UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN THE MATTER OF ASSIGNMENT)
)
OF CASES FOR PROCESSING) GENERAL ORDER

The 1966 amendments to the Federal Rules of Criminal Procedure made it permissible for defendants charged with crime committed in the Western District of Washington to be tried at any place within the district. Public Law 91-272, effective June 2, 1970, abolished divisions within the Western District of Washington. As a result, it is now permissible to try any civil case anywhere in the district.

The Court thought it advisable to have a rule providing for the assignment of cases for processing to the Clerk's offices in Seattle and Tacoma. A study of factors affecting the processing of cases was performed.

As a matter of policy, it was determined that a substantial proportion of the business of the Western District of Washington should be performed at Tacoma, and a larger portion should be performed at Seattle. This decision was based on present population, projected growth, and the fact that there are two courtrooms with chambers attached available to the Court in Tacoma, and five courtrooms with chambers attached available in Seattle, and one courtroom with rudimentary chambers available in Bellingham.

Under 28 U.S.C. Section 456, each United States District Judge has an official station. This Court has two district judges officially stationed at Tacoma, and has four district judges (including two senior judges) stationed at Seattle. It also has a constant need for courtroom facilities and chambers at Seattle to serve the needs of visiting judges. In the next few years it can be anticipated that about 40 - 42% of the Court's business will be handled by judges who are stationed at Tacoma, and it can also be anticipated that it will be somewhat difficult to find courtrooms in which the Tacoma judges can sit in Seattle.

The Court is aware that over the past few years, between 20% and 22% of the business of this district has been filed and handled at Tacoma. The Court made a detailed study of the cases filed in

1969 and 1970 in this district. The study showed that, if the convenience of the actual parties and witnesses had been the only criterion to be considered, almost all of the cases filed at Tacoma would have been filed there, but about 10% of the cases filed at Seattle would have been filed at Tacoma. A further 20% of the cases filed at Seattlecould just as well have been filed at Tacoma. Presumably, about 30% of the cases filed at Seattle were filed there to serve the convenience of the plaintiff's attorney.

The Court is sympathetic with the problems of busy counsel who would much prefer to handle courtroom appearances near home in Seattle rather than travel forty minutes down the freeway to Tacoma. But the Court is also painfully aware of the small size of the Judiciary's budget, and the expense involved in moving a judge and perhaps a law clerk, a crier-bailiff, and a courtroom deputy clerk from Tacoma to Seattle and back again.

In light of all these factors, the Court decided that certain categories of cases would automatically be assigned to Tacoma for processing. Among these were cases removed from Washington State courts more convenient to Tacoma than to Seattle; cases involving United States taxes, which have traditionally been tried in Tacoma; and petitions for writs of habeas corpus involving persons in military custody, since such custody usually is convenient to Tacoma, and the Assistant United States Attorney charged with handling such cases is resident in Tacoma. The Court decided that certain other classes of cases would automatically be assigned to Seattle for processing, and that the rest of the cases would be processed where presented unless otherwise ordered.

The Court is aware that these steps may not provide a fair share of business of the district to be handled by the judges stationed at Tacoma. As a result, it may be necessary to assign cases processed at Seattle, and wihch all counsel would prefer to see heard in Seattle, to judges stationed at Tacoma. If this situation arises, the Tacoma judges will attempt to meet the needs of counsel by holding regular motion days in Seattle. However, the place of trial in such cases will have to be decided on the basis of available facilities and the convenience of the Court, witnesses, parties, and, finally, counsel. They may well be tried in Tacoma.

Accordingly, it is ORDERED that Local Rule 4(d)(2) is deleted and of no further effect, and Local Rule 4(d)(1) is amended to read as follows:

> "Case files shall be maintained in the Clerk's office in the city to which the case has been assigned for processing. All papers related to the case shall be filed in the Clerk's office in that city. Papers relating to cases which have not yet been assigned for processing may be filed with the Clerk in either of his offices."

It is further ORDERED that cases falling into the following categories shall be assigned by the Clerk for processing in the cities indicated:

United States tax cases, civil and criminal	Tacoma
Habeas Corpus (Military custody)	Tacoma
Bankruptcy matters	City where original petition filed
Cases removed from Pierce, Kitsap, Mason, or Grays Harbor Counties or Counties south of them	Tacoma
Cases removed from other Counties	Seattle

All cases in which a part or all of the relief sought is release from custody of law enforcement officers, prison officials, parole boards, or the like, or a declaration that such authorities have no power over a person, where custody is at McNeil Island, shall be assigned to Tacoma for processing. All other such cases shall be assigned for processing to the city where the junior active judge has his official station, except that petitions for relief under 28 U.S.C. §2255 shall be assigned to the city where the original criminal conviction was processed.

The Clerk shall assign all other cases for processing according to the following rules:

(1) All civil cases involving only one defendant, who resides in the Western District of Washington: if defendant resides in Grays Harbor, Mason, Kitsap, or Pierce County, or a county south of them, the case shall be assigned to Tacoma· all other such cases shall be assigned to Seattle.

(2) All other civil cases shall be processed where they are presented for filing.

(3) Criminal cases in which the first count of the indictment or information charges that a crime was committed in Pierce, Kitsap,

Mason, or Grays Harbor County, or a county south of them, will be assigned to Tacoma. Criminal cases in which the first count of the indictment or information charges that a crime was committed in some other county will be assigned to Seattle. All other criminal cases will be divided evenly between Seattle and Tacoma. Selective Services cases will be assigned to the city most convenient to the defendant's current residence, if known.

DATED this 21st day of May, 1971.

BY ORDER OF ALL THE ACTIVE JUDGES OF THE COURT.

CHARLES A. SCHAAF, CLERK
UNITED STATES DISTRICT COURT