

NEWS FROM U.S. DISTRICT COURT

February 14, 2020

EXHIBITS: Effective May 1, 2020, the District of South Dakota is changing its procedures regarding exhibits offered an/or received into evidence during a trial or evidentiary hearing. In the past, the Clerk's Office took possession of the original exhibits, electronically filed a list of the exhibits in CM/ECF and retained the original exhibits in an evidence room in the Clerk's Office.

Under the change, the Clerk of Court will electronically file all documentary exhibits at the conclusion of a trial or other court proceeding. The exhibits electronically filed by the Clerk will be restricted to court users and case participants. After filing, the Clerk will return the original documentary exhibits to the offering party, who will have 21 days to review their returned exhibits to determine whether redactions are required under D.S.D. Civ. LR 5.2 or D.S.D. Crim. LR 49.1.1.

If redactions are necessary, the offering party must electronically file all documentary exhibits, including redacted exhibits and exhibits that do not require redaction. This requirement does not apply to exhibits that were sealed when offered and/or received (sealed exhibits). If no redactions are necessary, the Clerk will remove the restrictions on the documents filed by the Clerk and notify counsel.

Physical exhibits, including recordings, upon order of the Court will be returned to the offering party at the conclusion of a hearing or trial for retention consistent with D.S.D. Civ. LR 43.1 and D.S.D. Crim. LR 57.3.

This new procedure is designed to increase access to public documents, allow simultaneous access by multiple users, and offer a permanent archive of exhibits that may otherwise be discarded. April's attorney newsletter will discuss how to electronically file exhibits in CM/ECF. For more information about the new procedure, see [Standing Order 20-01](#) attached hereto and located on the District Court's website at www.sdd.uscourts.gov.

MEDIA INFORMATION: As you may know, [Standing Order 18-03](#) governs protocol within the United States courthouses in the District of South Dakota. Generally, it prohibits the use of cellular and electronic devices unless specifically permitted by the presiding judge. From time to time, the court receives requests from members of the media for special permission or exceptions. We have created a place on our website for these requests. To find it, go to the **Court Info** tab on the District Court's website located at www.sdd.uscourts.gov and select the **Media Info** option. To request special permission or an exception, complete the request form and click on the Submit button. You will be notified of the presiding judge's decision.