FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JUN 0 1977

EDGAR SCOFIELD, Clerk

By_____ Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN RE AMENDMENTS TO THE GENERAL AND CIVIL RULES FOR THE WESTERN DISTRICT OF WASHINGTON	GENERAL ORDER

The General Rules for the Western District of Washington are amended to read as follows:

Rule 2(d) Permission to Participate in a Particular Case

Any member in good standing of the bar of any Court of the United States, or of the highest Court of any other state, or of any organized territory of the United States, and who neither resides nor maintains an office for the practice of law in the Western District of Washington, may be permitted upon application and upon a showing of particular need to appear and participate in a particular case if there shall be joined of record in such appearance an associate attorney having an office in this District and admitted to practice in this Court who shall sign all pleadings prior to filing and otherwise comply with CR(10)(e) hereof. Such application shall be promptly filed with the Clerk and shall set forth: (1) the basis upon which "particular need" is claimed; (2) a statement that the applicant understands that he is charged with knowing and complying with all applicable local rules; (3) a statement that the applicant has not been disbarred or formally censured by a court of record or by a state bar association; and (4) a statement that there are no pending disciplinary proceedings against the applicant. This application shall be accompanied by a representation by local counsel that he is authorized and will be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present upon any date assigned by the Court. Applications filed under this rule must be approved by the Court.

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PHOTOGRAPHY, TELEVISING, BROADCASTING

Pursuant to the direction of the Judicial Conference of the United States, the taking of photographs or the electronic recording of proceedings in the courtroom or its environs in connection with any judicial proceeding and the broadcasting of judicial proceedings by radio, television or other means is prohibited.

As used herein "judicial proceeding" means (1) any trial, naturalization proceeding or ceremonial occasion in any United States District Court, (2) any proceeding before any Referee in Bankruptcy or United States Magistrate, (3) sessions of the grand jury, (4) any person participating in a judicial proceeding, including petit and grand jurors. "Courtroom" of a United States District Court means the foyer, witness room, and all space behind the double doors containing the courtroom number and the name of the Judge. "Courtroom" of a United States Magistrate means any place where a judicial proceeding is conducted. "Environs" means the corridors leading to and from any United States District Court, the courtrooms of United States Magistrates and Referees and the grand jury room.

With the consent of the presiding Judge and under such conditions as he may prescribe, some variations in this policy may be allowed for ceremonial occasions.

The Civil Rules for the Western District of Washington are amended to read as follows:

CR 5(a) Service on Judge

On or before the date required by these rules or by order of the Court for the filing of briefs, memoranda of authorities, forms of pretrial orders (or memoranda pertaining thereto), requested instructions to the jury, suggested questions for voir dire examination of the jury, proposed findings of fact and conclusions of law, and motions (including affidavits and exhibits in support of motions), a duplicate copy of all such papers shall be delivered to the chambers of the Court before whom the case is pending.

The originals of all such papers shall be filed with the Clerk of this Court. No original shall be accepted for filing by the Clerk unless it bears a notation that a copy has been delivered to the Court before whom the case is pending.

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CR 6(d) Notice of Motion

When there has been an adverse appearance, and unless otherwise provided by rule or Court order, a written notice of motion shall be required in order to place the motion upon the Court's motion calendar and thereby seek a ruling by the Court upon that motion. Either party may file the notice of motion. Such notice of motion shall be served upon the adverse party or his attorney at such time before the hearing as is provided in Rule 6(b) of the Federal Rules of Civil Procedure, unless the Court shall, for good cause, by special order prescribe a shorter time. The motion (except motions for summary judgment) shall be noted for the third Friday after the notice of motion is filed. Summary judgment motions shall be noted for the fourth Friday after the notice of motion is filed. A motion to shorten or enlarge time may be presented upon notice of time and place of presentation.

CR 7(c) Length of Briefs

Briefs relating to motions for summary judgment or other dispositive motions shall not exceed twenty 8 1/2 x 13 pages or twenty-four 8 1/2 x 11 pages without prior approval of the Court. Briefs relating to all other motions shall not exceed ten 8 1/2 x 13 pages or twelve 8 1/2 x 11 pages without prior approval of the Court.

CR 10(8) (Deleted)

CR 16(h) Lodging of Pretrial Order

An agreed pretrial order shall be lodged with the Clerk upon the date set by the Judge before whom the case is pending. A copy of the pretrial order shall be delivered to the chambers of the Judge before whom the case is pending. The original shall not be lodged by the Clerk unless it bears a notation that a copy has been delivered to the chambers of the Court before whom the case is pending.

CR 43(i) Examination of Witnesses

At trial only one attorney for a party shall examine or cross-examine any witness unless otherwise ordered by the Court.

CR 47(b) Contacting Jurors

Counsel shall not contact or interview jurors or cause jurors to be contacted or interviewed after trial without first having been granted leave to do so by the Court.

Note: In Smith v. Cupp, 457 F.2d 1098 (9th Cir. 1972) the Court of Appeals for the Ninth Circuit stated: "...this court has held, in a

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federal case, that it is improper and unethical for lawyers to interview jurors to discover what was the course of deliberation of a trial jury. Northern Pacific Railway Co. v. Mely, 219 F.2d 199, 202 (9th Cir. 1954)."

CR 51 Jury Instructions

(a) Reading Instructions Prior to Argument: With the approval of counsel for all parties, the court may read instructions to the jury after the close of evidence and prior to argument.

(b) Copy of Instructions for Jury Use: A written set of the Court's instructions shall be given to the jury when they retire to deliberate their verdict.

CR 55 Default

(a) Entry
Counsel are reminded that under federal practice the Clerk enters defaults without action by the Judge. Where a party has appeared but is in default, the Clerk, upon five days notice to the party in default by the moving party, may enter a default. A default order or judgment entered by the Clerk under this rule is subject to review pursuant to F.R.C.P. 55(c).

CR 79(e) Judgments and Orders

(3) No judgment or order except orders grantable by the Clerk under CR 54, CR 55 and CR 77(c) hereof, and judgments which the Clerk is authorized by the Federal Rules of Civil Procedure to enter without direction of the Court, will be noted in the civil docket until the Clerk has received from the Court a specific direction to enter it. Unless the Court's direction be given to the Clerk in open court and noted in the minutes, it should be evidenced by the approval of the Court on the form of judgment or order.

CR 101 Cases Removed from State Courts

Each petitioner for removal under Chapter 89 of Title 28, United States Code, shall, within ten days of filing his petition for removal, file with the Clerk of this Court black-on-white copies of all records and proceedings in the State Court, together with his or his counsel's verification that they are true and complete copies of all the records and proceedings in the State Court proceeding. The copies need not be certified or exemplified by the State Court, and the added cost of certification or exemplification will not be allowed as a cost item under 28 U.S.C. Section 1920(4) unless certification is required after an opposing party challenges the accuracy of the copies. Records and proceedings in the State Court, filed with the petition, need not be refiled.

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Effective June 1, 1977

By Order of the Judges of the District Court

DATED this 25th day of May, 1977.

Walter T. McGovern

WALTER T. McGOVERN
Chief Judge
United States District Court
Western District of Washington

Morell E. Sharp

MORELL E. SHARP
Judge
United States District Court
Western District of Washington

Donald S. Voorhees

DONALD S. VOORHEES
Judge
United States District Court
Western District of Washington

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