FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
MAY 2 1981
WILLIAM M. McCOOL, Clerk
Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re: Criminal Justice Act Panel at Seattle	ORDER ADOPTING RULES

The Court hereby adopts the attached "Rules Relating to Criminal Justice Act Panel for the United States District Court for the Western District of Washington at Seattle".

These Rules govern the panel of attorneys to represent defendants in cases pending in Seattle. They shall take effect immediately, and supersede the rules heretofore in effect.

DATED this 2 day of ~~May~~ June, 1981.

Walter T. McGovern
Chief United States District Judge

James S. Thomas
United States District Judge

Barbara J. Rothstein
United States District Judge

RULES RELATING TO CRIMINAL JUSTICE ACT PANEL

FOR THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

1. ESTABLISHMENT OF PANEL AND PURPOSE

Every two years there will be established for the United States District Court for the Western District of Washington at Seattle a panel of attorneys for appointment to represent financially eligible persons. This panel shall consist of two divisions, a felony panel and a misdemeanor panel. The principal purpose for the existence of the Seattle panel is to provide the highest possible quality of representation.

2. ELIGIBILITY FOR MEMBERSHIP

Any attorney admitted to practice and in good standing in the bar of this court, of the United States Court of Appeals for the Ninth Circuit and the Supreme Court of Washington shall be eligible to apply for membership in this panel.

3. SIZE OF PANEL

Each panel shall consist of approximately thirty (30) attorneys.

4. APPLICATION AND SELECTION PROCEDURE FOR PANEL ATTORNEYS

Attorneys wishing to be placed on either panel shall complete applications for that purpose upon a form approved by the Court and submitted to any United States Magistrate at Seattle.

Except for those attorneys on the panel, applications will be retained until two years have elapsed or until a new panel is constituted, whichever is first. Applicants shall be advised of this retention policy on the application form.

Every second year, a Selection Committee will appoint a new panel of felony and misdemeanor attorneys. The Committee shall consist of all active United States District Court Judges and United States Magistrates at Seattle and any other persons designated by the Chief Judge. Prior to doing so, the committee shall ask members of the existing felony and misdemeanor panels whether they wish to be considered for

membership on the new felony panel. Attorneys on the existing misdemeanor panel shall also be asked if they wish to continue on that panel if not selected for the felony panel. Upon receiving replies by a specified deadline, the Selection Committee shall then appoint attorneys to the panels for a period of two years from among those current panel members wishing to continue and from among applications received since the constitution of the then existing panel.

To be considered for membership on the felony panel, an attorney should have previous federal criminal experience. The Selection Committee will also consider, without limitation, the quality of representation previously furnished defendants in this court, previous experience on this Court's misdemeanor panel, previous experience as a second chair attorney, and other relevant experience and education.

To be considered for membership on the misdemeanor panel, an attorney should have substantial state court experience, which shall include criminal experience and some experience in DWI practice. The Selection Committee will also consider, without limitation, felony and other misdemeanor experience, an attorney's standing and reputation in the bar, and other relevant experience and education.

Each panel attorney must carry professional malpractice insurance with minimum limits of $300,000.00 for each occurrence.

The Selection Committee will notify attorneys selected for either the felony or the misdemeanor panel. Attorneys selected will not, however, become members of the panel until they have filed with the committee a certification that they have the appropriate malpractice insurance coverage. A panel member whose insurance is discontinued or reduced below the foregoing limits must immediately so advise a United States Magistrate at Seattle.

9. SECOND CHAIR ATTORNEYS

Attorneys on the misdemeanor panel shall be eligible to participate without compensation in felony cases as "second chair" attorneys. The court encourages such participation, and will make available upon request to any attorney on either panel a list of names and telephone numbers of felony panel attorneys and of those members of the misdemeanor panel who are willing to serve as second chair attorneys.

No felony panel attorney shall be required to accept a misdemeanor panel attorney as a second chair attorney. Misdemeanor panel attorneys may serve as second chair attorneys only after receiving written consent from the defendant and the felony panel attorney, and having an appropriate order of appointment entered by the Court.

Felony panel attorneys remain responsible for the conduct of any case in which a second chair attorney participates, and must sign all motions and pleadings. The degree to which a second chair attorney participates in examination of witnesses, argument, and other aspects of the trial will usually be left to the discretion of the felony panel attorney, with the concurrence of the defendant, and subject to limitation by the trial judge in appropriate circumstances.

Second chair attorneys will perform such services on a voluntary basis and will not be compensated.

6. RESIGNATION AND REMOVAL FROM THE PANEL

A member of either the felony or the misdemeanor panel may resign therefrom at any time by written notice to any United States Magistrate in Seattle.

An attorney shall be removed from the felony or misdemeanor panel upon the direction of any United States District Court Judge. An attorney shall be removed from the misdemeanor panel upon the direction of any United States Magistrate.

The Selection Committee may select eligible attorneys to replace attorneys who have resigned or have been removed when appropriate.

7. OBLIGATIONS OF PANEL MEMBERS

In addition to remaining conversant with all applicable legal authorities and procedures, members of the CJA panels will be expected to comply with the following:

A. Each member shall designate at least one person in his or her office who is authorized to accept or reject appointment in a case if the attorney is not available at the time of the call.

B. Each member must promptly notify any United States Magistrate at Seattle, in writing, in the event any action is taken by any court affecting the standing of the attorney to practice before such court or in the event he or she is convicted of any criminal offense (other than a minor traffic offense).

C. Each member shall make every effort to participate in seminars or other activities for improving the quality of their representation of defendants.

D. Each member must be qualified and willing to represent an assigned client on appeal to the United States Court of Appeals for the Ninth Circuit unless or until relieved.

E. Each member is expected to participate actively in the representation of eligible defendants. Each member of the misdemeanor panel is expected to make himself available to second chair felony cases.

8. OTHER APPLICABLE AUTHORITIES

In addition to these rules, the representation of eligible persons shall be governed by the following authorities, among others:

A. The Sixth Amendment to the Constitution of the United States.

B. The Criminal Justice Act, as amended (18 U.S.C. § 3006A).

C. The CJA plan adopted by the judges of this district.

D. Federal Rules of Criminal Procedure and Evidence.

E. Local rules for this district.

F. Rules for the United States Court of Appeals for the Ninth Circuit, including "Appendix" governing representation of eligible persons, published in Title 28 U.S.C.A.

G. "Guidelines for the Administration of the Criminal Justice Act," as amended, promulgated by the Judicial Conference of the United States (copies available for review at offices of the United States Magistrate and Federal Public Defender).

9. AMENDMENTS AND EXCEPTIONS TO RULES

The United States District Judges or the United States Magistrates in Seattle may amend these rules at any time and may grant exceptions to any rule under appropriate circumstances.