FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SEP 1 - 1978

JOE R. ROMANE, Clerk
By _____ Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN THE MATTER OF THE SPEEDY TRIAL PLAN OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON	ORDER AUTHORIZING AN EXPERIMENTAL PRE-TRIAL PROCEDURE

I

STATEMENT OF PURPOSE

The bench, bar, and the community are aware of the problems that have been created by the demands of the Speedy Trial Act, 18 U.S.C. §§ 3161 et. seq. The Court has adopted the final time standards of the Act, requiring that all criminal causes be tried within sixty (60) days of arraignment. The Court believes that new procedures may help in meeting the requirements of that Act and to that end the Court has authorized the procedure detailed in this Order for the Seattle criminal docket.

II

DURATION OF THE PROJECT

Unless earlier terminated by the Court, the procedure detailed herein shall be applied in cases in which the arraignment occurs between September 8, 1978 and December 31, 1978.

III

SUSPENSION OF OTHER RULES

To the extent that the procedures set forth in this Order are inconsistent with previously published rules of this Court or the Speedy Trial Plan of this Court, the provisions of this Order shall govern the conduct of the proceedings in all cases assigned to the project.

IV

PROCEDURES

A. ARRAIGNMENT

At arraignment the United States Magistrate shall determine whether counsel for all parties agree to participate in the project, if the case is one designated as eligible for participation. The case shall not be included in the project unless all parties agree. If the case is included, substitution of counsel after arraignment shall be permitted only if the attorney entering the case agrees to participate in the project. A tentative trial date shall be set.

In each case included in the project the Magistrate shall inform counsel that they are obligated to confer for the purpose of resolving all possible pre-trial issues, and that the same shall be accomplished by the fourteenth day after the arraignment.

The Magistrate shall direct that any pre-trial motions be filed no later than the twenty-first day after arraignment and that responses thereto be filed no later than the twenty-eighth day after arraignment.

The Magistrate shall schedule a status conference, to be attended by all counsel, to occur between the thirty-third and thirty-seventh day following arraignment.

B. STATUS CONFERENCE

The conference shall be attended by the individual attorneys who expect to try the case, and by the Clerk or his designated deputy.

At the status conference the Magistrate shall rule upon all non-dispositive pre-trial motions as provided in Local Rule MR 3, and shall calendar any hearings or other proceedings regarding dispositive motions.

The Magistrate shall also explore with the parties any actions which might result in disposition of the case without trial or which will reduce the amount of time required for trial.

At the conclusion of the conference the Magistrate shall set the matter for trial or for such other disposition as may be agreed upon. Insofar as practicable trial dates set by the Magistrate for project cases shall have priority over all matters except trials previously scheduled for defendants in custody.

At the conclusion of the conference the Magistrate shall prepare an Order reflecting his rulings, any agreements by the parties and any proceedings scheduled. That Order shall be binding upon the parties as a record of the conference and no objections outside of that record shall be heard by the Court concerning the conduct of the conference.

V

SELECTION OF CASES FOR PARTICIPATION

Every fourth felony case docketed by the Clerk shall be designated as a participating case, subject to the consent of the parties.

VI

NOTICE TO COUNSEL

In each case eligible for participation in the project, the United States Attorney shall furnish a copy of this Order to defense counsel at the time notice is given of the arraignment.

VII

AUTHORITY OF UNITED STATES MAGISTRATES TO ADMINISTER THE PROJECT

The United States Magistrates participating in the project may select any case on the criminal docket for participation in

which the parties therein agree to participate, in order that approximately 25% of each judge's criminal docket be included in the program.

The United States Magistrates participating in the project are authorized to make such other orders not in conflict herewith as are necessary to implement the project and its purpose.

This Order shall be effective September 8, 1978.

Walter T. McGovern, Chief Judge,
United States District Court

Morell E. Sharp, Judge
United States District Court

Donald S. Voorhees, Judge
United States District Court