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FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JUN 01 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.

PHOTOGRAPHY, TELEVISION, 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.

1 CR 6(d) Notice of Motion

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

20 CR 7(c) Length of Briefs

21 Briefs relating to motions for summary judgment
22 or other dispositive motions shall not exceed twenty
23 8 1/2 x 13 pages or twenty-four 8 1/2 x 11 pages
24 without prior approval of the Court. Briefs relating
25 to all other motions shall not exceed ten 8 1/2 x 13
26 pages or twelve 8 1/2 x 11 pages without prior approval
27 of the Court.

28 CR 10(8) (Deleted)

29 CR 16(h) Lodging of Pretrial Order

30 An agreed pretrial order shall be lodged
31 with the Clerk upon the date set by the Judge before
32 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.

33 CR 43(i) Examination of Witnesses

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

37 CR 47(b) Contacting Jurors

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

42 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

1 federal case, that it is improper and unethical
2 for lawyers to interview jurors to discover
3 what was the course of deliberation of a trial
4 jury. Northern Pacific Railway Co. v. Mely,
5 219 F.2d 199, 202 (9th Cir. 1954)."

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10 CR 51 Jury Instructions

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

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

19 CR 55 Default

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

29 CR 79(e) Judgments and Orders

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

42 CR 101 Cases Removed from State Courts

43 Each petitioner for removal under Chapter 89
44 of Title 28, United States Code, shall, within ten
45 days of filing his petition for removal, file with
46 the Clerk of this Court black-on-white copies of
47 all records and proceedings in the State Court,
48 together with his or his counsel's verification that
49 they are true and complete copies of all the records
50 and proceedings in the State Court proceeding. The
51 copies need not be certified or exemplified by the
52 State Court, and the added cost of certification or
53 exemplification will not be allowed as a cost item
54 under 28 U.S.C. Section 1920(4) unless certification
55 is required after an opposing party challenges the
56 accuracy of the copies. Records and proceedings in
57 the State Court, filed with the petition, need not
58 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