



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

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

Laura Taylor Swain
Chief Judge, S.D.N.Y.

JOINT NOTICE TO THE BAR
October 8, 2021

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**Eastern and Southern District Courts Adopt Amendments to
Local Civil Rule 1.5, Discipline of Attorneys and Reformatted Joint Local Rules**

Following a period of public comment, the United States District Courts for the Eastern and Southern Districts of New York have adopted amendments to Joint Local Civil Rule 1.5 (a copy of which are attached) that will enable the Courts to share confidential records or documents with disciplinary authorities of the New York State Courts.

In addition, the Courts adopted reformatted versions of the Joint Local Rules that are intended to be more user friendly and approved the separation of each District's Rules for the Division of Business Among District Judges from the Joint Local Rules.

These changes were thereafter approved by the Second Circuit Judicial Council and will become effective on October 15, 2021, at which time they will be available on-line at <http://www.nyed.uscourts.gov/court-info/local-rules-and-orders> and <https://nysd.uscourts.gov/rules>.

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Amendments to Local Civil Rule 1.5 – Discipline of Attorneys

Local Civil Rule 1.5 - Discipline of Attorneys

Effective October 15, 2021, Local Civil Rule 1.5(d)(3) is amended as follows:

(3) Complaints in writing alleging any ground for discipline or other relief set forth in paragraph (b) above shall be directed to the Chief Judge, who shall refer such complaints to the Committee on Grievances. The Committee on Grievances, by its chair, may designate an attorney, who may be selected from the panel of attorneys established pursuant to paragraph (a) above, to investigate the complaint, if it deems investigation necessary or warranted, and to prepare a statement of charges, if the Committee deems that necessary or warranted. Complaints, and any files based on them, shall be treated as confidential unless otherwise ordered by the Chief Judge for good cause shown **or in accordance with paragraph (d)(5) below.**

Effective October 15, 2021, Local Civil Rule 1.5(d) is amended to add a new paragraph (d)(5) as follows:

(5) A duly constituted disciplinary authority of a New York State Court may request expedited disclosure of records or documents that are confidential for use in an investigation or proceeding pending before the disciplinary authority. The request shall be made in writing and submitted to the Chair of the Grievance Committee. The request should, to the extent practicable, identify the nature of the pending investigation or proceeding and the specific records or documents sought. The request may also seek deferral of notice of the request for so long as the matter is in the investigative stage before the disciplinary authority. Upon receipt of the request, the Chair of the Grievance Committee may take any appropriate action and may refer the request to the full Committee. Confidential records and documents disclosed to the disciplinary authority in

response to the request shall not be used for any purpose other than the investigation or proceeding pending before the disciplinary authority.