

The Eastern and Southern Districts of New York Joint Local Rules

Proposed amendments to the January 2, 2025, version of the Joint Local Rules were published for public comment on July 1, 2025. The comment period closed on September 29, 2025.

Enclosed are the public comments received to the proposed amendments.



**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

July 1, 2025

CONTACT

S.D.N.Y. (212) 805-0800
E.D.N.Y. (718) 613-2600

**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, 2025, 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) rules authorizing law students to practice under the supervision of a duly admitted attorney and subject to certain conditions (**Local Civil Rule 1.4.1; Local Criminal Rule 1.1**) (**Attachments A and B**);
- (2) authorization for unrepresented parties to sign and submit certain filings electronically (**amended Local Civil Rule 5.2**) (**Attachment C**);
- (3) a new rule requiring counsel to meet and confer in good faith before filing any motion *in limine* in a civil case (**Local Civil Rule 6.4**) (**Attachment D**);

- (4) clarification that an unrepresented party is not required to submit a redline of a proposed amended pleading when seeking leave to amend (**Local Civil Rule 15.1**) (**Attachment E**);
- (5) clarification that, in civil cases, the court has discretion to determine the length and order of summations and whether to permit rebuttal (**Local Civil Rule 39.2**) (**Attachment F**);
- (6) default word limits and formatting requirements for an objection to the decision of a magistrate judge (**Local Civil Rule 72.1**) (**Attachment G**); and
- (7) changes to the rules governing the court-annexed mediation programs in each District (**Local Civil Rules 83.8, 83.9, and 83.10**) (**Attachments H-1, H-2, and H-3**).

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.)

The proposed changes are contained in the attachments to this Notice. Where a proposed change contemplates amending an existing rule, the proposal is either presented in redline form or is followed immediately by a redline reflecting the changes from the existing rule(s).

There is a 90-day period during which comments may be provided, which begins today and closes on **September 29, 2025**. 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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#1

COMPLETE

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Page 1: Local Rules Comment Form

Q1

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Q2

Joint Local Civil Rules

Please select the category related to your comment, or
select "New Rule Proposal."

Page 2

Q3

My comment relates to Rule number

15.1

Page 3

Q4 Respondent skipped this question

Enter your comment for New Proposed Rule below.

Page 4

Q5

Enter your comment or proposal below.

Local Civil Rule 15.1 provides that when filing a motion to amend or supplement pleadings under Rule 15(a)(2) or (d) is made, a redlined copy of the pleading must be filed along with a clean copy of the proposed amended or supplemental pleading to permit a comparison of the two documents and more easily evaluate the proposed changes.

This strikes me as an excellent and very sensible rule. As I am sure you know, though, it is not a universal practice around the country. There is some confusion among attorneys with whom I have spoken as to whether the requirement applies when an amended pleading is filed as of right (not requiring a motion to amend or supplement) under Rule 15(a)(1), because the express language only refers to a "motion to amend or supplement." It might well be that the rule is, indeed, only intended to apply when leave of court is required. In that case, I suppose no change would be necessary.

I would respectfully suggest though, that it would make perfect sense, consistent with the purpose of the Local Rule, to require a redlined version as an exhibit even when the amended pleading is filed as of right. If that is the intention, then I would respectfully suggest that you might consider changing the language of the Local Rule to expressly provide that a redlined version be filed with any amended pleading to remove any uncertainty.

#2

COMPLETE

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Page 1: Local Rules Comment Form

Q1

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Q2

Joint Local Civil Rules

Please select the category related to your comment, or
select "New Rule Proposal."

Page 2

Q3

My comment relates to Rule number

5.2, 6.4, 7.2

Page 3

Q4 Respondent skipped this question

Enter your comment for New Proposed Rule below.

Page 4

Q5

Enter your comment or proposal below.

The New York County Lawyers Association's Federal Courts Committee (the "Federal Courts Committee") respectfully submits this in response to the Eastern and Southern Districts of New York invitation to provide comments on the proposed changes to the Joint Local Rules announced on July 1, 2025 (the "Proposed Changes"). See United States District Court for the Eastern and Southern Districts of New York Joint Notice to the Bar (Jul. 1, 2025), available at <https://nysd.uscourts.gov/sites/default/files/2025-07/2025-07-01%20Joint%20Notice%20to%20Bar%20-%202025%20Amendments%20FINAL.pdf>. For the reasons stated herein, the Federal Courts Committee supports the passage of the Proposed Changes.

In particular, the Federal Courts Committee highlights its strong support for Proposed Local Civil Rule 5.2 which authorizes unrepresented parties to sign and submit certain filings electronically. Electronic filing brings a number of benefits, including increasing ease of access to the courts, enabling convenient review of court documents by the public, and decreasing the environmentally costly use of paper. Both the Eastern and Southern Districts accept via means other than the ECF system certain electronic submissions from pro se litigants. The Federal Courts Committee agrees with the Committee Notes included in the Proposed Changes that this practice should be formally reflected in the rules and encourages the Court to continue to support the increased use of electronic filing.

The Federal Courts Committee also wants to highlight its strong support for Proposed Local Civil Rule 6.4, which requires meeting and conferring before filing motions in limine. As the Committee Notes included in the Proposed Changes indicate, this requirement could "obviate the need for unnecessary motion practice" or "narrow or help frame the issues presented by the motion in limine." Given the potential to significantly increase efficiency and communication between parties, the Federal Courts Committee strongly supports this proposed rule change.

And finally, the Federal Courts Committee is also strongly supportive of the changes to Local Civil Rule 7.2, which extend default word limits and formatting requirements for an objection to the decision of a magistrate judge. Standardization of briefing rules across the EDNY and SDNY – with the possibility of flexibility at the discretion of the Court – increase efficiency.

Respectfully submitted,

New York County Lawyers' Association

Michael B. Eisenkraft and Scott B. Klugman
Co-Chairs, Committee on the Federal Courts

(Please note: this submission has been approved by NYCLA's Federal Courts Committee and approved for submission by NYCLA's President. This letter does not necessarily represent the views of NYCLA's Board of Directors.

#3

COMPLETE

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Page 1: Local Rules Comment Form

Q1

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Q2

Joint Local Civil Rules

Please select the category related to your comment, or select "New Rule Proposal."

Page 2

Q3

My comment relates to Rule number

72.1

Page 3

Q4 Respondent skipped this question

Enter your comment for New Proposed Rule below.

Page 4

Q5

Enter your comment or proposal below.

On behalf of the United States Attorney's Office for the Southern District of New York, I respectfully submit this comment on the proposed addition to Local Civil Rule 72.1.

We suggest that the addition to Local Rule 72.1 should limit objections (and responses to objections) to a magistrate judge's report and recommendation under Fed. R. Civ. P. 72(b) to 8750 words, and reply papers to 3500 words, rather than the proposed limits of 3500 and 1750 words, respectively.

The committee note states that the shorter limit is appropriate because "the issues will, by definition, have been addressed in prior briefing or argument," and suggests that an objection to a magistrate judge's recommendation is therefore akin to a motion for reconsideration of a district judge's order. That analogy may hold in the case of a magistrate judge's ruling on a nondispositive issue under 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P. 72(a), where the district judge reviews the ruling only for clear error. But a magistrate judge's report and recommendation under § 636(b)(1)(B) and Rule 72(b) presents a different scenario. When an objection is properly filed to such a recommendation, the district judge is constitutionally and statutorily required to review it *de novo*. Because that standard requires more robust review than the clear-error standard applied to review of nondispositive magistrate judge rulings or the standard governing motions for reconsideration, we believe that parties should have a full opportunity to state their factual and legal arguments in their objections and responses to a report and recommendation. Moreover, while district judges presented with motions for reconsideration of their own orders have already read the original papers, the matter is presumably new for a district judge addressing objections to a report and recommendation. And a party objecting to a report and recommendation may not simply refer back to the original motion papers before the magistrate judge, as case law makes clear that doing so is a waiver of the point. For all those reasons, parties should be given the opportunity to completely articulate their objections in the standalone briefing submitted to the district judge, subject to the word limit applicable to other substantive motion papers.

Accordingly, we suggest that the court specify the 3500/1750 word limit at the end of existing Local Rule 72.1(b), which applies to objections to a magistrate judge's orders on nondispositive matters under Fed. R. Civ. P. 72(a), and then add a new Local Rule 72.1(c) specifying that objections to a magistrate judge's report and recommendation and responses to those objections under Fed. R. Civ. P. 72(b) are limited to 8750 words, with reply papers limited to 3500 words. Alternatively, the court could impose a uniform word limit on objections to both rulings and recommendations by replacing the reference to Local Rule 6.3 with a new reference to Rule 7.1(c).
