

Amendments to the NDNY Local Rules Effective January 1, 2025

The proposed amendments detailed below were submitted or derived from comments received from the public, practitioners, judges and court staff during the March-May 2024 suggestion period. The changes were approved by the Board of Judges on _____, subject to the review and approval of the Second Circuit Council. On _____, the Second Circuit Judicial Council approved these changes. In addition, several of the Rules were modified to reflect citation, grammatical and/or administrative changes which do not materially alter the current rule. These amendments are effective January 1, 2025, and supersede and/or supplement the specific sections set forth within this handout.

Summary Table of Requested Changes to the NDNY Local Rules

Rule Number	Topic	Description of Requested Change
5.1(b)	Service and Filing of Papers	Modified to reflect all proposed orders or judgments shall be filed on CM/ECF.
5.1.6	Documents to be provided to the Court Clerk	Modified to reflect all pretrial and settlement conference statements shall be submitted via MFT on the Court's website.
5.2(a)(2)	Personal Privacy Protection	Modified to include references to minor be made via minor's initials or a pseudonym
5.3	Sealed Matters	Modified to instruct parties to submit sealed documents using MFT on the Court's website, not via email.
7.1(e)	Order to Show Cause	Modified to clarify process for requesting an Order to Show Cause
7.2	Amicus Curiae	New local rule to clarify requirements for filing an Amicus Curiae brief.
83.1	Attorney Admissions	Modified to remove requirement of Declaration of Sponsor; update admission fee; clarify reporting requirements of disciplinary matters; and clarifying biennial registration process.
83.3	Discipline of Attorneys	Modified to clarify attorney disciplinary process.
Criminal Local Rule 32.3	Character Letters	New local rule requiring character letters in support of defendant be filed at least 7 days prior to sentencing hearing.
Criminal Local Rule 41.1	Search & Seizure Warrants	Modified to clarify that a proposed sealing order shall include an expiration date to unseal the case not to exceed 180 days after the <i>last</i> search warrant return is filed.

Criminal Local Rule 49.1(a)(2)	Personal Privacy Protection	Modified to reflect if the involvement of a minor child must be mentioned, use a pseudonym to refer to the minor.
Criminal Local Rule 49.2	Sealed Matters	Modified to instruct parties to submit sealed documents using MFT on the Court's website, not via email.

The full text version of the proposed changes are set forth below. If a proposed amendment alters an existing rule, the proposed alterations appear in **highlighted text** below the current language of the rule or are ~~redlined~~ within the text.

Proposed Changes to Civil Local Rule 5.1(b)

Current Text:

5.1 Service and Filing of Papers (Amended January 1, 2023)

(b) In civil actions where the Court has directed a party to submit an order or judgment, that party shall file all such orders or judgments pursuant to paragraph 8.2 of [General Order 22](#).

If the assigned judge instructs the prevailing party to do so, the prevailing party shall submit a proposed order which the opposing party has approved, and which contains the endorsement of the opposing party: “Approved as to form.”

When the parties are unable to agree as to the form of the proposed order, the prevailing party shall, on seven (7) days’ notice to all other parties, submit a proposed order and a written explanation for the form of that order. The Court may award costs and attorney’s fees against a party whose unreasonable conduct the Court deemed to have required the bringing of the motion. The provisions of [L.R. 7.1](#) shall not apply to such motion, and the Court shall not hear oral argument.

Proposed Text:

(b) In civil actions where the Court has directed a party to submit an order or judgment, that party shall file all such orders or judgments ~~pursuant to paragraph 8.2 of General Order 22~~ in CM/ECF.

If the assigned judge instructs the prevailing party to do so, the prevailing party shall submit a proposed order which the opposing party has approved, and which contains the endorsement of the opposing party: “Approved as to form.”

When the parties are unable to agree as to the form of the proposed order, the prevailing party shall, on seven (7) days’ notice to all other parties, submit a proposed order and a written explanation for the form of that order. The Court may award costs and attorney’s fees against a party whose unreasonable conduct the Court deemed to have required the bringing of the motion. The provisions of [L.R. 7.1](#) shall not apply to such motion, and the Court shall not hear oral argument.

Proposed Changes to Civil Local Rule 5.1.6

Current Text:

5.1.6 Documents to be provided to the Court Clerk (Amended January 1, 2023)

All pretrial and settlement conference statements shall not be filed on the docket, but rather shall be provided to the Court via the assigned judge's email address listed in Section 8.2 of [General Order 22](#). These documents are not available for public view. Forms for preparation of pretrial and settlement conference statements are available from the Clerk's office or at the Court's webpage at www.nynd.uscourts.gov.

Proposed Text:

5.1.6 Documents to be provided to the Court Clerk (Amended January 1, 2023)

All pretrial and settlement conference statements shall not be filed on the docket, but rather shall be provided to the Court via ~~the assigned judge's email address listed in Section 8.2 of General Order 22~~ [MFT](#) on the Court's website. These documents are not available for public view. Forms for preparation of pretrial and settlement conference statements are available from the Clerk's office or at the Court's webpage at www.nynd.uscourts.gov.

Proposed Change to Local Rule 5.2

Current Text:

5.2 Personal Privacy Protection (formerly L.R. 8.1) (amended January 1, 2023)

(a) **Personal Identifiers:** Except as to documents in social security proceedings, pursuant to [General Order 22](#) §§ 11.1 and 11.2, parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all filings with the Court, including exhibits thereto, whether filed electronically or in paper form, unless the Court orders otherwise.

1. **Social security numbers and taxpayer identification numbers.** If an individual's social security number or taxpayer identification number must be included in a document, use only the last four digits of that number.
2. **Names of minor children.** If the involvement of a minor child must be mentioned, use only the initials of that child.
3. **Dates of birth.** If an individual's date of birth must be included in a document, use only the year.
4. **Financial account numbers.** If financial account numbers are relevant, use only the last four digits of those numbers.
5. **Home Addresses.** If a home address must be used, use only the City and State. However, *Pro Se* litigants must include their complete mailing address in the signature block on all documents filed with the court pursuant to [L.R. 10.1\(c\)\(2\)](#) which shall also appear on the face of the docket.
6. **Names of Sexual Assault Victims.** If the involvement of a sexual assault victim must be mentioned, use only information that does not tend to identify the victim(s) of sexual assault, and redact the name to "Victim 1," "Victim 2", etc.

In addition, caution shall be exercised when filing documents that contain the following:

1. personal identifying number, such as a driver's license number;
2. medical records, treatment and diagnosis;
3. employment history;
4. individual financial information; and
5. proprietary or trade secret information.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

1. file an unredacted version of the document under seal in compliance with [Local Rule 5.3](#), or
2. file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal and may be amended as of right.

Counsel is strongly urged to discuss this issue with all their clients so that they can make an informed decision about the inclusion of certain information. The responsibility for redacting these personal identifiers **rests solely with counsel and the parties**. The Clerk will not review each filing for compliance with this Rule. Counsel and the parties are cautioned that failure to redact these personal identifiers may subject them to the Court's full disciplinary power.

For exceptions, see [Federal Rule of Civil Procedure 5.2\(b\)](#).

Proposed Text:

5.2 Personal Privacy Protection (formerly L.R. 8.1) (amended January 1, 2023)

(a) **Personal Identifiers:** Except as to documents in social security proceedings, pursuant to [General Order 22](#) §§ 11.1 and 11.2, parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all filings with the Court, including exhibits thereto, whether filed electronically or in paper form, unless the Court orders otherwise.

1. **Social security numbers and taxpayer identification numbers.** If an individual's social security number or taxpayer identification number must be included in a document, use only the last four digits of that number.
2. **Names of minor children.** If the involvement of a minor child must be mentioned, use only the initials of that child **or a pseudonym**.
3. **Dates of birth.** If an individual's date of birth must be included in a document, use only the year.
4. **Financial account numbers.** If financial account numbers are relevant, use only the last four digits of those numbers.
5. **Home Addresses.** If a home address must be used, use only the City and State. However, *Pro Se* litigants must include their complete mailing address in the

signature block on all documents filed with the court pursuant to [L.R. 10.1\(c\)\(2\)](#) which shall also appear on the face of the docket.

6. **Names of Sexual Assault Victims.** If the involvement of a sexual assault victim must be mentioned, use only information that does not tend to identify the victim(s) of sexual assault, and redact the name to “Victim 1,” “Victim 2”, etc.

In addition, caution shall be exercised when filing documents that contain the following:

1. personal identifying number, such as a driver’s license number;
2. medical records, treatment and diagnosis;
3. employment history;
4. individual financial information; and
5. proprietary or trade secret information.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

1. file an unredacted version of the document under seal in compliance with [Local Rule 5.3](#), or
2. file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal and may be amended as of right.

Counsel is strongly urged to discuss this issue with all their clients so that they can make an informed decision about the inclusion of certain information. The responsibility for redacting these personal identifiers **rests solely with counsel and the parties**. The Clerk will not review each filing for compliance with this Rule. Counsel and the parties are cautioned that failure to redact these personal identifiers may subject them to the Court's full disciplinary power.

For exceptions, see [Federal Rule of Civil Procedure 5.2\(b\)](#).

Proposed Change to Civil Local Rule 5.3

Current Text:

5.3 Sealed Matters (formerly L.R. 83.13) (Amended January 1, 2023)

(a) A party seeking to have a document, a portion of a document, a party or an entire case sealed bears the burden of filing an application setting forth the reason(s) that the referenced material should be sealed under the governing legal standard. *See Lugosch v. Pyramid Co. of Onondaga County*, 435 F.3d 110, 119-27 (2d Cir. 2006). (The provisions of Local Rule 5.3 shall not apply to actions for which sealing is required by statute, e.g., 31 U.S.C. § 3730(b)(2), or to personal identifiers that are required to be redacted under Local Rule 5.2.)

The application to seal shall be filed on ECF. The party should also attach to the application or file separately a redacted version of any document that is to contain the sealed material (unless the party seeks to seal the entire document). When the party seeks to seal an entire document, the party shall attach or file that document with a blank page marked appropriately (e.g., as “Sealed Affidavit” or “Sealed Exhibit Number ____”) for each requested sealed document.

The application shall also attach a proposed sealing order (which shall not be filed under seal unless the Court deems doing so to be appropriate) containing specific findings justifying the sealing under the governing legal standard for the assigned judge's approval. The proposed order shall include an “ORDERED” paragraph stating the referenced material to be sealed. All material sought to be sealed shall be submitted to the Court, for its in camera consideration, as an attachment (in .pdf format) to an email sent to the assigned judge's email address listed in Section 8.2 of [General Order 22](#), and shall be served on all counsel.

(b) Upon the assigned judge’s approval of the sealing order, the sealing order shall be filed on the public docket (unless the Court deems sealing all or a portion of it to be appropriate), and the redacted or sealed document shall be filed as directed by the Court. A complaint presented for filing with an application to seal and a proposed order shall be treated as a sealed case, pending approval of the proposed order. A document, a portion of a document, a party or an entire case may be sealed when the case is initiated, or at various stages of the proceeding. The Court may on its own motion enter an order directing that a document, a portion of a document, a party or an entire case be sealed.

(c) Once the Court seals a document, a portion of a document, a party or an entire case, the material shall remain under seal for the duration of the sealing order or until a

subsequent order is entered directing that the sealed material be unsealed. A party or third-party seeking unsealing must do so by motion on notice.

(d) Should an application to seal be denied, the documents sought to be sealed will be treated as withdrawn and will not be considered by the Court. The documents will be returned to the party advancing the request. The requesting party shall retain all submitted documents for a period of not less than sixty days after all dates for appellate review have expired.

Proposed Text:

5.3 Sealed Matters (formerly L.R. 83.13) (Amended January 1, 2023)

(a) A party seeking to have a document, a portion of a document, a party or an entire case sealed bears the burden of filing an application setting forth the reason(s) that the referenced material should be sealed under the governing legal standard. *See Lugosch v. Pyramid Co. of Onondaga County*, 435 F.3d 110, 119-27 (2d Cir. 2006). (The provisions of Local Rule 5.3 shall not apply to actions for which sealing is required by statute, e.g., 31 U.S.C. § 3730(b)(2), or to personal identifiers that are required to be redacted under Local Rule 5.2.)

The application to seal shall be filed on ECF. The party should also attach to the application or file separately a redacted version of any document that is to contain the sealed material (unless the party seeks to seal the entire document). When the party seeks to seal an entire document, the party shall attach or file that document with a blank page marked appropriately (e.g., as “Sealed Affidavit” or “Sealed Exhibit Number ____”) for each requested sealed document.

The application shall also attach a proposed sealing order (which shall not be filed under seal unless the Court deems doing so to be appropriate) containing specific findings justifying the sealing under the governing legal standard for the assigned judge's approval. The proposed order shall include an “ORDERED” paragraph stating the referenced material to be sealed. All material sought to be sealed shall be submitted to the Court, for its in camera consideration **via MFT on the Court’s website**, ~~as an attachment (in .pdf format) to an email sent to the assigned judge's email address listed in Section 8.2 of General Order 22~~, and shall be served on all counsel.

(b) Upon the assigned judge’s approval of the sealing order, the sealing order shall be filed on the public docket (unless the Court deems sealing all or a portion of it to be appropriate), and the redacted or sealed document shall be filed as directed by the Court. A complaint presented for filing with an application to seal and a proposed order shall be treated as a sealed case, pending approval of the proposed order. A document, a portion of a document, a party or

an entire case may be sealed when the case is initiated, or at various stages of the proceeding. The Court may on its own motion enter an order directing that a document, a portion of a document, a party or an entire case be sealed.

(c) Once the Court seals a document, a portion of a document, a party or an entire case, the material shall remain under seal for the duration of the sealing order or until a subsequent order is entered directing that the sealed material be unsealed. A party or third-party seeking unsealing must do so by motion on notice.

(d) Should an application to seal be denied, the documents sought to be sealed will be treated as withdrawn and will not be considered by the Court. Any ~~the~~ documents submitted in non-electronic form will be returned to the party advancing the request. The requesting party shall retain all submitted documents for a period of not less than sixty days after all dates for appellate review have expired.

Proposed change to Civil Local Rule 7.1(e)

Current Text:

7.1 Motion Practice (amended January 1, 2024)

...

(e) **Order to Show Cause.** All motions that a party brings by Order to Show Cause shall conform to the requirements set forth in [L.R. 7.1\(b\)\(1\) and \(2\)](#). Immediately after filing an Order to Show Cause, the moving party must telephone the Chambers of the presiding judicial officer and inform Chambers staff that it has filed an Order to Show Cause. Parties may obtain the telephone numbers for all Chambers from the Clerk's office or at the Court's webpage at www.nynd.uscourts.gov. The Court shall determine the briefing schedule and return date applicable to motions brought by Order to Show Cause.

In addition to the requirements set forth in [Local Rule 7.1\(b\)\(1\) and \(2\)](#), a motion brought by "Order to Show Cause" must include an affidavit clearly and specifically showing good and sufficient cause why the standard motion procedure (i.e., advanced notice, 21 days for an opposition, and 7 days for a reply) cannot be used with regard to the underlying motion. In addition, the moving party must give reasonable advanced notice of the application for an Order to Show Cause to the other parties, except in those circumstances where the movant demonstrates, in a detailed and specific affidavit, good cause why reasonable advanced notice cannot be used, and substantial prejudice that would result from the requirement of reasonable advanced notice.

An Order to Show Cause must contain a space for the assigned judge to set forth (a) the deadline for filing and serving supporting papers, (b) the deadline for filing and serving opposing papers, and (c) the date and time for the hearing.

Proposed Text:

(e) **Order to Show Cause.** All ~~motions that a party brings by~~ requests for an Order to Show Cause shall conform to the requirements set forth in [L.R. 7.1\(b\)\(1\) and \(2\)](#). Immediately after filing a request for an Order to Show Cause, the moving party must telephone the Chambers of the presiding judicial officer and inform Chambers staff that it has filed a request for an Order to Show Cause. Parties may obtain the telephone numbers for all Chambers from the Clerk's office or at the Court's webpage at www.nynd.uscourts.gov. The Court shall determine the briefing schedule and return date applicable to ~~motions brought by~~ the request for an Order to Show Cause.

In addition to the requirements set forth in [Local Rule 7.1\(b\)\(1\) and \(2\)](#), a ~~motion brought by~~ request for an Order to Show Cause must include an affidavit clearly and specifically showing good and sufficient cause why the standard motion procedure (i.e., advanced notice, 21 days for an opposition, and 7 days for a reply) cannot be used with regard to the underlying motion. In addition, the moving party must give reasonable advanced notice of the ~~application request~~ for an Order to Show Cause to the other parties, except in those circumstances where the movant demonstrates, in a detailed and specific affidavit, good cause why reasonable advanced notice cannot be used, and substantial prejudice that would result from the requirement of reasonable advanced notice.

A ~~proposed~~ Order to Show Cause must contain a space for the assigned judge to set forth (a) the deadline for filing and serving supporting papers, (b) the deadline for filing and serving opposing papers, and (c) the date and time for the hearing.

Proposed New Civil Local Rule 7.2

Rule 7.2 Brief of an Amicus Curiae

(a) **When permitted.** An amicus curiae may file a brief only by leave of court, but the court ordinarily will deny leave to file an amicus brief when, by reason of a relationship between the assigned judge and the amicus curiae or its counsel, the filing of the brief might cause the recusal of the assigned judge.

(b) **Motion for Leave to File.** An amicus curiae shall ~~traditionally~~ file a motion for leave to file an amicus brief in CM/ECF, or via MFT found on the court's website if the filer is not admitted to NDNY, which shall concisely state the nature of the movant's interest, identify the party or parties supported, set forth why an amicus brief would be helpful to the Court, and why the matters asserted are relevant to the disposition of the case. The brief and a proposed order shall be attached as exhibits to the motion for leave to file. If the amicus curiae is a corporation, a disclosure statement like that required of parties by Fed. R. Civ. P. 7.1 shall also accompany the motion.

(c) **Time for Filing.** An amicus curiae shall file its motion for leave to file an amicus brief no later than 7 days after the principal brief of the party being supported is filed. An amicus curiae who does not support either party must file its motion for leave to file an amicus brief no later than 7 days after the moving party files its principal brief. A certificate of service via regular mail on all pro se litigants shall be filed with the motion.

(d) **Contents and Form.** An amicus brief shall be no more than twelve (12) pages in length, double-spaced, shall contain a table of contents and numbered pages and shall meet the requirements of Local Rule 10.1(a). In addition, unless the amicus curiae is the United States or its officer or agency or a state, the amicus brief shall contain a statement indicating whether (1) a party's counsel authored the brief in whole or in part; (2) a party or a party's counsel contributed money that was intended to fund preparing or submitting the brief; and (3) a person – other than the amicus curiae, its members, or its counsel – contributed money that was intended to fund preparing or submitting the brief and, if so, identifies each such person.

(e) **Oral Argument.** Amicus curiae shall not be permitted oral argument unless leave is granted by the Court.

Proposed Change to Civil Local Rule 83.1

Current Text:

83.1 Admission to the Bar (amended January 1, 2024)

(a) **Admission.** A member in good standing of the courts of the State of New York or of the bar of any United States District Court, or of the highest court in the state in which they reside, whose professional character is good, may be admitted to practice in this Court on motion of a member of the bar of this Court in compliance with the requirements of this Rule. Admission forms are available from the Court's webpage at www.nynd.uscourts.gov.

Each applicant for admission must electronically file in PACER (<https://www.pacer.gov/>) the documentation required for admission including the following:

1. A petition for admission stating the following:
 - place of residence and office address;
 - the date(s) when and court(s) where previously admitted;
 - whether the applicant has ever been held in contempt of court, censured, suspended or disbarred by any court and, if so, the facts and circumstances connected therewith;
 - whether the applicant has ever been convicted of a crime, either a felony or misdemeanor, and, if so, the facts and circumstances connected therewith; and
 - that the applicant is familiar with the provisions of the Judicial Code (Title 28 U.S.C.), which pertain to the jurisdiction of, and practice in, the United States District Courts; the Federal Rules of Civil Procedure and the Federal Rules of Evidence for the District Courts; the Federal Rules of Criminal Procedure for the District Courts; the Local Rules of the District Court for the Northern District of New York; and the New York Rules of Professional Conduct. The applicant shall further affirm faithful adherence to these Rules and responsibilities.

The applicant is not required to notarize the petition if it is executed in accordance with 28 U.S.C. § 1746.

2. **Declaration of Sponsor.** The sponsor must be a member in good standing of the bar of the Northern District of New York who has personal knowledge of the petitioner's background and character.

3. **Attorney E-Filing Registration Form.** The E-Filing Registration Form must be in the form the Clerk prescribes, setting forth the full name of the attorney, indicating the appropriate method of admission sought, and a fully executed Oath on Admission.
4. **Certificate of Good Standing.** Court issued certificate of good standing as required by subdivision (b) below must be dated within six (6) months of the date of the application for admission.
5. **The Required Fee.** As prescribed by and pursuant to the Judicial Conference of the United States and the Rules of this Court, the fee for admission to the bar is \$238.00. The admission fee is payable upon acceptance of a complete application received by the Court from an attorney's individual PACER account. This fee includes the fee set by the Judicial Conference of \$188.00 plus an additional fee set by the Court of \$50.00 unless the Chief Judge waives such additional fee upon a showing of good cause.

There shall also be a \$50.00 biennial registration fee unless the Board of Judges directs otherwise. Should the payment of this biennial fee present a significant financial hardship, an attorney may request, by submitting an application to the Chief Judge, that the biennial registration fee be waived. The Member must also certify at the time of payment of the biennial fee that he/she has not been convicted of a felony or misdemeanor, or been the subject of any disciplinary action by another Federal, State or Local Court within the last two years.

FAILURE TO REMIT THE BIENNIAL FEE WILL RESULT IN THE AUTOMATIC REMOVAL OF THE NON-PAYING ATTORNEY FROM THE COURT'S BAR ROLL. UNLESS EXCUSED BY THE CHIEF JUDGE, TO GAIN READMITTANCE TO THE NORTHERN DISTRICT OF NEW YORK BAR. NON-PAYING ATTORNEYS MUST SATISFY ALL OF THE ADMISSION REQUIREMENTS SET FORTH IN LOCAL RULE 83.1(a), WITH THE EXCEPTION OF A SPONSOR AFFIDAVIT WHICH IS NOT REQUIRED FOR READMITTANCE FOR FAILURE TO PAY THE BIENNIAL FEE.

The Clerk shall deposit the additional **\$50.00** fee required for admission to the bar and the **\$50.00** biennial registration fee into the District Court Fund. The Clerk shall be the trustee of the Fund, and the monies deposited in the Fund shall be used only for the benefit of the bench and bar in the administration of justice. All withdrawals from the Fund require the approval of the Chief Judge or a judge designated by the Chief Judge to authorize the withdrawals.

The admission fees and biennial registration fees are waived for all attorneys in the full-time employ of the United States Government. The biennial registration fees **only** are waived for all attorneys employed full-time by state and local public sector entities.

(b) If the applicant is admitted to practice in New York State, the Certificate of Good Standing submitted with the application for admission must be from the appropriate New York State Appellate Division. All requirements of subdivision (a) apply.

If the applicant is from outside New York State, the Certificate of Good Standing may be from the highest court of the state or from a United States District Court. All requirements of subdivision (a) apply.

(c) Applicants who are members in good standing of a United States District Court for the Eastern, Western, or Southern District of New York must submit a Certificate of Good Standing from the United States District Court where they are members and a proposed order granting the admission. A sponsor's declaration is not required. All other requirements of subdivision (a) apply.

(d) Pro Hac Vice Admission. A member in good standing of the highest court of any state, or of any United States District Court, may be admitted *pro hac vice* to argue or try a particular case in whole or in part. In addition to the requirements of [L.R. 83.1\(a\)\(1\)](#), (2), (3), and (4), an applicant must make a Motion for Limited Admission *pro hac vice*, which includes the case caption of the particular case for which the applicant seeks admission. See [L.R. 10.1\(c\)](#). Upon receipt of an Order granting the motion for limited admission, the attorney seeking *pro hac vice* admission must immediately submit a *pro hac vice* request in PACER (<https://www.pacer.gov/>) for filing access to the Court. **Admission forms are available from the Court's webpage at www.nynd.uscourts.gov.**

The *pro hac vice* admission fee is **\$100.00**. The Clerk deposits all *pro hac vice* admission fees into the District Court Fund. See [L.R. 83.1\(a\)\(5\)](#). An attorney admitted *pro hac vice* must file a written notice of appearance in the case for which the attorney was admitted in accordance with [L.R. 11.1](#).

In lieu of a written motion for admission, the sponsoring attorney may make an oral motion in open court on the record. Following the proceeding, the attorney seeking *pro hac vice* admission must file all of the required documents referenced above in CM/ECF in the particular case for which the applicant seeks admission, including payment of the filing fee via Pay.gov, within seven (7) days of the date of oral admission.

(e) Admission of United States Attorneys Admitted in Other Federal Districts.

An attorney admitted to practice before any United States District Court who is appointed as a United States Attorney, an Assistant United States Attorney, or as a Special Assistant United States Attorney under [28 U.S.C. §§ 541–543](#), shall be admitted to practice in this Court upon: (i) motion of a member of the bar of this Court and (ii) satisfaction of the requirements of [L.R. 83.1\(a\)\(1\)](#), [\(2\)](#) and [\(3\)](#).

All other attorneys in the employ of the United States Government seeking admission to practice in this Court, including those appointed under [28 U.S.C. §§ 541–543](#) who are not admitted to practice before any United States District Court, must comply with the requirements for admission or *pro hac vice* admission described in subsections (a)–(d) above.

(f) Changes to the Bar Record. Every attorney must update the information contained in their bar record within 14 days of a change. Attorneys shall update their information in PACER (<https://pacer.uscourts.gov/>). Updates to an attorney’s bar record are received by the Court via the attorney’s PACER account which may take up to 24 hours to process. Detailed instructions to update a bar record are available on the Court's website, www.nynd.uscourts.gov. Failure to keep this information current will result in removal from the roll of the Court.

(g) Pro Bono Service. Every member of the bar of this Court shall be required upon the Court’s request for appointment to represent or assist in the representation of indigent parties. The Court shall make appointments under this Rule in a manner such that the Court shall not request any attorney to accept more than one appointment during any twelve-month period. Attorneys employed by the Federal, State, Municipal Government or not-for-profit organizations are exempt from this *pro bono* requirement.

(h) Disciplinary Action in Other Jurisdictions. An attorney admitted pursuant to this section who is disciplined in any other jurisdiction shall advise this Court of such discipline within 14 days thereof. Failure to do so may result in removal from the roll of the Court.

(i) Felony or Misdemeanor Conviction. An attorney convicted of a felony or misdemeanor shall advise this Court of such conviction within 14 days thereafter. Failure to do so may result in removal from the roll of the Court in accordance with [Local Rule 83.3](#).

(j) Public Availability of Admissions Materials. The Clerk’s Office shall make all admissions materials available upon written request, except that the Clerk may redact any non-public personal identifiers described in [L.R. 5.2](#).

Proposed Text:

83.1 Admission to the Bar (amended January 1, 2024)

(a) **Admission.** A member in good standing of the courts of the State of New York or of the bar of any United States District Court, or of the highest court in the state in which they reside, whose professional character is good, may be admitted to practice in this Court ~~on motion of a member of the bar of this Court~~ upon submission of the required documentation in compliance with the requirements of this Rule. Admission forms are available from the Court's webpage at www.nynd.uscourts.gov.

Each applicant for admission must electronically file in PACER (<https://www.pacer.gov/>) the documentation required for admission including the following:

1. A petition for admission stating the following:
 - place of residence and office address;
 - the date(s) when and court(s) where previously admitted;
 - whether the applicant has ever been ~~held in contempt of court, censured, suspended or disbarred by any court and, if so, the facts and circumstances connected therewith;~~
 - convicted of a felony or misdemeanor;
 - held in contempt of court, disbarred, suspended, censured, sanctioned, or otherwise disciplined by any Federal, State or Local Court or attorney disciplinary authority; or
 - resigned from the bar of any jurisdiction while a professional misconduct investigation was pending;and if so, the facts and circumstances connected therewith; and
 - ~~whether the applicant has ever been convicted of a crime, either a felony or misdemeanor, and, if so, the facts and circumstances connected therewith; and~~
 - that the applicant is familiar with the provisions of the Judicial Code (Title 28 U.S.C.), which pertain to the jurisdiction of, and practice in, the United States District Courts; the Federal Rules of Civil Procedure and the Federal Rules of Evidence for the District Courts; the Federal Rules of Criminal Procedure for the District Courts; the Local Rules of the District Court for the Northern District of New York; and the New York Rules of Professional Conduct. The applicant shall further affirm faithful adherence to these Rules and responsibilities.

The applicant is not required to notarize the petition if it is executed in accordance with 28 U.S.C. § 1746.

- ~~2.~~ **Declaration of Sponsor.** ~~The sponsor must be a member in good standing of the bar of the Northern District of New York who has personal knowledge of the petitioner's background and character.~~
- ~~3.~~^{2.} **Attorney E-Filing Registration Form.** The E-Filing Registration Form must be in the form the Clerk prescribes, setting forth the full name of the attorney, indicating the appropriate method of admission sought, and a fully executed Oath on Admission.
- ~~4.~~^{3.} **Certificate of Good Standing.** Court issued certificate of good standing as required by subdivision (b) below must be dated within six (6) months of the date of the application for admission.
- ~~5.~~^{4.} **The Required Fee.** As prescribed by and pursuant to the Judicial Conference of the United States and the Rules of this Court, the fee for admission to the bar is \$249.00~~238.00~~. The admission fee is payable upon acceptance of a complete application received by the Court from an attorney's individual PACER account. This fee includes the fee set by the Judicial Conference of \$199.00~~188.00~~ plus an additional fee set by the Court of \$50.00 unless the Chief Judge waives such additional fee upon a showing of good cause. **The admission fees are waived for all attorneys in the full-time employ of the United States Government.**

[BIENNIAL ADMISSION RELOCATED TO SUBPARAGRAPH (i) below]

~~There shall also be a \$50.00 biennial registration fee unless the Board of Judges directs otherwise. Should the payment of this biennial fee present a significant financial hardship, an attorney may request, by submitting an application to the Chief Judge, that the biennial registration fee be waived. The Member must also certify at the time of payment of the biennial fee that he/she has not been convicted of a felony or misdemeanor, or been the subject of any disciplinary action by another Federal, State or Local Court within the last two years.~~

FAILURE TO REMIT THE BIENNIAL FEE WILL RESULT IN THE AUTOMATIC REMOVAL OF THE NON-PAYING ATTORNEY FROM THE COURT'S BAR ROLL. UNLESS EXCUSED BY THE CHIEF JUDGE, TO GAIN READMITTANCE TO THE NORTHERN DISTRICT OF NEW YORK BAR, NON-PAYING ATTORNEYS MUST SATISFY ALL OF THE ADMISSION REQUIREMENTS SET FORTH IN LOCAL RULE 83.1(a), WITH THE EXCEPTION OF A SPONSOR AFFIDAVIT WHICH IS NOT REQUIRED FOR READMITTANCE FOR FAILURE TO PAY THE BIENNIAL FEE.

~~The Clerk shall deposit the additional \$50.00 fee required for admission to the bar and the \$50.00 biennial registration fee into the District Court Fund. The Clerk shall be the trustee of the Fund, and the monies deposited in the Fund shall be used only for the benefit of the bench and bar in the administration of justice. All withdrawals from the Fund require the approval of the Chief Judge or a judge designated by the Chief Judge to authorize the withdrawals.~~

~~The admission fees and biennial registration fees are waived for all attorneys in the full-time employ of the United States Government. The biennial registration fees **only** are waived for all attorneys employed full-time by state and local public sector entities.~~

(b) If the applicant is admitted to practice in New York State, the Certificate of Good Standing submitted with the application for admission must be from the appropriate New York State Appellate Division. All requirements of subdivision (a) apply.

If the applicant is from outside New York State, the Certificate of Good Standing may be from the highest court of the state or from a United States District Court. All requirements of subdivision (a) apply.

(c) Applicants who are members in good standing of a United States District Court for the Eastern, Western, or Southern District of New York must submit a Certificate of Good Standing from the United States District Court ~~where~~ in which they are members and a proposed order granting the admission. A sponsor's declaration is not required. All other requirements of subdivision (a) apply.

(d) **Pro Hac Vice Admission.** A member in good standing of the highest court of any state, or of any United States District Court, may be admitted *pro hac vice* to argue or try a particular case in whole or in part. In addition to the documents requirements required of [L.R. 83.1\(a\)\(1\)](#), (2), and (3), ~~and (4)~~, ~~an~~ each applicant for *pro hac vice* admission must electronically file in PACER (<https://www.pacer.gov/>) ~~must make~~ a Motion for Limited Admission *pro hac vice*, which includes the case caption of the particular case for which the applicant seeks admission. See [L.R. 10.1\(c\)](#). Upon receipt of an Order granting the motion for limited admission, the attorney seeking *pro hac vice* admission must immediately submit a *pro hac vice* request in PACER (<https://www.pacer.gov/>) for filing access to the Court. **Admission forms are available from the Court's webpage at www.nynd.uscourts.gov.**

The *pro hac vice* admission fee is \$100.00 and is payable upon acceptance of a complete application received by the Court from an attorney's individual PACER account. The Clerk deposits all *pro hac vice* admission fees into the District Court Fund. See [L.R. 83.1\(a\)\(5\)\(4\)](#). An

attorney admitted *pro hac vice* must file a written notice of appearance in the case for which the attorney was admitted in accordance with [L.R. 11.1](#).

In lieu of a written motion for admission, ~~the sponsoring~~ **an** attorney may make an oral motion in open court on the record. Following the proceeding, the attorney seeking *pro hac vice* admission must file all of the required documents referenced above in CM/ECF in the particular case for which the applicant seeks admission, including payment of the filing fee via Pay.gov, within seven (7) days of the date of oral admission.

(e) Admission of United States Attorneys Admitted in Other Federal Districts.

An attorney admitted to practice before any United States District Court who is appointed as a United States Attorney, an Assistant United States Attorney, or as a Special Assistant United States Attorney under [28 U.S.C. §§ 541–543](#), shall be admitted to practice in this Court upon: ~~(i) motion of a member of the bar of this Court and~~ **(ii)** satisfaction of the requirements of [L.R. 83.1\(a\)\(1\)](#), **(2)** and **(3)**.

All other attorneys in the employ of the United States Government seeking admission to practice in this Court, including those appointed under [28 U.S.C. §§ 541–543](#) who are not admitted to practice before any United States District Court, must comply with the requirements for admission or *pro hac vice* admission described in subsections (a)–(d) above.

(f) Changes to the Bar Record. Every attorney must update the information contained in their bar record within 14 days of a change. Attorneys shall update their information in PACER (<https://pacer.uscourts.gov/>). Updates to an attorney's bar record are received by the Court via the attorney's PACER account which may take up to 24 hours to process. Detailed instructions to update a bar record are available on the Court's website, www.nynd.uscourts.gov. Failure to keep this information current will result in removal from the roll of the Court.

(g) Pro Bono Service. Every member of the bar of ~~this Court~~ **the Northern District of New York** shall be required upon the Court's request for appointment to represent or assist in the representation of indigent parties. The Court shall make appointments under this Rule in a manner such that the Court shall not request any attorney to accept more than one appointment during any twelve-month period. Attorneys employed by the Federal, State, Municipal Government or not-for-profit organizations are exempt from this *pro bono* requirement.

(h) Conviction or Disciplinary Action in ~~Other~~ **any Jurisdictions.** An attorney admitted pursuant to this section who **thereafter** ~~is disciplined in any other jurisdiction shall advise~~ **(1) is convicted of a felony or misdemeanor; (2) is held in contempt of court, disbarred, suspended, censured, sanctioned, or otherwise disciplined by any Federal, State or Local Court or attorney disciplinary authority; or (3) resigns from the bar of any jurisdiction while a professional misconduct investigation is pending, shall provide notice to** this Court of such

~~discipline~~ occurrence(s) and shall disclose the relevant circumstances in writing within 14 days thereof. Failure to ~~do so~~ provide such notice may result in removal from the roll of the Court. In response to such notice, the Court may take further action in accordance with Local Rule 83.3, including, where the Chief Judge determines good cause exists, provisional suspension from the bar of the Northern District of New York pending further investigation or proceedings.

~~———(i)——— **Felony or Misdemeanor Conviction.** An attorney convicted of a felony or misdemeanor shall advise this Court of such conviction within 14 days thereafter. Failure to do so may result in removal from the roll of the Court in accordance with Local Rule 83.3.~~

- (i) **Biennial Registration.** Every member of the bar of the Northern District of New York shall submit an application for biennial registration pursuant to notice from the Clerk of Court. ~~There shall also be a~~ A \$50.00 biennial registration fee will be required unless the Board of Judges directs otherwise. Should the payment of this biennial fee present a significant financial hardship, an attorney may request, by submitting an application to the Chief Judge, that the biennial registration fee be waived. ~~The Member must also certify at the time of payment of the biennial fee that he/she has not been convicted of a felony or misdemeanor, or been the subject of any disciplinary action by another Federal, State or Local Court within the last two years.~~ The biennial registration fee is waived for all attorneys employed full-time by federal, state and local public sector entities.

1. Failure to **comply with the biennial registration and** remit the biennial fee, **unless waived,** will result in the automatic removal of the ~~non-paying~~ attorney from the Court's bar roll. Unless excused by the Chief Judge to gain readmittance to the Northern District of New York Bar, ~~non-paying~~ attorneys removed from the bar for failure to comply with the biennial registration must satisfy all of the admission requirements set forth in Local Rule 83.1(a), ~~with the exception of a sponsor affidavit which is not required for readmittance for failure to pay the biennial fee~~ **comply with the biennial registration.**
2. The Clerk shall deposit the additional **\$50.00** fee required for admission to the bar and the **\$50.00** biennial registration fee into the District Court Fund. The Clerk shall be the trustee of the Fund, and the monies deposited in the Fund shall be used only for the benefit of the bench and bar in the administration of justice. All withdrawals from the Fund require the approval of the Chief Judge or a judge designated by the Chief Judge to authorize the withdrawals.

~~The admission fees and biennial registration fees are waived for all attorneys in the full-time employ of the United States Government. [MOVED TO SUBPARAGRAPH (a)(5) above] The biennial registration fees only are~~

~~waived for all attorneys employed full time by state and local public sector entities.~~ **[MOVED TO SUBPARAGRAPH (i) ABOVE].**

3. In the application for biennial registration, the member must certify whether or not, within the time period since his/her admission to this bar or most recent biennial registration, he/she (1) has been convicted of a felony or misdemeanor; (2) has been held in contempt of court, disbarred, suspended, censured, sanctioned, or otherwise disciplined by any Federal, State or Local Court or attorney disciplinary authority; and (3) has resigned from the bar of any jurisdiction while a professional misconduct investigation was pending. Where the member provides notice of such occurrence, he/she shall also disclose the relevant circumstances in writing. Failure to provide notice of such an occurrence may result in removal from the roll of the Court. In response to such notice, the Court may take further action in accordance with Local Rule 83.3, including, where the Chief Judge determines good cause exists, provisional denial of the application for biennial registration pending further investigation or proceedings.

(j) Public Availability of Admissions Materials. The Clerk's Office shall make all admissions materials available upon written request, except that the Clerk may redact any non-public personal identifiers described in [L.R. 5.2](#).

Proposed Change to Civil Local Rule 83.3

Current Text:

83.3 Discipline of Attorneys (formerly L.R. 83.4) (amended January 1, 2024)

(a) The Chief Judge shall have charge of all matters relating to discipline of members of the bar of this Court.

(b) **Grounds for Discipline or Other Relief:** Any person admitted to practice in this Court may be censured, suspended, disbarred or otherwise disciplined for cause shown pursuant to subsections (1) through (8) of this section, after judicial review of the papers submitted, oral argument and/or an evidentiary hearing in the Court's discretion. The Chief Judge may appoint one or more judges to investigate, review, hear and to report findings and a recommendation as to any disciplinary matter, including any grievances or complaints lodged from any source and any application made by an attorney for relief from discipline. Complaints or grievances, and any related documents, shall be treated as confidential. Discipline shall be imposed only upon order of the Court, and the Court, in its discretion, shall determine whether the order will be made available to the public, or published, or circulated.

- (1) **Felony Conviction:** Any member of the bar of this Court who is convicted of a felony in any State, Territory, other District, Commonwealth, or Possession shall be suspended from practice before this Court, upon presentation of a copy of the judgment of conviction, and unless an order to vacate the order of suspension has been granted, shall cease to be a member of the bar of this Court. The attorney who is convicted of a felony is required to submit a copy of the judgment of conviction to the Clerk of Court within fourteen (14) days from the date the judgment is issued. In all proceedings, a judgment of conviction shall constitute conclusive proof of the attorney's guilt of the conduct for which the attorney was convicted.

After the Court receives notice of the felony conviction, by the member or otherwise, the Chief Judge will issue an order suspending that attorney from practice before this Court. The suspension order shall be mailed to the last known business address of the attorney by certified mail with notice that he/she has been suspended in accord with L.R. 83.3. The attorney may file an application to vacate the suspension order within twenty (20) days from the date of the order pursuant to [subsection \(h\)](#) below. If no application to vacate the suspension order is made within twenty (20) days from the date of the order, the Chief Judge will issue an order of disbarment and direct that the attorney's name be struck from the

roll of Members of the bar of this Court. A copy of the disbarment order shall be mailed to the last known business address of the attorney by certified mail. Any future request by the attorney to be admitted to this Court will require the member to file an application for reinstatement pursuant to [subsection \(i\)](#) below. In the event the judgment of conviction is vacated on appeal, the attorney may seek reinstatement of admission to this Court pursuant to [subsection \(i\)](#) below.

- (2) **Misdemeanor Conviction:** The Court may disbar, suspend or censure any member of the bar of this Court who is convicted of a misdemeanor in any State, Territory, other District, Commonwealth, or Possession, upon such conviction. The attorney who is convicted of a misdemeanor must submit a copy of the judgment of conviction within fourteen (14) days from the date the judgment is issued.

After the Court receives notice of the misdemeanor conviction, by the member or otherwise, the Chief Judge may be presented the misdemeanor conviction to the active and senior District Judges for a determination by majority vote as to whether any disciplinary action should be taken. The Chief Judge may, for good cause, temporarily suspend the attorney pending the determination of the proceeding. In the event that the majority of the active and senior District Judges vote to take disciplinary action, the Chief Judge will issue an order permitting the attorney to show cause within thirty (30) days of the date of the order why the recommended disciplinary action should not be imposed, and a copy of the order shall be mailed to the last known business address of the attorney by certified mail. In the event that the Chief Judge determines that more information is necessary to make a recommendation to the active and senior District Judges, the Chief Judge will issue an order requiring the attorney to show cause within thirty (30) days of the date of the order, why the attorney should not be disciplined and permitting the attorney to provide any additional information requested. Upon receiving the attorney's response to the order to show cause, the Chief Judge may consider the application on the papers submitted, schedule oral argument, or hold an evidentiary hearing before a court of one or more judges to hear and to report findings and a recommendation on the matter. After a hearing and report, or if the attorney makes no timely answer or the answer raises no issue requiring a hearing, the Court shall issue an order in accordance with the majority vote by all the active and senior District Judges. A copy of the disciplinary order shall be mailed to the attorney via certified mail. In all proceedings, a judgment of conviction shall constitute conclusive proof of the attorney's guilt of the conduct for which the attorney was convicted. In the event the judgment of conviction is vacated on appeal, the attorney may seek reinstatement of admission to this Court pursuant to [subsection \(i\)](#) below.

- (3) **Resignation While Misconduct Investigation Is Pending:** Any member of the bar of the Northern District of New York who shall resign from the bar of any State, Territory, other District, Commonwealth or Possession while an investigation into allegations of misconduct is pending shall be deemed to have resigned from the bar of this Court. The attorney shall report such resignation to the Clerk of this Court within fourteen (14) days after the submission of the resignation.

On the presentation to the Court of a copy of an order accepting resignation, the name of the attorney resigning shall, by order of the Court, be struck from the roll of members of the bar of this Court. The disbarment order shall be mailed to the last known business address of the attorney by certified mail. The attorney may file an application to vacate the disbarment order within twenty (20) days from the date of the order pursuant to [subsection \(h\)](#) below.

- (4) **Disciplinary Action by Another Court:** Any member of the bar of the Northern District of New York who has been disciplined by a court in any State, Territory, other District, Commonwealth, or Possession shall be disciplined to the same extent by this Court unless an examination of the record resulting in the discipline discloses one or more of a following:

- (A) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
- (B) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court should not accept as final the conclusion on that subject;
- (C) that this Court's imposition of the same discipline would result in grave injustice; or
- (D) that this Court has held, or these Rules provide, that the misconduct warrants substantially different discipline.

The attorney shall deliver a copy of any disciplinary order from another Federal, State or Local Court to the Clerk of this Court within fourteen (14) days after the entry of the order.

On the filing of a copy of an order imposing discipline, the Chief Judge will issue an order disciplining the attorney to the same extent as imposed in the other jurisdiction. The disciplinary order shall be mailed to the last known business address of the attorney by certified mail. Within twenty (20) days of service on

the attorney of the Court's order of discipline, the attorney may file an application to vacate the disciplinary order pursuant to [subsection \(h\)](#) below.

- (5) **Disbarment/Suspension from State Bar:** Any attorney who has been disbarred from the bar of a state in which the attorney was admitted to practice shall have his or her name stricken from the roll of attorneys of this Court or, if suspended from practice for a period at such bar, shall be suspended automatically for a like period from practice in this Court, unless an examination of the record resulting in such disbarment/suspension discloses one or more of the four circumstances set forth in subsection (4) of this Rule. The attorney shall deliver a copy of said order to the Clerk of this Court within fourteen (14) days after the entry of the order. The Chief Judge will issue an order suspending or disbaring the attorney from this Court in the same matter as the other jurisdiction. The order of disbarment/suspension shall be mailed to the last known business address of the attorney by certified mail. The attorney may file an application to vacate the suspension/disbarment order within twenty (20) days from the date of the order pursuant to [subsection \(h\)](#) below.
- (6) **Attorney Admitted *Pro Hac Vice* Found Guilty of Misconduct:** An attorney permitted to argue or try a particular case via *pro hac vice* admission in accordance with [L.R. 83.1](#) who is found guilty of misconduct in this Court shall be precluded from again appearing in this Court. On entry of an order of preclusion, the Clerk shall transmit to the court of the State, Territory, District, Commonwealth, or Possession where the attorney was admitted to practice a certified copy of the order and of the Court's opinion.
- (7) **Complaints Alleging Misconduct in this Court**
 - (A) Complaints lodged from any source against a member of the bar of this Court alleging attorney misconduct or any other cause for discipline must be in writing and shall be directed to the Chief Judge for review and determination as to whether the conduct warrants further investigation. If the Chief Judge deems the conduct alleged in the complaint not sanctionable, the Chief Judge will dismiss the complaint and notify the filer in writing of the dismissal with a copy to the attorney. If the Chief Judge deems the conduct alleged in the complaint sanctionable, the Chief Judge may appoint one or more judges to investigate, review, hear and report findings and recommendation as to any disciplinary action to be taken.

- (B) If the appointed judge(s) determine(s) after investigation that the evidence fails to establish probable cause to believe that any violation of the Rules of Professional Conduct has occurred, the judge(s) shall submit a report of such findings and conclusions to the Chief Judge for the consideration of the active and senior district judges.
- (C) If the judge(s) determine(s) after investigation that the evidence establishes probable cause to believe that one or more violations of the Rules of Professional Conduct has occurred, the judge(s) shall prepare a statement of charges alleging the grounds for discipline. The Clerk shall cause the Statement of Charges to be served upon the attorney concerned (“responding attorney”) by certified mail, return receipt requested, directed to the address of the attorney as shown on the rolls of this Court and, if different, to the last known address of the attorney as shown in any other source together with a direction from the Clerk that the responding attorney shall show cause in writing within thirty (30) days why discipline should not be imposed.
- (D) If the responding attorney fails to respond to the statement of charges, the charges shall be deemed admitted. If the responding attorney denies any charge, the assigned judge(s) shall determine whether an evidentiary hearing is necessary. If no hearing is necessary, a finding and recommendation will be made to the Chief Judge on the papers submitted. If it is determined a hearing is necessary, an evidentiary hearing will be scheduled promptly. The assigned judge(s) may grant such pre-hearing discovery as deemed necessary, hear witness testimony as warranted, and may consider such other evidence included in the record of the hearing that the assigned judge(s) deems relevant and material. A disciplinary charge may not be found proven unless supported by clear and convincing evidence. The assigned judge(s) shall report the findings and recommendations in writing to the Chief Judge and shall serve them upon the responding attorney. The responding attorney may file objections to the assigned judge(s)’s report and recommendations within fourteen (14) days of the date thereof.
- (E) An attorney may not be found guilty of a disciplinary charge except upon a majority vote of the District Judges, including senior district judges, that such charge has been proven by clear and convincing evidence. Any discipline imposed shall also be determined by a majority vote of the District Judges, including senior District Judges, except that in the event of a tie vote, the Chief Judge shall cast a tie-breaking vote. If the District

Judge submitted the complaint under [subsection \(b\)\(7\)\(a\)](#) above giving rise to the disciplinary proceeding, that judge shall be recused from participating in the decisions regarding guilt and discipline. The Chief Judge shall issue an order consistent with the majority vote. A copy of the order shall be served upon the attorney by certified mail.

- (F) Unless the Court orders otherwise, all documents, records, and proceedings concerning a disciplinary matter shall be filed and conducted confidentially except that, without further order of the Court, the Clerk may notify other licensing jurisdictions of the imposition of any sanctions.
- (G) 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 Chief Judge. 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 Chief Judge may take any appropriate action and may refer the request to one or more judges to investigate. 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.

- (8) **Attorneys Found to Have Infirmary**: Should it appear to the Court that an attorney who is a member of the bar of the Court may have an infirmity that prevents the attorney from practicing law before the Court, the Court may take or direct such action as it deems necessary or proper to determine whether the attorney has such an infirmity. Should it take or direct such action, the Court shall provide to the attorney notice and an opportunity to be heard, and may appoint counsel to represent the attorney if he or she is without representation. If the Court finds by clear and convincing evidence that the attorney has such an infirmity, it shall enter an order suspending the attorney for an indefinite period and until further order of the Court. A copy of such order shall be served upon the attorney or his or her guardian.

- (c) Unless the Court orders otherwise, no action shall be taken pursuant to [L.R. 83.3\(b\)](#) in any case in which disciplinary proceedings against the attorney have been instituted in the State.

(d) The Court shall enforce the New York Rules of Professional Conduct, in construing which the Court as a matter of comity will follow decisions of the New York State Court of Appeals and other New York state courts absent an over-arching federal interest and as interpreted and applied by the United States Court of Appeals for the Second Circuit.

(e) Nothing in this Rule shall limit the Court's power to punish contempts or to sanction counsel in accordance with the Federal Rules of Civil or Criminal Procedure or the Court's inherent authority to enforce its rules and orders.

(f) If an attorney fails to respond or cooperate with any disciplinary investigation or proceeding conducted under these Rules, the Court may treat such behavior as a waiver of procedural rights, and impose discipline or take any other action as justice and this Rule may require, including suspension or removal of the attorney from the bar of the Northern District of New York.

(g) In the instance that an attorney is suspended or disbarred from practicing in this court, the presiding judge shall issue an order in each of the attorney's open cases in this Court directing the litigant represented by the attorney of the need to retain a new attorney within thirty (30) days from the date of the order.

(h) **Application to Vacate Disciplinary Order:** The member may file an application to vacate an order of suspension, order of disbarment or order imposing other disciplinary action with the Clerk of Court within twenty (20) days from the date of issuance of the order, except for an order issued pursuant to [section \(b\)\(7\)](#) above. The application shall be filed in a miscellaneous action assigned to the Chief Judge. The application shall set forth with specificity the facts and principles relied upon by the attorney as showing cause why a different disposition should be ordered by this Court. The Court, in its discretion, may consider the application on the papers submitted, schedule oral argument, or hold an evidentiary hearing. The Chief Judge may appoint a one or more judges to investigate, review, hear and report findings and recommendation as to whether the disciplinary order should be vacated. If good cause is not shown to hold an evidentiary hearing, the Chief Judge may proceed to impose discipline or take such other action as justice and this rule may require upon the majority vote of the active and senior District Judges. Upon good cause shown, a majority vote of the active and senior District Judges may vacate the disciplinary order when it is in the interest of justice to do so. A copy of the order on the application to vacate a disciplinary order shall be served upon the attorney by regular mail.

(i) **Application for Reinstatement:** Any attorney who has been suspended or precluded from appearing in this Court or whose name has been struck from the roll of the

members of the bar of this Court may apply in writing to the Chief Judge, for good cause shown, for the lifting of the suspension or preclusion or for reinstatement to the rolls no earlier than one (1) year from the date the disbarment order, suspension order, disciplinary order, or denial of the application for reinstatement was issued. The application shall be filed in a miscellaneous action assigned to the Chief Judge. The attorney has the burden of demonstrating by clear and convincing evidence that he/she has the moral qualifications, candor, competency and learning in the law required for admission to practice law before this Court and that his/her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or injurious to the public interest.

The application shall attach all orders from any court regarding disbarment, suspension or other disciplinary action of the attorney and any order reinstating the attorney to the practice of law. In addition, the application may attach any papers, including (but not limited to) a memorandum of law, declarations, and exhibits. The Chief Judge may appoint one or more judges to review the application and make findings and recommendations or may act upon the application without making such a referral. In his or her discretion, the Chief Judge may conduct a hearing, at which the attorney may adduce oral argument and/or testimony (or rely on his or her declarations). After the application is complete and has been reviewed, the Chief Judge shall forward to the active and senior District Judges of the District (for consideration and vote at the next meeting of the Board of Judges) the following: (1) the attorney's application and supporting documents; (2) any findings and recommendations of any judges appointed to review the application; (3) the transcript of any hearing; and (4) the Chief Judge's findings and recommendations. Absent extraordinary circumstances, no such application will be granted unless the attorney seeking reinstatement meets the requirements for admission set forth in [Local Civil Rule 83.1](#). Upon good cause shown, a majority vote of the active and senior District Judges may vacate the disciplinary order and reinstate the attorney when it is in the interest of justice to do so. A copy of the order on the application to for reinstatement shall be served upon the attorney by regular mail.

PROPOSED TEXT:

83.3 Discipline of Attorneys (formerly L.R. 83.4) (amended January 1, 2024)

(a) The Chief Judge shall have charge of all matters relating to discipline of members of the bar of ~~this Court~~ the Northern District of New York.

(b) **Grounds for Discipline or Other Relief Sanction:** Any ~~person admitted to practice in this Court~~ member of the bar of the Northern District of New York may be censured, suspended, disbarred or otherwise disciplined for cause shown pursuant to subsections (1)

through ~~(8)~~ (7) of this section, after judicial review of the papers submitted, oral argument, and/or an evidentiary hearing in the Court's discretion. The Chief Judge may appoint one or more judges to investigate, review, hear and to report findings and a recommendation as to any disciplinary matter, including any grievances or complaints lodged from any source and any notice or application made by an attorney for relief from relating to discipline. Complaints or grievances, and any related documents, shall be treated as confidential. Discipline shall be imposed only upon order of the Court, and the Court, in its discretion, shall determine whether the order will be made available to the public, or published, or circulated.

- (1) **Felony Conviction:** Any member of the bar of ~~this Court~~ the Northern District of New York who is convicted of a felony in the court of any federal district, state, county, commonwealth, territory, ~~other District, Commonwealth, or~~ possession, recognized tribe, or any legal subdivision thereof, shall be suspended from practice before this Court, upon presentation the Court's receipt of a copy of the judgment of conviction, and unless an order to vacate the order of suspension has been granted, shall cease to be a member of the bar of ~~this Court~~ the Northern District of New York. The attorney who is convicted of a felony is required to submit a copy of the judgment of conviction to the Clerk of Court within fourteen (14) days from the date the judgment is issued. In all proceedings, a judgment of conviction shall constitute ~~conclusive proof~~ clear and convincing evidence of the attorney's guilt of the conduct for which the attorney was convicted.

After the Court receives notice of the felony conviction, by the member or otherwise, the Chief Judge will issue an order suspending that attorney from practice before this Court. The suspension order shall be mailed to the last known business address of the attorney by certified mail with notice that he/she has been suspended in accord with L.R. 83.3. The attorney may file an application to vacate the suspension order within twenty (20) days from the date of the order pursuant to subsection ~~(h)~~(g) below. If no application to vacate the suspension order is made within twenty (20) days from the date of the order, the Chief Judge will issue an order of disbarment and direct that the attorney's name be struck from the roll of members of the bar of ~~this Court~~ the Northern District of New York. A copy of the disbarment order shall be mailed to the last known business address of the attorney by certified mail. Any future request by the attorney to be admitted to this Court will require the member to file an application for reinstatement pursuant to subsection ~~(h)~~(h) below. In the event the judgment of conviction is vacated on appeal, the attorney may seek reinstatement of admission to this Court pursuant to subsection ~~(h)~~(h) below.

- (2) **Misdemeanor Conviction:** The Court may disbar, suspend or censure any member of the bar of ~~this Court~~ the Northern District of New York who is

convicted of a misdemeanor in the court of any federal district, state, county, commonwealth, territory, ~~other District, Commonwealth, or~~ possession, recognized tribe, or any legal subdivision thereof. ~~such conviction.~~ The attorney who is convicted of a misdemeanor must submit a copy of the judgment of conviction within fourteen (14) days from the date the judgment is issued. Failure to provide such notice may result in removal from the roll of the Court. In all proceedings, a judgment of conviction shall constitute clear and convincing evidence of the attorney's guilt of the conduct for which the attorney was convicted.

After the Court receives notice of the misdemeanor conviction, by the member or otherwise, the Chief Judge may ~~be presented~~ determine that more information is necessary and direct the attorney to provide additional information and/or explanation. The Chief Judge may, for good cause, provisionally suspend the attorney from practice before this Court pending further investigation or proceedings. The Chief Judge may present the misdemeanor conviction to the ~~active and senior~~ District Judges for a determination by majority vote as to whether any disciplinary action should be taken. ~~The Chief Judge may, for good cause, temporarily suspend the attorney pending the determination of the proceeding.~~ In the event that the majority of the ~~active and senior~~ District Judges vote to take disciplinary action, the Chief Judge will issue an order permitting the attorney to show cause within thirty (30) days of the date of the order why the recommended disciplinary action should not be imposed, and a copy of the order shall be mailed to the last known business address of the attorney by certified mail. ~~In the event that the Chief Judge determines that more information is necessary to make a recommendation to the active and senior District Judges, the Chief Judge will issue an order requiring the attorney to show cause within thirty (30) days of the date of the order, why the attorney should not be disciplined and permitting the attorney to provide any additional information requested.~~ Upon receiving the attorney's response to the order to show cause, the Chief Judge may consider the application on the papers submitted, schedule oral argument, or hold an evidentiary hearing before a court of one or more judges to hear and to report findings and a recommendation on the matter. After a hearing and report, or if the attorney makes no timely answer or the answer raises no issue requiring a hearing, the Court shall issue an order in accordance with the majority vote by all the ~~active and senior~~ District Judges. A copy of the disciplinary order shall be mailed to the attorney via certified mail. ~~In all proceedings, a judgment of conviction shall constitute conclusive proof of the attorney's guilt of the conduct for which the attorney was convicted.~~ In the event the judgment of conviction is vacated on appeal, the attorney may seek reinstatement of admission to this Court pursuant to subsection (i)(h) below.

[SUBPARAGRAPH (3) MOVED DOWN AND RENUMBERED AS SUBPARAGRAPH (4). SUBPARAGRAPH (4) MOVED UP AND RENUMBERED AS SUBPARAGRAPH (3)]

(4)(3) **Disbarment/Suspension/Disciplinary Action by Another Court:** Any member of the bar of the Northern District of New York who has been **disbarred, suspended, and/or** disciplined by a court or attorney disciplinary authority in any **federal jurisdiction, state, commonwealth, territory, ~~other District, Commonwealth,~~ possession, recognized tribe, or any legal subdivision thereof,** shall be **disbarred, suspended, and/or** disciplined **on comparable terms and conditions** ~~to the same extent~~ by this Court unless an examination of the record resulting in the **disbarment, suspension, or** discipline discloses one or more of a following:

- (A) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
- (B) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court should not accept as final the conclusion on that subject;
- (C) that this Court's imposition of the same discipline would result in grave injustice; or
- (D) that this Court has held, or these Rules provide, that the misconduct warrants substantially different discipline.

The attorney shall deliver a copy of any **such ~~disciplinary order from another Federal, State or Local Court~~ order of disbarment, suspension, or discipline** to the Clerk of this Court within fourteen (14) days after the entry of the order. **Failure to provide such notice may result in removal from the roll of the Court.**

~~On the filing of a copy~~ **After receiving notice of such** an order, ~~imposing discipline,~~ the Chief Judge will issue an order **disbarring, suspending and/or disciplining the attorney on comparable terms and conditions as those** ~~to the same extent as~~ imposed in the other jurisdiction. The ~~disciplinary~~ **Chief Judge's** order shall be mailed to the last known business address of the attorney by certified mail. Within twenty (20) days of service on the attorney of the ~~Court's~~ **Chief Judge's** order of discipline, the attorney may file an application to vacate the disciplinary order pursuant to ~~(h)~~(g) below.

[SUBPARAGRAPH (4) IS MOVED UP AND RENUMBERED TO SUBPARAGRAPH (3) ABOVE. SUBPARAGRAPH (3) MOVED DOWN AND RENUMBERED AS SUB PARAGRAPH (4)]

- (3)(4) **Resignation While Misconduct Investigation Is Pending:** Any member of the bar of the Northern District of New York who ~~shall~~ **has** resigned from the bar of any **federal court**, state, territory, ~~other District~~, commonwealth, possession, **recognized tribe**, or any legal subdivision thereof, while an investigation into allegations of **professional** misconduct is pending shall be deemed to have resigned from the bar of ~~this Court~~ **the Northern District of New York**. The attorney shall ~~report~~ **provide notice of** such resignation to the Clerk of this Court within fourteen (14) days after the submission of the resignation. **Failure to provide such notice may result in removal from the roll of the Court.**

~~On the presentation to~~ **After** the Court **receives notice** of a copy of an order accepting resignation, the name of the attorney resigning shall, by order of the Court, be struck from the roll of members of the bar of ~~this Court~~ **the Northern District of New York**. The disbarment order shall be mailed to the last known business address of the attorney by certified mail. The attorney may file an application to vacate the disbarment order within twenty (20) days from the date of the order pursuant to subsection ~~(h)~~ **(g)** below.

[SUBPARAGRAPH (5) IS INCORPORATED INTO SUBPARAGRAPH (3) ABOVE]

- (5) ~~**Disbarment/Suspension from State Bar:** Any attorney who has been disbarred from the bar of a state in which the attorney was admitted to practice shall have his or her name stricken from the roll of attorneys of this Court or, if suspended from practice for a period at such bar, shall be suspended automatically for a like period from practice in this Court, unless an examination of the record resulting in such disbarment/suspension discloses one or more of the four circumstances set forth in subsection (4) of this Rule. The attorney shall deliver a copy of said order to the Clerk of this Court within fourteen (14) days after the entry of the order. The Chief Judge will issue an order suspending or disbaring the attorney from this Court in the same matter as the other jurisdiction. The order of disbarment/suspension shall be mailed to the last known business address of the attorney by certified mail. The attorney may file an application to vacate the suspension/disbarment order within twenty (20) days from the date of the order pursuant to subsection (h) below.~~

[SUBPARAGRAPH (6) IS INCORPORATED INTO SUBPARAGRAPH (7) BELOW]

- (6) ~~**Attorney Admitted Pro Hac Vice Found Guilty of Misconduct:** An attorney permitted to argue or try a particular case via *pro hac vice* admission in accordance with L.R. 83.1 who is found guilty of misconduct in this Court shall be precluded from again appearing in this Court. On entry of an order of preclusion, the Clerk shall transmit to the court of the State, Territory, District,~~

~~Commonwealth, or Possession where the attorney was admitted to practice a certified copy of the order and of the Court's opinion.~~

~~(7)~~ **(5) Allegations of Professional Malfeasance of Members of the Bar of the NDNY**
Complaints Alleging Misconduct in this Court

- (A) Upon notice to the court, from any source, that a member of the bar of the Northern District of New York allegedly engaged in professional malfeasance, misconduct, or any other cause for discipline, the matter shall be directed to the Chief Judge for review and determination as to whether the conduct warrants further investigation. Complaints alleging professional malfeasance or misconduct on the part of a member of the bar of the Northern District of New York shall be addressed to the Chief Judge, in writing. ~~Complaints lodged from any source against a member of the bar of this Court alleging attorney misconduct or any other cause for discipline must be in writing and shall be directed to the Chief Judge for review and determination as to whether the conduct warrants further investigation.~~ If the allegation of malfeasance or misconduct is being addressed, or has been addressed in another jurisdiction where the misconduct occurred, the Chief Judge may decline consideration of the matter pending resolution of proceedings in the other jurisdiction, or defer to the resolution of the other jurisdiction. If the Chief Judge deems the conduct alleged in the complaint not sanctionable, the Chief Judge will dismiss the complaint and notify ~~the filer~~ any complainant in writing of the dismissal with a copy to the attorney. If the Chief Judge deems the conduct alleged in the complaint sanctionable, the Chief Judge may appoint one or more judges to investigate, review, hear and report findings and recommendation as to any disciplinary action to be taken. The Chief Judge may, for good cause, provisionally suspend the attorney from practice before this Court pending further investigation or proceedings.
- (B) If the appointed judge(s) determine(s) after investigation that the evidence fails to establish probable cause to believe that any violation of the Rules of Professional Conduct has occurred, the judge(s) shall submit a report of such findings and conclusions to the Chief Judge for the consideration of the ~~active and senior~~ District Judges.
- (C) If the judge(s) determine(s) after investigation that the evidence establishes probable cause to believe that one or more violations of the Rules of Professional Conduct has occurred, the judge(s) shall prepare a

statement of charges alleging the grounds for discipline. The Clerk shall cause the Statement of Charges to be served upon the attorney concerned (“responding attorney”) by certified mail, return receipt requested, directed to the address of the attorney as shown on the rolls of this Court and, if different, to the last known address of the attorney as shown in any other source together with a direction from the Clerk that the responding attorney shall show cause in writing within thirty (30) days why discipline should not be imposed.

- (D) If the responding attorney fails to respond to the statement of charges, the charges shall be deemed admitted. If the responding attorney denies any charge, the assigned judge(s) shall determine whether an evidentiary hearing is necessary. If no hearing is necessary, a finding and recommendation will be made to the Chief Judge on the papers submitted. If it is determined a hearing is necessary, an evidentiary hearing will be scheduled promptly. The assigned judge(s) may grant such pre-hearing discovery as deemed necessary, hear witness testimony as warranted, and may consider such other evidence included in the record of the hearing that the assigned judge(s) deems relevant and material. A disciplinary charge may not be found proven unless supported by clear and convincing evidence. The assigned judge(s) shall report the findings and recommendations in writing to the Chief Judge and shall serve them upon the responding attorney. The responding attorney may file objections to the assigned judge(s)’s report and recommendations within fourteen (14) days of the date thereof.
- (E) An attorney may not be found guilty of a disciplinary charge except upon a majority vote of the District Judges, ~~including senior district judges,~~ that such charge has been proven by clear and convincing evidence. Any discipline imposed shall also be determined by a majority vote of the District Judges, ~~including senior District Judges,~~ except that in the event of a tie vote, the Chief Judge shall cast a tie-breaking vote. If ~~the~~ **a** District Judge submitted the complaint under subsection (b)(~~7~~)(~~a~~)(**5**)(**A**) above giving rise to the disciplinary proceeding, that judge shall be recused from participating in the decisions regarding guilt and discipline. The Chief Judge shall issue an order consistent with the majority vote. A copy of the order shall be served upon the attorney by certified mail.
- (F) Unless the Court orders otherwise, all documents, records, and proceedings concerning a disciplinary matter shall be filed and conducted

confidentially except that, without further order of the Court, the Clerk may notify other licensing jurisdictions of the imposition of any sanctions.

- (G) A duly constituted **attorney** 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~~ **that** disciplinary authority. The request shall be made in writing and submitted to the Chief Judge. 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 Chief Judge may take any appropriate action and may refer the request to one or more judges to investigate. 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.

~~(8)~~(6) **Attorneys Found to Have Infirmary**: Should it appear to the Court that an attorney who is a member of the bar of the Court may have an infirmity that prevents the attorney from practicing law before the Court, the Court may take or direct such action as it deems necessary or proper to determine whether the attorney has such an infirmity. Should it take or direct such action, the Court shall provide to the attorney notice and an opportunity to be heard, and may appoint counsel to represent the attorney if he or she is without representation. If the Court finds by clear and convincing evidence that the attorney has such an infirmity, it shall enter an order suspending the attorney for an indefinite period and until further order of the Court. A copy of such order shall be served upon the attorney or his or her guardian. **Upon evidence that the attorney no longer suffers from an infirmity that prevents the attorney from practicing law before the Court, the attorney may seek reinstatement of admission to the bar of the Northern District of New York pursuant to subsection (h) below.**

(7) **Attorney Admitted Pro Hac Vice**: An attorney permitted to argue or try a particular case via pro hac vice admission in accordance with L.R. 83.1 **may have his pro hac admission revoked by the Judge who appointed him upon a finding that the attorney has committed professional malfeasance or misconduct in this Court. Upon such revocation, the attorney will then be precluded from again appearing in this Court via pro hac vice admission; but must apply for and be granted admission under L.R. 83.1 in order to appear before this Court.**

~~(e) — Unless the Court orders otherwise, no action shall be taken pursuant to L.R. 83.3(b) in any case in which disciplinary proceedings against the attorney have been instituted in the State.~~

~~(d)~~(c) In all matters of attorney discipline, the Court shall enforce the New York Rules of Professional Conduct. In construing ~~which~~ those Rules, the Court, as a matter of comity, will follow decisions of the New York State Court of Appeals and other New York state courts, absent an over-arching federal interest, and as interpreted and applied by the United States Court of Appeals for the Second Circuit.

~~(e)~~(d) Nothing in this Rule shall limit the Court's power to punish contempts or to sanction counsel in accordance with the Federal Rules of Civil or Criminal Procedure or the Court's inherent authority to enforce its rules and orders.

~~(f)~~(e) If an attorney fails to respond, comply or cooperate with any request for information from the Court, or any disciplinary investigation or proceeding conducted under these Rules, the Court may treat such behavior as a waiver of procedural rights, and impose discipline or take any other action as justice and this Rule may ~~require~~ allow, including suspension or removal of the attorney from the bar of the Northern District of New York.

~~(g)~~(f) In the instance that an attorney is suspended or disbarred from practicing in this court, the presiding judge shall issue an order in each of the attorney's open cases in this Court directing the litigant represented by the attorney of the need to retain a new attorney within thirty (30) days from the date of the order.

~~(h)~~(g) **Application to Vacate Disciplinary Order:** ~~The member may file an application to vacate~~ An attorney who is the subject of an order of suspension, ~~order of~~ disbarment, or ~~order imposing~~ other disciplinary action may file an application with the Clerk of Court to vacate any such order within twenty (20) days from the date of issuance of the order, except for an order issued pursuant to section (b)~~(7)~~(5) above. The application shall be filed in a miscellaneous action assigned to the Chief Judge. The application shall set forth with specificity the facts and principles relied upon by the attorney as showing cause why a different disposition should be ordered by this Court. The Court, in its discretion, may consider the application on the papers submitted, schedule oral argument, or hold an evidentiary hearing. The Chief Judge may appoint a one or more judges to investigate, review, hear and report findings and recommendation as to whether the disciplinary order should be vacated. ~~If good cause is not shown to hold~~ If the Chief Judge determines, on good cause, that an evidentiary hearing is not required, the Chief Judge may proceed to impose discipline or take such other action as justice and this rule may require upon the majority vote of the ~~active and senior~~ District Judges. Upon good cause shown, a majority vote of the ~~active and senior~~ District Judges may vacate the disciplinary order when it is

in the interest of justice to do so. A copy of the order on the application to vacate a disciplinary order shall be served upon the attorney by ~~regular~~ certified mail.

(+)(h) Application for Reinstatement: Any attorney who has been suspended or precluded from appearing in this Court or whose name has been struck from the roll of the members of the bar of ~~this Court~~ the Northern District of New York may apply in writing to the Chief Judge, for good cause shown, for the lifting of the suspension, ~~or~~ preclusion or disbarment for reinstatement to the rolls no earlier than one (1) year from the date of the challenged sanction. ~~disbarment order, suspension order, disciplinary order, or denial of the application for reinstatement was issued.~~ The application shall be filed in a miscellaneous action assigned to the Chief Judge. The attorney has the burden of demonstrating by clear and convincing evidence that he/she has the moral qualifications character, candor, competency and learning in the law required for admission to practice law before this Court and that his/her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or injurious to the public interest.

The application shall attach all orders from any court regarding disbarment, suspension or other disciplinary action of the attorney and any order reinstating the attorney to the practice of law. In addition, the application may attach any papers, including (but not limited to) a memorandum of law, declarations, and exhibits. The Chief Judge may appoint one or more judges to review the application and make findings and recommendations or may act upon the application without making such a referral. In his or her discretion, the Chief Judge or a designated judge may conduct a hearing, at which the attorney may adduce oral argument and/or testimony (or rely on his or her declarations). After the application is complete and has been reviewed, the Chief Judge shall forward to the ~~active and senior~~ District Judges of the District (for consideration and vote at the next meeting of the Board of Judges) the following: (1) the attorney's application and supporting documents; (2) any findings and recommendations of any judges appointed to review the application; (3) the transcript of any hearing; and (4) the Chief Judge's findings and recommendations. Absent extraordinary circumstances, no such application will be granted unless the attorney seeking reinstatement meets the requirements for admission set forth in [Local Civil Rule 83.1](#). Upon good cause shown, a majority vote of the ~~active and senior~~ District Judges may vacate the disciplinary order and reinstate the attorney when it is in the interest of justice to do so. A copy of the order on the application to for reinstatement shall be served upon the attorney by ~~regular~~ certified mail.

Proposed New Criminal Local Rule 32.3

Letters of Support for Defendant. All letters in support in regard to the Defendant's character must be electronically filed in CM/ECF no later than seven (7) days prior to the sentencing date to be considered by the Court.

Proposed Change to Criminal Local Rule 41.1(a)

Current Text:

41.1 Search and Seizure Warrants

- (a) An Application and Affidavit for a Search Warrant, Seizure Warrant, Tracking Warrant, etc. (hereinafter “Search Warrants”) must include a proposed Warrant. Any application to file the documents in a Sealed case shall also include an Application to Seal the case, a Public Sealing Order and a proposed Sealing Order with an expiration date to unseal the case not to exceed 180 days after the search warrant return is filed, unless an extension has been granted by the Court.
- (b)

Proposed Text:

41.1 Search and Seizure Warrants

- (a) An Application and Affidavit for a Search Warrant, Seizure Warrant, Tracking Warrant, etc. (hereinafter “Search Warrants”) must include a proposed Warrant. Any application to file the documents in a Sealed case shall also include an Application to Seal the case, a Public Sealing Order and a proposed Sealing Order with an expiration date to unseal the case not to exceed 180 days after the **last** search warrant return is filed, unless an extension has been granted by the Court.

Proposed Change to Criminal Local Rule 49.1

Current Text:

49.1 Personal Privacy Protection (formerly Criminal L.R. 1.3)

Parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all filings with the Court, including exhibits thereto, whether filed electronically or in paper form, unless the Court orders otherwise.

(a) Personal Identifiers

1. **Social security/Taxpayer-identification numbers.** If an individual's social security number or a taxpayer-identification number must be included in a document, use only the last four digits of that number
2. **Names of minor children.** If the involvement of a minor child must be mentioned, use only the initials of that child.
3. **Dates of birth.** If an individual's date of birth must be included in a document, use only the year.
4. **Financial account numbers.** If financial account numbers are relevant, use only the last four digits of those numbers.
5. **Home Addresses.** If a home address must be used, use only the City and State. However, a *Pro Se* defendant must include their complete mailing address in the signature block on all documents filed with the court pursuant to [L.R. 10.1\(c\)\(2\)](#) which shall also appear on the face of the docket.
6. **Names of Sexual Assault Victims.** If the victim of a sexual assault must be referenced, redact the name to "Victim 1", "Victim 2," etc.

In addition, caution shall be exercised when filing documents that contain the following:

1. personal identifying number, such as a driver's license number;
2. medical records, treatment and diagnosis;
3. employment history;
4. individual financial information; and
5. proprietary or trade secret information.

For exceptions, see [Federal Rule of Criminal Procedure 49.1](#).

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

1. file an unredacted version of the document under seal in compliance with [Criminal Local Rule 49.2](#), or
2. file a reference list under seal in compliance with [Criminal Local Rule 49.2](#). The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. The Court will construe all references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The party must file the reference list under seal and may amend as of right.

A person waives the protection afforded by [Fed.R.Crim.P. 49.1\(a\)](#) as to the person's own information by filing it without redaction and not under seal. See [Fed.R.Crim.P. Rule 49.1\(h\)](#). The Court strongly urges counsel to discuss this issue with all their clients so that they can make an informed decision about the inclusion of certain information. The responsibility for redacting these personal identifiers **rests solely with counsel and the parties**. The Clerk will not review each filing for compliance with this Rule. The Court cautions counsel and the parties that failure to redact these personal identifiers may subject them to the Court's full disciplinary power.

Proposed Text:

49.1 Personal Privacy Protection (formerly Criminal L.R. 1.3)

Parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all filings with the Court, including exhibits thereto, whether filed electronically or in paper form, unless the Court orders otherwise.

(a) Personal Identifiers

1. **Social security/Taxpayer-identification numbers.** If an individual's social security number or a taxpayer-identification number must be included in a document, use only the last four digits of that number
2. **Names of minor children.** If the involvement of a minor child must be mentioned, use ~~only the initials of that child~~ a pseudonym.
3. **Dates of birth.** If an individual's date of birth must be included in a document, use only the year.
4. **Financial account numbers.** If financial account numbers are relevant, use only the last four digits of those numbers.
5. **Home Addresses.** If a home address must be used, use only the City and State. However, a *Pro Se* defendant must include their complete mailing address in the

signature block on all documents filed with the court pursuant to [L.R. 10.1\(c\)\(2\)](#) which shall also appear on the face of the docket.

6. **Names of Sexual Assault Victims.** If the victim of a sexual assault must be referenced, redact the name to “Victim 1”, “Victim 2,” etc.

In addition, caution shall be exercised when filing documents that contain the following:

1. personal identifying number, such as a driver’s license number;
2. medical records, treatment and diagnosis;
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1. file an unredacted version of the document under seal in compliance with [Criminal Local Rule 49.2](#), or
2. file a reference list under seal in compliance with [Criminal Local Rule 49.2](#). The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. The Court will construe all references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The party must file the reference list under seal and may amend as of right.

Proposed Change to Criminal Local Rule 49.2

Current Text:

49.2 Sealed Matters (formerly Criminal L.R. 13.1) (Amended January 1, 2021)

(a) This Local Rule shall not apply to actions or matters for which sealing is required by statute (e.g., [18 U.S.C. § 3509\(d\)](#), [26 U.S.C. § 6103](#) or [Fed. R. Cr. P. 6\(e\)](#)), to personal identifiers that are required to be redacted under [Local Rule 49.1](#), or to other filings governed by Court policy. Nor shall this Local Rule apply to sealing of (i) investigative process during an ongoing criminal investigation or (ii) other criminal case documents of any kind before a charging document (e.g., a complaint, indictment or information) has been filed publicly against all defendants. The Court, the Clerk, and the United States Attorney's Office may continue to follow existing procedures for sealing of the categories of documents listed above.

(b) A party seeking to have a document, a portion of a document, a party or an entire case sealed bears the burden of filing an application setting forth the reason(s) that the referenced material should be sealed under the governing legal standard. See *Lugosch v. Pyramid Co. of Onondaga County*, 435 F.3d 110, 119-27 (2d Cir. 2006). The application shall be filed publicly. The party shall attach to the application or file separately a redacted version of any document that is to contain the sealed material (unless the party seeks to seal the entire document). When the party seeks to seal an entire document, the party shall attach or file that document with a blank page marked appropriately (e.g., as "Sealed Affidavit" or "Sealed Exhibit Number ____") for each requested sealed document. The application shall also attach a proposed order (which shall not be filed under seal unless the Court deems doing so to be appropriate) containing specific findings justifying the sealing under the governing legal standard for the assigned judge's approval, and including an "ORDERED" paragraph stating the referenced material to be sealed. All material sought to be sealed shall be submitted to the Court, for its in camera consideration, as an attachment (in .pdf format) to an email sent to the assigned judge's email address listed in Section 8.2 of [General Order 22](#), and shall be served on all counsel for the affected parties. In the rare case that counsel believe that compelling interests (qualifying as the countervailing factors or higher values discussed in *Lugosch*) warrant an application to seal that is not filed publicly, and/or is filed *ex parte*, counsel shall submit a written letter request to the assigned judge's email address listed in Section 8.2 of [General Order 22](#), explaining why counsel believe that the procedures set forth in this rule cannot be followed.

(c) Upon the assigned judge's approval of the sealing order, the sealing order shall be filed on the public docket (unless the Court deems sealing all or a portion of it to be appropriate), and the redacted or sealed document shall be filed as directed by the Court. A document, a portion of a document, a party or an entire case may be sealed when the case is initiated, or at

various stages of the proceeding. The Court may on its own motion enter an order directing that a document, a portion of a document, a party or an entire case be sealed.

(d) Once the Court seals a document, a portion of a document, a party or an entire case, the material shall remain under seal for the duration of the sealing order or until a subsequent order is entered directing that the sealed material be unsealed. A party or third-party seeking unsealing must do so by motion on notice.

(e) Should an application to seal be denied, the documents sought to be sealed will be treated as withdrawn and will not be considered by the Court. The documents will be returned to the party advancing the request. The requesting party shall retain all submitted documents for a period of not less than sixty days after all dates for appellate review have expired.

Proposed Text:

49.2 Sealed Matters (formerly Criminal L.R. 13.1) (Amended January 1, 2021)

(a) This Local Rule shall not apply to actions or matters for which sealing is required by statute (e.g., [18 U.S.C. § 3509\(d\)](#), [26 U.S.C. § 6103](#) or [Fed. R. Cr. P. 6\(e\)](#)), to personal identifiers that are required to be redacted under [Local Rule 49.1](#), or to other filings governed by Court policy. Nor shall this Local Rule apply to sealing of (i) investigative process during an ongoing criminal investigation or (ii) other criminal case documents of any kind before a charging document (e.g., a complaint, indictment or information) has been filed publicly against all defendants. The Court, the Clerk, and the United States Attorney's Office may continue to follow existing procedures for sealing of the categories of documents listed above.

(b) A party seeking to have a document, a portion of a document, a party or an entire case sealed bears the burden of filing an application setting forth the reason(s) that the referenced material should be sealed under the governing legal standard. See *Lugosch v. Pyramid Co. of Onondaga County*, 435 F.3d 110, 119-27 (2d Cir. 2006). The application shall be filed publicly. The party shall attach to the application or file separately a redacted version of any document that is to contain the sealed material (unless the party seeks to seal the entire document). When the party seeks to seal an entire document, the party shall attach or file that document with a blank page marked appropriately (e.g., as "Sealed Affidavit" or "Sealed Exhibit Number ____") for each requested sealed document. The application shall also attach a proposed order (which shall not be filed under seal unless the Court deems doing so to be appropriate) containing specific findings justifying the sealing under the governing legal standard for the assigned judge's approval, and including an "ORDERED" paragraph stating the referenced material to be sealed. All material sought to be sealed shall be submitted to the Court, for its in camera

consideration, via **MFT** on the court's website, ~~as an attachment (in .pdf format) to an email sent to the assigned judge's email address listed in Section 8.2 of General Order 22~~, and shall be served on all counsel for the affected parties. In the rare case that counsel believe that compelling interests (qualifying as the countervailing factors or higher values discussed in *Lugosch*) warrant an application to seal that is not filed publicly, and/or is filed *ex parte*, counsel shall submit a written letter request to the assigned judge's email address listed in Section 8.2 of [General Order 22](#), explaining why counsel believe that the procedures set forth in this rule cannot be followed.

(c) Upon the assigned judge's approval of the sealing order, the sealing order shall be filed on the public docket (unless the Court deems sealing all or a portion of it to be appropriate), and the redacted or sealed document shall be filed as directed by the Court. A document, a portion of a document, a party or an entire case may be sealed when the case is initiated, or at various stages of the proceeding. The Court may on its own motion enter an order directing that a document, a portion of a document, a party or an entire case be sealed.

(d) Once the Court seals a document, a portion of a document, a party or an entire case, the material shall remain under seal for the duration of the sealing order or until a subsequent order is entered directing that the sealed material be unsealed. A party or third-party seeking unsealing must do so by motion on notice.

(e) Should an application to seal be denied, the documents sought to be sealed will be treated as withdrawn and will not be considered by the Court. ~~The~~ **Any** documents **submitted in non-electronic format** will be returned to the party advancing the request. The requesting party shall retain all submitted documents for a period of not less than sixty days after all dates for appellate review have expired.