



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

Laura Taylor Swain
Chief Judge

Ruby J. Krajick
Clerk of Court

COURT NOTICE TO THE BAR
April 24, 2023

CONTACT:
Help Desk 212-805-0800

**SDNY Announces Criminal Document Subpoenas Now Available Through ECF,
and Issues Expanded Courthouse Assignment Guidance**

The United States District Court for the Southern District of New York announces a new option to request a document subpoena in a criminal case through the court's ECF system. Attorneys may now request document and testimonial subpoenas in criminal cases without the need to appear in person at the courthouse. In response, the court will issue criminal subpoena forms through the ECF system. The subpoenas will include the court seal superimposed over the signature of the Clerk of Court but will otherwise be blank in accordance with Federal Rule of Criminal Procedure 17(a). ECF Rule 13.28 has been revised to note this change.

In addition, the court has issued expanded guidance concerning the selection of the proper courthouse for assignment of a new civil action. ECF Rule 14.4 has been added to note the relevant Rules regarding the required certification of the courthouse selection, Rules 18 and 20 of the court's [Rules for the Division of Business Among District Judges](#).

The revised ECF Rules are attached. The complete ECF Rules & Instructions may be found at <https://www.nysd.uscourts.gov/rules/ecf-related-instructions>.

Questions may be directed to the Help Desk at helpdesk@nysd.uscourts.gov, or by calling (212) 805-0800 during business hours.

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ECF Rules & Instructions

Section 13. ECF Basics

13.28 How can I obtain an ~~AO-89~~ criminal subpoena form signed and sealed by the Clerk of Court?

An attorney may submit a request for ~~an AO-89 form, Subpoena to Testify at a Hearing or Trial in a Criminal Case,~~ a criminal subpoena through the court's ECF system. In response to the request, the system will automatically generate a signed ~~AO-89 form~~ subpoena. The subpoena will include the court seal superimposed over the signature of the Clerk of Court but will otherwise be blank in accordance with Federal Rule of Criminal Procedure 17(a).

Step 1: Connect to the court's ECF system using your log-in and password;

Step 2: Click on the Criminal tab / Criminal Subpoena Forms / Signed Subpoena Forms;

Step 3: Download a blank subpoena form in fillable PDF format;

Step 4: Fill in the blanks and print.

Blank subpoena forms may be requested only when required for use in a pending case. Blank subpoena forms shall not be saved for use in future cases. A request for a subpoena(s) must be submitted for each new case. All forms are subject to change, and a new request will generate the most current version of the subpoena form. The request does not require a case number to be entered in ECF and no evidence of the request will appear on the public docket.

An attorney may continue to obtain a signed paper criminal subpoena form at the Finance intake window in the Clerk's Office.

Pro se litigants must submit any request for a subpoena to the Clerk's Office in paper form.

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Section 14. Opening a Civil Action

ECF Rule 14.4 – How do I select the proper courthouse when filing a new civil action?

The Southern District of New York maintains courthouses in both Manhattan and White Plains. When selecting a courthouse for assignment of a new civil action, counsel are required to expressly certify that their choice complies with the court's Rules for the Division of Business Among District Judges.

Civil cases, other than cases removed from state court and bankruptcy appeals, are assigned in accordance with Rule 18.

Cases removed from a state court and bankruptcy appeals are assigned in accordance with Rule 20.

Counsel are advised to consider these rules and the facts of their case to avoid making an incorrect or unsupported certification to the court.