

EXHIBIT PREPARATION FOR THE WORKERS' COMPENSATION COURT

It is the responsibility of the **Petitioner** to prepare the final exhibit notebook, which becomes a part of the Court record. However, if the **Petitioner** is a pro sé litigant, the responsibility of preparing the final exhibit notebook rests with the **Respondent**. **PRIOR** to the pretrial conference, the **Respondent** must provide the **Petitioner** with **2** copies of every exhibit it intends to offer for admission. These exhibits must be separated and the pages within the exhibit must be numbered. The **Petitioner** (or in the case of a pro sé litigant, the **Respondent**) will then identify the exhibit by number when preparing the Pretrial Order. At the time of trial, there must be **4** conformed copies of the exhibit notebook: one each for **Petitioner, Respondent, the Court, and the testifying witness(es)**.

The following instructions are designed to ensure that any exhibit can be easily located at the time of trial and easily identified during the decision-making process:

THE HOW-TOS

If counsel intend to refer to a documentary exhibit at trial, including a deposition exhibit that is already part of the Court record, the exhibit must be included in the **Exhibit Notebook** and listed on the **Exhibit Sheet**.

The Exhibit Notebook

1. Exhibits must be bound like a “deposition” or in a three-ring binder.
2. Each exhibit must be numbered sequentially and identified by a tab. (Ex. 1, Ex. 2, etc.)
3. Each page within an exhibit must also be numbered. (Ex. 1-1, Ex. 1-2, Ex. 2-1, Ex. 2-2, etc.)
4. All exhibits must be legible.¹

Special Instructions Regarding Medical Exhibits:

Different medical providers' records may be combined as one exhibit as long as each provider's records are identified on the exhibit sheet AND separated and identified by a tab within the exhibit. Or, each provider's records may be a separate exhibit.

¹ If an exhibit is illegible, the offering party, with the consent of the opposing party, can request the author of the exhibit to reproduce the exhibit so it is legible. A deposition can be taken to clarify the contents of any exhibit.

If there are multiple records for a particular provider, they should be ordered oldest (in front) to newest (in back).

There should be no duplication of medical records unless one provider is relying on the records of another provider AND the duplicate records are imperative to the understanding of the subject records.

The Exhibit Sheet

1. The Exhibit Sheet should conform to the sample available at the Court's website² and must clearly identify:
 - A. the number of pages within each exhibit (Ex. 1 (pp. 1-3); Ex. 2 (p. 1), etc.),
 - B. the offering party,and, if applicable,
 - C. the objecting party AND specific objection.³
2. A copy of the Exhibit Sheet must be placed at:
 - A. the front of the Exhibit Notebook,
 - B. the back of the proposed Pretrial Order,and
 - C. the back of the final Pretrial Order. (This will become the official Exhibit Sheet upon which the Court notes which exhibits are admitted at trial.)

FAILURE TO FOLLOW THE ABOVE INSTRUCTIONS COULD RESULT IN A TRIAL BEING VACATED. Always call the Clerk's office if you have a question. (444-7794)

² http://wcc.dli.mt.gov/forms/Exhibit_Sheet.pdf

³ Failure to list your objection to an exhibit on the exhibit sheet will preclude you from raising the objection at trial.