

**OCTOBER
FREE CLE**

IFRPI
ENRICHMENT
COMMITTEE

PRESENTS:

**Friday,
October
24, 2025**

Deposition Exhibit Preparation

**FLORIDA
REGISTERED
PARALEGAL**



Speaker: Sheila Grela

Course Credit: 1 Hour General

Time: 12:00 p.m. - 1:00 p.m.



Florida Deposition Exhibit Preparation



Disclaimer

The information in these slides and this presentation is not legal advice and should not be considered legal advice.

This presentation represents the personal opinions of the presenters.

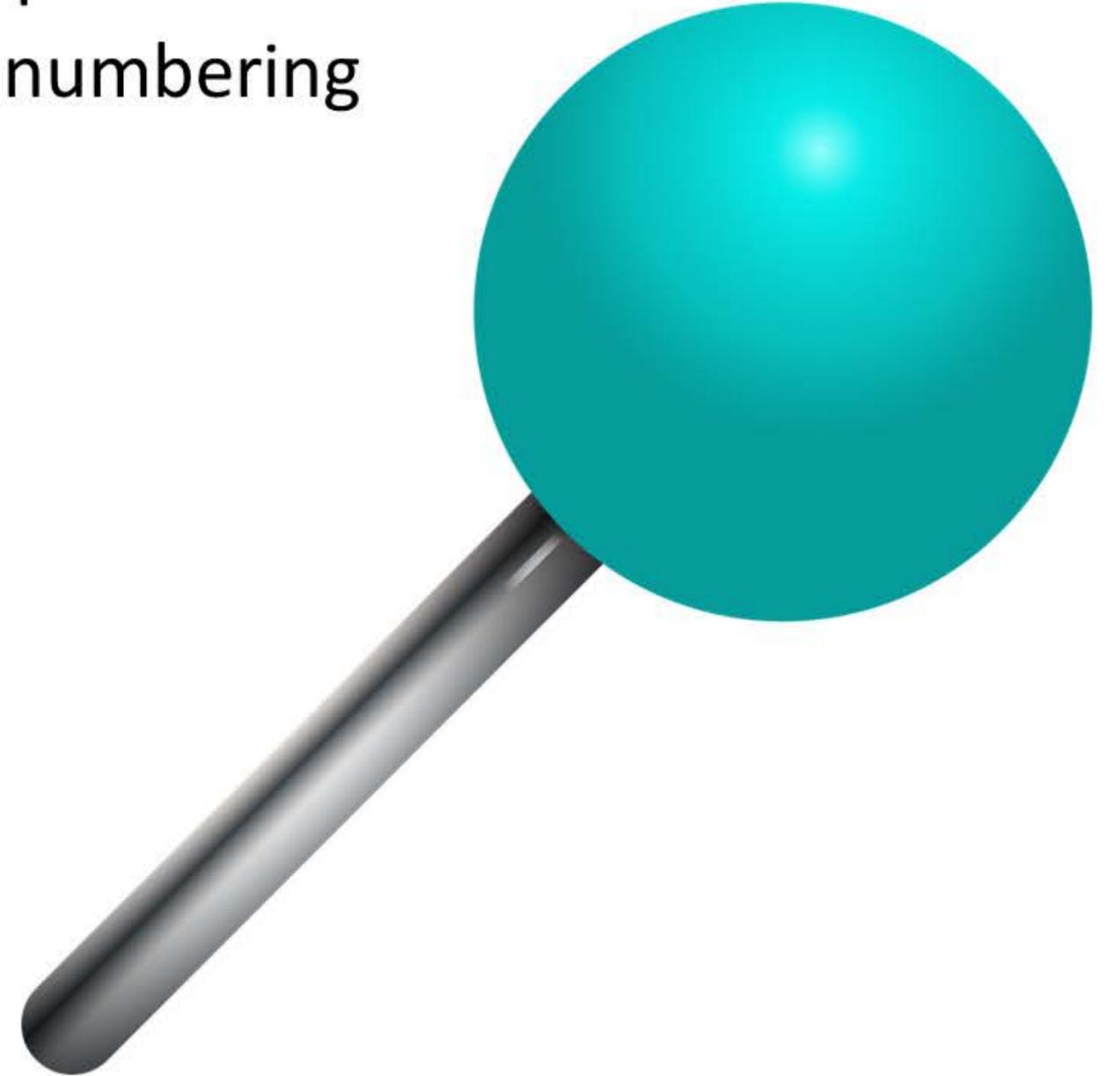
This presentation is offered for informational and educational purposes only.

Sheila Grela, ACP, CEDS is a senior paralegal at Buchalter. She is an active leader in the legal community through EDRM and Women in eDiscovery, and frequently writes and speaks on technology, professional development, and durable skills for legal professionals. Sheila is passionate about mentorship, advancing paralegal education, and helping legal teams build stronger cases through the smart use of technology.



🎯 Deposition Exhibit Preparation – Objectives & Goals

1. Ensure proper exhibit preparation across all phases
2. Maintain consistency in exhibit naming and numbering
3. Create and maintain a master exhibit list
4. Support thorough witness preparation
5. Promote organized document management
6. Prevent common exhibit mistakes
7. Ensure legal and ethical compliance
8. Integrate litigation technology tools
9. Safeguard client confidentiality
10. Prepare for seamless exhibit presentation
11. Ensure clean post-deposition follow-up
12. Elevate professional standards for deposition exhibits





Overview

Purpose: Ensure thorough and compliant exhibit preparation for Florida depositions.

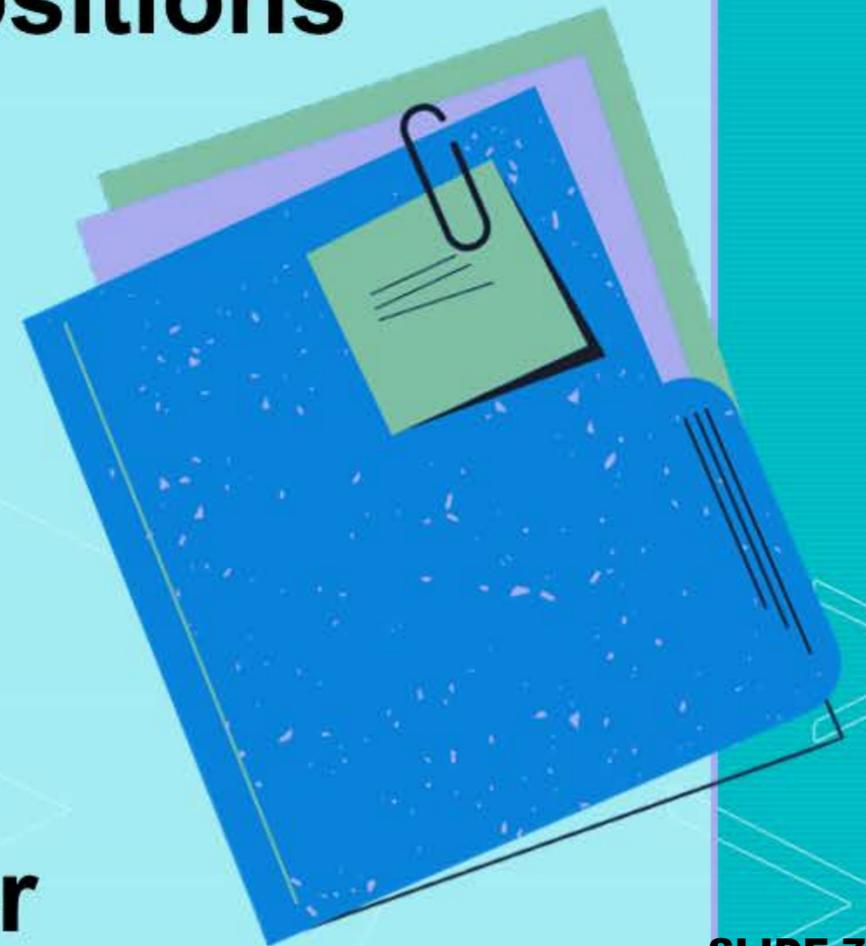
Audience: Paralegals, litigation support, attorneys.

Scope: Covers pre-depo through post-depo phases.



Working with Exhibits

- **Selection and arrangement**
- **Marking, indexing, and sorting**
- **Copies for opposing counsel and the witness**
- **Display, transmittal during remote depositions**
- **Organize by sequence**
 - **Date**
 - **Type of document**
 - **Importance**
 - **Witnesses**
- **Native Documents, video, audio or other**



1. Witness Background Review

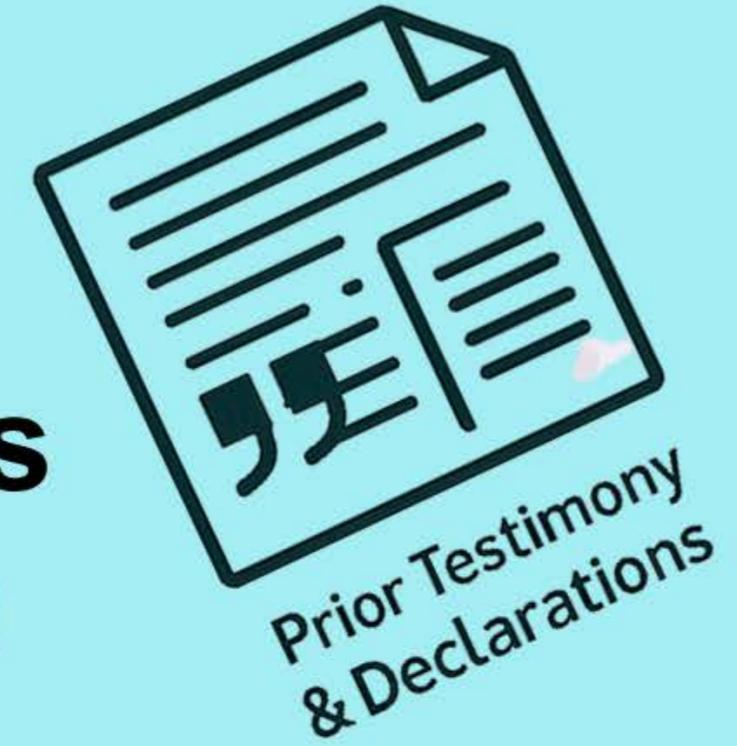
- Background memo or team notes**
- Resume, CV, or LinkedIn**
- Employment/personnel file**
- Social media/public statements**
- Signed contracts, NDAs**
- Credibility risks/impeachment material**





2. Prior Testimony & Declarations

- Prior depositions (same/related cases)
- Testimony re that witness (deposition & Declarations)
- Declarations
- Regulatory/licensing testimony



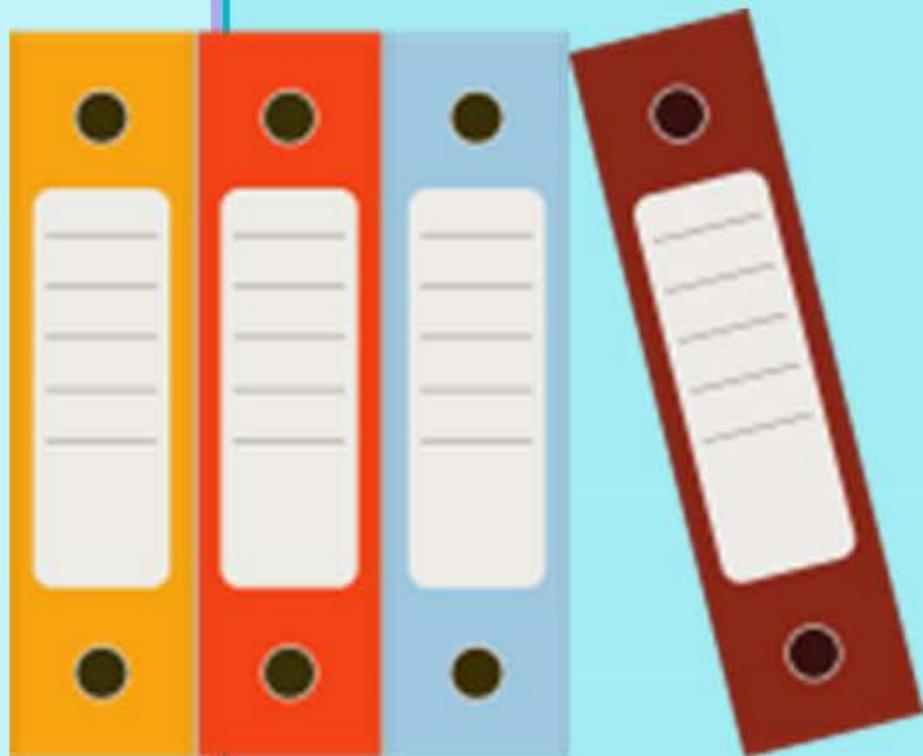
3. Discovery Materials

- Interrogatory responses
- RFAs/RFPs with witness involvement
- Supplemental responses
- Third-party documents
- Privilege log entries



4. Document Identification & Retrieval

- Master Exhibit List
- Document reports (DISCO, Relativity)
- Audit trails
- Missing attachments
- Referenced documents by other deponents



5. Exhibit Management Workflow

- Sort by date, issue, type**
- Unique exhibit labeling**
- Flag confidential/privileged**
- Cross-reference in outline**
- Final QC and backups**
- Assign team exhibit roles**

6. PMKs - Fla. R. Civ. P. 1.310(b)(6)

- PMK categories clearly listed
- Internal SOPs, policies, org charts
- Relevant documents per topic
- Exhibits to test or support knowledge



7. Expert Witnesses (Fla.R.Civ.P.1.390)

- Expert designation and report
- CV included
- Materials reviewed/referenced disclosed
- Produced before depo
- Prior testimony or publications reviewed
- Counsel communications reviewed



Timing: Advance Production vs. At the Deposition

- Florida courts generally allow the expert's file to be requested in advance of the deposition to avoid surprise and inefficiency.
- **Common practice:** include language in the Notice of Taking Deposition **Duces Tecum** such as:

The deponent shall produce all reports, notes, correspondence, data compilations, and materials reviewed or relied upon in forming the opinions to be offered in this case, at least five (5) days prior to the deposition.

Courts favor reasonable pre-deposition production, especially to prevent “trial by ambush.”

**Fla. R. Civ. P. 1.390
(Depositions of Expert Witnesses).**

**Fla. R. Civ. P. 1.280(b)(5)
(Discovery of Expert Testimony).**

**Fla. R. Civ. P. 1.310
(Depositions Upon Oral Examination).**

**Florida Handbook on Civil Discovery
Practice (19th ed. 2021).**

8. Post-Deposition Follow-Up

- Follow-up subpoenas or docs needed
- Track what witness committed to provide
- Flag evasive answers / objections
- Upload transcript + exhibits
- Distribute to client, experts, team
- Update Master Exhibit List



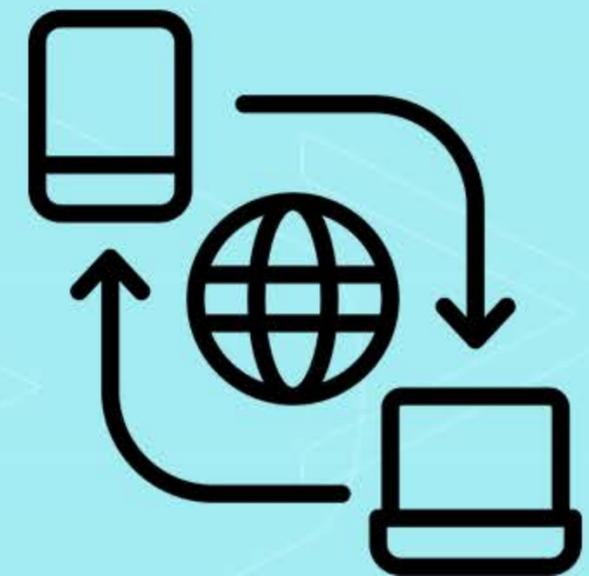
9. Remote vs. In-Person Prep

Remote-Specific:

- Tech access confirmed
- Test screen sharing, breakout rooms
- Share digital exhibits in advance
- Set video recording options
- Private chat for counsel

In-Person-Specific:

- Prepare physical binders
- Coordinate exhibit transport
- Confirm seating/tech setup
- Flash drive/digital backup
- Confirm marking protocol with reporter



10. Ethical Safeguards

- Review all exhibits for privileged content
- Check redactions and attachments
- Clawback agreements in place
- Use clean (annotation-free) versions
- Confirm third-party consent
- Document privilege review



Fla. R. Prof. Conduct 4-4.4 and Rule 1.285 (clawback)

Best Practices

- ✓ **Curate Relevant Exhibits**
- ✓ **Organize Exhibit Sets**
- ✓ **Ensure Exhibit Quality**
- ✓ **Use Clear File Names**
- ✓ **Label and Number Sequentially**



More Tips

- ✓ **Cross-Reference with Outline**
- ✓ **Verify Authenticity & Completeness**
- ✓ **Coordinate with Court Reporter**
- ✓ **Track Marked Exhibits**
- ✓ **Save & Distribute Final Sets**



**BEST
PRACTICE**

Litigation Platform Integration

Relativity: Transcript viewer,
issue coding

CaseMap: Fact management,
cross-linking

LiveNote / Case Notebook: Real-
time streaming

TrialDirector / OnCue: Video
sync, callouts

Everlaw & DISCO: Exhibit linking
and review



Final Tips & Next Steps

- Plan using timelines
 1. 10 days before deposition
 2. 3 days before deposition
 3. Day of deposition
- Maintain backups (digital & physical)
- Assign team roles for exhibit presentation
- Keep Master Exhibit List updated





Common Deposition Exhibit Errors: Learn from the Mistakes

Even with careful planning, deposition exhibit errors happen—and they can disrupt proceedings, undermine credibility, or even lead to sanctions.

This section highlights real-world mistakes that teams have encountered, including:

- Delays from remote tech issues
- Confusion from inconsistent exhibit numbering
- Risky disclosures of privileged or incomplete documents

Each scenario includes:

- A real-world example
- The potential impact on the case
- A practical lesson to prevent repeat errors

Use these cases to audit your current processes, train new team members, and build checklists that keep your depositions on track and bulletproof.

1. Failing to Practice Sharing Exhibits in Advance (Remote Depositions)

- **Example:** The deposition could not begin until the witness could clearly view the documents. The witness want to be able to read the documents before answering questions. A remote deposition was delayed 45 minutes because the deposing party failed to properly set-up the virtual environment
- **Impact:** Objections, delays, and possible **motion to strike testimony** based on lack of fair opportunity to review.
- **Lesson:** Always prepare before using new software or new methods

2. Improper or Inconsistent Exhibit Numbering

Example: Use of deposition in cases.

Litigation, attorneys mistakenly used **duplicate exhibit numbers** in multi-day depositions.

Impact: Transcript confusion, court reporter errors, and post-depo motions to clarify the record.

Lesson: Use a **master exhibit tracker** and ensure sequential numbering across all depositions.



3. Presenting Incomplete or Poor-Quality Documents

Example: A paralegal uploaded a contract without its signature page. During deposition, the witness testified they never signed it—making the document useless.

Impact: Missed impeachment opportunity; credibility of exhibit questioned.

Lesson: Verify every exhibit for completeness, legibility, and critical content.

Are all of the pages there? Is there an attachment(s)?



INCOMPLETE

4. Exposing Privileged or Internal Annotations

Example: An attorney marked and used an internal memo with handwritten notes in the margins meant for strategy discussion.

Impact: Opposing counsel moved to use the annotations for impeachment, claiming privilege was waived.

Lesson: Always use “**clean**” versions of documents—no markups or confidential notes.



5. Failure to Record Exhibit Introduction Clearly

Example: In a complex commercial case, the deposing attorney failed to say “Mark this as Exhibit 4” before referring to a document.

Impact: Court reporter didn’t mark it; later disputes arose over which version was shown to the witness.

Lesson: Clearly state: “**Let’s mark this document as Exhibit X**” and confirm with the court reporter.

PRIVILEGE

6. Relying Only on Screen Sharing (Remote Depositions)

Example: In a construction dispute, one party relied solely on screen sharing without uploading or emailing exhibits.

Impact: Witness said the screen was blurry; refused to testify on that exhibit.

Lesson: Pre-send clean PDFs and confirm access. Screen sharing is supplemental, not primary.

7. Disorganized Exhibit Folder or Wrong Document

- **Example:** During deposition, the attorney called up “Exhibit 12” but opened “Exhibit 21” due to disorganized naming (e.g., “final_FINAL_v3.pdf”).
- **Impact:** Confusion in transcript and witness testimony that didn’t match the intended document.
- **Lesson:** Use a **standardized naming format**, such as: YYYY-MM-DD_DocType_Description_Bates.pdf

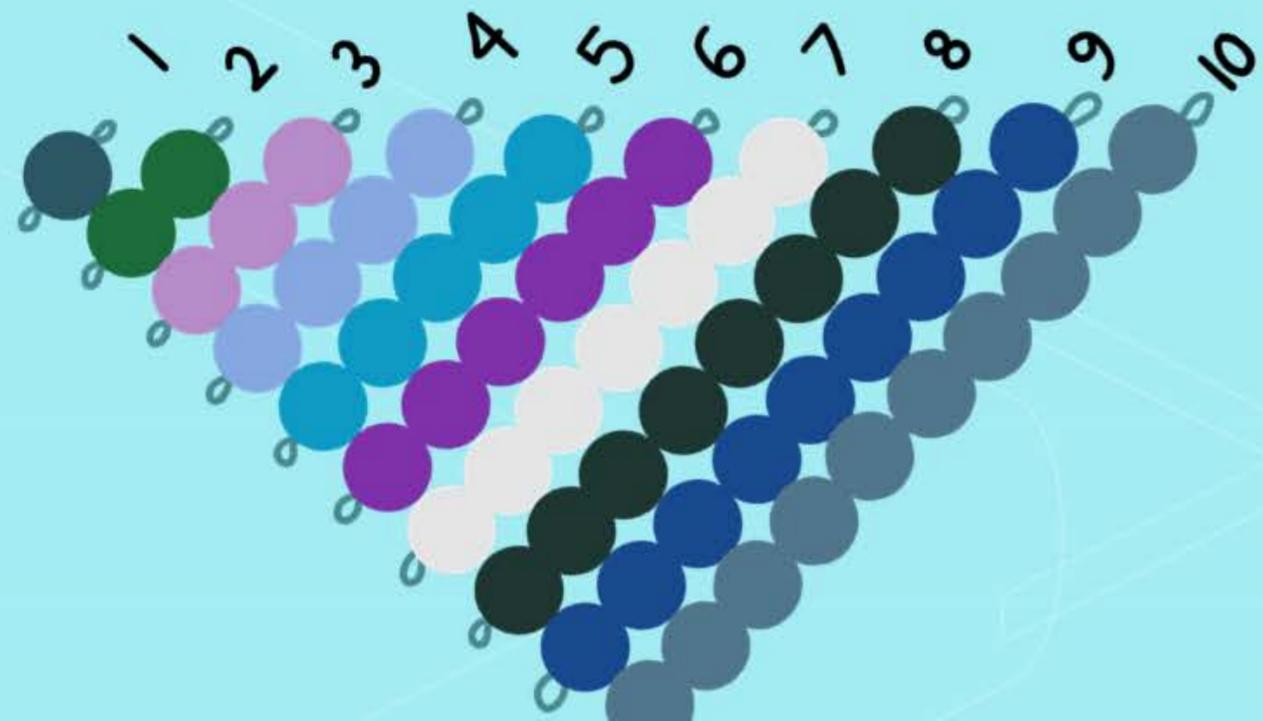


8. Losing Track of What Was Actually Marked

Example: Attorney believed 9 exhibits were used, but only 6 had been marked during the depo.

Impact: Errors in transcript references, missed follow-up, and mistakes in trial exhibit list.

Lesson: Assign someone to **live-track all exhibits introduced, their numbers, and objections.**



Begin Preparation before the Depositions

- Stipulate to a deposition protocol
- Include an example of a master exhibit list
- Include rules re describing the exhibits
- Sequential order (i.e. every deposition does NOT start back with #1)
- 4-digits (0001) | Exhibit 0045 or Exhibit 9999
- No sub-parts
- No duplicate documents
- Uniform formatting of descriptions
- Bate or branding number and/or file name
- Date of Document
- Emails to including common fields and to describe as email or email string (more than one email)
- Special Care to the Descriptions of Native Documents
- Check the format for of the court's format for trial exhibit list for guidance

Exhibit No.	Date of Exhibit	Description / Title	Bates Range	Deponent Name	Depo Date
<u>Exh. 0001</u>	7/2/2021	Email: Subject Line "Performance Review"	PL_00123 – PL_00125	Jane Doe	02/10/24
<u>Exh. 0002</u>	2/4/2021	Organizational Chart – Q2 2022	DEF_00567	Jane Doe	02/10/24
<u>Exh. 0003</u>	6/4/2021	Memo from HR Regarding Complaint	PL_00245 – PL_00247	John Smith	02/14/24
<u>Exh. 0004</u>	6/30/2021	Surveillance Footage Screenshot	DEF_00988	John Smith	02/14/24
<u>Exh. 0005</u>	Undated	Timeline of Events (Demonstrative Only)	N/A	Jane Doe	02/20/24
<u>Exh. 0006</u>	1/3/2022	Employment Agreement Signed 01/03/2022	JOINT_0001 – JOINT_0005	Jane Doe	02/20/24

**Exhibit Stickers,
Bates Numbering,
Exhibit Branding**

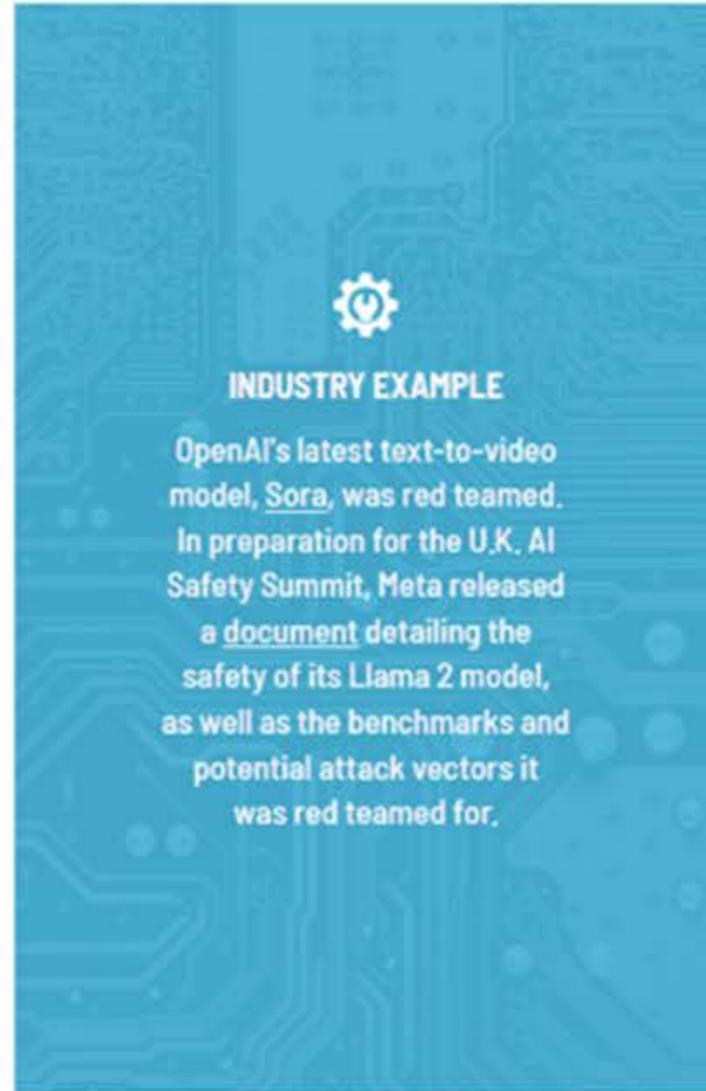
Exhibit Branding & Numbering

Clear labeling prevents courtroom disruptions

Numbering best practices:

- Sequential (e.g., TX0540-001)
- Footer branding

Court rules are the first consideration



INDUSTRY EXAMPLE

OpenAI's latest text-to-video model, Sora, was red teamed. In preparation for the U.K. AI Safety Summit, Meta released a document detailing the safety of its Llama 2 model, as well as the benchmarks and potential attack vectors it was red teamed for.

TRIAL EXH. BRANDING → TX-0245.54

Implementing AI governance

Due diligence in the identification of security risks throughout the life cycle of the system is an important activity, especially when a third-party vendor is involved. Due diligence can only ever inform. With appropriate information, an organization can seek contract terms with third-party vendors that mandate:

- Making the vendor's security practices compatible with the organization's own standards.
- Monitoring system robustness regularly through security assessments or audits to identify third-party risks and ensure the vendor is complying with the organization's security standards.
- Limiting access to third-party vendors only for the services they need to perform.

Red teaming

Red teaming is the process of testing the security of an AI system through an adversarial lens by removing defender bias. It involves the simulation of adversarial attacks on the model to evaluate it against certain benchmarks, "jaillbreak" it and make it behave in unintended ways. Red teaming reveals security risks, model flaws, biases, misinformation and other harms, and the results of such testing are passed along to the model developers for remediation. Developers use red teaming to bolster and secure their product before releasing it to the public.

Secure data sharing practices

Differential privacy is primarily a privacy-enhancing technique that also has security benefits, it analyzes group data while preserving individual privacy by adding controlled noise to the data and blurring individual details. So, even if an attacker were to steal this data, they would not be able to link it back to specific individuals, minimizing harm. As such, differential privacy can limit the utility of stolen data. However, that impact to the utility of the data can also impact organizations with lawful and legitimate interests in processing the data. Moreover, differential privacy can also be a costly technique to implement, especially where large datasets are concerned.

HITL

Human in the loop refers to incorporating human expertise and oversight into the algorithmic decision-making process. Although HITL may provide a gateway for human biases to reenter the algorithm when making judgements about final outputs, in the context of AI security, HITL can make incident detection and response more efficient. This is especially true where subtle manipulations or attacks that the model may not have been trained to identify are involved. HITL allows for continuous monitoring and verification, however, optimal use of this approach rests on balancing the contradictions that may arise to address bias or safety and security.

BATE #



IAPP-005713

Prefix	Full Form	Usage Context
DX	Deposition Exhibit	Depositions (pre-trial)
TX	Trial Exhibit	Trial (civil/criminal)
AX	Arbitration Exhibit	Arbitration hearings
HRG	Hearing Exhibit	Hearings (court/admin)

Best Practices for Naming Exhibits

- ^A_B_C **Keep naming simple and consistent**
 - Use leading zeros (e.g., TX0001 not TX1)
 - Allows for correct **lexical sorting** on computers

■ Avoid symbols or long descriptions in names

- Stick to PREFIX + NUMBER format

- Example: TX0087.pdf instead of

TrialExhibit87_Contract_v2_FINAL.pdf

Why it matters:

- Fast to locate by number
- Works seamlessly with digital exhibit software
- Court staff and judges can find it instantly in transcript logs

Explanation of the difference between **branding a trial exhibit number** and **Bates numbering** in litigation:

■²₃ Bates Numbering

- **Purpose:** To track and identify documents during discovery.
- **What it looks like:** A small, sequential number (often alphanumeric) printed on each page of a document set, such as DEF000123.
- **When it's used:** Applied when documents are **produced to the opposing party** in discovery.
- **How it's used:**
 - Helps parties reference documents consistently (e.g., “See DEF000123–DEF000130”).
 - Each page gets a unique Bates number.
 - Often includes a prefix to indicate the producing party.

Court Reporter Exhibit Stickers

Purpose: To mark and identify deposition exhibits introduced during testimony for the official transcript and record.

What it looks like:

A sticker with fields for the exhibit number, date, case name, and reporter ID. Typically marked "Exhibit 1," "Exhibit 2," etc., and affixed to the first page of the document.

Example:

A document marked "Exhibit 5" during a deposition may be referenced in the transcript as: "See Exhibit 5, previously marked."

When it's used:

At depositions—when a document is introduced as an exhibit for the record.

How it's used:

Affixed to the physical or digital document when offered into the record.

Sequentially numbered by the court reporter to track the order of introduction.

Appears in the official deposition transcript and may be included in deposition exhibit volumes

☞ Trial Exhibit Number Branding

Purpose: To identify and organize exhibits for trial presentation and admission into evidence.

What it looks like: Typically labeled as TX0001-1 through TX0001-55

Allows the attorneys, court and witness to pin point an exact page.

Example: “Can you verify your signature on page TX0001-32?”

When it's used: Added **later in the case**, during **trial preparation**—after the document has been selected as a potential or definite trial exhibit.

How it's used:

Applied to **the entire document** (not each page individually) with a page number designation.

Used in court proceedings, exhibit lists, and when referencing documents during testimony.

⚖️☐ Summary of Key Differences:

Feature	Bates Number	Exhibit Sticker	Trial Exhibit Number
Purpose	Track documents in discovery	Identify document used during deposition	Identify documents at trial
Format	Page-level, sequential (e.g., DEF0012)	Electronic or sticker used during deposition	TX0045-0001
When applied	During discovery production	During deposition	During trial prep
Audience	Opposing counsel, court for discovery	Parties, attorneys and deponents	Court, jury, and witnesses

Bates numbers are like document barcodes used throughout the litigation.

Exhibit Stickers are to identify the number of a document used during deposition and then it is attached to the transcript.

Trial exhibit numbers are like display tags used to present evidence in court.

**Asking thoughtful questions
about how you can help --
shows you're proactive,
thorough, and ready to save
your team valuable time.**

When an Attorney Says “I’ve Got It” Questions to Ask

📌 Do you have a finalized exhibit list?

“Want me to help confirm numbering and descriptions?”

📌 Are exhibits labeled sequentially for this deposition?

“I can double-check for duplicates or gaps.”

📌 Have you reviewed for confidential or privileged content?

“I can help ensure we’re sharing clean copies.”

 **Do you want help coordinating with the court reporter?**

“I can confirm marking protocol and numbering sequence.”

 **Will you need a Master Exhibit List for after the deposition?**

“I can keep it updated for the next depo or trial prep.”

 **Do you want me to prep digital files for the repository?**

“I can handle naming conventions and secure uploads.”



Ethical Safeguards

**Label carefully.
Store securely.
Always safeguard
client
confidentiality.**

🔒 Respect Court & Protective Orders

- **Apply required confidentiality designations**
- **Follow disclosure restrictions**

No Public Access

- **Avoid unapproved cloud or personal email**
- **No unsecured devices or links**
- **Confirm permissions before sharing**

Store Confidential/Privacy Docs per Firm Protocol

- **Approved, encrypted repositories**
- **Controlled access only**
- **Follow client-specific instructions**

☒ **Use Clear Internal Labels for Work Product**

Store in memos or notes folders

Use naming prefixes:

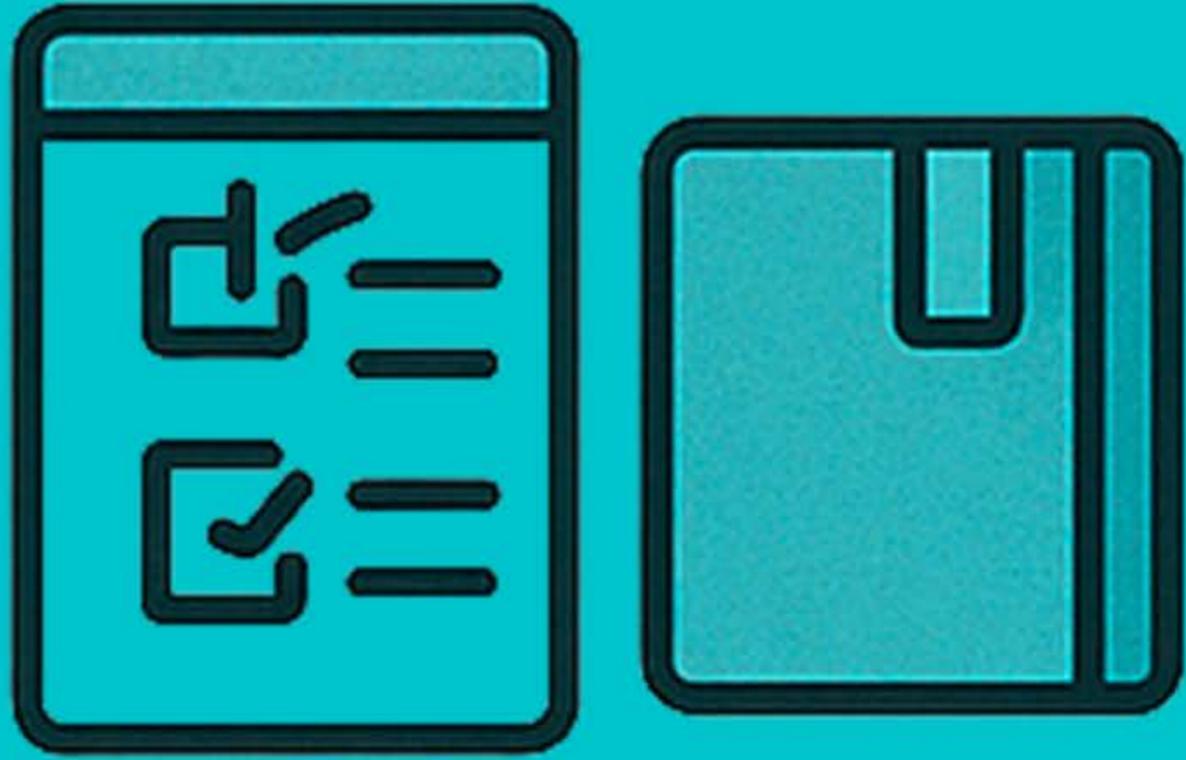
- **DNU_ (Do Not Use)**
- **DNP_ (Do Not Produce)**
- **WORKPRODUCT_**
- **NOTECOPY_**

🔍 **Preserve Privilege & Confidentiality**

- **Review for privilege before sharing**

Comply with Data Privacy Laws

- **Redact PII as needed**
- **Use secure transmission**
- **Follow HIPAA/GDPR/CCPA if applicable**

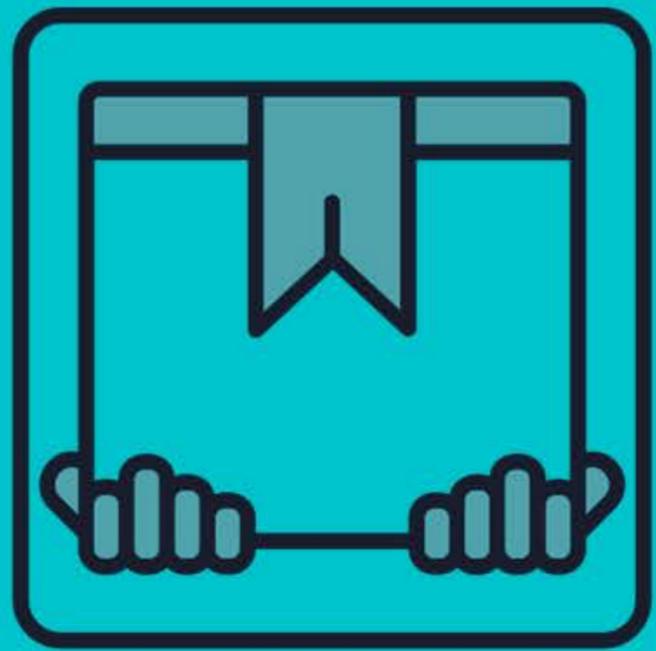


Post-Deposition Follow-Up



Reminder

Track everything—signature status, errata, storage location—so your team is trial-ready without last-minute scrambling.



Other Items to Consider in Your Post-Deposition Workflow

Signature Review & Errata

- Track if the transcript is read & sign per stipulation or code
- Monitor deadlines for deponent to make changes, corrections, or additions
- Keep copies of signed errata sheets linked to the transcript

HANDLE WITH CARE



Other Items to Consider in Your Post-Deposition Workflow

📄 Original Transcript Handling

- Confirm court reporter's delivery of original
- Determine where the official original is stored (e.g., with court reporter, counsel)
- Log storage location in your case file system

Other Items to Consider in Your Post-Deposition Workflow

Video/Audio Recordings

- Securely store deposition video/audio files in approved locations
- Label consistently with exhibit and transcript references
- Confirm confidentiality designations and storage protocols

Other Items to Consider in Your Post-Deposition Workflow

⇒ Electronic Copies for Future Synching

- Obtain certified electronic transcript files (e.g., .ptx, .txt, .lcf)
- Store synching-ready formats with video in designated folders
- Maintain backup copies
- Note software requirements for playback/synching

Other Items to Consider in Your Post-Deposition Workflow

Repository Integration

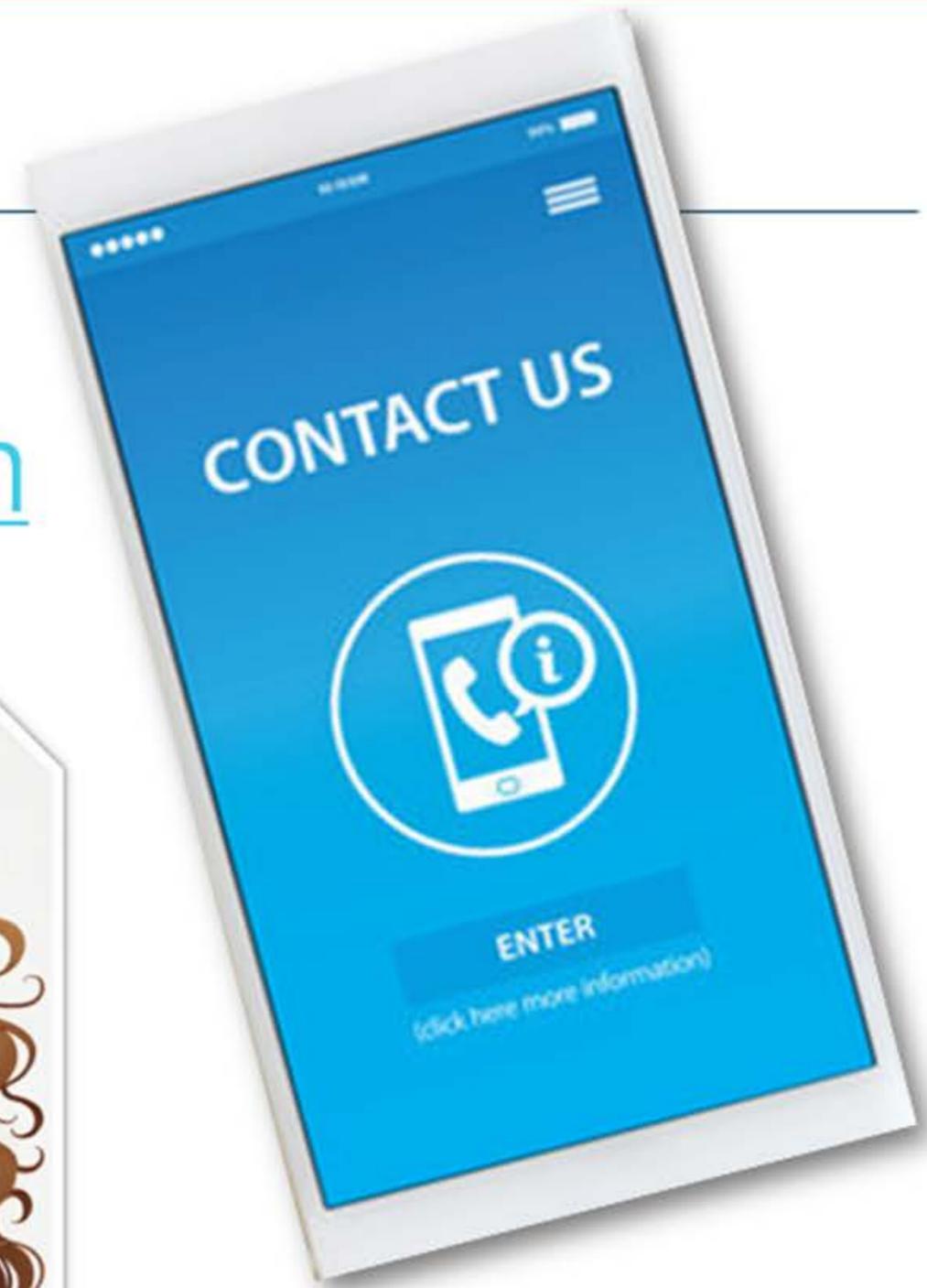
- Upload final, clean copies to litigation platform
- Include any signed corrections or addenda
- Code for issues, witnesses, confidentiality levels

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Citation	Notes
Fla. R. Civ. P. 1.310	General deposition procedures
Fla. R. Civ. P. 1.310(e)-(f)	Signature, errata, exhibits
Fla. R. Civ. P. 1.310(b)(4), (b)(7)	Video/remote deposition
Fla. R. Civ. P. 1.310(b)(6)	PMK deposition requirements
Fla. R. Civ. P. 1.280(b)(5)	Expert discovery scope
Fla. R. Civ. P. 1.390	Expert deposition procedure
Fla. R. Civ. P. 1.285	Clawback/inadvertent disclosure
Fla. R. Civ. P. 1.380; 1.280(c)	Sanctions and protections
Fla. R. Civ. P. 1.330(a)	Deposition admissibility