

INTER-OFFICE MEMORANDUM

TO: All Attorneys/All Clients
FROM: W. Joseph Truce
DATE: June 14, 2004
RE: Filing and Organization of Trial Exhibits

Some time ago (out of frustration), I sent a letter to the Chairman of the Workers' Compensation Appeals Board in San Francisco, the Honorable Merle Rabine, concerning the organization of Trial Exhibits.

In this firm, we had traditionally organized our Trial Exhibits into Exhibit Packages beginning with Exhibit A, which were the medical reports that were to be offered into evidence.

The succeeding exhibits were listed a B, C, D, etc. Therefore, at the time of Trial or at the Mandatory Settlement Conference, we would file our Exhibit Package in the Court File, but more often than not were told by the Trial Judge that we had to "reorganize" the exhibits according to the particular preference of the Trial Judge.

In my letter to Chairman Rabine, I requested that the Board issue a uniform procedure for introduction of exhibits at Trial and Chairman Rabine responded by indicating that the administration would come out with such a directive.

I am pleased to enclose an excerpt from the DIA Policy and Procedure Manual for all Workers' Compensation Judges promulgated April 1, 2004, entitled: "Filing and Organization of Trial Exhibits".

The enclosed excerpt from the DIA Policy and Procedure Manual sets forth a standardized procedure for organizing exhibits **before Trial** and ends with the following sentence:

"WCJ's shall not require that the parties organize and/or label exhibits in a manner which varies from the basic requirements set forth in this section."

WJT:rl
Enclosure - Excerpt from the DIA Policy and Procedure Manual

JT
6/24/04
9:59

Section 1.46 Filing & Organization of Trial Exhibits

Issued by

MERLE C. RABINE
Chairman
Workers' Compensation Appeals
Board

RICHARD P. GANNON
Administrative Director
Division of Workers'
Compensation

Effective: April 1, 2004

When parties request a trial date, the WCJ shall carefully review the parties' pretrial conference statement to ensure that it is complete and that all the parties' stipulations, issues and exhibits are listed. Each listed exhibit should be clearly identified as to the type of document offered, the provider, and date.

When exhibits are filed, each exhibit shall be organized and labeled so as to specify which party is offering the exhibit (e.g., Applicant's 1, 2, 3, et seq. and Defendant's A, B, C, et seq.) Medical reports or records from each provider shall be filed in chronological order with the most recent report or record on top. Records or reports from a single provider may be filed as a single exhibit.

WCJs shall not require that the parties organize and/or label exhibits in a manner which varies from the basic requirements set forth in this section.