

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

**JUDGE TANA LIN
STANDING ORDER FOR ALL CRIMINAL CASES**

This Order sets forth the procedures that govern all criminal cases assigned to this Court. This Order applies to all Counsel in cases before this Court, their clients, and any party representing themselves *pro se*. When the term “Counsel” is used in this Order, it includes lawyers as well as any party representing themselves. When the terms “Party” or “Parties” are used in this Order, they include Counsel.

These procedures supplement the Federal Rules of Criminal Procedure (“FRCrP”) and Local Criminal Rules of the United States District Court for the Western District of Washington (“CrR”). In the event there is an inconsistency between the Local Rules and the Federal Rules of Criminal Procedure, the terms of this Order control. ***Failure to comply with the procedures set forth in this Order may result in sanctions.*** The terms of this Order shall have the force and effect of orders of the Court from the date of the Order. If the case was previously assigned to a different District Judge, these procedures replace those that previously controlled, but only as to filings and hearings from the date of reassignment.

Parties shall review Judge Lin’s procedures at <https://www.wawd.uscourts.gov/judges/lin-procedures> prior to any hearing or trial for potential updates or modifications to this Order as well as additional information relating to her general practices.

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I. MOTIONS AND PRETRIAL FILINGS

A. General Motions Practice

Judge Lin generally requires pretrial motions to be filed eight (8) weeks prior to the trial date.

All motions, including motions to continue the trial date, shall be made prior to the pretrial motions deadline. All pretrial motions, except stipulated or unopposed motions to continue the trial date, must be noted on the motion calendar for twelve (12) days after the motion is filed per CrR 12(b)(6). Stipulated or unopposed motions to continue the trial date may be noted for the day of filing.

In multi-defendant cases, prior to filing any motion, Counsel are directed to consult with all other Counsel, including Counsel for all Co-Defendants, to determine whether the motion can either be stipulated to or jointly brought.

B. Motions for Extension of Time

Other than unopposed or stipulated requests for extensions, deadlines remain operational until the Court has ruled on a motion to extend those deadlines. The Court will not prioritize such motions simply because the Parties have waited until a deadline is imminent before filing a motion to extend. Motions for extensions of time shall be filed **at least three (3) business days** in advance of the expiration of the relevant deadline. Any opposition must be filed within **two (2) business days** of the motion. No replies are allowed. Untimely briefs or responsive pleadings may be summarily denied, stricken, or ignored.

C. Motions to Continue Trial Date

Prior to filing a motion to continue a trial date, Counsel is directed to contact the Court's Courtroom Deputy, Kadya Peter, by email at Kadya_Peter@wawd.uscourts.gov to verify that the Court will be available on the proposed new trial date.

All motions to continue the trial date shall be accompanied by a waiver of speedy trial at least **thirty (30) days** beyond the proposed new trial date except that any defendant contesting such a motion need not file a waiver. A contested motion to continue the trial date filed by the Government shall be accompanied by a calculation of time under the Speedy Trial Act. While not dispositive on the issue, the Court will not grant a motion to continue a trial date until a speedy trial waiver or calculation of time under the Speedy Trial Act has been filed.

With respect to stipulated or unopposed motions to continue the trial date, Counsel must:

- a. state facts establishing good cause for the continuance. A request for continuance "in order to provide the Parties more time to prepare" is not a sufficient showing to warrant a trial continuance "in the interest of justice;"
- b. file speedy trial waivers signed by the Defendant(s) with the stipulation to continue the trial. Although not dispositive on the subject, these waivers are useful to the Court in establishing that Defendants have been consulted and agree to the requested continuance; and

- c. have Defendant(s) waive speedy trial to at least **thirty (30) days** beyond the requested trial date.

D. Motions Related to Expert Witnesses

Any motion challenging an expert witness must be filed by the pretrial motions deadline.

If the Parties do not propose a case scheduling order setting expert discovery, then expert discovery shall be completed at least two (2) weeks in advance of the pretrial motions deadline. The Government's expert disclosures are due **forty-five (45) days** before the pretrial motions deadline. Defense expert disclosures are due **thirty (30) days** before the pretrial motions deadline, and the Government's rebuttal disclosures are due **fourteen (14) days** before the pretrial motions deadline.

E. Motions *in Limine*

All motions *in limine* must be filed **at least twenty-eight (28) days** before trial. Responses to motions *in limine* shall be filed **at least twenty-three (23) days** before trial. No reply shall be filed unless requested by the Court. Each Party may file a single, omnibus motion *in limine*. Successive motions *in limine* shall require advance Court approval.

Parties are discouraged from filing motions *in limine* that do not identify specific evidence or exhibits to be excluded, that request relief at a high level of generality, or that merely ask the Court to apply the Federal Rules of Evidence in the absence of an unusual issue. Motions *in limine* and responses shall not exceed **twelve (12) pages** without prior approval of the Court. *See* CrR 12(b)(5).

F. Other Pretrial Filings

Proposed jury questionnaires, proposed *voir dire*, proposed jury instructions, and proposed verdict forms must be submitted at least **twenty-one (21) days** in advance of the trial date. The Government's trial brief must be submitted **twenty-one (21) days** before trial, and Defense trial briefs must be submitted **seventeen (17) days** before trial. ***Parties may only include motions in limine in their trial briefs if the motions could not have been brought by the pretrial motions in limine deadline. Any other untimely motions in limine will be stricken.*** Exhibit and witness lists may be filed in accordance with the Local Criminal Rules.

II. PROCEDURES FOR ALL CRIMINAL TRIALS

A. Pretrial Conference

The pretrial conference will generally be held at least **two Fridays** in advance of the trial date. An agenda of topics to be covered at the pretrial conference is posted on Judge Lin's Chambers Procedures page, at <https://www.wawd.uscourts.gov/judges/lin-procedures>.

B. General

1. Schedule

Unless otherwise notified, trials are normally set to begin at 9:00 a.m. On each day of trial, Counsel and any *pro se* litigants are expected to be present **thirty (30) minutes** prior to the start time to discuss any upcoming issues. To ensure that the morning pretrial hearing is productive and efficient, Counsel shall meet after the conclusion of each trial day and attempt to resolve or refine upcoming disputes.

The normal trial day goes from 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m., with morning and afternoon breaks of 15 minutes in duration at the Court's discretion.

2. Glossary

Where necessary, Counsel shall confer and prepare a joint glossary of (1) any unusual or technical terminology that may assist the Court, court reporter or jury during trial and (2) any words, technical terms, proper names, acronyms, and case citations that are likely to be used at trial but would not be found in a standard spell check. The glossary in Microsoft Word format must be emailed to Kadya Peter, Courtroom Deputy, at Kadya_Peter@wawd.uscourts.gov no later than **two (2) days** in advance of the start of trial. Hard copies shall also be provided to the Courtroom Deputy and Court Reporter (if any) on the first day of trial.

C. Evidence

1. Presentation of Evidence

a) Exhibits

One physical set and one electronic set of the trial exhibits are to be delivered to Judge Lin's chambers **five (5) days** before the trial date. Each exhibit shall be clearly pre-marked by Counsel. Exhibit stickers/labels/tags can be obtained from the Clerk at the pretrial conference or from the Clerk's Office. Exhibit tags generated electronically are also acceptable so long as they list the following information: (1) Government's, Defendant's, or Joint Exhibit; (2) case number; and (3) exhibit number.

The Government's exhibits shall be numbered consecutively beginning with G-1; Defendant(s)' exhibits shall be numbered consecutively beginning with D-1. Joint exhibits shall be numbered consecutively beginning with J-1. Duplicate documents shall not be listed twice. Each exhibit shall be printed double-sided unless there is a specific need to not do so. Once a Party has identified an exhibit in the pretrial order, it may be used by any Party. Each set of exhibits shall be submitted in a three-ring binder with appropriately numbered tabs.

The electronic set of trial exhibits must be delivered to Kadya Peter, Courtroom Deputy, in the following format:

- Exhibits must be on a CD or USB flash drive (preferred) in PDF format.
- Each exhibit must be a single PDF document.

- If possible, PDF documents should be provided in a text-searchable format.
- Exhibits that contain audio or video must be playable in Windows Media Player.
- Exhibits must be numbered and named. The naming convention for each exhibit file name must include the exhibit number and a brief description. For example, Government's exhibit 1 would be named: G-1contract.pdf. Defendant's exhibit 1 would be named: D-1email.pdf.

A joint, final exhibit list in Microsoft Word format must be emailed to Kadya Peter, Courtroom Deputy, at Kadya.Peter@wawd.uscourts.gov **five (5) days** prior to the trial date.

Each Party will be responsible for having its original documents available at trial.

All original exhibits admitted at trial will generally be returned to Counsel at the conclusion of the trial. CrR 55(a).

b) Jury Evidence Electronic Presenter ("JEEP")

The Court has implemented a program to use for jury trials known as the Jury Evidence Electronic Presenter ("JEEP"). The IT Department for the U.S. District Court will provide a laptop computer that has been prepared specifically for presentation of electronic exhibits to jurors. This laptop will not have any network access, internet browsing capability, nor tools for opening files that are not specific to viewing or hearing evidence. A mouse and AC power adaptor will be provided with the computer.

The IT Department will also provide a portable 42" flat screen monitor and a pair of computer speakers, in a location in the jury room that will allow all jurors to have a clear view of the content on the screen.

The laptop, loaded with all admitted exhibits, will be brought into the courtroom by IT and hooked into the courtroom display system. This will allow the attorneys and court staff to confirm inclusion of the proper admitted exhibits. Once Counsel has agreed to the content, the laptop will be presented to the jurors and a brief tutorial will be given.

Questions should be directed to Kadya.Peter@wawd.uscourts.gov.

c) Training on Evidence Presentation Devices

Jurors have high expectations about the lawyers' ability to operate the evidence presentation devices in the courtroom. Training is strongly encouraged, and it is the responsibility of the Parties to participate in training sufficiently in advance of the start of trial, if needed. See <https://www.wawd.uscourts.gov/attorneys/trial-support> for more information. At the pretrial conference, the Parties must arrange with Kadya Peter, Courtroom Deputy, to schedule a time to test any equipment that the parties wish to use at trial. Absent extraordinary circumstances, trial will not be delayed due to difficulties with the technology.

2. Admissibility and Admission of Evidence

Parties must coordinate to provide the Court with a chart listing any exhibits or demonstratives expected to be used during each trial day along with any stipulations and remaining objection(s) to any exhibit(s) or demonstrative(s). For exhibits to be used during opening statements and the first day of trial, a list of the exhibits and demonstratives shall be emailed to the Courtroom Deputy by **5 p.m. the Friday before the first trial date**. Thereafter, the Parties are directed to meet at a mutually agreed upon time during each trial day to exchange a set of proposed exhibits and demonstratives to be used the following day. The Parties are required to confer each day following this exchange to make further stipulations and discuss any remaining objections. To the extent any objections remain after this conferral, the exhibit list with all updated stipulations and objections shall be emailed to the Courtroom Deputy **by 8 p.m. each day**.

Unless otherwise specified, the Court will rule on the admissibility of any disputed exhibits before the start of each day of trial. If an exhibit is “pre-admitted” in this manner, then Counsel will only need to formally move for admission of the exhibit at the time it will be introduced but will not need to lay a foundation for admissibility or request permission to publish the exhibit during the trial. Impeachment or rebuttal exhibits (those whose sole purpose is to attack a witness’s veracity) need not be disclosed in advance, but they should be pre-marked, when possible, so that they will be immediately useable at trial without the necessity for labeling by the Courtroom Deputy.

Exhibits which the Parties have stipulated as admissible are not admitted until the Court formally admits them on the record.

If the exhibit list, pretrial order, or witness list is revised at any time after it is filed with the Court, Counsel shall promptly file the revised document with the Court and provide the Courtroom Deputy with a redlined version indicating the changes as well as replacement, clean copies of any revised or added exhibits in both electronic and physical format.

If additional exhibits are marked during trial (for example, for impeachment purposes), Counsel must provide copies of the exhibits for opposing Counsel and at least two (2) copies for the Court.

Exhibits shall be handled as provided for in the Local Criminal Rules. *See* CrR 55.

D. Criminal Jury Impanelment and *Voir Dire*

This summary is provided to acquaint the Parties with the procedure for impaneling a criminal jury in Judge Lin’s court.

1. Jury Composition

The jury will consist of twelve members and alternates as discussed at the pretrial conference. The jurors will be the panelists with the lowest numbers remaining after all challenges have been

exercised. The alternates will be selected by random drawing at the end of the case, just prior to the commencement of deliberations.

2. *Voir Dire*

a) *Voir Dire Procedure*

Before a jury panel is brought into the courtroom, Counsel will be given copies of the juror information forms. These forms contain basic information about each prospective juror. Counsel will also receive a list of jurors in the order that they will be seated. The jurors will have been randomly assigned a juror number by computer and will be seated according to that number.

The Court will briefly describe the case to the panel, will ask Counsel and any *pro se* litigants to introduce themselves and any clients present in court, and will read the lists of witnesses to be called.

The Court will then conduct the initial *voir dire* examination consisting of general “sorting” questions. *See* Section II.D.2.b. The questions are asked of the entire panel, and any juror whose answer would be “yes” or “probably yes” is asked to raise their juror number. The Court and lawyers may make note of that juror’s number for possible follow-up questions.

When the Court has finished asking questions of the entire panel, an effort is made to provide an opportunity for *voir dire* by the lawyers. Counsel for each Party may ask questions of the whole panel, of individual jurors, or both. Each side (not Party) is limited to time limits set by the Court at the pretrial conference. Counsel are permitted to ask for additional time if they believe they need it.

b) *Submission of Proposed Voir Dire Questions*

The Court will utilize the general “sorting” *voir dire* questions, which are posted at <https://www.wawd.uscourts.gov/judges/lin-procedures> and are meant to screen for hardship as well as familiarity with the case and/or witnesses. General sorting questions proposed by the Parties in advance of trial may also be used. The Parties may submit general sorting questions that can be answered with a “Yes” or “No.” Open-ended questions or multi-part questions are not appropriate for this portion of the *voir dire*. However, follow-up and any non-general sorting questions need not adhere to a particular format.

The Parties shall file a joint submission (1) informing the Court of which *voir dire* questions from the Court’s general *voir dire* the parties wish to use; (2) providing the Court with any additional agreed-upon proposed *voir dire* questions; and (3) providing a chart of any disputed proposed *voir dire* questions that includes (a) the proposed question, (b) the objection to the proposed question, and (c) the response to the objection. If any party will be proposing a jury questionnaire, the proposed questionnaire, along with a joint statement on each party’s position regarding the questionnaire, shall be filed. In addition to being filed on the docket, all of these documents must be submitted in Microsoft Word format via e-mail to linorders@wawd.uscourts.gov and to Kadya Peter, Courtroom Deputy, at Kadya_Peter@wawd.uscourts.gov. If the Parties suggest changes to the Court’s general *voir dire*

questions, they should also submit both clean **and** red-lined copies indicating any changes, deletions, or additions to those questions.

Counsel shall not ask any questions submitted to and rejected by the Court.

3. Juror Challenges

After the Parties' *voir dire* is completed, the Parties may challenge for cause. Absent extraordinary circumstances, this is done at sidebar or during a recess. The Court will not indicate to the panel who made a challenge for cause. For example, the Court may simply say "Juror No. 3 is excused," or "There are no challenges for cause that will be sustained."

If a juror seated in the box is excused following a challenge, the juror with the next highest number outside the box will be seated.

The next step is peremptory challenges. Each side has the number of peremptory challenges allowed under FRCP 24(b). Generally, a form is provided that each side, starting with the Government, will pass back and forth and on which they will write down their peremptory challenges. This assures that neither side will waste a challenge on a juror already excused by the other side. When each side has completed its challenges (or waived any further challenges), the form is signed and given to the Courtroom Deputy.

The Courtroom Deputy then reads the numbers of the jurors who will remain and places them in the jury box. The jury is sworn and impaneled and the panelists who will not be serving are thanked and excused.

This method of impanelment usually produces a jury rapidly and fairly. The Parties are, of course, free to request modifications of this procedure.

E. Jury Instructions

Prior to opening statements, the Court will read the preliminary jury instructions. Each juror will be given a set of instructions to keep with them throughout the trial.

At the conclusion of the case, the Court will prepare the final and controlling set of instructions with the Parties. The Parties will be given a second opportunity to take exceptions. The first set of instructions is returned and the second, final set is substituted and read to the jury. Each juror is given a set of final instructions to use during deliberations.

The Court recommends the latest version of the [Ninth Circuit Model Jury Instructions](#) as the preferred proposed instructions. **To the maximum extent possible, Counsel shall agree on one stipulated set of proposed jury instructions; only uncertainty in the binding substantive law should prevent such agreement.**

The Parties shall submit a Joint Instructions and Joint Statement of Disputed Instructions ("Joint Instructions Statement"), a proposed Jury Instructions (*see* <https://www.wawd.uscourts.gov/judges/lin-procedures>), and a proposed verdict form at least **twenty-one (21) days** before trial. Each instruction shall begin on a new page. Where disagreements arise, the Joint Instructions Statement shall include the alternate instructions and

argument and authority for the instruction not to exceed **two (2) pages** for **each side** collectively per instruction (*e.g.*, Co-Defendants must submit only one set together). To the extent any instruction relates to and modifies a Ninth Circuit Model Jury Instruction, a red-lined version of the model instruction shall be included with the submission.

The Court will discuss any disputed preliminary instructions at the pretrial conference and rule on them prior to trial. Each side will be permitted to put on the record any exceptions to the Court's instructions.

The Joint Instructions Statement and verdict form must be submitted in Microsoft Word format via e-mail to linorders@wawd.uscourts.gov and to Kadya Peter, Courtroom Deputy, at Kadya_Peter@wawd.uscourts.gov.

F. Objections

“Speaking objections” in the presence of the jury will not be permitted. Counsel must stand when raising objections, unless an accommodation has been provided (*see* Section III.B), and limit the objections to shorthand phrases such as “hearsay,” “lack of foundation,” “asked and answered,” etc. If additional discussion is needed, Counsel must request to approach the bench. Frequent or protracted bench conferences are discouraged.

Counsel requesting that an immediate jury instruction be given to the jury must provide the Court with the proposed text of the jury instruction.

G. Witnesses

The Court expects the Parties to provide notice to Opposing Counsel of their next-day's witnesses **by 8 p.m. the day before a witness is to be called.**

The rule on exclusion (sequestration) of witnesses will be in effect throughout the trial until the time of closing arguments and instructions. Other than Parties and their representatives, all witnesses must remain outside of the courtroom except while testifying. After completion of their own testimony, a witness may remain in the courtroom but cannot then be recalled. If Counsel desire a waiver of the rule with respect to a specific witness (for example, an expert), Counsel shall first discuss the matter with opposing Counsel and then present the request to the Court during the preliminary morning session prior to the start of trial on the particular day at issue. Counsel shall instruct witnesses not to discuss their testimony with other witnesses, either during or after they complete their testimony.

Once the trial begins, witnesses will be put on call at the peril of the calling Party. The trial will not be recessed because a witness is unavailable except in extraordinary circumstances. If alerted ahead of time, the Court will endeavor to accommodate witnesses with scheduling problems.

The use of an exhibit notebook or the JEEP should obviate the need to approach the witness. If extraordinary circumstances exist, Counsel may approach the Courtroom Deputy who, in turn, will approach the witness. Where Counsel seek to impeach a witness by use of that witness's prior deposition or other discovery materials, copies of the relevant document must be provided to the witness, the Court, and opposing Counsel.

H. Deliberations

The jury will be given all admitted exhibits, the final jury instructions, and any verdict form and special interrogatories that the Court has decided to use.

Throughout jury deliberations, Counsel must remain within 20 (twenty) minutes of the courthouse in order for the Court to expeditiously respond to any jury notes or a verdict. Counsel who choose not to remain in the immediate vicinity of the courtroom must provide the Courtroom Deputy with a telephone number where they can be contacted.

Unless Counsel object, the jury will not be brought into the courtroom to be excused at the end of the day, nor for resumption of deliberations when it returns the following day. Instead, the Courtroom Deputy will excuse the jury from the jury room at the end of the day and collect all exhibits, notebooks, and verdict forms. These items will be returned to the jury room when the jury returns the next morning to continue its deliberations. The jury will be reminded that they are not permitted to discuss the case with anyone.

I. Issues Arising During Trial or After Court Hours

Should an issue arise during trial after court hours, Counsel are instructed to meet and confer to see if the issue may be resolved without court intervention. If such meet and confer efforts are unsuccessful, Counsel must notify Kadya Peter, the Courtroom Deputy, of the issue by email at Kadya_Peter@wawd.uscourts.gov.

III. COURTROOM DECORUM

A. Civility

Judge Lin expects everyone in her courtroom to treat each and every person with dignity and respect. Therefore, at a minimum, she expects the following from all:

1. Be punctual.
2. Refer to and address witnesses, Counsel, and Parties by their surnames, unless leave to do otherwise is granted. Refer to and address court staff by their surnames or titles.
3. Refrain from interrupting when someone else is speaking. The same courtesy will be returned for every person.
4. Refrain from making disparaging remarks or displaying ill will toward any other person in the courtroom and from causing or encouraging any ill feeling among the litigants.
5. Refrain from making gestures, facial expressions, or audible comments as manifestations of approval or disapproval of testimony or argument.

The Parties and Counsel are also encouraged to advise the Court of their pronouns and honorifics (such as Ms., Mrs., Mx. or Mr.) and may do so in signature lines or by advising the Courtroom Deputy before a hearing or other proceeding begins, either via email or in person.

B. Accommodations

Counsel or other participants may request disability-related or health-related accommodations to participate in an upcoming hearing for their case, whether held virtually, in-person, or in a hybrid format. Participants are encouraged to request accommodations as far in advance as possible by contacting the Courtroom Deputy, Kadya Peter, by email at Kadya_Peter@wawd.uscourts.gov or by telephone at (206) 370-8525.

C. Cellular Phones and Wireless Devices

Except with prior Court approval, all cellular telephones and wireless devices must be turned off or turned to airplane mode during all proceedings. Simply silencing these devices is insufficient, as they may interfere with the courtroom audio system. Individuals whose devices interrupt proceedings may be sanctioned.

D. Speaking at the Podium Not Required

Counsel are required to stand when addressing the Court, a witness, or the jury unless a disability-related or health-related accommodation is readily apparent or is requested and granted (*see* Section III.B). As a general matter, Counsel will not be restricted to speaking at the podium unless the judge, court reporter, witness, other Counsel, or a juror indicates that they are unable to hear. However, Counsel shall stay at least five feet back from the railing in front of the jury box and, to aid the Court Reporter, shall use the handheld microphone provided by the Court when leaving the podium.

IV. GUIDANCE FOR *PRO SE* LITIGANTS IN CRIMINAL CASES

Parties who represent themselves in criminal matters (*i.e.*, appear *pro se*) should be aware that the Court holds them to the same standards of conduct to which it holds attorneys.

The following links may also be helpful to *pro se* Defendants in criminal cases:

- The Local Rules (including the Local Criminal Rules, which apply to all criminal cases) and General Orders for the Western District of Washington can be found at: <https://www.wawd.uscourts.gov/local-rules-and-orders>.
- A PDF version of the Federal Rules of Criminal Procedure can be found at: https://www.uscourts.gov/sites/default/files/federal_rules_of_criminal_procedure_december_1_2022_0.pdf.
- Additional information about how to represent yourself in matters before the Western District of Washington, including how to electronically file and receive case documents, is available at: <https://www.wawd.uscourts.gov/representing-yourself-pro-se>.

If you would like to seek a lawyer to represent you in a criminal or related civil matter, you can contact:

- Washington State Bar Association at www.wsba.org.
- King County Bar Association at www.kcba.org.

Dated this 1st day of November 2024.



Tana Lin
United States District Judge