorney to participate remotely, there will need to be a test to assure an adequate connection and that the attorney can present exhibits using the "share screen" feature in Zoom.

Further details:

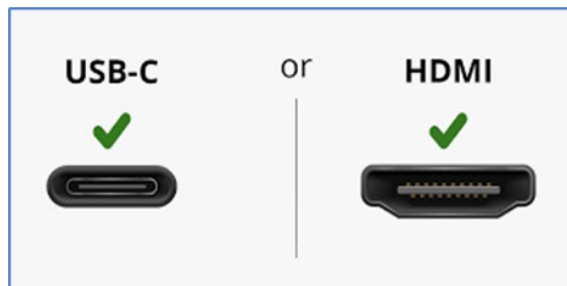
- PC laptops using Windows appear to perform better than MacBooks.
- PDFs of the exhibits should be saved on the laptop's hard drive; a backup set on a portable drive is also suggested.
- HDMI connections to the courtroom A/V system are located at the lectern and at the two counsel tables.
- Connecting a laptop at the counsel tables requires a separate cable; attorneys presenting digital exhibits are responsible for providing the correct cable to connect to an HDMI input – see next section.

#### 4.4 HDMI Connections & Cables

To present digital exhibits on courtroom monitors, an HDMI (High-Definition Multimedia Interface) is required. At the counsel tables, the input is in a console directly under the tabletop, marked “HDMI IN”. Attorneys are responsible for providing the correct cable or and any needed adapter.



Laptop ports. Typically, current laptop models will have several ports but should include either a USB-C port or HDMI port.



HDMI port. If the laptop has an HDMI port, a “male to male” HDMI cable is needed, the ends of which are shown below. The cable should be at least 3 feet long.



USB-C port. If there is no HDMI port, an adapter is needed to connect from a USB-C port to the HDMI input – “male” USB-C to “male HDMI” - see sample below.



Lectern. A presenter may elect to use a laptop at the lectern, in which case a “male” HDMI cable in a “cable cubby” will extend to connect a laptop being used there. If the laptop has no HDMI port, a different adapter to connect to a USB-C port is needed – a “male” USB-C to a “female” HDMI” – see sample below.



#### 4.5 Other Courtroom Equipment

Document Camera. If an exhibit that is not available digitally needs to be displayed, there are 2 document cameras available for use. The court provides the HDMI cables for the document cameras to connect to the court's A/V system.



Microphones. In addition to the gooseneck microphones at the lectern and counsel tables, handheld and lapel microphones are available if needed if a speaker is not at the lectern, counsel table, or witness box.

➤ **Questions?** Contact the courtroom deputy at [calendar@hib.uscourts.gov](mailto:calendar@hib.uscourts.gov) or (808) 522-8113.