

FOUNDATIONS

The Exhibit Walk

You will be working with exhibits that have been premarked by either you or the court reporter.

- 1. Ask question to show why the exhibit is relevant such as “What did you take from Walter Watkins when he left the store?”**
- 2. Stand up. Say “Your Honor, may I approach the witness with what has been premarked as “Exhibit _____”?**
- 3. Walk over to opposing counsel and show it to him without showing it to the jury.**
(Note: Do NOT say “I am showing it to opposing counsel” or anything else. This is a courtesy and it is not necessary to make a record of your showing it to counsel.)
- 4. Hand exhibit to the witness and say “I am showing you what has been marked as Exhibit _____. Do you recognize it?”**
- 5. When he says, yes, ask “How do you recognize Exhibit _____?”**
- 6. Lay foundation (predicate) with witness using leading questions.**
(Note: Make sure you have the right witness who can actually testify to the facts required by the foundation.)
- 7. Once witness answers all the questions correctly, say “Your Honor, we offer Exhibit _____ into evidence.”**
(Note: This is where opposing counsel may stand and object. Objections can be lack of foundation, hearsay, relevance, etc. so be prepared to respond.)
- 8. When judge says “Admitted”, ask “May I publish Exhibit _____ to the jury?” When he says “yes”, then use the exhibit in front of the jury.**
(Note: You can read it. The witness can read it. You can show it on an overhead. If an object, you or the witness can hold it up. You can pass things to the jury, but keep in mind, that while they are handing it around, they may not be listening to you or your witness.)