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WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

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6 RULES RELATING TO CRIMINAL JUSTICE ACT PANEL

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 1. ESTABLISHMENT OF PANEL AND PURPOSE

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

18 2. ELIGIBILITY FOR MEMBERSHIP

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

23 3. SIZE OF PANEL

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

1 4. APPLICATION AND SELECTION PROCEDURE  
2 FOR PANEL ATTORNEYS

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

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

10 Every second year, a Selection Committee will appoint a new  
11 panel of felony and misdemeanor attorneys. The committee shall  
12 consist of all active United States District Court Judges and  
13 United States Magistrates at Seattle and any other persons  
14 designated by the Chief Judge. Prior to doing so, the committee  
15 shall ask members of the existing felony and misdemeanor panels  
16 whether they wish to be considered for membership on the new  
17 felony panel. Attorneys on the existing misdemeanor panel shall  
18 also be asked if they wish to continue on that panel if not  
19 selected for the felony panel. Upon receiving replies by a  
20 specified deadline, the Selection Committee shall then appoint  
21 attorneys to the panels for a period of two years from among those  
22 current panel members wishing to continue and from among  
23 applications received since the constitution of the then existing  
24 panel.

25 To be considered for membership on the felony panel, an  
26 attorney should have previous federal criminal experience. The

1 Selection Committee will also consider, without limitation, the  
2 quality of representation previously furnished defendants in this  
3 court, previous experience on this Court's misdemeanor panel,  
4 previous experience as a second chair attorney, and other relevant  
5 experience and education.

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

13 Each panel attorney must carry professional malpractice  
14 insurance with minimum limits of \$250,000.00 for each occurrence.

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

#### 22 5. SECOND CHAIR ATTORNEY

23 Attorneys on the misdemeanor panel shall be eligible to  
24 participate without compensation in felony cases as "second chair"  
25 attorneys. The court encourages such participation, and will make  
26

1 available upon request to any attorney on either panel a list of  
2 names and telephone numbers of felony panel attorneys and of those  
3 members of the misdemeanor panel who are willing to serve as  
4 second chair attorneys.

5 No felony panel attorney shall be required to accept a  
6 misdemeanor panel attorney as a second chair attorney.

7 Misdemeanor panel attorneys may serve as second chair attorneys  
8 only after receiving written consent from the defendant and the  
9 felony panel attorney, and having an appropriate order of  
10 appointment entered by the Court.

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

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

#### 21 6. RESIGNATION AND REMOVAL FROM THE PANEL

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

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

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

#### 8 7. OBLIGATIONS OF PANEL MEMBERS

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

12 A. Each member shall designate at least one person in his or  
13 her office to whom the court should furnish information about  
14 appointment in a case if the attorney is not available at the time  
15 of the call.

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

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

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

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

5                           **8. OTHER APPLICABLE AUTHORITIES**

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

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

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

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

13           D. Federal Rules of Criminal Procedure and Evidence.

14           E. Local rules for this district.

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

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

22                           **9. AMENDMENTS AND EXCEPTIONS TO RULES**

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