Western District of Washington
FBA Local Criminal Rules Committee Recommendations
August 2023 Proposals

INTRODUCTION TO THE CRIMINAL RULES

These are the Local Rules of practice for criminal proceedings before the United States District Court for the Western District of Washington. These rules, promulgated under 28 U.S.C. § 2071 and Federal Rule of Criminal Procedure 57, have been adopted by the judges of the district and apply to all criminal proceedings before this court unless otherwise ordered in a specific case.

The judges of this district are committed to safeguarding the rights guaranteed by the Constitution and Acts of Congress to all parties to, and participants in, criminal proceedings in this court. It is the obligation of all counsel, as officers of the court, to work to uphold those rights.

The judges of this district also care deeply about professionalism among attorneys. To that end, the judges of this district expect a high degree of professionalism from the lawyers practicing before them. There should be no difference between the professional conduct of counsel when appearing before the court and when engaged outside it.

All counsel and unrepresented parties are encouraged to review the assigned judge's web page for procedural information specifically applicable to each judge. The Local Rules, Electronic Filing Procedures for Civil and Criminal Cases, court forms, instruction sheets, General Orders, and judges' web pages can be found on the Court's website at www.wawd.uscourts.gov.

DRAFTING COMMENTS:

Currently, there is no introductory statement to the criminal rules similar to what we have for the civil rules. The committee thought it important to have a statement of the authority for the local rules, duties regarding professionalism, etc., and directing parties to other sources of Court information.

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Local Criminal Rule 1 SCOPE; DEFINITIONS	
CrR 1	**Proposed Changes**
(a) Scope These local rules supplement the Federal Rules of Criminal Procedure (Fed. R. Crim. P.) as to local procedures; they are effective January 1, 2020. They are designated as CrR, numbered to correspond, where possible, with rules having similar subject matter as the Fed. R. Crim. P., and they, along with the local civil rules (LCR) and magistrate judges' rules (MJR), may be cited as "Local Rules, W.D. Wash." The local magistrate judges' rules contain many provisions relating to criminal matters, and the following local civil rules apply to criminal matters: LCR 1(c) Definitions LCR 1(d) Prohibition of Bias LCR 3(c) Initial Case Assignment LCR 3(e) Motions to Recuse LCR 5(b) Service by Electronic Means LCR 5(d) Electronic Filing and Signing	**(a) Scope** These local rules supplement the Federal Rules of Criminal Procedure (Fed. R. Crim. P.) as to local procedures; they are effective ~~January 1, 2020~~______, 2023. They are designated as "CrR", numbered to correspond, where possible, with rules having similar subject matter as the Fed. R. Crim. P.~~., and they, along with the local civil rules (LCR) and magistrate judges' rules (MJR), may be cited as "Local Rules, W.D. Wash."~~. The local magistrate judges' rules (MJR) also contain many provisions relating to criminal matters~~, and the following local civil rules apply to criminal matters:~~. ~~LCR 1(c) Definitions~~ ~~LCR 1(d) Prohibition of Bias~~ ~~LCR 3(c) Initial Case Assignment~~ ~~LCR 3(e) Motions to Recuse~~ ~~LCR 5(b) Service by Electronic Means~~ ~~LCR 5(d) Electronic Filing and Signing~~

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Local Criminal Rule 1 **SCOPE; DEFINITIONS**	
CrR 1	**Proposed Changes**
LCR 5(f) Proof of Service LCR 5(g)(2) Sealing Requirements LCR 5(g)(6) Withdrawing Unsealed Document LCR 6 Computing and Extending Time LCR 10 Form of Pleadings, Motions and Other Filings LCR 11 Signing Filings; Sanctions LCR 47(a) Examination of Jurors LCR 65.1 Bonds LCR 67 Registry Funds LCR 77 Conducting Business; Clerk's Authority LCR 78 Photography, Broadcasting, and Personal Electronic Devices in the Courthouse LCR 79(f) Files-Custody and Withdrawal LCR 79(g) Custody and Disposition of Exhibits, Depositions LCR 83.1 Attorneys; Admission to Practice LCR 83.2(b) Withdrawal of Attorneys	~~LCR 5(f) Proof of Service~~ ~~LCR 5(g)(2) Sealing Requirements~~ ~~LCR 5(g)(6) Withdrawing Unsealed Document~~ ~~LCR 6 Computing and Extending Time~~ ~~LCR 10 Form of Pleadings, Motions and Other Filings~~ ~~LCR 11 Signing Filings; Sanctions~~ ~~LCR 47(a) Examination of Jurors~~ ~~LCR 65.1 Bonds~~ ~~LCR 67 Registry Funds~~ ~~LCR 77 Conducting Business; Clerk's Authority~~ ~~LCR 78 Photography, Broadcasting, and Personal Electronic Devices in the Courthouse~~ ~~LCR 79(f) Files-Custody and Withdrawal~~ ~~LCR 79(g) Custody and Disposition of Exhibits, Depositions~~ ~~LCR 83.1 Attorneys; Admission to Practice~~ ~~LCR 83.2(b) Withdrawal of Attorneys~~

Local Criminal Rule 1 SCOPE; DEFINITIONS	
CrR 1	**Proposed Changes**
LCR 83.3 Standards of Professional Conduct; Continuing Eligibility to Practice; Attorney Discipline LCR 83.4 Legal Interns LCR 85 Title and Citations	~~LCR 83.3 Standards of Professional Conduct; Continuing Eligibility to Practice; Attorney Discipline~~ ~~LCR 83.4 Legal Interns~~ ~~LCR 85 Title and Citations~~
Petitions for Habeas Corpus Under Title 28 U.S.C. 2241 or 2254 and Motions Pursuant to Title 28 U.S.C. § 2255 are addressed in LCR 100.	Petitions for Habeas Corpus Under Title 28 U.S.C. 2241 or 2254 and Motions Pursuant to Title 28 U.S.C. § 2255 are addressed in the Local Civil Rules at 100.
(b) Definitions	**(b) Definitions**
Terms used herein (such as "magistrate judge") shall have the same designated meanings as set out in Fed. R. Crim. P. 1(b). Unless the context indicates otherwise "court" and "judge" refer to the judge or magistrate judge before whom the matter or hearing is pending or has been referred; or who may act in the absence of said judge or magistrate judge.	(1) "Chief Judge" of this district is the judge who has attained that position pursuant to 28 U.S.C. § 136. The Chief Judge shall have precedence and preside at any session that he or she attends. The current Chief Judge of this district is identified on the court's website. (2) "Clerk" or "Clerk of Court" refers to the District Court Executive/Clerk of Court or a deputy Clerk of Court.
(c) Reserved	

Local Criminal Rule 1 **SCOPE; DEFINITIONS**	
CrR 1	**Proposed Changes**
* Electronic filing in the Western District of Washington became mandatory on June 1, 2004. The electronic filing procedures for the district can be found at http://www.wawd.uscourts.gov.	(3) "Court" refers to the United States District Court for the Western District of Washington and to a Judge, Clerk, or deputy clerk acting on behalf of the Court. (4) "General Orders" are made by the Chief Judge or by the court relating to court administration and are available on the court's website. (5) "Judge" refers to a United States District Judge, a United States Bankruptcy Judge, or United States Magistrate Judge. Terms used herein (such as "magistrate judge") shall have the same designated meanings as set out in Fed. R. Crim. P. 1(b). Unless the context indicates otherwise "court" and "judge" refer to the judge or magistrate judge before whom the matter or hearing is pending or has been referred; or who may act in the absence of said judge or magistrate judge. (6) "Meet and Confer" means a good faith conference in person or conducted virtually via videoconference technology to attempt to resolve the matter in dispute without the court's involvement. If, however, it is impractical to meet in person or via videoconference,

Local Criminal Rule 1 SCOPE; DEFINITIONS	
CrR 1	**Proposed Changes**
	the conference may be conducted via telephone. The court expects a high degree of professionalism and collegiality among counsel during any meet and confer conference. (7) "Noting Date" or "Note on Motion Calendar" means the date on which a motion is ripe for the Court's consideration. Counsel should not appear on the noting date unless so directed by the court. (8) "Stipulated Motion" is a stipulation (agreement) between or among the parties presented to the court with a proposed order. **(c) Reserved** **(d) Prohibition of Bias** Litigation, inside and outside the courtroom in the United States District Court for the Western District of Washington, must be free from prejudice and bias in any form. Fair and equal treatment must be accorded all courtroom participants, whether judges, attorneys,

Local Criminal Rule 1 SCOPE; DEFINITIONS	
CrR 1	**Proposed Changes**
	witnesses, litigants, jurors, or court personnel. The duty to be respectful of others includes the responsibility to avoid comment or behavior that can reasonably be interpreted as manifesting prejudice or bias toward another on the basis of categories such as gender, race, ethnicity, religion, disability, age, or sexual orientation. * Electronic filing in the Western District of Washington became mandatory on June 1, 2004. The electronic filing procedures for the district can be found at http://www.wawd.uscourts.gov.

Rule	**Description**
Incorporate local civil rules directly into the relevant criminal rule	
LCR 1(c) Definitions	CrR 1
LCR 1(d) Prohibition of Bias	CrR 1
LCR 3(c) Initial Case Assignment	CrR 5(a)(3)

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Rule	Description
LCR 3(f) Motions to Recuse	CrR 12(d)
LCR 5(b) Service by Electronic Means	Edited to remove duplication and direct contradiction with Fed. R. Crim. P. 49 (Serving and Filing Papers). Remaining language moved to CrR 49
LCR 5(d) Electronic Filing and Signing	
LCR 5(f) Proof of Service	
LCR 5(g)(2) Sealing Requirements	CrR 49.1
LCR 5(g)(6) Withdrawing Unsealed Document	
LCR 6 Computing and Extending Time	CrR 45
LCR 10 Form of Pleadings, Motions and Other Filings	CrR 12(e)
LCR 11 Signing Filings; Sanctions	CrR 62.5
LCR 47(a) Examination of Jurors	CrR 24
LCR 65.1 Bonds	CrR 46
LCR 67 Registry Funds	CrR 38
LCR 77 Conducting Business; Clerk's Authority	CrR 56
LCR 78 Photography, Broadcasting, and Personal Electronic Devices in the Courthouse	Incorporated into CrR 53 to track Fed. R. Crim. P. 53.
LCR 79(f) Files-Custody and Withdrawal	CrR 55
LCR 79(g) Custody and Disposition of Exhibits, Depositions	
LCR 83.1 Attorneys; Admission to Practice	CrR 62.1
LCR 83.2(b) Withdrawal of Attorneys	CrR 62.2
LCR 83.3 Standards of Professional Conduct; Continuing Eligibility to Practice; Attorney Discipline	CrR 62.3

Rule	**Description**
LCR 83.4 Legal Interns	CrR 62.3
LCR 85 Title and Citations	Not needed given the introductory statement in this rule.

Local Criminal Rule 5 **INITIAL APPEARANCE**	
CrR 5	**Proposed Changes**
(a) In General (1) Notice of Arrest. Any agency or person who holds any person in this district on federal criminal charges, shall so advise the U.S. Marshal without unnecessary delay. Except with respect to federal parole violations, after receiving notice or other knowledge during business hours of any such federal arrestee or person held on federal charges anywhere in the district, the marshal shall give notice without unnecessary delay of the date of federal arrest or custody to the courtroom deputy or other	**(a) In General** (1) Notice of Arrest. Any agency or person who holds any person in this district on federal criminal charges, shall so advise the U.S. Marshal without unnecessary delay. Except with respect to federal parole violations, after receiving notice or other knowledge during business hours of any such federal arrestee or person held on federal charges anywhere in the district, the marshal shall give notice without unnecessary delay of the date of federal arrest or custody to the courtroom

Local Criminal Rule 5 INITIAL APPEARANCE	
CrR 5	**Proposed Changes**
designated staff member for the appropriate magistrate judge who will conduct the initial appearance; (A) After receiving notice from the U.S. Marshal, the courtroom deputy or other designated staff member for the appropriate magistrate judge shall give notice without unnecessary delay to: i. The designated person in the United States Attorney's Office; ii. During business hours, the U.S. Pretrial Services Office. Like notice, during business hours, shall also be given by the courtroom deputy or other designated staff member to the U.S. Probation Office duty officer as to any probation, supervised release, or parole violators.	deputy or other designated staff member for the appropriate magistrate judge who will conduct the initial appearance; (A) After receiving notice from the U.S. Marshal, the courtroom deputy or other designated staff member for the appropriate magistrate judge shall give notice without unnecessary delay to: i. The designated person in the United States Attorney's Office; ii. During business hours, ~~the U.S. Pretrial Services Office~~ the U.S. Probation and Pretrial Services Office. iii. The designated person in the Federal Public Defenders Office and Criminal Justice Act Administrator. Like notice, during business hours, shall also be given by the courtroom deputy or other designated staff member to the U.S. Probation and Pretrial Services Office duty officer as to any probation, supervised release, or parole violators. (B)-(C) Reserved

Local Criminal Rule 5 INITIAL APPEARANCE	
CrR 5	**Proposed Changes**
(2) Arrest Without Warrant — Forty-Eight Hour Rule. Whenever an arrest without warrant occurs and the initial appearance will not be or is likely not to be held within forty-eight hours of arrest (because of the weekend or holidays or unavailability of an appropriate magistrate judge): (A) A complaint and affidavit will be prepared and presented within forty-eight hours after the arrest to the appropriate magistrate judge at said judge's home or as directed by said judge. If probable cause is found, an order so finding shall be signed and defendant shall be ordered held pending the initial appearance as promptly as that hearing can be scheduled during court hours or as otherwise ordered. (B) The initial contact with the appropriate magistrate judge shall be made by the United States Attorney or an authorized assistant who shall have either previously prepared or reviewed and approved the form and content of the complaint and affidavit. (3) Reserved	(2) Arrest Without Warrant — Forty-Eight Hour Rule. Whenever an arrest without warrant occurs and the initial appearance will not be or is likely not to be held within forty-eight hours of arrest (because of the weekend or holidays or unavailability of an appropriate magistrate judge): (A) A complaint and affidavit will be prepared and presented within forty-eight hours after the arrest to the appropriate magistrate judge at said judge's home or as directed by said judge. If probable cause is found, an order so finding shall be signed and defendant shall be ordered held pending the initial appearance as promptly as that hearing can be scheduled during court hours or as otherwise ordered. (B) The initial contact with the appropriate magistrate judge shall be made by the United States Attorney or an authorized assistant who shall have either previously prepared or reviewed and approved the form and content of the complaint and affidavit. (3) Initial Case Assignment – Unless otherwise provided in these Rules or the General Orders of the Court, all actions, causes and proceedings shall be assigned by the

Local Criminal Rule 5 **INITIAL APPEARANCE**	
CrR 5	**Proposed Changes**
(4) Appropriate Magistrate Judge. The "appropriate magistrate judge" is the United States magistrate judge who would normally be expected to conduct the initial appearance; or if unavailable, any available United States magistrate judge; or if unavailable, any other magistrate judge as defined in Fed. R. Crim. P. 1(b).	clerk to judges by random selection. (4) Appropriate Magistrate Judge. The "appropriate magistrate judge" is the United States magistrate judge who would normally be expected to conduct the initial appearance; or if unavailable, any available United States magistrate judge; or if unavailable, any other magistrate judge as defined in Fed. R. Crim. P. 1(b).
(b) through (f) Reserved	**(b) through (f) Reserved**
(g) Appearance of Counsel	**(g) Appearance of Counsel**
(1) Appearance Prior to Arraignment. Any appearance in court prior to arraignment obligates counsel to handle all matters up to, and to appear at, arraignment, unless relieved of said obligation as provided for in paragraphs (3) and (4). (See LCR 83.1(d) regarding appearances by non-W.D. Wash. attorneys.)	(1) Appearance Prior to Arraignment. Any appearance in court prior to arraignment obligates counsel to handle all matters up to, and to appear at, arraignment, unless relieved of said obligation as provided for in paragraphs (3) and (4). (See ~~LCR 83.1~~CrR 62.1 (d) regarding appearances by non-W.D. Wash. attorneys.)
(2) Appearance at Arraignment. At arraignment, a counsel who has previously appeared may orally withdraw, and arraignment may be continued for up to two weeks to allow defendant to obtain counsel. Any counsel appearing at arraignment may request up to two	(2) Appearance at Arraignment. At arraignment, a counsel who has previously appeared may orally withdraw, and arraignment may be continued for up to two weeks to allow defendant to obtain counsel. Any counsel appearing at arraignment may request up to two weeks to finalize a representation agreement with

Local Criminal Rule 5 INITIAL APPEARANCE	
CrR 5	**Proposed Changes**
weeks to finalize a representation agreement with defendant, and the arraignment shall be so continued. Counsel may thereafter be relieved of responsibility by filing, prior to the continued arraignment hearing and after service on defendant and the United States Attorney's Office, a written notice of nonrepresentation, without the necessity of counsel appearing at said hearing; or by appearing and orally stating so on the record. Defendant must be present in all instances. Further continuances of arraignment to finalize representation may be made only upon a proper showing and by order of the judge or magistrate judge before whom the matter is pending upon due consideration of Speedy Trial rights, including the discovery, motions and trial dates, the situation with respect to any codefendants, right-to-counsel rights, and other relevant considerations. Counsel representing a defendant when arraigned or rearraigned is obligated to handle, in the district court, all matters charged at that arraignment or rearraignment. (3) Stand-In Appearance. With the agreement of defendant on the record in open court, and with court approval, another attorney may appear for defense	defendant, and the arraignment shall be so continued. Counsel may thereafter be relieved of responsibility by filing, prior to the continued arraignment hearing and after service on defendant and the United States Attorney's Office, a written notice of nonrepresentation, without the necessity of counsel appearing at said hearing; or by appearing and orally stating so on the record. Defendant must be present in all instances. Further continuances of arraignment to finalize representation may be made only upon a proper showing and by order of the judge or magistrate judge before whom the matter is pending upon due consideration of Speedy Trial rights, including the discovery, motions and trial dates, the situation with respect to any codefendants, right-to-counsel rights, and other relevant considerations. Counsel representing a defendant when arraigned or rearraigned is obligated to handle, in the district court, all matters charged at that arraignment or rearraignment. (3) Stand-In Appearance. With the agreement of defendant on the record in open court, and with court approval, another attorney may appear for defense counsel.

Local Criminal Rule 5 **INITIAL APPEARANCE**	
CrR 5	**Proposed Changes**
counsel. (4) Relief from Representation. Counsel may be relieved: (A) With the approval of the judge or magistrate judge before whom the matter is pending, endorsed upon a stipulation of substitution submitted ex parte and signed by counsel, substitute counsel, and defendant; or (B) By an order of the judge or magistrate judge before whom the matter is pending, granting counsel's written motion for withdrawal, served, filed and noted for consideration as required under CrR 12 and LCR 83.2, with the additional requirement of service upon the defendant; or (C) By an order appointing other counsel after review of a financial affidavit submitted by defendant pursuant to 18 U.S.C. § 3006A. The Clerk's Office shall provide to counsel, substitute counsel, the United States Attorney's Office, and, when appropriate, the defendant, copies of approved stipulations, orders allowing withdrawal,	(4) Relief from Representation. Counsel may be relieved: (A) With the approval of the judge or magistrate judge before whom the matter is pending, endorsed upon a stipulation of substitution submitted ex parte and signed by counsel, substitute counsel, and defendant; or (B) By an order of the judge or magistrate judge before whom the matter is pending, granting counsel's written motion for withdrawal, served (except portions submitted ex parte and under seal under CrR 55(b)(5)), filed and noted for consideration as required under CrR 12 and ~~LCR 83.2~~CrR 62.2, with the additional requirement of service upon the defendant; or (C) By an order appointing other counsel after review of a financial affidavit submitted by defendant pursuant to 18 U.S.C. § 3006A. The Clerk's Office shall provide to counsel, substitute counsel, the United States Attorney's Office, and, when appropriate, the defendant, copies of approved stipulations, orders allowing withdrawal, and orders appointing counsel.

Local Criminal Rule 5 INITIAL APPEARANCE	
CrR 5	**Proposed Changes**
and orders appointing counsel. **(h) Release From Custody — Bail/Detention** (1) On federal criminal charges, see CrR 46. (2) On Probation and Supervised Release violations, see Fed. R. Crim. P. 32.1 and 46.	**(h) Release From Custody – Bail/Detention** At the initial appearance, the court can schedule or hold a detention hearing only if the case involves one of the circumstances in 18 U.S.C. § 3142(f). If the record does not establish that the case involves one of the circumstances in § 3142(f), the magistrate judge must immediately release the person pursuant to 18 U.S.C. §§ 3142(b) or 3142(c). ~~(1) On federal criminal charges, see CrR 46.~~ ~~**(2) On Probation and Supervised Release violations, see Fed. R. Crim. P. 32.1 and 46.**~~ **(i) Request to Recall Warrant of Removal.** The United States Attorney's Office must immediately notify the Court whenever it becomes aware that a charging district has dropped all charges against a defendant who has been ordered transferred to that district under Fed. R. Crim. P. 5(c)(3) but the transfer has not taken place. The United States Attorney should do so by filing a Request to Recall Warrant of Removal in the case in which the transfer was ordered

Local Criminal Rule 5 INITIAL APPEARANCE	
CrR 5	**Proposed Changes**
	and notifying the Magistrate Judge on duty when the Request is filed.

Local Criminal Rule 11 PLEAS	
CrR 11	**Proposed Changes**
(a) through (b) Reserved	**(a) ~~through (b)~~ Reserved** **(b) Entering a Plea Without an Agreement** **(1) through (3) Reserved** (4) If a defendant chooses to plead guilty without a written Plea Agreement, defense counsel must file a Notice of Intent to Enter a Guilty Plea, which includes the following information: (A) The counts and offenses to which the defendant intends to plead guilty; (B) The elements of each offense; (C) The minimum and maximum penalties of each offense; (D) Known collateral consequences of the guilty plea; (E) A statement of facts the defendant is prepared to admit under oath; ~~and~~

Local Criminal Rule 11 PLEAS	
CrR 11	**Proposed Changes**
	(F) A statement by counsel that he or she has reviewed the rights the defendant waives upon entry of a guilty plea; and ~~(A)~~(G) A statement verifying that counsel has relayed all plea offers and that the defendant did not accept them.
(c) Plea Agreement Procedure (1) In General. Without court approval, plea agreements in felony cases shall be in writing and signed by the defendant, the defendant's attorney and the attorney for the government. Unless otherwise ordered, all felony plea agreements shall set forth a factual basis for the plea. * * *	**(c) Plea Agreement Procedure** (1) In General. Without court approval, plea agreements in felony cases shall be in writing and signed by the defendant, the defendant's attorney and the attorney for the government. Unless otherwise ordered, all felony plea agreements shall set forth a factual basis for the plea. * * *

Local Criminal Rule 12 **PLEADINGS AND PRETRIAL MOTIONS**	
CrR 12	**Proposal**
(a) Reserved **(b) Motion Procedure** (1) Obligations of Movant. The moving party shall file and serve on each party that has appeared in the action the motion and a proposed order. The argument in support of the motion shall not be made in a separate document but shall be submitted as part of the motion itself. The moving party shall also note the motion, as prescribed in subsection (6) hereof. If the motion requires the consideration of facts not appearing of record, the movant shall also serve and file copies of all affidavits and photographic or documentary evidence presented in support of the motion. See LCR 5; CrR 49.1; CrR 55. (2) Obligations of Opponent. Each party opposing the motion shall, within seven days after the filing of a motion and no later than one day before its noting date, file with the clerk, and serve on each party that has appeared in the action, a brief in opposition to the motion, together with any supporting material as provided in subsection (1) hereof. The time for service and filing of the brief and any other materials in	**(a) Reserved** **(b) Motion Procedure** (1) Obligations of Movant. The moving party shall file and serve on each party that has appeared in the action the motion and a proposed order. The argument in support of the motion shall not be made in a separate document but shall be submitted as part of the motion itself. The moving party shall also note the motion~~, as prescribed in subsection (6) hereof~~. If the motion requires the consideration of facts not appearing of record, the movant shall also serve and file copies of all affidavits and photographic or documentary evidence presented in support of the motion. See ~~LCR 5;~~ CrR 49.1; CrR 55. The moving party shall note the motion for twelve days after the day on which it is filed. (2) Obligations of Opponent. Each party opposing the motion shall~~, within seven days after the filing of a motion and no later than one day before its noting date,~~ file with the clerk~~,~~ and serve on each party that has appeared in the action~~,~~ a brief in opposition to the motion, together with any supporting material as

Local Criminal Rule 12 PLEADINGS AND PRETRIAL MOTIONS	
CrR 12	**Proposal**
opposition to the motion may be extended by the court or by written stipulation of the parties; however, the parties may not stipulate to a response date later than the noting date. (3) Reply Brief. The moving party may, but is not required to, file and serve on each party that has appeared in the action a reply brief in support of the motion, together with any supporting material, no later than the noting date of the motion. (4) Noncompliance. If a party fails to file the papers required by this rule, or fails to appear on the day appointed for argument or hearing if such be required by the court, such failure may be deemed by the court to be an admission that the motion, or the opposition to the motion, as the case may be, is without merit. (5) Length of Briefs. Supporting and opposition briefs filed in connection with any pretrial motion shall not exceed twelve pages without prior approval of the court. Any reply brief shall not exceed six pages without prior approval of the court. See LCR 10.	provided in subsection (1) hereof. The deadline for filing the opposition is seven days after the motion is filed.~~The time for service and filing of the brief and any other materials in opposition to the motion may be extended by the court or by written stipulation of the parties; however, the parties may not stipulate to a response date later than the noting date.~~ (3) Reply Brief. The moving party may, but is not required to, file and serve on each party that has appeared in the action a reply brief in support of the motion, together with any supporting material~~, no later than the noting date of the motion~~. The deadline for filing the reply is five days after the opposition. (4) Noncompliance. If a party fails to file the papers required by this rule, or fails to appear on the day appointed for argument or hearing if such be required by the court, such failure may be deemed by the court to be an admission that the motion, or the opposition to the motion, as the case may be, is without merit. (5) Length of Briefs. Supporting and opposition briefs filed in connection with any pretrial motion shall not exceed 4,200 words or, if written by hand or with a

Local Criminal Rule 12 PLEADINGS AND PRETRIAL MOTIONS	
CrR 12	**Proposal**
	typewriter, twelve pages without prior approval of the court. Any reply brief shall not exceed~~-~~ 2,100 words or, if written by hand or with a typewriter, six pages without prior approval of the court. ~~See LCR 10.~~ The court may refuse to consider any text, including footnotes, which is not included within the word or page limits. Captions, tables of contents, tables of authorities, signature blocks, and certificates of service need not be included within the word or page limit. When word limits apply, the signature block shall include the certification of the signer as to the number of words, substantially as follows: "I certify that this memorandum contains ____ words, in compliance with the Local Criminal Rules." Counsel may rely on the word count of a word-processing system used to prepare the brief.
(6) Noting and Consideration of Motions. Unless otherwise authorized by the court, motions shall be noted for consideration for the second Friday after the motion is filed. The motion shall include in its caption (immediately below the title of the motion) a designation of the Friday upon which the motion is to be noted upon the court's motion calendar. A motion may be noted for a	(6) Noting and Consideration of Motions. Unless otherwise authorized by the court, motions shall be noted for consideration twelve days ~~for the second Friday~~ after the ~~motion is filed~~ day of filing, as determined by counting days under Fed. R. Cr. P 45. Under CrR 1(b)(7), parties need not appear on the date noted unless directed to do so by the court. The motion shall include in its caption (immediately below the title of the motion)

Local Criminal Rule 12 PLEADINGS AND PRETRIAL MOTIONS	
CrR 12	**Proposal**
Friday which is a holiday. The form shall be as follows: NOTE ON MOTION CALENDAR: [insert date noted for consideration.] (7) Meet and Confer Requirement. A motion in limine pursuant to CrR 23.2 and any motion for an order compelling disclosure or discovery must include a certification, in the motion or in a declaration or affidavit, that the movant has in good faith conferred or attempted to confer with opposing counsel in an effort to resolve the dispute without court action. The certification must list the date, manner, and participants to the conference. If the movant fails to include such a certification, the court may deny the motion without addressing the merits of the dispute. A good faith effort to confer with opposing counsel requires a face-to-face meeting or a telephone conference. If the court finds that counsel for any party willfully refused to confer, failed to confer in good faith, or failed to respond on a timely basis to a request to confer, the court may take	a designation of the noting dateFriday upon which the motion is to be noted upon the court's motion calendar. A motion may be noted for a Friday which is a holiday. The form shall be as follows: NOTE ON MOTION CALENDAR: [insert date noted for consideration.] (7) Meet and Confer Requirement. A motion in limine pursuant to CrR 23.2 CrR 23.1(a)(6) and any motion for an order compelling disclosure or discovery must include a certification, in the motion or in a declaration or affidavit, that the movant has in good faith conferred or attempted to confer with opposing counsel in an effort to resolve the dispute without court action. The certification must list the date, manner, and participants to the conference. If the movant fails to include such a certification, the court may deny the motion without addressing the merits of the dispute. A good faith effort to confer with opposing counsel requires a face-to-face meeting or a telephone conference. If the court finds that counsel for any party willfully refused to confer, failed to confer in good faith, or failed to respond on a timely basis to a request to confer, the court may take

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CrR 12	**Proposal**
appropriate action. (8) Same Day Motions. Stipulated or joint motions, motions to file over-length motions or briefs, motions for reconsideration, ex parte motions, and motions to recuse shall be noted for consideration for the day they are filed. (9) Telephonic Motions. Upon the request of any party, and with the court's approval, a motion may be heard by telephone without the filing of motion papers, unless requested by the court. No request for a telephonic motion shall be considered unless all counsel participate in the call making the request, or unless it is represented by counsel making the call that reasonable efforts have been made to include all counsel in the call, and that such efforts were unavailing. Whether such telephonic motions will be considered, what procedural requirements will be imposed, and the type of relief granted are within the sole discretion of the court. Any such hearing shall be on the record. (10) Motions for Relief from a Deadline. A motion for relief from a deadline should, whenever possible, be filed sufficiently in advance of the deadline to allow the court to rule on the motion prior to the deadline. Parties should	appropriate action. (8) Same Day Motions. Stipulated, ~~or~~ joint motions or unopposed motions, motions to file over-length motions or briefs, motions for reconsideration, ex parte motions, and motions to recuse shall be noted for consideration for the day they are filed. (9) Telephonic Motions. Upon the request of any party, and with the court's approval, a motion may be heard by telephone without the filing of motion papers, unless requested by the court. No request for a telephonic motion shall be considered unless all counsel participate in the call making the request, or unless it is represented by counsel making the call that reasonable efforts have been made to include all counsel in the call, and that such efforts were unavailing. Whether such telephonic motions will be considered, what procedural requirements will be imposed, and the type of relief granted are within the sole discretion of the court. Any such hearing shall be on the record. (10) Motions for Relief from a Deadline. A motion for relief from a deadline should, whenever possible, be filed sufficiently in advance of the deadline to allow the court

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not assume that the motion will be granted and must comply with the existing deadline unless the court orders otherwise. If a true, unforeseen emergency exists that prevents a party from meeting a deadline, and the emergency arose too late to file a motion for relief from the deadline, the party should contact the adverse party, meet and confer regarding an extension, and file a stipulation and proposed order with the court. Alternatively, the parties may use the procedure for telephonic motions outlined above. It is expected that if a true emergency exists, the parties will stipulate to an extension. (11) Emergency Motions. Motions to shorten time are abolished. If immediate action is necessary, parties shall use the procedures outlined above. If the judge assigned to the case is unavailable, any other judge may hear and dispose of the matter requiring immediate attention, but such action shall not constitute reassignment of the case or proceeding. (12) Evidentiary Hearings and Oral Arguments. Each motion and response shall state whether an evidentiary	to rule on the motion prior to the deadline. Parties should not assume that the motion will be granted and must comply with the existing deadline unless the court orders otherwise. If a true, unforeseen emergency exists that prevents a party from meeting a deadline, and the emergency arose too late to file a motion for relief from the deadline, the party should contact the adverse party, meet and confer regarding an extension, and file a stipulation and proposed order with the court. Alternatively, the parties may use the procedure for telephonic motions outlined above. It is expected that if a true emergency exists, the parties will stipulate to an extension. (11) Emergency Motions. Motions to shorten time are abolished. If immediate action is necessary, parties shall use the procedures for telephonic motions outlined above. If the judge assigned to the case is unavailable, any other judge may hear and dispose of the matter requiring immediate attention, but such action shall not constitute reassignment of the case or proceeding. (12) Evidentiary Hearings and Oral Arguments. Each

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hearing is requested. Unless otherwise ordered by the court, all motions will be decided by the court without oral argument. A party desiring oral argument shall so indicate by typing ORAL ARGUMENT REQUESTED in the caption of the motion or responsive brief. If the court determines an evidentiary hearing is appropriate or grants a request for oral argument, the clerk will notify the parties of the date and hour thereof. Counsel shall not appear on the date the motion is noted unless so directed by the court. (13) Reconsideration of Motions. (A) Standards. Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence. (B) Procedure. A motion for reconsideration shall be plainly labeled as such. The motion shall be noted for consideration on the day it is filed. The motion shall point out with specificity the matters	motion and response shall state whether an evidentiary hearing is requested. Unless otherwise ordered by the court, all motions will be decided by the court without oral argument. A party desiring oral argument shall so indicate by typing ORAL ARGUMENT REQUESTED in the caption of the motion or responsive brief. If the court determines an evidentiary hearing is appropriate or grants a request for oral argument, the clerk will notify the parties of the date and hour thereof. Counsel shall not appear on the date the motion is noted unless so directed by the court. (13) Reconsideration of Motions. (A) Standards. Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence. (B) Procedure. A motion for reconsideration shall be plainly labeled as such. The motion shall be noted for consideration on the day it is filed. The

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which the movant believes were overlooked or misapprehended by the court, any new matters being brought to the court's attention for the first time, and the particular modifications being sought in the court's prior ruling. Failure to comply with this subsection may in itself be grounds for denial of the motion. (C) Response. No response to a motion for reconsideration shall be filed unless requested by the court. No motion for reconsideration will be granted without such a request. The request will set a time when the response is due, and may limit the response to particular issues or points raised by the motion. A reply may be filed not later than seven days after all responses have been served and filed or the time for filing responses has expired, whichever is earlier. **(c) Time for Motions** At the time of arraignment the court shall set a date for the filing of pretrial motions. No motion may be filed subsequent to that date except upon leave of court for good cause shown. If arraignment is postponed at the	motion shall point out with specificity the matters which the movant believes were overlooked or misapprehended by the court, any new matters being brought to the court's attention for the first time, and the particular modifications being sought in the court's prior ruling. Failure to comply with this subsection may in itself be grounds for denial of the motion. (C) Response. No response to a motion for reconsideration shall be filed unless requested by the court. No motion for reconsideration will be granted without such a request. The request will set a time when the response is due, and may limit the response to particular issues or points raised by the motion. A reply may be filed not later than seven days after all responses have been served and filed or the time for filing responses has expired, whichever is earlier. **(c) Time for Motions** (1) At the time of arraignment the court shall set a date for the filing of pretrial motions. No motion may be filed subsequent to that date except upon leave of

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request of the defendant, the deadline for filing and service of pretrial motions shall be three weeks from the new arraignment date, unless the court otherwise orders. In the event superseding charges are filed, counsel for defendant may apply to the district judge or to the magistrate judge for additional time to file pretrial motions. Such application shall be made on or before the date initially set for arraignment on the superseding charges. See CrR 23.2.	court for good cause shown. If arraignment is postponed at the request of the defendant, the deadline for filing and service of pretrial motions shall be three weeks from the new arraignment date, unless the court otherwise orders. In the event superseding charges are filed, counsel for defendant may apply to the district judge or to the magistrate judge for additional time to file pretrial motions. Such application shall be made on or before the date initially set for arraignment on the superseding charges. See ~~CrR 23.2~~CrR 23.1(a)(6). (2) The time for filing motions in limine is governed by CrR 23.1(f).
(d) through (h) Reserved	**(d) Motions to Recuse** – Whenever a motion to recuse directed at a judge of this court is filed pursuant to 28 U.S.C. § 144 or 28 U.S.C. § 455, the challenged judge will review the motion papers and decide whether to recuse voluntarily. If the challenged judge decides not to voluntarily recuse, he or she will direct the clerk to refer the motion to the chief judge, or the chief judge's designee. If the motion is directed at the chief judge, or if the chief judge or the chief judge's designee is unavailable, the clerk shall refer it to the active judge with

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	the highest seniority. **(e) Format** All pleadings, motions or other filings should include the following: (1) Margins and Fonts. No less than three inches of space should be left at the top of the first page. All other margins must be at least one inch wide, although formatted lines and numbering, attorney information, the name of the judge(s) to whom copies should be sent, and footers may be placed in the margins. The text of any typed or printed brief must be 12 point or larger and must, with the exception of quotations, be double spaced or exactly 24 points. Footnotes must be 10 point or larger and may be single spaced. A proportionally spaced font must be used on all typed filings. (2) Title. Each pleading, motion or other filing shall contain the words "United States District Court, Western District of Washington" on the first page and, in the space below the docket number, a title indicating the purpose of the paper and the party presenting it.

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	(3) Bottom Notation. At the left side of the bottom of each page, an abbreviated title of the pleading, motion or other filing should be repeated, followed by the case number. The page number should be placed after the abbreviated title or in the middle of the bottom of each page. At the right side of the bottom of each page, the law firm (if any), mailing address and telephone number of the attorney or party preparing the paper should be printed or typed. (4) Dates and Signature Lines. All pleadings, motions and other filings shall be dated and signed as provided by Federal Rule of Civil Procedure 11, ~~LCR 11~~ CrR 62.5, and the court's Electronic Filing Procedures. If an original document is required to be filed with the court, any required signature thereto must also be original. The court might not consider improperly signed or unsigned documents. (5) Numbered Paper. Each pleading, motion or other filing shall bear line numbers in the left margin, leaving at least one-half inch of space to the left of the numbers. (6) Citation to the Record. In all cases where the court

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	is to review the proceedings of an administrative agency, transcripts, deposition testimony, etc., the parties shall, insofar as possible, cite the page and line of any part of the transcript or record to which their pleadings, motions or other filings refer. Citations to documents already in the record, including declarations, exhibits, and any documents previously filed, must include a citation to the docket number and the page number (e.g., Dkt. # __ at p. __) and citations to legal authority must include page numbers. (7) Proposed Orders. Any document requiring the signature of the court shall bear the signature of the attorney(s) presenting it preceded by the words "Presented by" on the lefthand side of the last page and shall provide as follows: "Dated this ___ day of (Insert Month), (Insert Year). "________________________________ "UNITED STATES DISTRICT JUDGE [or UNITED STATES MAGISTRATE JUDGE]" (8) Marking Exhibits. All exhibits submitted in support of or opposition to a motion must be clearly marked with divider pages. References in the parties' filings to such exhibits should be as specific as

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	possible (i.e., the reference should cite specific page numbers, paragraphs, line numbers, etc.). All exhibits must be marked to designate testimony or evidence referred to in the parties' filings. Acceptable forms of markings include highlighting, bracketing, underlining or similar methods of designations but must be clear and maintain the legibility of the text. Filing parties shall submit only those excerpts of the referenced exhibits that are directly germane to the matter under consideration, or necessary to provide relevant context. Excerpted material must be clearly and prominently identified as such. Parties who file excerpts do so without prejudice to their right to timely file additional excerpts of the exhibit with reply briefs if otherwise appropriate. Responding parties may also timely file additional excerpts of the exhibit that they believe are directly germane. (9) Format of Hard Copy or Paper Originals. Originals of documents filed with the court shall not contain double-sided pages or items other than 8 ½ x 11 inch paper, unless double-sided or larger original documents are being filed as exhibits. If an original document is required to be filed with the court, any

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	required signature thereto must also be original. **(f)** Name and Address of Parties and Attorneys Any attorney representing any party or any party not represented by an attorney must file a notice with the court of any change in address, telephone number or email address. Such notice must be received by the Clerk's Office within ten days of the change. All subsequent pleadings, motions or other filings shall reflect the new address, telephone number, and email. The address, telephone number, and email of the party or its attorney, noted on the first pleadings, motions or other filings or as changed by individual notice, shall be conclusively taken as the last known address and telephone number of said party or attorney. **(g) through (h) Reserved**

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The purposes of this rule are to expedite the transfer of discoverable material contemplated by the Federal Rules of Criminal Procedure between opposing parties in criminal cases and to ensure that pretrial discovery motions to the court are filed only when the discovery procedures outlined herein have failed to result in the exchange of all legitimately discoverable material. It is the intent of the court to encourage complete and open discovery consistent with applicable statutes, case law, and rules of the court at the earliest practicable time. Nothing in this rule should be construed as a limitation on the court's authority to order additional discovery. **(a) Discovery Conference** At every arraignment at which the defendant enters a plea of not guilty, or other time set by the court, the attorney for the defendant shall notify the court and the attorney for the United States, on the record, or thereafter in writing, whether discovery by the defendant is requested. If so requested, at the Fed. R. Crim. P. 16.1(a) discovery conference no later than 14 days after the arraignment, the attorney for the defendant and the attorney for the	The purposes of this rule are to expedite the transfer of discoverable material contemplated by the Federal Rules of Criminal Procedure between opposing parties in criminal cases and to ensure that pretrial discovery motions to the court are filed only when the discovery procedures outlined herein have failed to result in the exchange of all legitimately discoverable material. It is the intent of the court to encourage complete and open discovery consistent with applicable statutes, case law, and rules of the court at the earliest practicable time. Nothing in this rule should be construed as a limitation on the court's authority to order additional discovery. **(a) Discovery Conference** At every arraignment at which the defendant enters a plea of not guilty, or other time set by the court, the attorney for the defendant shall notify the court and the attorney for the United States, on the record, or thereafter in writing, whether discovery by the defendant is requested. If so requested, at the Fed. R. Crim. P. 16.1(a) discovery conference no later than 14 days after the arraignment, the attorney for the defendant and the attorney for the

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government shall, if reasonably feasible, comply with the obligations imposed by subsections 16(a)(2) and 16(a)(3) of this rule and try to agree on a timetable and procedures for pretrial disclosure to the opposing party of any additional information in their custody or control or which by due diligence may become known to them. This conference shall be in person. If, however, it is impractical to meet in person, the conference may be conducted via telephone.	government shall, if reasonably feasible, comply with the obligations imposed by subsections 16(a)(2) and 16(a)(3) of this rule and try to agree on a timetable and procedures for pretrial disclosure to the opposing party of any additional information in their custody or control or which by due diligence may become known to them. This conference shall be in person or conducted virtually via videoconference technology. If, however, it is impractical to meet in person or via videoconference, the conference may be conducted via telephone.
(1) Proposed Topics for Discussion. During the conference, or as soon as practicable thereafter considering the size and complexity of the case, the parties should consider ways in which to ensure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay. If discovery includes electronically stored information, the parties shall discuss the issues listed in the ESI Discovery Production Checklist set out in the Recommendations for Electronically Stored	(1) Proposed Topics for Discussion. During the conference, or as soon as practicable thereafter considering the size and complexity of the case, the parties should consider ways in which to ensure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay. If discovery includes electronically stored information, the parties shall discuss the issues listed in the ESI Discovery Production Checklist set out in the Recommendations for Electronically Stored Information (ESI) Discovery Production in Federal

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Information (ESI) Discovery Production in Federal Criminal Cases (2012) (National ESI Protocols), found in Appendix B, including subsequent updates. Other topics for discussion may include: (A) Whether there is likely to be additional discovery material to be provided and if so: (i) The expected timing for the production of that discovery; (ii) The expected timing for the production of reciprocal discovery; (B) Whether there are likely to be affirmative defenses and the timing of those disclosures; (C) Whether the case can be resolved through plea negotiations and the appropriate timing for making and responding to plea offers; (D) Whether consideration should be given to proposing a scheduling order to the Court to reflect discovery agreements and to propose dates for various filings different from those already required by the rules, including the following:	Criminal Cases (2012) (National ESI Protocols), found in Appendix B, including subsequent updates. Other topics for discussion may include: (A) Whether there is likely to be additional discovery material to be provided and if so: (i) The expected timing for the production of that discovery; (ii) The expected timing for the production of reciprocal discovery; (B) Whether there are likely to be affirmative defenses and the timing of those disclosures; (C) Whether the case can be resolved through plea negotiations and the appropriate timing for making and responding to plea offers; (D) Whether consideration should be given to proposing a scheduling order to the Court to reflect discovery agreements and to propose dates for various filings different from those already required by the rules, including the following: 1. The filing and responding to pretrial motions (see

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1. The filing and responding to pretrial motions (see CrR12(c)), and motions in limine (see CrR 23.2);	CrR12(c)(1)), and motions in limine (see CrR 23.~~2~~1(a)(6));
2. The early exchange of preliminary, non-binding exhibit lists and witness lists (see CrR 23.3) in order to facilitate the efficient review of discovery and preparation for trial;	2. The early exchange of preliminary, non-binding exhibit lists and witness lists ~~(see CrR 23.3)~~ in order to facilitate the efficient review of discovery and preparation for trial;
3. The exchange of final exhibit lists and witness lists; and	3. The exchange of final exhibit lists and witness lists (see CrR 23.1(a)(3), (a)(4)); and
4. The timing of expert disclosure;	4. The timing of expert disclosure as set forth in CrR 16(d);
(E) Whether the parties have a different view of the length of trial than originally estimated by the United States;	(E) Whether the parties have a different view of the length of trial than originally estimated by the United States;
(F) Whether the trial date set at arraignment is realistic and, if not, what a realistic date might be;	(F) Whether the trial date set at arraignment is realistic and, if not, what a realistic date might be;
(G) Whether it would be beneficial to have one or more status conferences in the case, and the schedule for such conferences (see CrR 17.1(a)).	(G) Whether it would be beneficial to have one or more status conferences in the case, and the schedule for such conferences (see CrR 17.1(a)).
	Appendix C to the Local Criminal Rules is an ex~~s~~ample case scheduling order.- Appendix D to the Local Criminal

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(2) Discovery from the Government. Consistent with any scheduling order entered by the Court, any timetable agreed to by the parties, or if reasonably feasible at or before the discovery conference the attorney for the government shall comply with its obligations for disclosure of the information and material required by Fed. R. Crim. P. 16(a) and all exculpatory information, including, but not limited to, the following: (A) Permit defendant's attorney to inspect and copy or photograph any photographs used in any photograph lineup, show up, photo spread, or any other identification proceedings or, if no such photographs can be produced, the government shall notify the defendant's attorney whether any such identification proceeding has taken place and the results thereof; (B) Permit defendant's attorney to inspect and copy or photograph any search warrants and	Rules is an exsample case scheduling order for complex cases due to the volume of discovery or the nature of the case, regardless of being designated as complex by the court. (2) Discovery from the Government. Consistent with any scheduling order entered by the Court, any timetable agreed to by the parties, or if reasonably feasible at or before the discovery conference the attorney for the government shall comply with its obligations for disclosure of the information and material required by Fed. R. Crim. P. 16(a) and all exculpatory information, including, but not limited to, the following: (A) Permit defendant's attorney to inspect and copy or photograph any photographs used in any photograph lineup, show up, photo spread, or any other identification proceedings or, if no such photographs can be produced, the government shall notify the defendant's attorney whether any such identification proceeding has taken place and the results thereof; (B) Permit defendant's attorney to inspect and copy

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supporting affidavits which resulted in the seizure of evidence which is intended for use by the government as evidence in chief at trial or which was obtained from, or belongs to, the defendant; (C) Inform the defendant's attorney whether any physical evidence intended to be offered in the government's case-in-chief, the admissibility of which the defendant may have standing to challenge, was seized by the government pursuant to any exception to the warrant requirement; (D) Advise whether the defendant was a subject of any electronic eavesdrop, wire tap, or any other interception of wire or oral communications as defined by 18 U.S.C. § 2510, et seq., during the course of the investigation of the case; and (E) Advise the attorney for the defendant whether the government will provide addresses for the witnesses it intends to call in its case-in-chief at trial. If no time to provide a witness list is agreed between the parties or the court has not adopted a specific scheduling order then the parties shall comply with CrR 23.3.	or photograph any search warrants and supporting affidavits which resulted in the seizure of evidence which is intended for use by the government as evidence in chief at trial or which was obtained from, or belongs to, the defendant; (C) Inform the defendant's attorney whether any physical evidence intended to be offered in the government's case-in-chief, the admissibility of which the defendant may have standing to challenge, was seized by the government pursuant to any exception to the warrant requirement; (D) Advise whether the defendant was a subject of any electronic eavesdrop, wire tap, or any other interception of wire or oral communications as defined by 18 U.S.C. § 2510, et seq., during the course of the investigation of the case; and (E) Advise the attorney for the defendant whether the government will provide addresses for the witnesses it intends to call in its case-in-chief at trial. If no time to provide a witness list is agreed between the parties or the court has not adopted a specific scheduling order then the parties shall

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The attorney for the government is not required, however, to produce any statements of witnesses which fall within the purview of 18 U.S.C. § 3500 and Fed. R. Crim. P. 26.2, until such time as required under those provisions. (3) Discovery From Defendant. If discovery has been requested from the United States, consistent with any scheduling order entered by the Court, any timetable agreed to by the parties, or if reasonably feasible at the discovery conference, the defense shall comply with the requirements in Fed. R. Crim. P. 16(b). In addition, the defendant's attorney shall advise the attorney for the government if it will provide addresses for the witnesses it intends to call in its case-in-chief at trial. If no time to provide a witness list is agreed between the parties or the Court has not adopted a specific scheduling order, then the parties shall comply with CrR 23.3. (4) Substantial Expenses Relating to Discovery. (A) At the discovery conference, counsel shall discuss whether discovery in the case might involve substantial expense, including the expense of	comply with CrR 23.~~3~~1(a)(4). The attorney for the government is not required, however, to produce any statements of witnesses which fall within the purview of 18 U.S.C. § 3500 and Fed. R. Crim. P. 26.2, until such time as required under those provisions. (3) Discovery From Defendant. If discovery has been requested from the United States, consistent with any scheduling order entered by the Court, any timetable agreed to by the parties, or if reasonably feasible at the discovery conference, the defense shall comply with the requirements in Fed. R. Crim. P. 16(b). In addition, the defendant's attorney shall advise the attorney for the government if it will provide addresses for the witnesses it intends to call in its case-in-chief at trial. If no time to provide a witness list is agreed between the parties or the Court has not adopted a specific scheduling order, then the parties shall comply with CrR 23.~~3~~1(a)(4). (4) Substantial Expenses Relating to Discovery. (A) At the discovery conference, counsel shall

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storage, distribution, or organization of electronically stored information. Counsel shall discuss whether a discovery coordinator for the case should be appointed. (B) If counsel for any party believes that the case might involve substantial expense or that a discovery coordinator for the case should be appointed, the parties shall submit to the court, within seven days after the discovery conference, a joint status report reciting the parties' respective views on these issues. (C) If, after the discovery conference, counsel for any party believes that circumstances have changed, counsel shall confer and the parties shall, if appropriate, file a joint status report reciting the parties' respective views. See CrR 17.1(a). **(b) Declination of Disclosure** If, in the judgment of the attorney for the government or of the defendant's attorney, it would not be in the interest of justice to make any one or more of the disclosures set	discuss whether discovery in the case might involve substantial expense, including the expense of storage, distribution, or organization of electronically stored information. Counsel shall discuss whether a discovery coordinator for the case should be appointed. (B) If counsel for any party believes that the case might involve substantial expense or that a discovery coordinator for the case should be appointed, the parties shall submit to the court, within seven days after the discovery conference, a joint status report reciting the parties' respective views on these issues. (C) If, after the discovery conference, counsel for any party believes that circumstances have changed, counsel shall confer and the parties shall, if appropriate, file a joint status report reciting the parties' respective views. See CrR 17.1(a). **(b) Declination of Disclosure** If, in the judgment of the attorney for the government or of the defendant's attorney, it would not be in the interest of justice to make any one or more of the disclosures set

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forth in the subsections of this rule, disclosure may be declined. A declination of any requested disclosure shall be in writing, directed to opposing counsel. In the event either the attorney for the government or attorney for the defendant declines to provide the names and addresses of witnesses, such a declination shall, in addition, state the particular reasons for the declination. The declination shall be served on opposing counsel and a copy filed with the court at least seven days before the pretrial motions deadline. **(c) Statements of Witnesses** Statements of witnesses, including material covered by Fed. R. Crim. P. 26.2, 18 U.S.C. § 3500, and Fed. R. Crim. P. 6, are to be exchanged: (2) During the time of trial as provided by Fed. R. Crim. P. 26.2, and 18 U.S.C. § 3500; or (2) At any time if the parties agree; and (3) Production of statements of witnesses at a hearing on a motion to suppress evidence will be governed by Fed. R. Crim. P. 12(h).	forth in the subsections of this rule, disclosure may be declined. A declination of any requested disclosure shall be in writing, directed to opposing counsel. In the event either the attorney for the government or attorney for the defendant declines to provide the names and addresses of witnesses, such a declination shall, in addition, state the particular reasons for the declination. The declination shall be served on opposing counsel and a copy filed with the court at least seven days before the pretrial motions deadline. **(c) Statements of Witnesses** Statements of witnesses, including material covered by Fed. R. Crim. P. 26.2, 18 U.S.C. § 3500, and Fed. R. Crim. P. 6, are to be exchanged: (1) During the time of trial as provided by Fed. R. Crim. P. 26.2, and 18 U.S.C. § 3500; or (2) At any time if the parties agree; and (3) Production of statements of witnesses at a hearing on a motion to suppress evidence will be governed by Fed. R. Crim. P. 12(h).

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<tr><th colspan="2">Local Criminal Rule 16
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<tr><th>CrR 16</th><th>Proposed Change</th></tr>
<tr><td></td><td>(d) Expert Disclosures

(1) Within 7 days of the discovery conference or 21 days from the date of arraignment, whichever is earlier, the parties shall submit to the Court a proposed case scheduling order with expert disclosures under Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Crim. P. 16(b)(1)(C), along with any other case scheduling timelines that the parties believe are appropriate.

(2) If no proposed case scheduling order setting expert disclosure due dates is submitted (i) the government shall disclose no later than 30 days before trial any expert testimony it intends to use at trial in its case-in-chief under Fed. R. Crim. P. 16(a)(1)(G); (ii) the defendant shall disclose no later than 14 days before trial any expert testimony it intends to use at trial in its case-in-chief under Fed. R. Crim. P. 16(b)(1)(C); and (iii) the government shall disclose no later than 7 days before trial any expert testimony it intends to use in rebuttal under Fed. R. Crim. P. 16(a)(1)(G).</td></tr>
<tr><td>(d) Further Discovery or Inspection</td><td>(e) Further Discovery or Inspection

If discovery or inspection beyond that provided for above is sought by either counsel, the attorney for the</td></tr>
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CrR 16	**Proposed Change**
If discovery or inspection beyond that provided for above is sought by either counsel, the attorney for the government and the defendant's attorney shall confer with a view toward satisfying these requests in a cooperative atmosphere without recourse to the court. The request for further discovery may be oral or written and the response shall be a like manner. Only in the event that either party's request for any discovery or inspection cannot be satisfied without recourse to the court may either party move for additional discovery or inspection. Any motion for further discovery or inspection shall be filed in compliance with these Local Criminal Rules. **(e) Certification of Compliance** All motions for disclosure or discovery shall contain a certification that the movant has complied with CrR 12(b)(7). ** See Electronic Discovery and Technology Requirements for Criminal Cases, adopted January 2017, available at http://www.wawd.uscourts.gov.	government and the defendant's attorney shall confer with a view toward satisfying these requests in a cooperative atmosphere without recourse to the court. The request for further discovery may be oral or written and the response shall be in a like manner. Only in the event that either party's request for any discovery or inspection cannot be satisfied without recourse to the court may either party move for additional discovery or inspection. Any motion for further discovery or inspection shall be filed in compliance with these Local Criminal Rules. **(f) Certification of Compliance** All motions for disclosure or discovery shall contain a certification that the movant has complied with CrR 12(b)(7). ** See Electronic Discovery and Technology Requirements for Criminal Cases, adopted January 2017, available at http://www.wawd.uscourts.gov.

Local Criminal Rule 23.1 **EXPERT DISCLOSURES, JURY INSTRUCTIONS, EXHIBIT LISTS, WITNESS LISTS,** **TRIAL BRIEF AND MOTIONS IN LIMINE**	
CrR 23.1	**Proposed Change**
	Unless a scheduling order with different deadlines has been adopted, the parties shall abide by the following deadlines. (1) Expert Disclosures. *See* CrR 16(d)(2) for when parties fail to submit a proposed case scheduling order setting expert disclosure dates. (2) Proposed Instructions. *See* CrR 30. (3) Exhibit Lists. ~~Unless a specific scheduling order has been adopted for the case,~~ The government shall file its list of case-in-chief exhibits 14 days in advance of the trial date. The defense shall file its list of case-in-chief exhibits no later than ten days in advance of trial. The list of exhibits filed by the defense should not duplicate any exhibit otherwise listed on the government's list of exhibits, upon which the defense can rely. (4) Witness Lists. ~~Unless a specific scheduling order or protective order entered by the court provide otherwise,~~ In the absence of witness safety concerns, the government must provide a list of proposed case-in-chief witnesses to the court and the defense no later than 14 days prior to trial, and the defense must provide its list of proposed case-in-chief witnesses to the court and the government no later than 10 days prior to trial. Witness lists need

Local Criminal Rule 23.1 **EXPERT DISCLOSURES, JURY INSTRUCTIONS, EXHIBIT LISTS, WITNESS LISTS,** **TRIAL BRIEF AND MOTIONS IN LIMINE**	
CrR 23.1	**Proposed Change**
The government shall serve and file a trial brief discussing matters of substantive law involved in the trial and important or unusual evidentiary matters at least 14 days prior to the trial date. Motions contained in the trial brief will not be considered by the Court. The defense shall file and serve a trial brief ten days before trial. If the government or the defense produces discovery after the date on which a trial brief is to be filed, the opposing party may file a supplemental trial brief after the deadline provided by this rule provided that the supplemental trial brief is directed only at this subsequently-produced information.	not be filed until directed by the court. Where reasonable and articulable witness safety concerns are present, the government may redact the names of witnesses for whom such concerns are presented, while still identifying the number of witnesses, both named and redacted on its list. (5) Trial Brief. The government shall serve and file a trial brief discussing matters of substantive law involved in the trial and important or unusual evidentiary matters at least 14 days prior to the trial date. Motions contained in the trial brief will not be considered by the Court. The defense shall file and serve a trial brief ten days before trial. If the government or the defense produces discovery after the date on which a trial brief is to be filed, the opposing party may file a supplemental trial brief after the deadline provided by this rule provided that the supplemental trial brief is directed only at this subsequently-produced information. (6) Motions in Limine. The parties must meet and confer prior to the filing of a motion in limine pursuant to CrR 12(b)(7). Unless otherwise ordered by the court, motions in limine shall be filed at least ten days before trial. Responses to motions in limine shall be filed at least five days before trial. No reply shall be filed unless requested by the court. If the government or the defense produces

Local Criminal Rule 23.1 EXPERT DISCLOSURES, JURY INSTRUCTIONS, EXHIBIT LISTS, WITNESS LISTS, TRIAL BRIEF AND MOTIONS IN LIMINE	
CrR 23.1	**Proposed Change**
	discovery after the date on which motions in limine are to be filed, the opposing party may file a motion in limine after the deadline ~~provided by~~ set out in this rule provided that the motion is directed only at this subsequently-produced information.

Local Criminal Rule 23.2 <DELETE> **MOTIONS IN LIMINE**	
CrR 23.2	**Proposed Change**
The parties must meet and confer prior to the filing of a motion in limine pursuant to CrR 12(b)(7). Unless otherwise ordered by the court, motions in limine shall be filed at least ten days before trial. Responses to motions in limine shall be filed at least five days before trial. No reply shall be filed unless requested by the court. If the government or the defense produces discovery after the date on which motions in limine are to be filed, the opposing party may file a motion in limine after the deadline provided by this rule provided that the motion is directed only at this subsequently-produced information.	MOVED

Local Criminal Rule 23.3 <DELETE> **EXHIBIT LISTS AND WITNESS LISTS**	
CrR 23.3	**Proposed Change**
(a) Exhibit Lists Unless a specific scheduling order has been adopted for the case, the government shall file its list of case-in-chief exhibits 14 days in advance of the trial date. The defense shall file its list of case-in-chief exhibits no later than ten days in advance of trial. The list of exhibits filed by the defense should not duplicate any exhibit otherwise listed on the government's list of exhibits, upon which the defense can rely. **(f) Witness Lists**	MOVED

Local Criminal Rule 23.3 <DELETE> **EXHIBIT LISTS AND WITNESS LISTS**	
CrR 23.3	**Proposed Change**
Unless a case-specific scheduling order or protective order entered by the court provides otherwise, in the absence of witness safety concerns, the government must provide a list of proposed case-in-chief witnesses to the court and the defense no later than 14 days prior to trial, and the defense must provide its list of proposed case-in-chief witnesses to the court and the government no later than 10 days prior to trial. Witness lists need not be filed until directed by the court. Where reasonable and articulable witness safety concerns are present, the government may redact the names of witnesses for whom such concerns are presented, while still identifying the number of witnesses, both named and redacted on its list.	

Local Criminal Rule 24 **TRIAL JURORS**	
CrR 24	**Proposed Revision**
(a) Examination Each party shall prepare any suggested questions for the court to propound to the jurors, which shall be served and filed at least ten days before the trial date. **(b) through (c) Reserved** **(d) Disclosure of Identifying Juror Information** Names of trial jurors shall not be disclosed to the public or media outside open court, except upon order of the court. A request for disclosure of petit juror names to the public or media must be made to the presiding judge. Juror names which may be part of a transcript of court proceedings will be restricted from remote electronic public access. Counsel may not release a jury list or a transcript of voir dire to a defendant except upon order of the court.	**(a) Examination** The court will conduct a voir dire examination of the prospective trial jurors. Each party shall prepare any suggested questions for the court to propound to the jurors, which shall be served and filed at least ten days before the trial date. In addition, counsel may examine the prospective jurors directly if and to the extent permitted by the court. **(b) ~~through (c)~~ Reserved** **(c) Disclosure of Identifying Juror Information** Names of trial jurors shall not be disclosed to the public or media outside open court, except upon order of the court. A request for disclosure of petit juror names to the public or media must be made to the presiding judge. Juror names which may be part of a transcript of court proceedings will be restricted from remote electronic public access. Counsel may not release a jury list or a transcript of voir dire to a defendant except upon order of the court.

Local Criminal Rule 24 **TRIAL JURORS**	
CrR 24	**Proposed Revision**
	(d) Contacting Jurors Counsel shall not contact or interview jurors or cause jurors to be contacted or interviewed after trial without first having been granted leave to do so by the court

Local Criminal Rule 26 TAKING OF TESTIMONY (AND EXHIBIT HANDLING)	
CrR 26(a)(2)	**Proposed Revision**
(a) Procedure at Trial * * * (2) Unless otherwise permitted by the court, counsel shall conduct the examination of witnesses and argument to the court or jury from the lectern, and counsel shall rise upon making objections or otherwise addressing the court. * * *	**(a) Procedure at Trial** * * * (2) Unless otherwise permitted by the court, counsel shall conduct the examination of witnesses and argument to the court or jury from the lectern, and counsel shall rise upon making objections or otherwise addressing the court, unless unable to do so due to a disability-related or health-related condition. Advance notice should be provided, when appropriate. *See* https://www.wawd.uscourts.gov/visitors/access for information regarding accommodations. * * *
(e) Custody and Disposition of Exhibits See LCR 79(g).	**(e) Custody and Disposition of Exhibits** See ~~LCR 79(g)~~CrR 55(a).

Local Criminal Rule 30 JURY INSTRUCTIONS	
CrR 30	**Proposed Change**
(e) Copy of Instructions for Jury Use A written set of the court's instructions shall be given to the jury when they retire to deliberate their verdict.	**(e) Copy of Instructions for Jury Use** A written set of the court's instructions shall be given to the jury when they retire to deliberate their verdict. **(f) Jury Note** If the jury sends the court a note, the court shall notify the parties. In open court, but outside the jury's presence, the court shall allow each side to be heard on the note and the court's proposed response to it. If the court determines that the note requires an answer, the court shall give the answer to the jury in open court with the parties present. The court may instead give the answer in writing if there is no objection from the parties. Both the note and any written response should be entered on the docket as part of the trial record.

Local Criminal Rule 32.1 REVOKING OR MODIFYING PROBATION OR SUPERVISED RELEASE	
CrR 32.1	**Proposed Change**
	(a) Reserved **(b) Revocation** **(1) Reserved** **(2)** Evidentiary Hearing (A) Upon request by either party, the U.S. Probation and Pretrial Services Office will provide to the U.S. Attorney's Office and to the attorney of record for the defendant any and all of the following materials that are in the possession of the U.S. Probation and Pretrial Services Office prior to a scheduled evidentiary hearing: 1. Any warrants or court orders related to the alleged violation(s); 2. Any police reports or incident reports related to the alleged violation(s); 3. Any video or audio recordings related to the alleged violation(s);

Local Criminal Rule 32.1 REVOKING OR MODIFYING PROBATION OR SUPERVISED RELEASE	
CrR 32.1	**Proposed Change**
	4. Any photographs related to the alleged violation(s); 5. Any laboratory reports related to the alleged violation(s) and any litigation packet prepared by the laboratory; 6. Any witness statements related to the alleged violation(s); 7. Any statements of the defendant related to the alleged violation(s); 8. Any statements or reports made by a U.S. Probation and Pretrial Services officer related to the alleged violation(s); and 9. Upon the scheduling of an evidentiary hearing, defense counsel should provide the U.S. Probation and Pretrial Services Office with an itemized written request for any file contents that may be considered exculpatory. Upon receipt of this request, the U.S. Probation and Pretrial Services Office should expeditiously request authorization to disclose this information either from the Chief U.S. Probation and Pretrial Services Officer and/or

Local Criminal Rule 32.1 REVOKING OR MODIFYING PROBATION OR SUPERVISED RELEASE	
CrR 32.1	**Proposed Change**
A magistrate judge shall conduct all probation or supervised release revocation proceedings as to a defendant originally sentenced by a magistrate judge. In revocation proceedings relating to defendants sentenced by a district judge, initial appearances shall be conducted by a magistrate judge, unless otherwise ordered by a district judge. In the case of an initial appearance scheduled to take place pursuant to a summons, defense counsel shall, if possible, consult with the defendant in advance of the hearing and shall attempt to determine whether the defendant intends to admit the violations. If defense counsel determines that the defendant will admit the violations, defense counsel shall notify the magistrate judge. The magistrate judge may then strike the scheduled initial appearance and schedule a single hearing in front of the district judge that shall also serve as both the initial appearance and the disposition hearing. If, in a hearing before a magistrate judge, the defendant admits the alleged violation or violations, such admission shall constitute a waiver of a revocation hearing pursuant to Fed. R. Crim. P. 32.1(b)(2), and the matter shall be set for	the assigned United States District Judge or assigned United States Magistrate Judge. **(c) Reserved** **(d) Confidentiality** 1. Probation or supervised release violation petitions for warrants are filed under seal and remain sealed pending the defendant's court appearance. Upon a defendant's initial appearance for the violation(s), the petition is unsealed and made publicly accessible. Petitions for Summons are not filed under seal and are publicly accessible upon filing. 2. Violation memos for both warrant petitions and summons petitions remain court-only documents and are not available to the public. 3. Each copy of a probation or supervised release violation memo which this court has or does make available to the United States Parole Commission, the Bureau of Prisons, the United States Sentencing Commission or any other agency for any reason whatever constitutes a confidential court document and shall be

Local Criminal Rule 32.1 REVOKING OR MODIFYING PROBATION OR SUPERVISED RELEASE	
CrR 32.1	**Proposed Change**
disposition before a district judge. If the defendant denies the alleged violation or violations, the matter will be decided by a district judge.	presumed to remain under the continuing control of the court during the time that such violation memo is in the temporary custody of any of these agencies. Such copy of the violation memo shall be provided to such agency only for the purpose of enabling the agency to carry out its official functions. 4. Except for the government and defense counsel, copies of the probation or supervised release sentencing recommendation are not for disclosure to outside agencies. 5. Sentencing Recommendation Submission. The probation or supervised release sentencing recommendation shall be provided to the court and counsel for the parties at least seven days in advance of the evidentiary and/or disposition hearing. This deadline is subject to change at the request of the presiding judge and/or the time frame in which the evidentiary/disposition hearing is scheduled.

Local Criminal Rule 32.1 REVOKING OR MODIFYING PROBATION OR SUPERVISED RELEASE	
CrR 32.1	**Proposed Change**
	(e) A magistrate judge shall conduct all probation or supervised release revocation proceedings as to a defendant originally sentenced by a magistrate judge. In revocation proceedings relating to defendants sentenced by a district judge, initial appearances shall be conducted by a magistrate judge, unless otherwise ordered by a district judge. In the case of an initial appearance scheduled to take place pursuant to a summons, defense counsel shall, if possible, consult with the defendant in advance of the hearing and shall attempt to determine whether the defendant intends to admit the violations. If defense counsel determines that the defendant will admit the violations, defense counsel shall notify the magistrate judge. The magistrate judge may then strike the scheduled initial appearance and schedule a single hearing in front of the district judge that shall also serve as both the initial appearance and the disposition hearing. If, in a hearing before a magistrate judge, the defendant admits the alleged violation or violations, such admission shall constitute a waiver of a revocation hearing pursuant to Fed. R. Crim. P. 32.1(b)(2), and the matter shall be set for disposition before a district judge. If the defendant denies

Local Criminal Rule 32.1 REVOKING OR MODIFYING PROBATION OR SUPERVISED RELEASE	
CrR 32.1	**Proposed Change**
	the alleged violation or violations, the matter will be decided by a district judge.

Local Criminal Rule 35 **CORRECTING OR REDUCING A SENTENCE**	
CrR 35	**Proposed Change**
RESERVED	**(a) through (c) Reserved** **(d)** Motions to modify an imposed term of imprisonment under 18 U.S.C. § 3582(c) (1) Obligations of movant. A party moving to modify an imposed term of imprisonment under 18 U.S.C. § 3582(c) shall serve the motion on each party that has appeared in the action. The argument in support of the motion may be submitted as part of the motion itself and need not be made in a separate document. If the motion requires consideration of facts not appearing in the record, the movant shall serve and file copies of all evidence offered in support of the motion. The movant shall note the motion for 40 days after the motion is filed. (2) Obligations of opponent. A party opposing the motion shall have 30 days to file an opposition to the motion and any supporting material. (3) Reply brief. The moving party may, but is not required to, file a reply brief in support of the motion within 10 days of the opposition, together with any supporting material.

Local Criminal Rule 38 Staying a Sentence, Court Registry Funds or a Disability	
CrR 38	Proposed Revision
RESERVED	**(a) through (g) Reserved** **(h) Deposit into Court Registry Pending Sentencing and Investment of Registry Funds** All deposits into the Registry of the Court must be accompanied by a proposed order. Each proposed order shall contain the following language: "the Clerk is directed to deposit funds into the Registry of the Court in the principal amount of $____." Acceptable forms of deposit into the Court Registry are cashier's or business check. **(i) Investing and Withdrawing Funds** Funds deposited in the Registry of the Court will be invested in the Court Registry Investment System (CRIS), an interest-bearing account in accordance with the guidelines set up by the Administrative Office of the Court and approved by the court. All motions for disbursement of registry funds shall specify the principal sum initially deposited, the amount(s) of principal funds to be disbursed and to whom the disbursement is to be made. Each proposed order seeking disbursement of registry funds shall contain the following language: "…… the clerk is authorized and directed to draw a check(s) on the funds deposited in the registry of this court in the principal amount of $ ___ plus all accrued interest, payable to (name of payee) and mail or deliver the check(s) to (name of payee)." If more than one check is to be issued pursuant to a single order, the portion of principal and interest due each payee must be separately stated.

Local Criminal Rule 38 Staying a Sentence, Court Registry Funds or a Disability	
CrR 38	**Proposed Revision**
	Mailing address(es) and a completed IRS W-9 form from each disbursement recipient must be emailed to the Clerk's Office Finance Department at seafin@wawd.uscourts.gov, but shall not be filed in the record. **(j) Clerk Fee** The clerk is directed to deduct from the income earned on the investment a fee as prescribed by the Judicial Conference of the United States and set by the Director of the Administrative Office of the Court.

Local Criminal Rule 41 SEARCH AND SEIZURE	
CrR 41	**Proposed Change**
(a) through (d)(2) Reserved **(d)(3) Search Warrant Applications by Telephone or Other Reliable Electronic Means** Search warrant applications that are to be presented by telephone or other reliable electronic means may be made to a magistrate judge of this district only under the circumstances described below unless otherwise ordered by a United States district judge of this district. Whenever possible, the magistrate judge shall have voice recording equipment available to record all telephonic applications for search warrants. (1) An application for a search warrant may be presented by reliable electronic means or by telephone only with the prior approval of the United States Attorney, or an	**(a) through (d)(2) Reserved** **(d)(3) Search Warrant Applications by Telephone or Other Reliable Electronic Means** The presumption is that ~~Search~~ search warrant applications ~~that are to~~ will be presented to the magistrate judge via a written affidavit sworn to by telephone or other reliable electronic means. At the discretion of the magistrate judge, the affiant may be required to appear personally to present the search warrant application. If the preparation of a written affidavit is not possible, the testimony may be recorded. ~~may be made to a magistrate judge of this district only under the circumstances described below unless otherwise ordered by a United States district judge of this district.~~ Whenever possible, the magistrate judge shall have voice recording equipment available to record all telephonic applications for search warrants. An application for a search warrant may be presented by reliable electronic means or by telephone only with the prior approval of the United States Attorney, or an

Local Criminal Rule 41 SEARCH AND SEIZURE	
CrR 41	**Proposed Change**
Assistant United States Attorney, for this district. (A) When the search warrant application is to be presented by reliable electronic means, prior to calling the magistrate judge, the law enforcement agent shall prepare, and the Assistant United States Attorney shall review, the form of the affidavit and proposed search warrant to be presented. (B) In the rare case when a warrant application is to be made solely by telephone, prior to calling the magistrate judge, the law enforcement agent and the Assistant United States Attorney shall have agreed to a form of affidavit which can be read to the magistrate judge verbatim insofar as circumstances permit. (2) The presentation of a search warrant application by telephone or other electronic means must be made by a conference call in which both a law enforcement agent and an Assistant United States Attorney are able to converse with the magistrate judge, unless the magistrate judge excuses this requirement. (3) The magistrate judge must decide whether the circumstances are such that it is reasonable to dispense	Assistant United States Attorney, for this district. (A) When the search warrant application is to be presented by reliable electronic means, prior to calling the magistrate judge, the law enforcement agent shall prepare, and the Assistant United States Attorney shall review, the form of the affidavit and proposed search warrant to be presented. (B) The magistrate judge must decide whether the circumstances are such that it is reasonable to dispense with the written affidavit and permit the warrant application to be presented via a telephonic search warrant application. One factor the magistrate judge should consider in making this determination is the possibility that if a search warrant were not issued pursuant to the telephone application, there would be a significant risk that evidence would be destroyed. (C) In the rare case when a warrant application is to be made solely by telephone, prior to calling the magistrate judge, the law enforcement agent and the Assistant United States Attorney shall have agreed to a form of affidavit which can be read to the

Local Criminal Rule 41 SEARCH AND SEIZURE	
CrR 41	**Proposed Change**
with the personal appearance of the law enforcement officer and permit the warrant application to be presented by reliable electronic means or whether the circumstances constitute the rare event when a telephonic search warrant application may be presented. Among the non-exclusive factors the magistrate judge should consider in making this determination are: (C) Whether the agent can appear before the magistrate judge during regular court hours; (D) Whether the agent requesting a search warrant is a significant distance from the magistrate judge; (E) Whether the factual situation is such that it would be unreasonable for a substitute agent, who is located near the magistrate judge, to present a written affidavit in person to the magistrate judge in lieu of proceeding with an application presented by other reliable electronic means or as a telephonic application; and, (F) The possibility that if a search warrant were not issued pursuant to the telephone application, there would be a significant risk that evidence would be	magistrate judge verbatim insofar as circumstances permit. The presentation of a search warrant application by telephone or other electronic means must be made by a conference call in which both a law enforcement agent and an Assistant United States Attorney are able to converse with the magistrate judge, unless the magistrate judge excuses this requirement. ~~The magistrate judge must decide whether the circumstances are such that it is reasonable to dispense with the written affidavit or personal appearance of the law enforcement officer and permit the warrant application to be presented by reliable electronic means or whether the circumstances constitute the rare event when avia a telephonic search warrant application may be presented. One factor Among the non-exclusive factors the magistrate judge should consider in making this determination areis:~~ ~~(D) Whether the agent can appear before the magistrate judge during regular court hours;~~ ~~(E) Whether the agent requesting a search warrant~~

Local Criminal Rule 41 **SEARCH AND SEIZURE**	
CrR 41	**Proposed Change**
destroyed.	is a significant distance from the magistrate judge; (F) Whether the factual situation is such that it would be unreasonable for a substitute agent, who is located near the magistrate judge, to present a written affidavit in person to the magistrate judge in lieu of proceeding with an application presented by other reliable electronic means or as a telephonic application; and, (F) Tthe possibility that if a search warrant were not issued pursuant to the telephone application, there would be a significant risk that evidence would be destroyed.
(4) If the warrant application is made by telephone, on the first day following the issuance of a search warrant based on a telephonic application, the magistrate judge shall have a duplicate recording made of the application, furnish that recording to the United States Attorney's Office who shall cause a transcription of the recording to be made and returned to the magistrate judge.	(4) If the warrant application is made by sworn oral testimony, whether by telephone or in person, on the first day following the issuance of such a search warrant, the magistrate judge shall have a duplicate recording made of the oral testimony, and furnish that recording to the United States Attorney's Office who shall cause a transcription of the recording to be made and returned to the magistrate judge. If the warrant application is made by telephone, on the first day following the issuance of a search warrant based on a telephonic application, the

Local Criminal Rule 41 SEARCH AND SEIZURE	
CrR 41	**Proposed Change**
	~~magistrate judge shall have a duplicate recording made of the application, furnish that recording to the United States Attorney's Office who shall cause a transcription of the recording to be made and returned to the magistrate judge.~~
(5) Deviation from the procedures set forth in this rule may be grounds for the magistrate judge to refuse a warrant application, but shall not necessarily be grounds for a motion to suppress evidence which has been seized.	~~(5)~~Deviation from the procedures set forth in this rule may be grounds for the magistrate judge to refuse a warrant application, but shall not necessarily be grounds for a motion to suppress evidence which has been seized.
(e) through (i) Reserved	**(e) through (i) Reserved**

Local Criminal Rule 44.1 COMPUTING AND EXTENDING TIME	
CrR 44.1	**Proposed Change**
See LCR 83.4.	See ~~LCR 83.4~~CrR 62.4.

Local Criminal Rule 45 **COMPUTING AND EXTENDING TIME**	
CrR 45	**Proposed Change**
RESERVED For a Time Table of trial events under these local rules, see **Appendix A.**	**(a) Computing Time** When the Local Rules or a court order permits a party to act within a period of time stated in days or a longer unit of time and the last day of the period is a Saturday, Sunday, or legal holiday, the time period continues to run until the following day that is not a Saturday, Sunday, or legal holiday. "Following day" is determined by counting only forward in time. If an order of the court sets a specific calendar date by which a party must act, the date is not extended even if it falls on a Saturday, Sunday, or legal holiday unless otherwise ordered by the court. If access to the electronic filing system is not available due to failure of the court's filing system(s) for a period longer than two hours, or any period after 5pm, or if the courthouse is closed for unanticipated reasons, filing deadlines are extended to the next business day. If the closure results in a party having additional time to file a response to a motion, then the deadline for the party filing a reply shall be extended by the same number of days. **(b) Motions to shorten time have been abolished.** *See* CrR 12(b)(11). For a Time Table of trial events under these local rules, see **Appendix A.**

Local Criminal Rule 46 RELEASE FROM CUSTODY; SUPERVISING DETENTION	
CrR 46(a)(2) and (b)	**Proposed Change**
(a) Release Prior to Trial (1) Pursuant to the Pretrial Services Act of 1982 (18 U.S.C. §§ 3152, 3155), the court authorizes U.S. Probation and Pretrial Services of the Western District of Washington to perform all pretrial services as provided by the Act. (2) Upon notification that a defendant has been arrested, pretrial service officers will conduct a prerelease interview as soon as practicable, if counsel for defendant consents. Counsel for defendant shall be allowed to be present at any such interview. The judicial officer setting conditions of release or reviewing conditions previously set shall receive and consider reports submitted by pretrial service officers. (3) Appearance bonds and related documents shall be on such forms as are approved by the court. **(b) through (j) reserved**.	**(a) Release Prior to Trial** (1) Pursuant to the Pretrial Services Act of 1982 (18 U.S.C. §§ 3152, 3155), the court authorizes U.S. Probation and Pretrial Services of the Western District of Washington to perform all pretrial services as provided by the Act. (2) Upon notification that a defendant has been arrested, pretrial service officers will conduct a pretrial services ~~prerelease~~ interview as soon as practicable, if counsel for defendant consents. Counsel for defendant shall be allowed to be present at any such interview. The judicial officer setting conditions of release or reviewing conditions previously set shall receive and consider reports submitted by pretrial service officers. (3) Appearance bonds and related documents shall be on such forms as are approved by the court. (b) through (d) Reserved **(e) Bonds**

Local Criminal Rule 46 RELEASE FROM CUSTODY; SUPERVISING DETENTION	
CrR 46(a)(2) and (b)	**Proposed Change**
	(1) Qualifications of Surety – Monetary Deposit Every bond must be secured by either a monetary deposit equal to the amount of the bond, or a corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under 31 U.S.C. §§ 9301-9306, which corporation shall have on file with the clerk one of the following: (i) proof that the corporation is incorporated in Washington, (ii) a copy of the power of attorney appointing a resident agent for service of process in this district, or (iii) proof that the corporation has a resident agent who is an official of the State of Washington authorized or appointed under Washington law to receive service of process on the corporation. (2) Bail Reform Act – In criminal cases where conditions of release have been set under the bail reform act, a bond with sureties other than as set out in paragraph (e)(1) of this rule may be approved by a judicial officer. (3) Court Officers as Sureties – No clerk, marshal, member of the bar, or other officer of this court will be accepted as surety on any bond or other

Local Criminal Rule 46 RELEASE FROM CUSTODY; SUPERVISING DETENTION	
CrR 46(a)(2) and (b)	**Proposed Change**
	undertaking in any action or proceeding in this court. Monetary deposits on bonds may be made by members of the bar on oral certification that the funds are the property of a specified person who has signed as surety on the bond. Upon voiding of the bond, such moneys shall be returned to the surety alone and not to the attorney.

Local Criminal Rule 49 SERVING AND FILING PAPERS	
CrR 49	**Proposed Change**
RESERVED	(a) Electronic Filing and Signing -- Unless otherwise specifically ordered by the court or directed by the clerk, all counsel are required to electronically file documents through the court's electronic filing system and to comply with the electronic filing procedures for the district. Unrepresented parties are authorized, but are not required to, electronically file documents. The court's Electronic Filing Procedures for Civil and Criminal Cases can be

Local Criminal Rule 49 SERVING AND FILING PAPERS	
CrR 49	**Proposed Change**
	found on the court's website at www.wawd.uscourts.gov.

<table>
<tr><th colspan="2">Local Criminal Rule 49.1
PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT</th></tr>
<tr><th>CrR 49.1</th><th>Proposed Change</th></tr>
<tr><td>(a) Redacted Filings.

Parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court or used as exhibits in any hearing or at trial, unless otherwise ordered by the court:

(1) Dates of Birth - redact to the year of birth

(2) Names of Minor Children - redact to the initials

(3) Social Security Numbers and Taxpayer-Identification Numbers- redact in their entirety

(4) Financial Accounting Information - redact to the last four digits

(5) Passport Numbers and Driver License Numbers - redact in their entirety

(6) Home Addresses - redact to the city and state of the address.</td><td>(a) Redacted Filings.

In addition to redactions required by Fed. R. Crim. P. 49.1, p~~P~~arties shall redact in its entirety ~~refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court or used as exhibits in any hearing or at trial, unless otherwise ordered by the court:~~

~~(3) Dates of Birth - redact to the year of birth~~

~~(7) Names of Minor Children - redact to the initials~~

~~(8) Social Security Numbers and Taxpayer-Identification Numbers- redact in their entirety~~

~~(9) Financial Accounting Information - redact to the last four digits~~

~~(10)~~ Passport Numbers and Driver License Numbers~~- redact in their entirety~~

~~Home Addresses - redact to the city and state of the address~~.</td></tr>
</table>

Local Criminal Rule 49.1 PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT	
CrR 49.1	**Proposed Change**
(b) through (h) Reserved See CrR 55(b) & (c).	**(b) through (c) Reserved** **(d) Matters To Be Filed Under Seal** If the following matters or items are filed, they shall be filed under seal, with access provided only to court staff: (1) grand jury matters; (2) pretrial services reports and recommendations; (3) petitions for warrant, until the defendant appears on the petition; (4) financial affidavits in support of motions for appointment of counsel; (5) materials relating to motions for leave to withdraw as counsel; (6) psychological or psychiatric reports; (7) lists of prospective or seated jurors;

Local Criminal Rule 49.1 PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT	
CrR 49.1	**Proposed Change**
	(8) transcripts of voir dire; (9) materials relating to a defendant's cooperation, *e.g*. U.S.S.G. § 5K1.1, 18 U.S.C. § 3553(e) memos, or Rule 35(b), and supporting documents must be filed electronically via CM/ECF pursuant to General Order ___ of this court so they do not appear on the publicly available docket. These materials must be served on the opposing party via traditional means; (10) release status reports; (11) final presentence reports and recommendations; (12) the judge's statement of reasons for the sentence imposed; and (13) documents received from a defendant who is represented by counsel may be forwarded to counsel or filed under seal, pending review by and specific order of the court. Pro se motions to disqualify counsel should ordinarily be filed under seal and ex parte.

Local Criminal Rule 49.1 PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT	
CrR 49.1	**Proposed Change**
	(e) Sealing Requirements If a party wishes to file under seal materials other than those enumerated above, a motion or stipulated motion to seal must be made or filed before or at the same time the party files the sealed materials. The motion should set forth a specific statement of the applicable legal standard and the reasons for keeping a document under seal, with evidentiary support from declarations when necessary. Parties may file a motion or stipulated motion requesting that the court unseal a document. Withdrawing Unsealed Document When the court denies a motion to seal, the clerk will unseal the document unless (1) the court orders otherwise, or (2) the party who is relying on the sealed document requests in the motion to seal or response that, if the motion to seal is denied, the court withdraw the document from the record rather than unseal it. If a document is withdrawn on this basis, the parties shall not refer to it in any pleadings, motions or other filings, and the court will not consider it. For this reason, parties are encouraged to

Local Criminal Rule 49.1 **PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT**	
CrR 49.1	**Proposed Change**
	seek a ruling on motions to seal well in advance of filing underlying motions relying on those documents. ~~(d)~~(f) **through (h) Reserved** ~~See CrR 55(b) & (c).~~

Local Criminal Rule 53 REGULATION OF CONDUCT, COURTROOM PHOTOGRAPHY AND BROADCASTING	
CrR 53	**Proposed Change**
	(e) Photography and Broadcasting Prohibited And Electronic Devices in the Courthouse (1) Definitions – As used herein, "Judicial Proceeding" means: (i) any trial or other criminal or civil proceeding, naturalization proceeding or ceremonial occasion occurring in any United States District Court; (ii) any proceeding before any bankruptcy judge or United states magistrate judge; and (iii) sessions of the grand jury; "Courtroom" of a United States District Court means the courtroom and all space behind the double doors containing the courtroom number and the name of the judge. "Courtroom" of a United States magistrate judge means any place where a judicial proceeding is conducted. "Environs" means any area located within the interior confines of the United States Courthouse, including but not limited to the entrances, hallways, stairwells, corridors, and lobbies therein.

Local Criminal Rule 53 REGULATION OF CONDUCT, COURTROOM PHOTOGRAPHY AND BROADCASTING	
CrR 53	**Proposed Change**
	~~(2) Photography, Televising, Broadcasting – The taking of photographs or any electronic (audio or video) recordings, and the broadcast or streaming thereof in connection with any Judicial Proceeding, is prohibited, except as authorized by the Judicial Conference of the United States or the Judicial Council of the Ninth Circuit. Photographing, transmitting, or recording any court proceedings from a location outside the courthouse in conjunction with a remote appearance, or any other remote court proceeding conducted by telephone or video conference is also prohibited.~~ ~~With the consent of the presiding judge or under such conditions as the presiding judge may prescribe, some variations of this rule may be allowed. Temporary modifications to this rule may be made via General Order and posted on the Court's website.~~ (2) Personal Electronic Devices in the Courthouse – Personal electronic devices, such as smartphones, laptops, tablet computers, or similar functioning devices having

Local Criminal Rule 53 REGULATION OF CONDUCT, COURTROOM PHOTOGRAPHY AND BROADCASTING	
CrR 53	**Proposed Change**
	wireless communications capabilities, may be brought into the courthouse. In the environs, personal electronic devices may be used to make telephone calls, transmit and receive data communications, such as email or text messages, or to access the Internet. In the courtrooms, personal electronic devices may be used to take notes, transmit and receive data communications, such as email or text messages, or to access the Internet. Telephone ring tones and other functional sounds produced by devices must be disabled while in the courtroom. Only silent keyboards may be used in the courtroom. A presiding judge may prohibit or further restrict use of such devices by all persons prior to or during a judicial proceeding when necessary to protect the rights of the parties or to ensure the orderly conduct of the proceedings. Temporary modifications to this rule may be made via General Order and posted on the Court's website.

Local Criminal Rule 55 RECORDS	
CrR 55	**Proposed Change**
(a) Files – Custody and Withdrawal See LCR 79(f).	**(a) Files – Custody and Withdrawal** ~~See LCR 79(f).~~ All files and records of the court shall remain in the custody of the clerk and no record or paper belonging to the files of the court shall be taken from the custody of the clerk without a special order of the court or judge and a proper receipt signed by the person obtaining the record or paper. No such order will be made except upon urgent grounds stated in a written application for such order. Custody and Disposition of Exhibits, Depositions – After being marked for identification, all exhibits, except weapons, drugs, or other sensitive materials, shall be placed in the custody of the clerk during the duration of the trial, unless otherwise ordered by the court. Any weapons or other sensitive exhibits shall be held in the custody of the counsel offering the exhibits during the trial. Upon completion of the trial, all exhibits shall be returned to counsel offering them, unless otherwise ordered by the court. A party or his attorney who has custody of an exhibit shall keep it available for the use of the court or an appellate court, and shall grant the reasonable request of any party to examine or reproduce

Local Criminal Rule 55 RECORDS	
CrR 55	**Proposed Change**
(b) Matters To Be Filed Under Seal If the following matters or items are filed, they shall be filed under seal, with access provided only to court staff: (1) grand jury matters; (2) pretrial services reports; (3) petitions for warrant, until the defendant appears on the petition; (4) financial affidavits in support of motions for appointment of counsel; (5) materials relating to motions for leave to withdraw as counsel; (6) psychological or psychiatric reports; (7) lists of prospective or seated jurors;	the exhibit for use in the proceeding. This obligation shall continue until any appeal has been finally resolved or time for filing a notice of appeal or petition for writ of certiorari has expired. ~~**(b) Matters To Be Filed Under Seal**~~ ~~If the following matters or items are filed, they shall be filed under seal, with access provided only to court staff:~~ ~~(1) grand jury matters;~~ ~~(2) pretrial services reports;~~ ~~(3) petitions for warrant, until the defendant appears on the petition;~~ ~~(4) financial affidavits in support of motions for appointment of counsel;~~ ~~(5) materials relating to motions for leave to withdraw as counsel;~~ ~~(6) psychological or psychiatric reports;~~ ~~(7) lists of prospective or seated jurors;~~

Local Criminal Rule 55 RECORDS	
CrR 55	**Proposed Change**
(8) transcripts of voir dire;	~~(8) transcripts of voir dire;~~
(9) materials relating to § 5K1.1 motions;	~~(9) materials relating to § 5K1.1 motions;~~
(10) release status reports;	~~(10) release status reports;~~
(11) final presentence reports;	~~(11) final presentence reports;~~
(12) the judge's statement of reasons for the sentence imposed; and	~~(12) the judge's statement of reasons for the sentence imposed; and~~
(13) documents received from a defendant who is represented by counsel, pending review by and specific order of the court.	~~(13) documents received from a defendant who is represented by counsel, pending review by and specific order of the court.~~
(c) Motions to Seal	~~**(c) Motions to Seal**~~
If a party wishes to file under seal materials other than those enumerated in CrR 55(b), a motion or stipulated motion to seal must be made or filed before or at the same time the party files the sealed materials. The motion should set forth a specific statement of the applicable legal standard and the reasons for keeping a document under seal, with evidentiary support from declarations when necessary. The party filing the sealed materials shall comply with the requirements of LCR 5(g)(2) and (6)	~~If a party wishes to file under seal materials other than those enumerated in CrR 55(b), a motion or stipulated motion to seal must be made or filed before or at the same time the party files the sealed materials. The motion should set forth a specific statement of the applicable legal standard and the reasons for keeping a document under seal, with evidentiary support from declarations when necessary. The party filing the sealed materials shall comply with the requirements of LCR 5(g)(2) and (6)~~

Local Criminal Rule 55 RECORDS	
CrR 55	**Proposed Change**
unless otherwise ordered. Parties may file a motion or stipulated motion requesting that the court unseal a document.	~~unless otherwise ordered. Parties may file a motion or stipulated motion requesting that the court unseal a document.~~

Local Criminal Rule 56 WHEN COURT IS OPEN, CONDUCTING BUSINESS, CLERK'S AUTHORITY	
CrR 56	**Proposed Change**
(a) Reserved	**(a) Regular Sessions of Court** The court shall be in continuous session throughout the year in Seattle and in Tacoma. The court may establish other locations in this district for holding court pursuant to General Order. Nothing in this rule shall prohibit the court from conducting proceedings via electronic transmission in lieu of live court proceedings.
(b) Hours and Closures. The court's hours and holiday closures are set forth on the court's website at https://www.wawd.uscourts.gov.	**(b) Hours and Closures.** The court's hours and holiday closures are set forth on the court's website at https://www.wawd.uscourts.gov.
(c) Reserved	**(c) Text Only Docket Orders** The clerk of court may issue text only docket orders for any act within the clerk's authority. A text only docket order is an order electronically entered on the case docket without an attached document and is as official and binding as if the clerk of court had signed a document containing the text. If the one or more of the parties are unrepresented and do not file electronically, the clerk of court will mail to those recipients a copy of the Notice of

Local Criminal Rule 56 **WHEN COURT IS OPEN, CONDUCTING BUSINESS, CLERK'S AUTHORITY**	
CrR 56	**Proposed Change**
	Electronic Filing of the text only docket order.

Local Criminal Rule 62.1 ATTORNEYS; ADMISSION TO PRACTICE	
CrR 62.1	**Proposed Change**
NONE	**(a) The Bar of this Court** The bar of this court consists of those who have been admitted to practice before this court. **(b) Eligibility** An attorney is eligible for admission to the bar of this court if he or she is (1) a member in good standing of the Washington State Bar, or (2) a member in good standing of the bar of any state and employed by the United States or one of its agencies in a professional capacity and who, while being so employed may have occasion to appear in this court on behalf of the United States or one of its agencies. **(c) Procedure for Admission** (1) *Admissions.* With the exception of applicants for conditional admission, each applicant for admission to the bar of this court shall file with the clerk a Petition for Admission to Practice. The petition must include the certificates of two reputable members of the bar of this court attesting to the petitioner's good moral character. The certificates must be completed by members of this court's bar who either reside or maintain an office for the practice of law in the Western District of Washington. The petition form and instructions are available at www.wawd.uscourts.gov. The clerk will examine the petition and if in compliance with this rule, the petition for admission will be granted. (5) *Conditional Admission.* In the case of an attorney for the United States or one of its agencies who is not a member of the Washington State Bar, he or she must file a Petition for Conditional Admission to Practice, which can be downloaded from the court's website, and state the

Local Criminal Rule 62.1 ATTORNEYS; ADMISSION TO PRACTICE	
CrR 62.1	**Proposed Change**
	department or agency by which he or she is employed and the circumstances justifying the proposed admission to the bar of this court. The right of such an attorney to practice before this court is conditioned upon his or her continuing to be so employed. If a conditionally admitted attorney ceases to be employed as an attorney for the United States or one of its agencies, the conditional admission will be revoked and the attorney must file a petition for admission as set forth in CrR 62.1(c)(1) and pay the applicable fee. **(d) Permission to Participate in a Particular Case *Pro Hac Vice*; Responsibilities of Local Counsel** (1) *Admission Pro Hac Vice.* Any member in good standing of the bar of any court of the United States, or of the highest court of any 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 normally will be permitted upon application and upon a showing of particular need to appear and participate in a particular case *pro hac vice*. The party must also be represented by local counsel, who shall fulfill the responsibilities set forth below. Attorneys who are admitted to the bar of this court but reside outside the district need not associate with local counsel. An application for leave to appear *pro hac vice* shall be promptly filed with the clerk and shall set forth: (1) the name and address of the applicant's law firm; (2) the basis upon which "particular need" is claimed; (3) a statement that the applicant understands that he or she is charged with knowing and complying with all applicable local rules; (4) a statement that the applicant has not been disbarred or formally censured by a court of record or by a state bar association; and (5) a statement that there are no pending disciplinary proceedings against the applicant. This application,

Local Criminal Rule 62.1 ATTORNEYS; ADMISSION TO PRACTICE	
CrR 62.1	**Proposed Change**
	which can be downloaded from the court's website, must be filed electronically by local counsel. Applications filed under this rule will be approved or disapproved by the clerk. (2) *Responsibilities of Local Counsel.* To qualify to serve as local counsel, an attorney must have a physical office within the geographic boundaries of the Western District of Washington and be admitted to practice before this court. Local counsel must review, sign, and electronically file the applicant's *pro hac vice* application. By agreeing to serve as local counsel and by signing the *pro hac vice* application, local counsel attests that he or she is authorized and will be prepared to handle the matter in the event the applicant is unable to be present on any date scheduled by the court. Unless waived by the court in addition to those responsibilities and any assigned by the court, local counsel must review and sign all motions and other filings, ensure that all filings comply with all local rules of this court, and remind *pro hac vice* counsel of the court's commitment to maintaining a high degree of professionalism and civility from the lawyers practicing before this court as set forth in the Introduction to the Criminal Rules.

Local Criminal Rule 62.2 ATTORNEY APPEARANCE AND WITHDRAWAL	
CrR 62.2	**Proposed Change**
NONE	**(a) Entry of Appearance** An attorney eligible to appear may enter an appearance in a criminal case by properly signing in accordance with the ECF Filing Procedures and filing a Notice of Appearance on behalf of the party the attorney represents. **(b) Withdrawal of Attorneys** (1) No attorney shall withdraw an appearance in any criminal case, except by leave of court, unless the withdrawal complies with the requirements of subsections (b)(2) or (b)(3). Leave shall be obtained by filing a motion or a stipulation and proposed order for withdrawal or, if appropriate in a criminal case, by complying with the requirement of CrR 5(g). A motion for withdrawal shall be noted in accordance with CrR 12(b) and shall include a certification that the motion was served on the client and opposing counsel. A stipulation and proposed order for withdrawal must (1) be signed by all opposing counsel or pro se parties, and (2) be signed by the party's new counsel, if appropriate, or by the party. If a withdrawal will leave a party unrepresented, the motion to withdraw must include the party's address and telephone number. The attorney will ordinarily be permitted to withdraw at the discretion of the court in a criminal case. (2) Where there has simply been a change of counsel within the same law firm, an order of substitution is not required; the new attorney should file a Notice of Appearance and the withdrawing attorney should file a Notice of Withdrawal. However, where there is a change in counsel that effects a termination of one law office and the appearance of a new law office, the

Local Criminal Rule 62.2 ATTORNEY APPEARANCE AND WITHDRAWAL	
CrR 62.2	**Proposed Change**
	substitution must be effected in accordance with subsection (b)(1), which requires leave of court. (3) Where a party is represented by multiple attorneys from the same or different firms and one or more attorneys wish to withdraw but will not leave the client without representation, leave of the court to withdraw is not required. The remaining or withdrawing attorney(s) shall file a Notice of Withdrawal, which shall include a statement that the client remains represented and identifies the withdrawing and remaining attorneys. The Notices shall be signed by the withdrawing attorney(s) and the remaining attorney(s) of record to confirm that fact. If circumstances prevent obtaining the signature of the withdrawing attorney(s), the Notice must state those circumstances in sufficient detail to satisfy the court that those circumstances in fact preventing obtaining signature. (4) A business entity, except a sole proprietorship, must be represented by counsel. If the attorney for a business entity, except a sole proprietorship, is seeking to withdraw, the attorney shall certify to the court that he or she has advised the business entity that it is required by law to be represented by an attorney admitted to practice before this court and that failure to obtain a replacement attorney by the date the withdrawal is effective may result in the dismissal of the business entity's claims for failure to prosecute and/or entry of default against the business entity as to any claims of other parties. (5) When a party is represented by an attorney of record in a case, the party cannot appear or act on his or her own behalf in that case, or take any step therein, until after the party requests by motion to proceed on his or her own behalf, certifies in the motion that he or she has provided copies of the motion to his or her current counsel and to the opposing party, and is granted an order of substitution by the court terminating the party's attorney as counsel and substituting the

Local Criminal Rule 62.2 ATTORNEY APPEARANCE AND WITHDRAWAL	
CrR 62.2	**Proposed Change**
	party in to proceed pro se; provided, that the court may in its discretion hear a party in open court, notwithstanding the fact that he or she is represented by an attorney. (6) When an attorney suddenly becomes unable to act in a case due to death, incapacity, removal or suspension, the party for whom he or she was acting as attorney must, before any further proceedings are had in the action on his or her behalf, unless such party is already represented by another attorney, (i) appoint another attorney who must enter an appearance in accordance with subsection (a) or (ii) seek an order of substitution to proceed pro se in accordance with subsection (b)(5). (7) Unless the attorney withdraws in accordance with these rules, the authority and duty of an attorney of record shall continue after final judgment. **(c) Notices of Unavailability.** Notices of unavailability are not required. Such notices, if filed, do not alter dates set by the Court or criminal rules. The Court expects the parties to confer about significant periods of unavailability. This rule does not preclude an attorney from requesting relief from a deadline due to a scheduling difficulty. *See* CrR 12(b)10).

Local Criminal Rule 62.3 STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE	
CrR 62.3	**Proposed Change**
NONE	**(a) Standards of Professional Conduct** In order to maintain the effective administration of justice and the integrity of the court, attorneys appearing in this district shall be familiar with and comply with the following materials ("Materials"): (1) The local rules of this district, including the local rules that address attorney conduct and discipline; (2) The Washington Rules of Professional Conduct (the "RPC"), as promulgated, amended, and interpreted by the Washington State Supreme Court, unless such amendments or additions are specifically disapproved by the court, and the decisions of any court applicable thereto; (3) The Federal Rules of Criminal Procedure; (4) The General Orders of the court. In applying and construing these Materials, the court may also consider the published decisions and formal and informal ethics opinions of the Washington State Bar Association, the Model Rules of Professional Conduct of the American Bar Association and Ethics Opinions issued pursuant to those Model Rules, and the decisional law of the state and federal courts. **(b) Continuing Eligibility and Maintenance of Good Standing** (1) *Representation of Continuing Eligibility.* By signing any document filed with the court or otherwise participating in any matter before the court, an attorney certifies that he or she is

Local Criminal Rule 62.3 STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE	
CrR 62.3	**Proposed Change**
	currently eligible to practice before this court. Should the status of an attorney change so that he or she no longer meets the requirements of CrR 62.1(b), he or she shall notify the Clerk of Court in writing no later than 10 days after the change in status. (2) If the change in status is due to a disciplinary proceeding or criminal conviction, the provisions of CrR 62.3(c) shall apply. Otherwise, upon receipt of a notification of change of status, the Chief Judge, or other district judge who may be assigned to the matter, may issue an Order to Show Cause why the court should not suspend or revoke the attorney's admittance to practice before the court. The Order to Show Cause shall contain: (A) a reference to the notification of the change of status; (B) an order directing the attorney to show cause within 30 days why the attorney's admission to practice before this court should not be suspended or revoked; (C) notification that failure by the attorney to file a timely response to the Order to Show Cause may be deemed to be acquiescence to suspend or revoke the attorney's admission to practice before the court. (3) If the attorney files a response stating that he or she does not contest the suspension or revocation of his or her admission to practice before this court or the attorney does not respond to the Order to Show Cause within the time specified, then the Chief Judge or other judge assigned to the matter may issue an order suspending or revoking the attorney's admission to practice

Local Criminal Rule 62.3 **STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE**	
CrR 62.3	**Proposed Change**
	before this court. (4) If the attorney files a written response to the Order to Show Cause within the time specified, stating that he or she contests the entry of an order suspending or revoking his or her admission to practice, then the Chief Judge, or other district judge who may be assigned, shall determine whether such an order shall be entered. The judge shall impose an order suspending or revoking the attorney's admission to practice unless the attorney demonstrates by clear and convincing evidence that one or more of the following elements have been shown from the record: (A) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (B) there was such an infirmity of proof establishing the reasons underlying the change in status in the other jurisdiction as to give rise to a clear conviction that the court should not accept as final the other jurisdiction's conclusion(s) on that subject; (C) the imposition of suspension or revocation would result in a grave injustice; or (D) other substantial reasons exist so as to justify not suspending or revoking the attorney's admission to practice. **(c) Attorney Discipline** (1) *Jurisdiction*. Any attorney admitted to practice before this court, admitted for a particular proceeding and/or who appears before this court is subject to the disciplinary jurisdiction of this

Local Criminal Rule 62.3 STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE	
CrR 62.3	**Proposed Change**
	court. (2) *Powers of an Individual Judge to Deal with Contempt or Other Misconduct Not Affected.* Nothing contained in this Rule shall be construed to limit or deny the court the powers necessary to maintain control over proceedings before it, including the contempt powers. Nothing contained in this Rule precludes the court from imposing sanctions for violations of the Local Rules, the Federal Rules of Criminal Procedure, or other applicable statutes and rules. (3) *Grounds for Discipline.* An attorney may be subject to disciplinary action for any of the following: (A) violations of the Standards of Professional Conduct stated in subsection (a) above; (B) disbarment, suspension, sanctions or other attorney discipline imposed by any federal or state court, bar association or other governing authority of any state, territory, possession, or the District of Columbia, or any other governing authority or administrative body which regulates the practice of attorneys; (C) conviction of any felony or a misdemeanor involving dishonesty or corruption, including, but not limited to, those matters listed in Rule 7.1(a)(2)(B)-(c) of the Washington Rules of Enforcement of Lawyer Conduct ("ELC"); (D) misrepresentation or concealment of a material fact made in an application for admission to the Bar of this court or in a pro hac vice or reinstatement application;

Local Criminal Rule 62.3 STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE	
CrR 62.3	**Proposed Change**
	(E) violation of this court's Oath of Attorney. (4) *Types of Discipline*. Discipline may consist of one or more of the following: (A) disbarment from the practice of law before this court. (B) suspension from the practice of law before this court for a specified period; (C) interim suspension from the practice of law before this court, defined as the temporary suspension of a lawyer from the practice of law pending imposition of final discipline. Examples of situations in which the court will consider interim suspension include: (i) suspension upon conviction of a serious crime; (ii) suspension when the lawyer's continuing conduct is likely to cause immediate and serious injury to a client or the public; or (iii) inability to practice. (D) reprimand, defined as a form of public discipline which declares the conduct of the lawyer improper, but does not limit the lawyer's right to practice before this court; (E) admonition, defined as a form of non-public discipline which declares the conduct of the lawyer improper, but does not limit the lawyer's right to practice before this court;

Local Criminal Rule 62.3 STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE	
CrR 62.3	**Proposed Change**
	(F) The following types of discipline may be imposed alone or in conjunction with other types of discipline. If imposed alone or in conjunction with a reprimand, these other types of discipline need not be made public by the court: (i) probation, with or without conditions; (ii) restitution; (iii) fines and/or assessment of costs; and (iv) referral to another appropriate disciplinary authority. Any discipline imposed may be subject to specific conditions, which may include, but are not limited to, continuing legal education requirements, counseling and/or supervision of practice. (5) Discipline Initiated by the Court. (A) Authority of the Court. The court has the inherent authority to govern the conduct of attorneys practicing law before it. (B) Initiation of a Grievance. A United States District Court Judge, Bankruptcy Judge, or Magistrate Judge may present to the Chief Judge a written grievance alleging that an attorney has violated any of the standards of conduct specified in this Rule and recommending the imposition of discipline against that attorney. The Chief Judge shall review the grievance and

Local Criminal Rule 62.3 STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE	
CrR 62.3	**Proposed Change**
	determine whether the grievance should be dismissed or pursued further. If the Chief Judge determines that the grievance should be pursued, he or she may refer it to another judge who shall review the record and evaluate the evidence. If the Chief Judge initiates the grievance, he or she must refer it to another judge. If, at any time during the evaluation of a grievance, the Chief Judge or the assigned judge determines that the grievance would be more appropriately addressed by the Washington State Bar Association or other governing authority or administrative body which governs the practice of attorneys, the Chief Judge and the judge who referred the grievance may refer the matter to another authority or dismiss the grievance. (C) Notice and Hearing. (i) If, after reviewing the record, the assigned judge determines that the matter should not be pursued, he or she will inform the Chief Judge. If the assigned judge concludes that a disciplinary proceeding should be conducted, he or she will issue an order to show cause to the respondent attorney explaining the alleged misconduct and inviting the attorney to show cause why he or she should not be disciplined. The notice shall be sufficiently clear and specific to inform the respondent attorney of the alleged misconduct. The order to show must also state that the failure to file a timely response may be deemed acquiescence to the imposition of discipline. The order to show cause shall be emailed and mailed to the attorney at the last known addresses the attorney provided to the court. (ii) The attorney will be afforded at least thirty days to present any objections and show

Local Criminal Rule 62.3 STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE	
CrR 62.3	**Proposed Change**
	cause why discipline should not be imposed, and the order to show cause must include the deadline. (iii) The attorney may request a hearing and choose to be represented by counsel at his or her own expense. There is no right to court appointed counsel or to a jury at the disciplinary proceeding. (iv) During the hearing, if one is requested, or in the attorney's response to the order to show cause, the respondent attorney may submit any evidence or statements to rebut the grievance. The court may impose disciplinary sanctions only after the respondent attorney is afforded the opportunity to present evidence and argument in rebuttal and/or mitigation. (v) If the attorney fails to file a timely response to the order to show cause, the assigned judge will review the record and determine whether the imposition of discipline is warranted. (D) Confidentiality. During the pendency of the disciplinary proceedings, the allegations and other records of the proceeding will remain confidential and will not be made a part of the public record. (E) Recommendation to the Chief Judge. Within a reasonable time after the hearing, if one has been requested, or after receiving the attorney's response to the order to show cause, the assigned judge shall make findings of fact and conclusions of law and recommend the

Local Criminal Rule 62.3 STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE	
CrR 62.3	**Proposed Change**
	disciplinary action, if any, to be taken. The assigned judge will transmit his or her findings of fact and conclusions of law, recommendation, and the record to the Chief Judge. (F) Imposition of Discipline. The Chief Judge will review the documents transmitted by the assigned judge under subparagraph (E) and determine whether discipline should be imposed and if so, the appropriate discipline. If the Chief Judge initiated the grievance, then the matter shall be referred to the judge who is next in seniority for review and a determination. The appropriate disciplinary sanction to be imposed is within the court's discretion. However, in determining the proper disciplinary sanction, the court may refer to the American Bar Association Standards for Imposing Lawyer Sanctions. In addition, the court may, in its discretion, use as a guide any federal or state case law the court deems helpful. (6) Reciprocal Discipline. (A) For purposes of this section, "discipline by any other jurisdiction" refers to discipline imposed by any federal or state court, bar association or other governing authority of any state, territory, possession, or the District of Columbia, or any other governing authority or administrative body which regulates the practice of attorneys. (B) For purposes of this section, "discipline by any other jurisdiction" refers only to suspension, disbarment or other disciplinary action which temporarily or permanently deprives an attorney of the right to practice law. (C) Upon receipt of a copy of an order or other official notification that he or she has been

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	subjected to discipline by any other jurisdiction, an attorney who is also subject to the disciplinary jurisdiction of this court shall provide the Clerk of Court with a copy of such disciplinary letter, notice or order. (D) Any attorney subject to the disciplinary jurisdiction of this court who resigns from the Bar of any other jurisdiction while disciplinary proceedings are pending against the attorney in that jurisdiction shall promptly notify the Clerk of Court of such resignation. (E) Upon receipt of reliable information that an attorney subject to the disciplinary jurisdiction of this court has been subjected to discipline by any other jurisdiction, or has resigned from the Bar of any other jurisdiction while an investigation or proceeding for discipline was pending, the Chief Judge, or other district judge who may be assigned to the matter, may issue an Order to Show Cause why reciprocal discipline should not be imposed by this court. The Order to Show Cause shall contain: (i) a reference to the order or other official notification from the other jurisdiction; (ii) an order directing the attorney to show cause within 30 days why reciprocal discipline should not be imposed by this court; (iii) an order directing that if the attorney chooses to respond to the order and to contest the imposition of reciprocal discipline, he or she must produce a certified copy of the entire record from the other jurisdiction or persuade the court that less than the entire

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	record will suffice; (iv) notification that failure by the attorney to file a timely response to the Order to Show Cause may be deemed to be acquiescence to reciprocal discipline. (F) If the attorney files a response stating that he or she does not contest the imposition of reciprocal discipline from this court, or if the attorney does not respond to the Order to Show Cause within the time specified, then the court may issue an order of reciprocal discipline. In fashioning the sanction to be imposed, the court may be guided by the discipline imposed by the other jurisdiction. The order imposing reciprocal discipline shall be issued by the Chief Judge or other district judge who may be assigned to the matter. (G) If the attorney files a written response to the Order to Show Cause within the time specified, stating that he or she contests the entry of an order of reciprocal discipline, then the Chief Judge, or other district judge who may be assigned, shall determine whether an order of reciprocal discipline shall be entered. The judge shall impose an order of reciprocal discipline, unless the attorney demonstrates by clear and convincing evidence that one or more of the following elements appear from the record on which the original discipline is predicated; (i) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (ii) there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the court should not accept as final the other jurisdiction's

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	conclusion(s) on that subject; (iii) the imposition of like discipline would result in a grave injustice; or (iv) other substantial reasons exist so as to justify not accepting the other jurisdiction's conclusion(s). (7) Discipline Based Upon a Criminal Conviction. (A) Any attorney subject to the disciplinary jurisdiction of this court shall promptly notify the Clerk of Court of the attorney's conviction of any felony or a misdemeanor involving dishonesty or corruption, including, but not limited to, those matters listed in Rule 7.1(a)(2)(B)-(c) of the ELC (hereafter, "crime" or "criminal conviction"). (B) Upon receipt of reliable proof that an attorney has been convicted of any of those matters identified in paragraph A above, the court shall enter an order of interim suspension, suspending the attorney from engaging in the practice of law in this court pending further order. Upon good cause shown, the court may set aside such suspension where it appears to be in the interest of justice to do so. (C) The court shall forthwith issue an order to the subject attorney directing the attorney to show cause why the conviction or the facts underlying the conviction do not affect the attorney's fitness to practice law and why the attorney should not be subject to discipline based upon the conviction. The Order to Show Cause shall contain:

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	(i) a copy of or a reference to the notification to the court that the attorney has been convicted of a crime; (ii) an order directing the attorney to show cause within 30 days why the criminal conviction or underlying facts do not affect the attorney's fitness to practice law, and why discipline should not be imposed by this court; (iii) notification that failure by the attorney to file a timely response to the Order to Show Cause may be deemed acquiescence to discipline based upon the criminal conviction. (D) If the attorney files a response stating that he or she does not contest the imposition of discipline by this court based upon the criminal conviction, or if the attorney does not respond to the Order to Show Cause within the time specified, then the court may issue an order of discipline. (E) If the attorney files a written response to the Order to Show Cause within the time specified, stating that the criminal conviction or its underlying facts do not affect the attorney's fitness to practice law or stating that he or she contests the entry of an order of discipline, then the court shall determine whether discipline should be imposed. (F) The discipline to be imposed shall be within the court's discretion. The court may consider the underlying facts of the criminal conviction, the sentence imposed on the attorney, the gravity of the criminal offense, whether the crime involved dishonesty or corruption, the effect of the crime on the attorney's ability and fitness to practice law, and any other element the court deems

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	relevant to its determination. (G) Upon the court's receipt of reliable proof demonstrating that the underlying criminal conviction has been reversed or vacated, any suspension order entered under subparagraph (7)(B) and any other discipline imposed solely as a result of the conviction may be vacated. (8) Disciplinary Orders and Notices. (A) Any order of discipline, except for non-public forms of discipline, as stated in subparagraph (4)(E)-(F) herein, shall be a public record. (B) The court shall cause copies of all orders and notices of discipline, except for an admonition, to be given to the Clerk of Court, the Clerk of the United States District Court for the Eastern District of Washington, the Clerk of the United States Bankruptcy Court for the Western District of Washington, the Clerk of the United States Court of Appeals for the Ninth Circuit, the Washington State Bar Association, and the appropriate disciplinary bodies in the jurisdictions in which the court knows the disciplined attorney is admitted to practice. (9) Reinstatement. (A) No attorney who has been suspended or disbarred from practice before this court may resume practice before the court until reinstated by order of the court. (B) Any attorney who has been suspended or disbarred from practice before this court may not apply for reinstatement until the expiration of such period of time as the court shall have

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	specified in the order of suspension or disbarment. (C) Any attorney who has been disbarred or suspended from practice pursuant to the provisions of subparagraph (6) (reciprocal discipline) may apply for reinstatement based upon a change of the attorney's status in the jurisdiction whose imposition of discipline upon the attorney was the basis for the imposition of reciprocal discipline by the court. (D) Any attorney whose admission to practice before this court was suspended or revoked pursuant to CrR 62.3(b) may apply for reinstatement if the attorney becomes eligible again under CrR62.1. (E) Petitions for reinstatement shall be filed with the Clerk of Court, who will transmit the petition to the Chief Judge. The petition must include a copy of this court's prior order of suspension or disbarment, a copy of an order of reinstatement from another jurisdiction if the petitioner is seeking reinstatement based on such an order, and a concise statement of facts claimed to justify reinstatement. Petitioners for reinstatement after disbarment must also file a Petition for Admission to Practice before this court and pay the applicable fee. Upon receipt of a petition for reinstatement, the Chief Judge shall consider the matter or refer it to another designated judge. The petitioner shall have the burden of demonstrating that he or she is qualified and able to practice law before this court and that the circumstances that led to the suspension or disbarment have changed. After consideration, the court shall enter an appropriate order.

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	~~(A)~~(F) Expenses incurred in the investigation and proceedings for reinstatement may be assessed by the court against the petitioning attorney, regardless of the outcome of the proceedings.

Local Criminal Rule 62.4 **LEGAL INTERNS**	
CrR 62.4	**Proposed Change**
NONE	**(a) Admission to Limited Practice** Qualified law students and graduates of approved law schools may be admitted to the status of legal intern and be granted a limited license to engage in the practice of law only as provided in this rule. To qualify, an applicant must: (1) Be a student duly enrolled and in good academic standing at an approved law school with legal studies completed amounting to not less than two-thirds of a prescribed three-year course of study or five-eighths of a prescribed four-year course of study; or (2) Make the application before expiration of nine months following graduation from an approved law school, and submit satisfactory evidence thereof to the court; and

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	(3) Certify in writing under oath that the applicant has read, is familiar with, and will abide by, the Washington State Rules of Professional Conduct and this rule. **(b) Procedure** The applicant shall submit to the clerk a completed Application for Leave to Appear as a Legal Intern, which can be downloaded from the court's website. No fee shall be required. (1) The application shall give the name of, and shall be signed by, the supervising lawyer who, in doing so, shall assume the responsibilities of supervising lawyer set forth in this rule if the applicant is granted a limited license as a legal intern. The supervising lawyer shall be relieved of such responsibilities upon the termination of the limited license or at an earlier time if the supervising lawyer or the applicant gives written notice to the court requesting that the supervising lawyer be so relieved. (2) Upon receipt of the application, the clerk shall forward it to a district judge or magistrate judge, who will approve or disapprove the application and return it to the clerk. **(c) Scope of Practice** A legal intern shall be authorized to engage in the limited practice of law only as authorized by the provisions of this rule. A legal intern shall be subject to all laws and rules governing lawyers admitted to this court and shall be personally responsible for all services performed as an intern. (1) A judge may exclude a legal intern from active participation in a case filed with the court in

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	the interest of orderly administration of justice or for the protection of a litigant or witness, and shall thereupon grant a continuance to secure the attendance of the supervising lawyer. (2) No legal intern may receive payment from a client for the intern's services. However, nothing contained herein shall prevent a legal intern from being paid for services by the intern's employer or to prevent the employer from making such charges for the service of the legal intern as may otherwise be proper. A legal intern, the intern's supervising lawyer or a lawyer from the same office shall, before the intern undertakes to perform any services for a client, inform the client of the legal intern's status, and obtain the client's consent to be represented by a legal intern. (3) A legal intern may advise or negotiate on behalf of a person referred to the intern by the supervising lawyer. A legal intern may prepare necessary pleadings, motions, briefs or other documents. It is not necessary in such instances for the supervising lawyer to be present. (4) A legal intern may participate in all court proceedings, including depositions, provided the supervising lawyer or another lawyer from the same office is present. Unless otherwise ordered by the court, the supervising lawyer or another lawyer from the same office shall be present while a legal intern is participating in court proceedings. Ex parte and agreed orders may be presented to the court by a legal intern without the presence of the supervising lawyer or another lawyer from the same office. **(d) Supervising Lawyer**

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	The supervising lawyer shall be admitted to practice before this court. The supervising lawyer shall have been actively engaged in the practice of law for at least three years at the time the application is filed. (1) The supervising lawyer or another lawyer from the same office shall direct, supervise and review all of the work of the legal intern and both shall assume personal professional responsibility for any work undertaken by the legal intern while under the lawyer's supervision. All pleadings, motions, briefs, and other documents prepared by the legal intern shall be reviewed by the supervising lawyer or a lawyer from the same office as the supervising lawyer. When a legal intern signs any correspondence or legal document, the intern's signature shall be followed by the title "legal intern" and, if the document is prepared for presentation to a court or for filing with the clerk thereof, the document shall also be signed by the supervising lawyer or lawyer from the same office as the supervising lawyer. (2) Supervision shall not require that the supervising lawyer be present in the room while the legal intern is advising or negotiating on behalf of a person referred to the intern by the supervising lawyer, or while the legal intern is preparing the necessary pleadings, motions, briefs, or other documents. (3) As a general rule, no supervising lawyer shall have supervision over more than one legal intern at any one time. However, in the case of (i) the Federal Public Defender or the U.S. Attorney, the supervising lawyer may have supervision over two legal interns at one time, or (ii) a clinical course offered by an approved law school where such course has been approved by its dean and is directed by a member of its faculty, each full-time clinical supervising lawyer may

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	have supervision over ten legal interns at one time. (4) A lawyer currently acting as a supervising lawyer may be terminated as a supervising lawyer at the discretion of the court. When an intern's supervisor is so terminated, the intern shall cease performing any services under this rule and shall cease holding himself or herself out as a legal intern until written notice of a substitute supervising lawyer, signed by the intern and by the new and qualified supervising lawyer, is given to the court. (5) The failure of a supervising lawyer, or lawyer acting as a supervising lawyer, to provide adequate supervision or to comply with the duties set forth in this rule shall be grounds for disciplinary action by the court. (6) For purposes of the attorney-client privilege, an intern shall be considered a subordinate of the lawyer providing supervision for the intern. (7) For purposes of this provision of this rule which permit a lawyer from the same office as the supervising lawyer to sign documents or be present with a legal intern during court appearances, the lawyer so acting must be one who meets all of the qualifications for becoming a supervising lawyer under this rule. **(e) Term of Limited Admission to Practice**

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	A limited admission to practice as a legal intern shall be valid, unless revoked, for a period of not more than 24 consecutive months, provided that a person shall not serve as a legal intern more than 12 months after graduation from law school. (1) A limited admission to practice before the court is granted at the sufferance of the court and may be revoked at any time upon the court's own motion. An intern shall immediately cease performing any services under this rule and shall cease holding himself out as a legal intern (i) upon termination for any reason of the intern's limited license under this rule; or (ii) upon the resignation of the intern's supervising lawyer; or (iii) upon the suspension or termination by the court of the supervising lawyer's status as supervising lawyer; or (iv) upon the withdrawal of approval of the intern pursuant to this rule.

Local Criminal Rule 62.5 **SIGNING FILINGS; SANCTIONS**	
CrR 62.5	**Proposed Change**
NONE	**(a) Signature** A document signed electronically (by either a digital signature or by an attorney using the "s/ Name" convention) has the same force and effect as if the person had affixed a signature to a paper copy of the document, unless an original document is otherwise required. If an original document is required to be

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	filed with the court, any required signature thereto must also be original. Electronic signatures must be in conformance with this district's Electronic Filing Procedures for Criminal Cases. **Notifying the Court of Settlement** Attorneys must advise the court promptly when a case is settled or when for other reasons it will not be ready for trial at the time set. An attorney who fails to promptly notify the court may be subject to such discipline as the court deems appropriate, including the imposition of costs or of a fine. **(c) Sanctions for Non-Participation, Non-Compliance, or Multiplying or Obstructing Proceedings** Failure of an attorney for any party to appear at a pretrial conference or to complete the necessary preparations therefor, or to appear or be prepared for trial on the date assigned, may be considered an abandonment or failure to prosecute or defend diligently, and judgment may be entered against that party either with respect to a specific issue or the entire case. An attorney or party who without just cause fails to comply with any of the Federal Rules of Criminal Procedure, these rules, or an order of the court, or who presents to the court unnecessary motions or unwarranted opposition to motions, or who fails to prepare for presentation to the court, or who otherwise so multiplies or obstructs the proceedings in a case may, in addition to or in lieu of the sanctions and penalties provided elsewhere in these rules, be required by the court to satisfy personally such excess costs and may be subject to such other sanctions as the court may deem appropriate.