FILED IN THE
UNITED STATES DISTRICT COURT
Western District of Washington

DEC 17 1971

CHARLES A. SCHAAF, Clerk
By_____, Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN THE MATTER OF THE	)	GENERAL ORDER
	)	
DIVISION OF COURT BUSINESS	)	No. 3-71

Pursuant to the provisions of Title 28, United States Code, Section 137, it is hereby agreed and ordered by the undersigned active judges of this court that the division of this court's business among said judges shall be as hereinafter stated:

1. As used herein:

A. Civil cases includes bankruptcy reviews and Chapter X, XI and XII bankruptcy proceedings, but excludes Title III NARA cases and habeas corpus petitions (including McNeil Island cases), and other similar cases described in paragraph 9.

B. Criminal cases includes appeals from magistrates and all proceedings under Rules 7, 20, and 40, F.R.Cr.P.

2. A. All civil cases filed in this district shall be assigned in the following percentages of the total number of cases filed:

Chief Judge William T. Beeks	22%
Judge William N. Goodwin	22%
Judge Walter T. McGovern	22%

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Judge Morell E. Sharp	22%
Senior Judge William J. Lindberg	12%

B. All criminal cases filed in this district shall be assigned in the following percentages of the total number of cases filed:

Chief Judge William T. Beeks	25%
Judge William N. Goodwin	25%
Judge Walter T. McGovern	25%
Judge Morell E. Sharp	25%

C. As soon as possible after December 31, 1972 the case filings in the Eastern and Western Districts of Washington, both civil and criminal, for fiscal 1972; the activity of Judge Goodwin in both districts during fiscal 1972; any judicial assistance received by Judge Goodwin during fiscal 1972; the McNeil Island "cases" received at Tacoma during fiscal 1972, and any other pertinent matters, shall be reviewed, and an equitable adjustment shall be projected on Judge Goodwin's caseload in the Western District for the calendar year 1973. Pending said adjustment, however, Judge Goodwin shall receive one-third case credit for each McNeil Island case received at Tacoma.

3. In assigning cases in said proportions all civil and criminal cases filed at Tacoma, Washington shall be assigned to Judge Goodwin. In the event the number of civil and criminal cases filed at Tacoma exceeds Judge Goodwin's proportion any excess shall be assigned to the remaining judges in making up their proportions. In the event the number of civil and criminal cases filed at Tacoma is less than Judge Goodwin's proportion, a sufficient number of Seattle cases shall be assigned to Judge Goodwin to make up his proportion.

4. In making up the proportion of civil cases to be

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assigned to Judge William T. Beeks, as set forth in paragraph 2A, he shall be assigned all admiralty cases, including seamen personal injury cases, both at Tacoma and in Seattle.

5. All naturalization proceedings at Tacoma, including contested petitions, and all McNeil Island cases, shall be handled by Judge Goodwin. Judge Goodwin, however, is entitled to utilize the services of the Magistrate to the fullest possible extent in the handling of McNeil Island cases.

6. Civil cases involving the anti-trust laws, patent laws, and security fraud laws, shall not be assigned to Judge Lindberg.

7. The Chief Judge shall be responsible for the call and discharge of grand juries, the return of indictments, and all other matters related to the functions of the grand jury.

8. Judge William T. Beeks at Seattle and Judge William N. Goodwin at Tacoma shall handle individual petitions for admission to the bar of this Court, if available. Otherwise to be heard by any other judge of this court. Group admissions shall be handled as directed by the Chief Judge.

9. Judge Morell E. Sharp shall handle all habeas corpus petitions and other cases in which part of the relief sought is release from prison or similar relief, filed in this district, whether or not addressed to a named judge, except cases involving McNeil Island prisoners; and all naturalization proceedings at Seattle, including contested petitions, it being understood that all matters referred to in this paragraph are, and for many years have been, the responsibility of the judge who is junior

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in seniority.

10. Judge Walter T. McGovern shall be responsible for the call and qualification of petit jurors; all claims for wages and effects of deceased and deserting seamen; and unassigned ex parte matters.

11. Proceedings under Section 2255, Title 28, United States Code, shall be assigned to and handled by the judge who imposed the sentence involved. Judge Morell E. Sharp shall handle all such proceedings in connection with sentences imposed by Senior Judge George H. Boldt.

12. If immediate action is necessary in any case or proceeding assigned to a particular judge and that judge is unavailable for any reason, any other judge may hear and dispose of the matter requiring immediate attention, but such action shall not constitute reassignment of the case or proceeding.

13. A. When civil or criminal actions involving a common question of law and fact (but not necessarily the same parties) are assigned to different judges and it appears to the Clerk or any judge of this court that there may be good reason to assign all of said actions to one judge, the Clerk shall notify the Chief Judge who shall make the determination as to whom the subsequent actions should be assigned.

B. Motions to consolidate civil or criminal actions for trial, or otherwise, shall be heard by the judge to whom the case bearing the earliest filing date has been assigned, and in the event consolidation is ordered, the consolidated cases shall be heard by said judge.

14. Reassignment of cases necessitated by the disqualification of a judge shall be made by the Chief

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Judge, who shall select a comparable case from the caseload of the assignee judge and transfer it to the caseload of the disqualifying judge. In the event the Chief Judge disqualifies himself he shall request another judge of the court to perform the duties aforesaid.

15. The resolution of the Judicial Conference of the United States dated October 29, 1971 places the ultimate responsibility for the proper assignment and disposition of protracted, difficult, or widely publicized cases with the Chief Judge of each district. In order that the Chief Judge may fairly distribute the caseload between all active judges such cases are defined to include all three-judge cases, anti-trust cases, patent cases, securities fraud cases, class actions involving multiple defendants or causes of action in the consumer protection field, the environmental protection area, etc., complex Chapter X, XI, or XII bankruptcies, and other complex cases falling within the general definition. Any case of the type mentioned in this paragraph shall not be assigned to Judge Lindberg without his permission.

16. The Clerk shall refer any matter or proceeding not provided for under this division of business order to Chief Judge for assignment or disposition.

17. Notwithstanding the foregoing provisions, each of the judges of this court shall have and perform any and all of authority and duty otherwise by law conferred upon him to hear, try and dispose of any and all of the cases, matters and business of this court when he consents to do so.

18. All conflicting orders concerning the division of the court's business heretofore entered are vacated by this order.

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19. This order shall be effective as of January 1, 1972, and remain in force until rescinded.

Dated this 17th day of December, 1971.

Honorable William T. Beeks
Chief United States District Judge

Honorable William N. Goodwin
United States District Judge

Honorable Walter T. McGovern
United States District Judge

Honorable Morell E. Sharp
United States District Judge

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