



**United States District Court
Eastern District of New York
Southern District Of New York**

Margo K. Brodie
Chief Judge, E.D.N.Y.

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Chief Judge, S.D.N.Y.

JOINT NOTICE TO THE BAR
July 1, 2026

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**The Eastern and Southern Districts of New York
Invite Public Comment on Proposed Changes to
the Courts' Joint Local Rules**

In accordance with Rule 83(a) of the Federal Rules of Civil Procedure and Rule 57(a) of the Federal Rules of Criminal Procedure, the Boards of Judges of the Eastern and Southern Districts of New York invite the public to comment on proposed changes to their Joint Local Rules. The proposed amendments, which resulted in part from the work of a committee of representatives from both courts and the bar in both districts, are made in reference to the Joint Local Rules in effect as of January 2, 2026, which are available at:

<https://www.nyed.uscourts.gov/local-rules-documents-and-administrative-orders>
<https://nysd.uscourts.gov/rules>

The proposed amendments, which are attached to this Notice, include:

- (1) amendments to **Local Civil Rule 1.3** to, among other things, extend to attorneys associated with the Federal Defenders of New York the ability to appear before the Court without requesting *pro hac vice* admission;
- (2) an amendment to **Local Civil Rule 6.1** to correct a scrivener's error;
- (3) amendments to **Local Civil Rules 6.3** and **7.1** to clarify how to calculate word limits for a brief when the presiding judge permits a party to file a longer brief and expresses the limit in pages rather than words;

- (4) amendment of **Local Civil Rule 15.1** to extend the redline requirement to pleadings filed as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1);
- (5) amendment of **Local Civil Rule 47.1** to delete the requirement that parties seriously discuss settlement as unnecessary in light of Fed. R. Civ. P. 16 and 26 and a court's broad discretion to mandate settlement discussions;
- (6) amendment of **Local Civil Rule 56.1** to prohibit parties from incorporating by reference Rule 56.1 Statements into summary judgment briefs;
- (7) amendment of **Local Civil Rule 83.1** to, among other things, expand the waiting period, currently applicable to transfers, to include orders to remand, and extend the period to fourteen days; and
- (8) amendments to **Local Civil Rules 5.2, 37.2, and 39.1** to clarify that they apply to pro se parties.

The proposed changes are presented, in redline format, in the attachments to this Notice. Each proposal is followed by a committee note providing relevant context for the change. (As in the current Joint Local Rules, notes for all rules will be consolidated in an Appendix.)

There is a ninety-day period during which comments may be provided, which begins today and closes on **September 29, 2026**. Comments should be submitted only once. A comment submitted through either court's website or in letter form will be considered by both courts.

Comments submitted electronically are preferred, and may be submitted through a form available on either court's website at the following links:

<https://www.nyed.uscourts.gov/proposed-amendments>

<https://nysd.uscourts.gov/rules/proposed-amendments>

Alternatively, written comments may be submitted in letter form to:

Robert Rogers
Counsel to the Clerk of Court
United States District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007-1312

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Local Civil Rule 1.3. Admission to the Bar

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(l) Attorneys appearing for the Department of Justice or the Federal Defenders of New York may appear before the court without requesting pro hac vice admission. Those attorneys must request electronic filing privileges through the PACER website. Attorneys appearing for ~~other~~ federal agencies other than the Department of Justice must move for pro hac vice admission, but the fee requirement is waived, and the certificate(s) of good standing ~~may~~ must have been issued within one year of filing.

~~(m)~~(m) Only an attorney who ~~has been so admitted or who~~ is a member of the bar of this court, has been admitted pro hac vice, or is authorized to appear pursuant to subsection (l) may enter appearances for parties, sign stipulations, or receive payments on judgments, decrees, or orders.

~~(m)~~(n) If the office address of an attorney who is a member of the bar of this court, or who has been authorized to appear in a case in this court, changes, the attorney must immediately update the relevant information in the PACER system and serve and file a notice of change of address in each pending case in which the attorney has appeared.

2027 COMMITTEE NOTE

Subsection (l) has been amended to extend to attorneys associated with the Federal Defenders of New York the same privileges afforded to Department of Justice attorneys, consistent with the practices of the other District Courts in the Second Circuit and the majority of District Courts nationwide. In addition, what had been subsection (l) has been divided into three subsections for clarity. The new subsection (m) has been amended to make clear that the attorneys authorized to practice include those admitted pro hac vice and those authorized to appear pursuant to subsection (l).

Local Civil Rule 5.2. Requirements for Electronic Filing and Service; Electronic Signatures by Pro Se PartiesLitigants; Duty to Review Underlying Orders

Counsel must serve and file papers by following the instructions regarding ECF published on the website of each respective court, unless exempted from electronic filing by court order or Fed. R. Civ. P. 5. Highly Sensitive Documents (HSDs) must be filed in ~~hard copy~~hardcopy, in accordance with the order issued by each district governing those documents.–

~~In~~A judge presiding over a case ~~where~~may grant electronic filing privileges to a pro se partylitigant. ~~If a pro se litigant~~ has not obtained electronic filing privileges in a case, the United States District Courts for the Eastern and Southern Districts of New York will accept electronic submissions from ~~pro se parties without~~ electronic filing privileges pursuant to that litigant based on certain requirements that will be set forth on each Court's public website. Any document submitted in accordance with these requirements must be signed by the partylitigant in one of the following ways: (a) by signing the document and then scanning it; (b)–by using a digital signature; or (c) by typing: “/s/ [Party'sLitigant's Name].” _

PartiesLitigants have an obligation to review the court's actual order, decree, or judgment (on ECF), which controls, and should not rely on the description on the docket or in the ECF Notice of Electronic Filing (NEF).

2027 COMMITTEE NOTE

The rule has been amended to clarify that the presiding judge may grant electronic filing privileges to a pro se litigant, consistent with current practice.

Local Civil Rule 6.1. Service and Filing of Motion Papers

Except for letter-motions as permitted by Local Civil Rule 7.1(~~d~~e), and unless provided otherwise by statute or rule, or by the court in a judge's individual practices or in a direction in a particular case, motion papers must be served and filed as follows:

- (a) On all motions and applications under Fed. R. Civ. P. 26 through 37 and 45(d)(3), (1) all motion papers must be served by the moving party on all other parties that have appeared in the action, (2) any opposing or response papers must be served within seven days after service of the moving papers, and (3) any reply papers must be served within two days after service of the answering papers. In computing periods of days, refer to Fed. R. Civ. P. 6.
- (b) On all civil motions, petitions, and applications, other than those described in Rule 6.1(a), and other than petitions for writs of habeas corpus, (1) the moving papers must be served by the moving party on all other parties that have appeared in the action, (2) any opposing or response papers must be served within 14 days after service of the moving papers, and (3) any reply papers must be served within seven days after service of the answering papers. In computing periods of days, refer to Fed. R. Civ. P. 6.
- (c) Unless otherwise exempt, filing and service must be accomplished via ECF.
- (d) No ex parte order, or order to show cause to bring on a motion, will be granted, except upon a clear and specific showing by affidavit that contains good and sufficient reasons why a procedure other than by notice of motion is necessary and states whether a previous application for similar relief has been made.

2027 COMMITTEE NOTE

A scrivener's error in the rule has been corrected, to properly reference the rule governing letter-motions, which is Local Civil Rule 7.1(e), not 7.1(d).

Local Civil Rule 6.3. Motions for Reconsideration

Unless otherwise provided by the court or by statute or rule (such as Fed. R. Civ. P. 50, 52, and 59), a notice of motion for reconsideration must be served within 14 days after the entry of the court's order being challenged. There must be served with the notice of motion a memorandum setting forth concisely the matters or controlling decisions which the moving party believes the court has overlooked. The time periods for the service of any answering and reply memoranda are governed by Local Civil Rule 6.1(a) or (b). No party is to file an affidavit unless directed by the court. Unless otherwise provided by the court, the length limitations for filings under this rule are as follows: if filed by an attorney or prepared with a computer, briefs in support of and in response to a motion may not exceed 3,500 words, and reply briefs may not exceed 1,750 words; if filed by a party who is not represented by an attorney and handwritten or prepared with a typewriter, briefs in support of and in response to a motion may not exceed 10 pages, and reply briefs may not exceed five pages. For any brief filed by an attorney or prepared with a computer, if the court expresses a limit on the length of the brief in pages, the filing party should treat it as a word limit of 350 words per page. These limits do not include the caption, any index, table of contents, table of authorities, signature blocks, or any required certificates, but do include ~~material contained in~~ footnotes ~~or~~ endnotes. If a brief is filed by an attorney or prepared with a computer, the party must also provide a certificate of compliance as required by Local Civil Rule 7.1(c). ~~To the extent the court permits a party to submit briefs longer than these limits, and expresses those limits in pages, each additional page must not contain more than 350 additional words if the brief is filed by an attorney or prepared with a computer.~~

2027 COMMITTEE NOTE

The rule was amended to clarify, for any brief filed by an attorney or prepared with a computer, how the filing party should comply with the rule if the presiding judge expresses the in pages rather than words. Thus, for example, if a judge were to grant the filing party one additional page for a brief, that would translate into an additional 350 words for purposes of the word limit. Alternatively, if a judge were to order that a brief not exceed ten pages, that would translate into a total of 3500 words.

Local Civil Rule 7.1. Form and Length of Briefs, Motions, and Other Papers

Except for letter-motions as permitted by this or any other Rule, or as otherwise directed by the court:

- (a) Content of Motion Papers. All motions must include the following motion papers:
 - (1) A notice of motion, or an order to show cause signed by the court, which must specify the applicable rules or statutes pursuant to which the motion is brought, and must specify the relief sought by the motion;
 - (2) A memorandum of law, setting forth the cases and other authorities relied on in support of the motion, and divided, under appropriate headings, into as many parts as there are issues to be determined;
 - (3) Supporting affidavits and exhibits thereto containing any factual information and portions of the record necessary for the decision of the motion; and
 - (4) All oppositions and replies with respect to motions must comply with subsections (a)(2) and (3), and an opposing party who seeks relief that goes beyond the denial of the motion must also comply with subsection (a)(1).
- (b) Formatting Requirements for All Papers. The typeface, margins, and spacing of all documents presented for filing must meet the following requirements:
 - (1) all text must be 12-point type or larger, except for text in footnotes which may be 10-point type;
 - (2) all documents must have at least one-inch margins on all sides;
 - (3) all text must be double-spaced, except for headings, text in footnotes, or block quotations, which may be single-spaced.
- (c) Length of Memoranda of Law. If filed by an attorney or prepared with a computer, briefs in support of and in response to a motion (except for motions for reconsideration) may not exceed 8,750 words, and reply briefs may not exceed 3,500 words; if the court expresses a limit on the length of a brief in pages, the filing party should treat it as a word limit of 350 words per page.

If filed by a party who is not represented by an attorney and handwritten or prepared with a typewriter, briefs in support of and in response to a motion may not exceed 25 pages, and reply briefs may not exceed 10 pages.

These limits do not include the caption, any index, table of contents, table of authorities, signature blocks, or any required certificates, but do include material contained in footnotes or endnotes.

If a brief is filed by an attorney or prepared with a computer, it must include a certificate by the attorney, or party who is not represented by an attorney, that the document complies with the word-count limitations. The person preparing the certificate may rely on the word count of the word-processing program used to prepare the document. The certificate must state the number of words in the document. ~~To the extent the court permits a party to submit briefs longer than these limits, and expresses those limits in pages, each additional page must not contain more than 350 additional words if the brief is filed by an attorney or prepared with a computer.~~

- (d) Briefs in Bankruptcy Appeals. Unless ordered otherwise by the district judge to whom the appeal is assigned, appellate briefs on bankruptcy appeals must comply with the briefing format and length specifications set forth in Federal Rules of Bankruptcy Procedure 8015 to 8017.
- (e) Letter-motions. Applications for extensions or adjournments, applications for a pre-motion conference, and similar nondispositive matters may be brought by letter-motion. Other motions cannot be brought by letter-motion unless authorized by the judge's individual practices or order issued in a particular case.

2027 COMMITTEE NOTE

Subsection (c) of the rule was amended to clarify, for a brief filed by an attorney or prepared with a computer, how the filing party should comply with the rule if the presiding judge expresses the limit in pages rather than words. Thus, for example, if a judge were to grant the filing party one additional page for a brief, that would translate into an additional 350 words for purposes of the word limit. Alternatively, if a judge were to order that a brief not exceed ten pages, that would translate into a total of 3500 words.

Local Civil Rule 15.1 Amendment of Pleadings

- (a) ~~Motions~~ When amending a pleading as a matter of course pursuant to Amend or Supplement Pleadings. All motions made by a represented party under Fed. R. Civ. P. 15(a)(1) or moving for leave to file an amended or supplemental pleading pursuant to Fed. R. Civ. P. 15(a)(2) or (d-), a represented party must also include as an exhibit file (1) a clean copy of the new or proposed amended or supplemental pleading; and (2) a version of the new or proposed pleading that shows—through redlining, underlining, strikeouts, or other similar typographic method—all differences from the pleading that it is intended to amend or supplement. A pro se party must include a proposed amended or supplemental pleading with a motion to amend or supplement but ~~does is~~ not need required to provide a version showing all differences from the prior pleading.
- ~~(b) Filing of Amended or Supplemental Pleading. (b)~~ _____ The granting of a motion under Rule 15(a)(2) or (d) does not constitute the filing of the amended or supplemental pleading. Unless the court orders otherwise, a represented moving party must file the new pleading within seven days of the order granting the motion.

2027 COMMITTEE NOTE

Subsection (a) has been amended to require a represented party to file a redline not only for a proposed amended or supplemental pleading filed pursuant to Fed. R. Civ. P. 15(a)(2) and (d) but also for a pleading filed as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1) to assist the court and parties in identifying changes from the earlier pleading.

Local Civil Rule 37.2. Discovery Disputes

Unless the individual practices of the judge presiding over discovery require a different procedure, no motion under Fed. R. Civ. P. 26 through 37 inclusive and Fed. R. Civ. P. 45 will be heard unless ~~counsel for the moving party~~ movant has first requested an informal conference with the court by letter-motion for a pre-motion discovery conference and that request has either been denied or the discovery dispute has not been resolved as a consequence of the conference.

2027 COMMITTEE NOTE

The rule has been amended to make clear that it applies to all parties, and not merely counseled parties.

Local Civil Rule 39.1. Custody of Trial and Hearing Exhibits

(a) —_Unless the court orders otherwise, trial and hearing exhibits must not be filed with the clerk but must be retained in the custody of the respective ~~attorneys~~parties who produced them in court._

(b) —_Trial and hearing exhibits that have been filed with the clerk must be removed by the party responsible for them (1) if no appeal is taken, within 90 days after a final decision is rendered, or (2) if an appeal has been taken, within 30 days after the final disposition of the appeal. Parties failing to comply with this rule will be notified by the clerk to remove their exhibits and upon their failure to do so within 30 days, the clerk may dispose of the exhibits as the clerk may see fit.

2027 COMMITTEE NOTE

The rule has been amended to make clear that it applies to all parties, and not merely counseled parties. A party's attorney is understood to be the agent of that party and thus may retain custody of its exhibits.

Local Civil Rule 47.1. Assessment of Jury Costs

~~All counsel in civil cases must seriously discuss the possibility of settlement a reasonable time before trial.~~ The court may, in its discretion, assess the parties or counsel with the cost of one day's attendance of the jurors if a case is settled after the jury has been summoned or during trial, the amount to be paid to the clerk of the court. For purposes of this rule, a civil jury is considered summoned for a trial as of noon one day before the designated date of the trial.

2027 COMMITTEE NOTE

The rule has been amended to remove the provision requiring all counsel to seriously discuss settlement a reasonable time before trial as unnecessary in light of Fed. R. Civ. P. 16 and 26 and a court's broad discretion to mandate discussion of settlement.

Local Civil Rule 56.1. Statements of Material Facts on Motion for Summary Judgment

- (a) Unless the court orders otherwise, on motion or on its own, any motion for summary judgment under Fed. R. Civ. P. 56 must be accompanied by a separate, short, and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried. Failure to submit such a statement may constitute grounds for denial of the motion. This rule does not apply to claims brought under the Administrative Procedure Act or the Freedom of Information Act.
- (b) The papers opposing a motion for summary judgment must include a correspondingly numbered paragraph admitting or denying, and otherwise responding to, each numbered paragraph in the statement of the moving party, and if necessary, additional paragraphs containing a separate, short and concise statement of additional material facts as to which it is contended that there exists a genuine issue to be tried.
- (c) Each numbered paragraph in the statement of material facts set forth in the statement required to be served by the moving party will be deemed to be admitted for purposes of the motion unless specifically denied and controverted by a correspondingly numbered paragraph in the statement required to be served by the opposing party.
- (d) Each statement by the movant or opponent under Rule 56.1(a) and (b), including each statement denying and controverting any statement of material fact, must be followed by citation to evidence that would be admissible and set forth as required by Fed. R. Civ. P. 56(c).
- (e) In any case where all parties are represented by counsel, any party moving for summary judgment must provide all other parties with an electronic copy, in a standard word processing format, of the moving party's Statement of Material Facts. In any case where all parties are represented by counsel, the counterstatement required by this rule must include each entry in the moving party's statement and set out the opposing party's response directly beneath it.
- (f) A statement by the movant or opponent under Rule 56.1(a) and (b) may not be incorporated by reference into a memorandum of law required by Rule 7.1.

2027 COMMITTEE NOTE

Subsection (f) of the rule was amended to clarify that statements under Rule 56.1(a) and (b) may not be incorporated by reference into supporting memoranda and cannot be used to circumvent otherwise applicable word or page limits. For the avoidance of doubt, subsection (f) is not intended to prohibit a party from citing a statement under Rule 56.1(a) or (b) where appropriate to support facts or arguments set forth in a memorandum.

Local Civil Rule 83.1. ~~Transfer of Cases to Another District~~Waiting Periods for Transfers of Cases to Other Districts and Remands of Cases to State Courts

~~In~~When the court orders a case ~~ordered~~ transferred ~~from the~~to another district ~~where the case was filed~~or remanded to a state court, the clerk will not transfer or remand the case until fourteen days have passed from the date of the order, unless ~~ordered~~the court orders otherwise, ~~must upon the expiration of seven days effectuate the transfer of the case to the transferee court.~~

2027 COMMITTEE NOTE

This rule has been amended in three relevant respects: first, to clarify that the rule is intended to create a waiting period before action by the clerk; second, to include cases remanded to state court; and third, to extend the waiting period to fourteen days. The longer waiting period will facilitate the orderly transfer or remand of a case and provide more time for a party, when permitted, to seek reconsideration or a stay of the order before the case is transferred or remanded. As with the current rule, the deadlines may be extended or shortened by the court. Nothing in the rule provides for an automatic stay of the remand or transfer (or extension of the waiting period upon the filing of a motion for reconsideration).