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

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

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Chief Judge, S.D.N.Y.

JOINT NOTICE TO THE BAR
July 1, 2025

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

In accordance with Rule 83(a) of the Federal Rules of Civil Procedure and Rule 57(a) of the Federal Rules of Criminal Procedure, the Boards of Judges of the Eastern and Southern Districts of New York invite the public to comment on proposed changes to their Joint Local Rules. The proposed amendments, which resulted in part from the work of a committee of representatives from both courts and the bar in both districts, are made in reference to the Joint Local Rules in effect as of January 2, 2025, which are available at:

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

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

(1) rules authorizing law students to practice under the supervision of a duly admitted attorney and subject to certain conditions **(Local Civil Rule 1.4.1; Local Criminal Rule 1.1) (Attachments A and B)**;

(2) authorization for unrepresented parties to sign and submit certain filings electronically **(amended Local Civil Rule 5.2) (Attachment C)**;

(3) a new rule requiring counsel to meet and confer in good faith before filing any motion *in limine* in a civil case **(Local Civil Rule 6.4) (Attachment D)**;

(4) clarification that an unrepresented party is not required to submit a redline of a proposed amended pleading when seeking leave to amend **(Local Civil Rule 15.1) (Attachment E)**;

(5) clarification that, in civil cases, the court has discretion to determine the length and order of summations and whether to permit rebuttal **(Local Civil Rule 39.2) (Attachment F)**;

(6) default word limits and formatting requirements for an objection to the decision of a magistrate judge **(Local Civil Rule 72.1) (Attachment G)**; and

(7) changes to the rules governing the court-annexed mediation programs in each District (**Local Civil Rules 83.8, 83.9, and 83.10**) **(Attachments H-1, H-2, and H-3)**.

Each proposal is followed by a committee note providing relevant context for the change. (As in the current Joint Local Rules, notes for all rules will be consolidated in an Appendix.)

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

There is a 90-day period during which comments may be provided, which begins today and closes on **September 29, 2025**. Comments should be submitted only once. A comment submitted through either court's website or in letter form will be considered by both courts.

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

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

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

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

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

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ATTACHMENT A

Local Civil Rule 1.4.1: Law Student Practice

(a) An eligible law student may, upon compliance with the requirements of this rule, with the approval of the presiding judge, and under supervision of an attorney who has filed a notice of appearance, appear on behalf of any person who has consented in writing.

(b) The attorney who supervises a law student must:

(1) be a member of the bar of the district court where the case is pending who has filed a notice of appearance in the case in which the law student is participating;

(2) assume personal professional responsibility for the law student's work;

(3) assist the law student to the extent necessary;

(4) be present with the law student in all proceedings before the Court;

(5) indicate in writing his or her consent to supervise the law student;

(6) obtain the client's approval, in writing, for the law student to appear in the matter; and

(7) obtain the approval of the presiding judge for the law student to appear in the matter.

(c) In order to be eligible to appear, the law student must certify in writing that the law student:

(1) is duly enrolled in a law school accredited by the American Bar Association. The law student will be deemed to continue to satisfy this requirement following graduation as long as the law student is preparing to take the first applicable bar examination for which the law student is eligible, or, having taken the examination, is awaiting the publication of the results or admission to the bar after passing the examination;

(2) has completed at least two semesters of legal studies;

(3) has been certified by either the law school dean or his or her authorized designee as qualified to provide the legal representation permitted by this rule. Such certification may be withdrawn by the certifier at any time by filing a notice in any case where the law student has appeared.

(4) will not ask for nor receive any compensation or remuneration of any kind from the client. This rule does not affect the right of any party or other attorney to seek or recover attorney's fees.

(5) is familiar and will comply with the New York Rules of Professional Conduct; and

(6) is familiar with the federal procedural and evidentiary rules relevant to the action in which the law student is appearing, including any applicable federal procedural or evidence rules, Local Rules, and individual rules of the presiding judge.

(d) A law student who is supervised in accordance with this rule may:

(1) appear as counsel in court or at other proceedings, provided that the law student is accompanied by the supervising attorney; and/or

(2) prepare and sign any document, provided that any such document is also signed by the supervising attorney.

(e) The judge's consent for the law student to appear may be withdrawn without notice or hearing and without showing of cause. Unless a judge specifies otherwise, the withdrawal of consent by a judge, or a judge's decision to decline a law student's request to appear, should not be considered a reflection on the character or ability of the law student.

(f) Participation by law students under the rule should not be deemed a violation in connection with the rules for admission to the bar of any jurisdiction concerning practice of law before admission to the bar.

2025 COMMITTEE NOTE

Both the Eastern and Southern Districts have long permitted law students to appear on behalf of parties in certain cases and subject to certain strict requirements, including supervision by an attorney and written consent of the relevant party. This rule is intended to codify and regulate this practice.

ATTACHMENT B

Local Criminal Rule 1.1. Application of Rules

...

(b) In addition to Local Civil Rules referenced elsewhere in these Local Criminal Rules, the following Local Civil Rules also apply in criminal proceedings:

...

1.4.1 Student Practice

...

For relevant historical context for this local rule, consult the Appendix of Committee Notes.

2025 COMMITTEE NOTE

New Local Civil Rule 1.4.1, governing student practice, has been added to the list of rules that apply in criminal cases.

ATTACHMENT C

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

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

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

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

For relevant historical context for this local rule, consult the Appendix of Committee Notes.

2025 COMMITTEE NOTE

Fed. R. Civ. P. 5(d)(3)(C) provides that "[a] filing made through a person's electronic-filing account and authorized by that person, together with that person's name on a signature block, constitutes the person's signature." Some pro se litigants, however, are not authorized to file through the ECF system; instead, "filing by pro se litigants is left for governing by local rules or court order." Fed. R. Civ. P. 5, 2018 advisory committee note; see also Fed. R. Civ. P. 5(d)(3)(B). Both the Eastern and Southern Districts and SDNY accept via means other than the ECF system certain electronic submissions from pro se litigants. Local Rule 5.2 has been amended to reflect this practice and to provide how such documents may be signed. Because the requirements for accepting electronic submissions may differ over time and between Districts, the amended Rule directs pro se litigants to the specific instructions on each court's website.

ATTACHMENT D

Local Civil Rule 6.4. Motions in Limine

Unless the Court orders otherwise, any motion in limine must include a certification from the moving party that, prior to filing the motion, the party conferred or attempted to confer with the relevant other party or parties in a good faith effort to resolve the issue or issues asserted in the motion without the intervention of the Court.

For relevant historical context for this local rule, consult the Appendix of Committee Notes.

2025 COMMITTEE NOTE

The purpose of this Rule is to impose a meet-and-confer requirement prior to the filing of a motion in limine. The Federal Rules have long required parties to meet and confer before seeking judicial intervention to resolve discovery disputes. *See* Fed. R. Civ. P. 37(a)(1). A similar requirement for motions in limine could obviate the need for unnecessary motion practice in those instances where the would-be movant learns that its adversary does not intend to introduce the evidence in question, or the parties are able to come to an agreement on the evidence to be introduced and any conditions on its use. In other instances, a conferral requirement could narrow or help frame the issues presented by the motion in limine.

ATTACHMENT E

Local Civil Rule 15.1 Amendment of Pleadings

(a) Motions to Amend or Supplement Pleadings. All motions made by a represented party under ~~Except for motions made by pro se litigants, all motions made under~~ Fed. R. Civ. P. 15(a)(2) or (d) must also include as an exhibit (1) a clean copy of the proposed amended or supplemental pleading; and (2) a version of the proposed pleading that shows—through redlining, underlining, strikeouts, or other similar typographic method—all differences from the pleading that it is intended to amend or supplement. A pro se party must include a proposed amended or supplemental pleading with a motion to amend or supplement but does not need to provide a version showing all differences from the prior pleading.

(b) Filing of Amended or Supplemental Pleading. The granting of a motion under Rule 15(a)(2) or (d) does not constitute the filing of the amended or supplemental pleading. Unless the court orders otherwise, a represented moving party must file the new pleading within seven days of the order granting the motion.

For relevant historical context for this local rule, consult the Appendix of Committee Notes.

2025 COMMITTEE NOTE

Because pro se litigants often lack immediate access to technological capability to create redlines or similar documents, they are now exempt from the requirement to provide a separate document showing the differences between the proposed and prior pleading.

2025 COMMITTEE NOTE

When moving to amend or supplement a pleading, counsel should provide the court and parties both a clean copy and a redline of the proposed amended pleading as exhibits to the motion. If the motion is granted, counsel should file the amended pleading or supplement within seven days. The motion, if granted, does not constitute a filing of the amended pleading or supplement. Pro se litigants are exempt from the requirement to provide a redline of the proposed amended pleading; they need only provide a clean copy of the proposed amended pleading.

ATTACHMENT F

PROPOSED REVISED LOCAL CIVIL RULE 39.2

Local Civil Rule 39.2. Order and Length of Summations

~~After the close of evidence in civil trials, the order of summation shall be determined in the discretion of the Court~~The court has discretion to determine the length and order of summations, including whether to allow a rebuttal summation.

For relevant historical context for this local rule, consult the Appendix of Committee Notes.

2025 COMMITTEE NOTE

The rule has been amended to confirm that the court has discretion not only with respect to the order of summations, including whether to allow a rebuttal summation, but also over the length of summations. The amendment is also intended to make plain that the court may exercise this discretion at any time.

PRE-2016 COMMITTEE NOTE

The Committee believes that Local Civil Rule 39.2 serves a useful role in clarifying the power of the Court to determine the order of summation.

ATTACHMENT G

Local Civil Rule 72.1. ~~Powers of~~Proceedings Before Magistrate Judges

(a) Powers of Magistrate Judges. In addition to other powers of magistrate judges, ~~:~~ ~~(a) General Authority of a Magistrate Judge. A~~ a full-time or part-time magistrate judge may be assigned any duty allowed by law to be performed by a magistrate judge. In addition, magistrate judges are specially designated to exercise the jurisdiction set forth in 28 U.S.C. § 636(c). Parties who consent to magistrate judge jurisdiction must follow the procedures set forth in Local Rule 73.1. As judicial officers, in performing any duty, a magistrate judge may determine preliminary matters, require parties, attorneys and witnesses to appear; require briefs, proofs, and argument; and conduct any hearing, conference or other proceeding the magistrate judge may deem appropriate.

(b) Objections to Actions of a Magistrate Judge

(1) Non-Dispositive Matters. A party may serve and file objections to a magistrate judge's order on non-dispositive matters, as provided in Fed. R. Civ. P. 72(a). If a party files an objection to a magistrate judge's order, another party may serve and file a response to that objection. That response must be served within 14 days after being served with the objection.

(2) Lengths of Briefs and Formatting. Unless the Court orders otherwise, any brief filed in connection with any objection to the ruling, order, or report and recommendation of a magistrate judge must comply with the length limitations in Local Civil Rule 6.3 and the formatting requirements in Local Civil Rule 7.1(b).

For relevant historical context for this local rule, consult the Appendix of Committee Notes.

PRE-2024 COMMITTEE NOTE

Local Civil Rule 72.1 confirms and continues the Courts' intent to give their Magistrate Judges the maximum powers authorized by law. Local Civil Rule 72.1(a) is necessary in order to authorize full-time Magistrate Judges to exercise the consent jurisdiction conferred by 28 U.S.C. § 636(c)(1). Local Civil Rule 72.1(b) and (c) confer useful

administrative powers upon Magistrate Judges. Although Local Civil Rule 72.1(d) may be unnecessary in light of 28 U.S.C. § 636(b)(1)(B), the Committee decided that it would be prudent to retain it in order to avoid any possible question on this point. The final sentence of Local Civil Rule 72.1(d) seems unnecessary in light of the sentence preceding it.

2024 COMMITTEE NOTE

The amendments are intended to reflect more clearly the intent of the current local civil rule, which is to grant magistrate judges the full powers available under federal law. Although the amendments remove former subsections (b), (c), and (d), the Committee does not suggest that magistrate judges may not perform those duties or that district judges may not refer such duties to them; rather, the Committee concludes that specific enumeration is unnecessary in light of the general grant of authority set forth in the rule. References to "full-time" magistrate judges have been deleted as the Committee sees no reason not to extend these powers to any part-time magistrate judges who may be serving in one or both districts. The amendments also explicitly provide for submission of a response to an objection to a magistrate judge's non-dispositive order and a time limit for doing so. Although neither Fed. R. Civ. P. 72 nor 28 U.S.C. § 636 expressly authorize filing responses to objections, it is common practice to do so and the Committee believes it is proper and useful to provide an opportunity to file responses to objections. 28 U.S.C. § 636(b)(1)(A) provides that a district judge may reconsider any pretrial matter "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law."

2025 COMMITTEE NOTE

Local Civil Rule 72.1 was amended to impose length limitations and formatting requirements on briefs submitted in connection with objections to decisions of magistrate judges, which previously had, unlike other briefing, no default limits. Because the issues will, by definition, have been addressed in prior briefing or argument, the shorter word counts applicable to motions for reconsideration, set forth in Local Rule 6.3, are set as the default limits. The rule was restructured and retitled to account for this new provision and more accurately reflect its scope.

ATTACHMENT H-1

Local Civil Rule 83.8. Court-Annexed Mediation (Eastern District Only) [formerly Local Civil Rule 83.11]

(a) Definition: Mediation is a confidential process in which parties and counsel meet with a neutral third party trained to facilitate settlement discussions. The mediator works with the parties to identify interests, probe the strengths and weaknesses of each party's legal position, and generate options to resolve the dispute. Mediation is an expeditious and less costly form of dispute resolution that provides litigants with creative solutions that are often unavailable in traditional litigation.

(b) Consideration of Alternative Dispute Resolution
Litigants in all civil cases are required to consider the use of an alternative dispute resolution ("ADR") such as mediation.

(c) Administration of the Mediation Program
  (1) The ADR Administrator, appointed by the Clerk of the Court, will administer the Court's Mediation Program. The Chief Judge will appoint one or more district or magistrate judges to oversee the Mediation Program.
  (2) The Mediation Program is governed by the "Procedures of the Mediation Program for the Eastern District of New York" ("Mediation Procedures"). Mediation Procedures provides specific information on the mediation process, mediator qualifications, reporting, and related topics. Mediation Procedures can be found on the Court's website.

(d) Referrals to the Mediation Program
  (1) All civil cases are eligible for mediation. District and magistrate judges may designate civil cases for inclusion in the Mediation Program by issuing an order referring the case to mediation.
  (2) Parties may request a referral to the Mediation Program and the referral becomes effective when so ordered by the Court.
  (3) The Board of Judges may, by Administrative Order, direct that specified categories of cases will automatically be referred to mediation. The assigned judge may issue a written order exempting a particular case from mediation with or without the request of the parties.

(e) Mediators
  (1) Parties referred to mediation may use a mediator from the Court's panel ("Panel Mediator") or select a private (non-panel) mediator.

(2) The Court maintains a list of qualified mediators with extensive subject matter expertise. A list of Panel Mediators is available on the Court's website.

(3) Panel Mediators are compensated at a rate set by the Board of Judges and posted on the Court's website. Any party that is unable to pay the fee may apply to the referring judge for a waiver of the fee.

(f) Attendance at Mediation Sessions

A party and/or representative (other than outside counsel) familiar with the matter possessing full settlement authority and the attorney responsible for handing the matter must attend the mediation session unless the mediator approves otherwise.

(g) Confidentiality

(1) The mediation shall be considered a settlement negotiation for the purpose of all federal and state rules protecting disclosures from later discovery or use in evidence.

(2) The parties may not call the mediator as a witness or deponent nor compel the mediator to produce documents received or prepared for the mediation.

(3) No record/recording of the mediation shall be made (except to memorialize a settlement).

(h) Immunity of the Mediators. Panel Mediators are immune from liability or suit with respect to their conduct in Court referred mediations to the maximum extent permitted by applicable law.

2025 COMMITTEE NOTE

Local Rule 83.8 has been revised to align with the Court's current mediation practices and includes provisions required by statue or used for funding purposes. The revision also refers to the "Procedures of the Mediation Program for the Eastern District of New York" to increase flexibility in the administration of the Mediation Program and reduce the need to frequently revise the rule.

ATTACHMENT H-1

Local Civil Rule 83.8. Court-Annexed Mediation (Eastern District Only) [formerly Local Civil Rule 83.11]

~~(a) Description~~

Definition: Mediation is a confidential process in which parties and counsel ~~agree to~~ meet with a neutral ~~mediator~~third party trained to ~~assist them in settling disputes.~~facilitate settlement discussions. The mediator ~~improves communication across party lines, helps~~ works with the parties ~~articulate their~~to identify interests ~~and understand those of the other party, probes~~, probe the strengths and weaknesses of each party's legal ~~positions, and identifies areas of agreement and helps~~ position, and generate options ~~for a mutually agreeable resolution to~~ to resolve the dispute. ~~In all cases, mediation provides an opportunity to explore a wide range of potential solutions and to address interests that may be outside the scope of the stated controversy or that could not be addressed by judicial action. A hallmark of mediation is its capacity to expand traditional settlement discussions and broaden resolution options, often by exploring litigant needs and interests that may be formally independent of the legal issues in controversy.~~

(a) ~~(b)~~ Mediation ~~Procedures~~is an expeditious and less costly form of dispute resolution that provides litigants with creative solutions that are often unavailable in traditional litigation.

~~(1) Eligible cases~~

(b) ~~Judges~~ Consideration of Alternative Dispute Resolution

Litigants in all civil cases are required to consider the use of an alternative dispute resolution ("ADR") such as mediation.

(c) Administration of the Mediation Program

(1) The ADR Administrator, appointed by the Clerk of the Court, will administer the Court's Mediation Program. The Chief Judge will appoint one or more district or magistrate judges to oversee the Mediation Program.

(2) The Mediation Program is governed by the "Procedures of the Mediation Program for the Eastern District of New York" ("Mediation Procedures"). Mediation Procedures provides specific information on the mediation process, mediator qualifications, reporting, and related topics. Mediation Procedures can be found on the Court's website.

ATTACHMENT H-1

(d) Referrals to the Mediation Program

All civil cases are eligible for mediation. District and magistrate judges may designate civil cases for inclusion in the ~~mediation program, and when doing so shall prepare~~Mediation Program by issuing an order ~~to that effect. Alternatively, and subject to the availability of qualified mediators, the parties may consent to participation in the mediation program by preparing and executing a stipulation signed by all parties to the action and so ordered by the court.~~

~~(2) Mediation deadline~~

~~Any court order designating a case for inclusion in the mediation program, however arrived at, may contain a deadline not to exceed six months from the date of entry on the docket of that order. This deadline may be extended upon motion to the court for good cause shown.~~

~~(b)~~(a) ~~(3) Mediators~~

~~Parties whose case has been designated for inclusion in the mediation program shall be offered the options of (a) using a mediator from the court's panel, a listing of which is available in the clerk's office; (b) selecting a mediator on their own; or (c) seeking the assistance of a reputable neutral ADR organization in the selection of a mediator.~~

~~(A) Court's panel of mediators~~

~~When the parties opt to use a mediator from the court's panel, the clerk's office will appoint a mediator to handle the case who (i) has been for at least five years a member of the bar of a state or the District of Columbia; (ii) is admitted to practice before this court; and (iii) has completed the court's requirements for mediator training and mediator expertise. If any party so requests, the appointed mediator also must have expertise in the area of law in the case. The clerk's office will provide notice of their appointment to all counsel.~~

~~(B) Disqualification~~

~~Any party may submit a written request to the clerk's office within 14 days from the date of the notification of the mediator for the disqualification of the mediator for bias or prejudice as provided in 28 U.S.C. § 144. A denial of that request by the clerk's office is subject to review by the assigned judge upon motion filed within 14 days of the date of the clerk's office's denial.~~

~~(4) Scheduling the mediation~~

~~The mediator, however chosen, will contact all attorneys to fix the date and place of the first mediation session, which must be held within 30 days of the date the mediator was appointed or at any other time that the court may establish.~~

(1) ~~The clerk's office will provide counsel with copies of the judge's order~~ referring the case to ~~the mediation program, the clerk's office's notice of appointment of mediator (if applicable), and a copy of the program procedures.~~mediation.

(2) Parties may request a referral to the Mediation Program and the referral becomes effective when so ordered by the Court.

(3) The Board of Judges may, by Administrative Order, direct that specified categories of cases will automatically be referred to mediation. The assigned judge may issue a written order exempting a particular case from mediation with or without the request of the parties.

(e) Mediators

~~(5) Written mediation statements~~

~~No less than 14 days before the first mediation session, each party must submit directly to the mediator a mediation statement not to exceed 10 pages double-spaced, not including exhibits, outlining the key facts and legal issues in the case. The statement will also include a description of motions filed and their status, and any other information that will advance settlement prospects or make the mediation more productive. Mediation statements are not briefs and are not filed with the court, nor may the assigned district judge or magistrate judge have access to them.~~

~~(6) Mediation session(s)~~

~~The mediator meets initially with all parties to the dispute and their counsel in a joint session. The mediator may hold mediation sessions in his/her office, or at the court, or at any other place that the parties and the mediator shall agree. At this meeting, the mediator explains the mediation process and gives each party an opportunity to explain his or her views about the matters in dispute. There is then likely to be discussion and questioning among the parties as well as between the mediator and the parties.~~

~~(A) Separate caucuses.~~

~~At the conclusion of the joint session, the mediator will typically caucus individually with each party. Caucuses permit the mediator and the parties to explore more fully the needs and interests underlying the stated positions. In caucuses the mediator strives to facilitate settlement on matters in dispute and the possibilities for~~

~~settlement. In some cases the mediator may offer specific suggestions for settlement; in other cases the mediator may help the parties generate creative settlement proposals.~~

~~(B) Additional sessions~~

~~The mediator may conduct additional joint sessions to promote further direct discussion between the parties, or she/he may continue to work with the parties in private caucuses.~~

~~(C) Conclusion~~

~~The mediation concludes when the parties reach a mutually acceptable resolution, when the parties fail to reach an agreement, on the date the district judge or magistrate judge specified as the mediation deadline in their designation order, or in the event no such date has been specified by the court, at any other time that the parties and/or the mediator may determine. The mediator has no power to impose settlement and the mediation process is confidential, whether or not a settlement is reached.~~

~~(7) Settlement~~

~~If settlement is reached, in whole or in part, the agreement, which will be binding on all parties, will be put into writing and counsel will file a stipulation of dismissal or such other document as may be appropriate. If the case does not settle, the mediator will immediately notify the clerk's office, and the case or the part of the case that has not settled will continue in the litigation process.~~

(1) ~~(c)~~ Parties referred to mediation may use a mediator from the Court's panel ("Panel Mediator") or select a private (non-panel) mediator.

(2) The Court maintains a list of qualified mediators with extensive subject matter expertise. A list of Panel Mediators is available on the Court's website.

~~(c)(a)~~ Panel~~Attendance at Mediation Sessions~~

~~(1) In all civil cases designated by the court for inclusion in the mediation program, attendance at one mediation session will be mandatory; thereafter, attendance will be voluntary. The court requires of each party that the attorney who has primary responsibility for handling the trial of the matter attend the mediation sessions.~~

~~(2) In addition, the court may require, and if it does not, the mediator may require the attendance at the mediation session of a party or its representative in the case of a business or governmental entity or a minor, with authority to settle the matter and to bind the party. This requirement reflects the court's view that the principal values of~~

mediation include affording litigants with an opportunity to articulate their positions and interests directly to the other parties and to a mediator and to hear, first hand, the other party's version of the matters in dispute. Mediation also enables parties to search directly with the other party for mutually agreeable solutions.

(d)(a) (d) Confidentiality

(1) The parties will be asked to sign an agreement of confidentiality at the beginning of the first mediation session to the following effect:

(A) Unless the parties otherwise agree, all written and oral communications made by the parties and the mediator in connection with or during any mediation session are confidential and cannot be disclosed or used for any purpose unrelated to the mediation.

(B) The mediator must not be called by any party as a witness in any court proceeding related to the subject matter of the mediation unless related to the alleged misconduct of the mediator.

(2) Mediators will maintain the confidentiality of all information provided to, or discussed with, them. The clerk of the court and the ADR Administrator are responsible for program administration, evaluation, and liaison between the mediators and the court and will maintain strict confidentiality.

(3) No papers generated by the mediation process will be included in court files, nor may the district judge or magistrate judge assigned to the case have access to them. Information about what transpires during mediation sessions will not at any time be made known to the court, except to the extent required to resolve issues of noncompliance with the mediation procedures. Communications made in connection with or during a mediation may be disclosed if all parties and, if appropriate as determined by the mediator, the mediator so agree. Nothing in this section may be construed to prohibit parties from entering into written agreements resolving some or all of the case or entering and filing with the court procedural or factual stipulations based on suggestions or agreements made in connection with a mediation.

(e) Oath and Disqualification of Mediator

(1) Each individual certified as a mediator must take the oath or affirmation prescribed by 28 U.S.C. § 453 before serving as a mediator.

(2) No mediator may serve in any matter in violation of the standards set forth in 28 U.S.C. § 455. If a mediator is concerned that a circumstance covered by subparagraph (a) of that section might exist, e.g., if the mediator's law firm has represented one or more of

~~the parties, or if one of the lawyers who would appear before the mediator at the mediation session is involved in a case on which an attorney in the mediator's firm is working, the mediator shall promptly disclose that circumstance to all counsel in writing. A party who believes that the assigned mediator has a conflict of interest must bring this concern to the attention of the clerk's office in writing, within 14 days of learning the source of the potential conflict, or the objection to the potential conflict will be deemed to have been waived. Any objections that cannot be resolved by the parties in consultation with the clerk's office must be referred to the district judge or magistrate judge who has designated the case for inclusion in the mediation program.~~

~~(3) A party who believes that the assigned mediator has engaged in misconduct in that capacity must bring this concern to the attention of the clerk's office in writing, within 14 days of learning of the alleged misconduct, or the objection to the alleged misconduct will be deemed to have been waived. Any objections that cannot be resolved by the parties in consultation with the clerk's office must be referred to the district judge or magistrate judge who has designated the case for inclusion in the mediation program.~~

~~(f) Services of the~~ Mediators

~~(1)~~(3) ~~(1) Participation by mediators in the program is on a voluntary basis. Each mediator will receive a fee of $600.00 for the first four hours or less of the actual mediation. Time spent preparing for the mediation will not be~~ are compensated~~. Thereafter, the mediator will be compensated at the~~ at a rate ~~of $250.00 per hour. The mediator's fee must be paid~~set by the ~~parties to~~Board of Judges and posted on the ~~mediation~~Court's website. Any party that is unable ~~or unwilling~~ to pay the fee may apply to the referring judge for a waiver of the fee~~, with a right of appeal to the district judge in the event the referral was made by a magistrate judge. Each member of the panel will be required to mediate a maximum of two cases pro bono each year, if requested by the court. Attorneys serving on the court's panel will be given credit for pro bono work.~~.

(f) Attendance at Mediation Sessions

A party and/or representative (other than outside counsel) familiar with the matter possessing full settlement authority and the attorney responsible for handing the matter must attend the mediation session unless the mediator approves otherwise.

(g) Confidentiality

~~(2) Appointment to the court's panel is for a three-year term, subject to renewal. A panelist will not be expected to serve on more than two cases during any 12-month period and will not be required to accept each assignment offered. Repeated rejection of assignments will result in the attorney being dropped from the panel.~~

(1) ~~(g)~~ The mediation shall be considered a settlement negotiation for the purpose of all federal and state rules protecting disclosures from later discovery or use in evidence.

(2) The parties may not call the mediator as a witness or deponent nor compel the mediator to produce documents received or prepared for the mediation.

(3) No record/recording of the mediation shall be made (except to memorialize a settlement).

~~(e)~~(h) Immunity of the Mediators. Panel Mediators are immune from liability or suit with respect to their conduct ~~as such mediators~~in Court referred mediations to the maximum extent permitted by applicable law.

~~*For relevant historical context for this local rule, consult the Appendix of Committee Notes.*~~

2025 COMMITTEE NOTE

Local Rule 83.8 has been revised to align with the Court's current mediation practices and includes provisions required by statue or used for funding purposes. The revision also refers to the "Procedures of the Mediation Program for the Eastern District of New York" to increase flexibility in the administration of the Mediation Program and reduce the need to frequently revise the rule.

ATTACHMENT H-2

Local Civil Rule 83.9. Alternative Dispute Resolution (Southern District Only) [formerly Local Civil Rule 83.12]

(a) Alternative Dispute Resolution Options

The United States District Court for the Southern District of New York provides litigants with opportunities to discuss settlement through judicial settlement conferences and mediation.

(b) Definition of Mediation

In mediation, parties and counsel meet, sometimes collectively and sometimes individually, with a neutral third party (the mediator) who has been trained to facilitate confidential settlement discussions. The parties articulate their respective positions and interests and generate options for a mutually agreeable resolution to the dispute. The mediator assists the parties in reaching their own negotiated settlement by defining the issues, probing and assessing the strengths and weaknesses of each party's legal positions, and identifying areas of agreement and disagreement. The main benefits of mediation are that it can result in an expeditious and less costly resolution of the litigation, and it can produce creative solutions to complex disputes often unavailable in traditional litigation.

Supporting documents can be found at https://nysd.uscourts.gov/programs/mediation-adr.

(c) Administration of the Mediation Program

(1) The Mediation Supervisor, appointed by the clerk of court, will administer the court's mediation program. The chief judge will appoint one or more district judges or magistrate judges to oversee the program, including the adjudication of allegations that a party or a party's attorney has failed to comply with the procedures of the Mediation Program.

(2) The Mediation Supervisor, in consultation with other court personnel, will ensure that information about the court's mediation program is available on the court's website and will be updated as needed.

(3) The mediation program will be governed by the "Procedures of the Mediation Program for the Southern District of New York," which sets forth specific and more detailed information regarding the mediation program, and which is

available on the court's official website (https://nysd.uscourts.gov) or from the Mediation Office.

(4) The scheduling of mediation will not interfere with any scheduling order of the court.

(d) Consideration of Alternative Dispute Resolution

In all civil cases, including those eligible for mediation under paragraph (e), each party must consider the use of mediation or a judicial settlement conference and must report to the assigned judge at the initial Rule 16(b) case management conference, or subsequently, whether the party believes mediation or a judicial settlement conference may facilitate the resolution of the lawsuit. Judges are encouraged to note the availability of the mediation program and/or a judicial settlement conference before, at, or after the initial Rule 16(b) case management conference.

(e) Mediation Program Eligibility

(1) All civil cases other than social security, habeas corpus, and tax cases are eligible for mediation, whether assigned to Manhattan or White Plains.

(2) The Board of Judges may, by Administrative Order, direct that certain specified categories of cases will automatically be submitted to the mediation program. The assigned district judge or magistrate judge may issue a written order exempting a particular case with or without the request of the parties.

(3) For all other cases, the assigned district judge or magistrate judge may determine that a case is appropriate for mediation and may order that case to mediation, with or without the consent of the parties, before, at, or after the initial Rule 16(b) case management conference. Alternatively, the parties should notify the assigned judge at any time of their desire to mediate.

(f) Judicial Settlement Conferences

Judicial settlement conferences may be ordered by district judges or magistrate judges with or without the request or consent of the parties.

For relevant historical context for this local rule, consult the Appendix of Committee Notes.

2025 COMMITTEE NOTE

ATTTACHMENT H-2

The rule has been amended to give to the judge or judges appointed by the chief judge to oversee the mediation program the authority to adjudicate allegations that a party or a party's attorney has failed to comply with the procedures of the Mediation Program. This authorization has no effect on the authority of the Committee on Grievances, *see* Local Civil Rule 1.5, or of a presiding judge to impose sanctions or otherwise address any allegations brought before them.

ATTACHMENT H-3

Local Civil Rule 83.10. Plan for Certain § 1983 Cases Against Police Department Employees (Southern District Only)

Unless ordered otherwise, in any civil case filed by a represented plaintiff alleging the use of excessive force, false arrest, or malicious prosecution by an employee of a police department in violation of 42 U.S.C. § 1983, the procedures set forth below will apply, except that the procedures and Protective Order identified in paragraphs (c) through (l) will not apply to class actions, actions brought by six or more plaintiffs, complaints requesting systemic equitable reform, or actions requesting immediate injunctive relief.

(a) Service of Releases with Complaint

(1) At the time that plaintiff serves the complaint, plaintiff must serve on defendant:

(i) a release for sealed arrest records for the arrest that is the subject of the complaint and for a list of all prior arrests. A separate release is required for each municipality identified in the complaint. In the case of class actions, plaintiff must serve such releases for the named putative class representatives; and

(ii) if plaintiff seeks compensation for any physical or mental injury caused by the conduct alleged in the complaint other than "garden variety" emotional distress, a medical release for all medical and psychological treatment records for those injuries. Where plaintiff has a pre-existing physical or mental condition that reasonably appears to be related to the injury for which compensation is sought, plaintiff must at that same time serve medical releases on defendant for all records of treatment for the pre-existing condition(s). Plaintiff should expect that a failure to serve the applicable medical release(s) will constitute a waiver of plaintiff's claims for compensation for that physical or mental injury.

(b) Failure to Serve Releases

If plaintiff fails to serve a release in accordance with paragraph (a)(1)(i) on defendant with the complaint, defendant must promptly send a letter to plaintiff's counsel requesting the release and attaching a copy of this Rule.

(c) Time to Answer

If the release required by paragraph (a)(1)(i) is served on defendant at the time the complaint is first served, defendant will have 80 days from the date of such service to answer the complaint. Any subsequently served defendant will have the greater of (i) 60 days, or (ii) the date by which the first-served defendant must answer, to answer the complaint. If such release is served on a defendant after the complaint is first served, each defendant will have the greater of (i) 60 days from the date the

release is served on the City, or (ii) 60 days after that defendant is served, to answer the complaint. If any defendant moves to dismiss the entire complaint rather than filing an answer, the deadlines in this rule will be stayed unless the court orders otherwise.

(d) Rule 26(f) Conference, Initial Disclosures, and Applying for Exemption from the Rule

(1) Within 14 days after the first defendant files an answer, the parties must confer in accordance with Fed. R. Civ. P. 26(f). The parties must also discuss whether to request that the court exempt the case from Local Civil Rule 83.10. Any such application by a party must be submitted to the presiding judge no later than 21 days after the first defendant files an answer.

(2) Within 21 days after the first defendant files an answer, the parties must exchange their initial disclosures.

(e) Limited Discovery

Within 28 days after the first defendant files an answer, the parties must complete production of the following discovery.

(1) Defendant must serve on plaintiff:

(A) Subject to any applicable privileges, any of the following items, if available, that were not part of the defendant's initial disclosures:

(i) Complaint reports;

(ii) Use of Force reports;

(iii) Defendant officer's notes, memobook entries, or daily activity reports;

(iv) 911 reports, including any recordings;

(v) Radio run reports (audio and written);

(vi) Any video or photographs of the incident;

(vii) Injury reports;

(viii) Property vouchers;

(ix) Evidence vouchers;

(x) Arrest reports;

(xi) Mugshots;

(xii) Reports of medical treatment for plaintiff while in custody;

(xiii) Desk Appearance Tickets (for arrests after January 2009) or other tickets;

(xiv) Summonses; and

(xv) Handwritten Online Booking System forms.

(B) Any documents received from a district attorney's office or a court regarding the incident that forms the basis of the complaint.

(C) Any records or reports by an oversight agency or from an internal investigation regarding the incident that forms the basis of the complaint. If the incident or the conduct of defendants involved in the incident is the subject of an ongoing investigation by an oversight agency, internal police department investigation or disciplinary proceeding, criminal investigation, or outstanding indictment or information, discovery under this paragraph shall be suspended, and defendant will produce the investigative records 30 days after the investigation or proceeding has been terminated (whether by completion of the investigation without charges being brought or by disposition of the charges). This suspension will not apply to documents related to any investigation or proceeding that has concluded.

(D) For each defendant, any records of complaints or incidents that are similar to the incident alleged in the complaint or that raise questions about the defendant's credibility. If the complaint alleges that a defendant used excessive force, defendant will state whether that defendant has been or is subject to any corrective action related to use of force.

(E) For each officer named as a defendant, a list identifying all prior section 1983 lawsuits filed against and served on the defendant.

(F) Any records obtained by defendant as a result of the medical releases served in accordance with paragraph (a)(1)(ii). Medical records received after this date must be produced to plaintiff within seven days of receipt.

(G) Transcripts or other information generated pursuant to hearings under N.Y. General Municipal Law § 50-h.

(2) Plaintiff must serve on defendant:

(A) Any documents identified in paragraphs (e)(1)(A) and (B).

(B) Any medical records for which plaintiff has served on defendant a medical release in accordance with paragraph (a)(1)(ii).

(C) Any video and photographs of the incident.

(f) Amended Pleadings

The complaint may be amended to name additional defendants without leave of the presiding judge within six weeks after the first defendant files an answer. The filing of the amended complaint will not affect any of the duties imposed by Local Civil Rule 83.10.

(g) Settlement Demand and Offer

Within six weeks after the first defendant files an answer, plaintiff must serve a written settlement demand. Defendant must respond in writing to plaintiff's demand within 14 days thereafter. The parties must thereafter engage in settlement negotiations.

(h) Letter to the Presiding Judge

Within 10 weeks after the first defendant files an answer, the parties must file a letter with an update on the status of the case, including the following information:

(1) Unless the presiding judge has already scheduled or held an initial pretrial conference, at least three dates on which the parties would be available for an initial pretrial conference; and

(2) Unless the presiding judge has referred the case to the Mediation Program or to a magistrate judge for settlement purposes, whether the parties believe that they would benefit from such a referral.

(i) Mediation or Settlement Conference

Plaintiff must attend any mediation or settlement conference. Defendant's representative at any mediation or settlement conference must have full authority to settle the case; if defendant requires additional approvals in order to settle, defendant must have arranged for telephone access to those persons during the mediation or settlement conference. If any defendant is insured, a fully authorized representative of that defendant's insurance company must attend any mediation or settlement conference if the decision to settle or the amount of settlement must be approved by the insurance company.

(j) Failure to Timely Comply with the Requirements of this Rule

If any party fails to comply with any requirement under this rule, the other party must promptly write to the presiding judge indicating the nature of the failure and requesting relief.

(k) Protective Order

The Protective Order found on the court's website will be deemed to have been issued in all cases governed by this rule.

(l) Preservation

Local Civil Rule 83.10 does not relieve any party of its obligation to preserve documents and to issue preservation instructions.

2025 COMMITTEE NOTE

The rule has been amended to create a single protocol for civil cases filed by represented plaintiffs alleging the use of excessive force, false arrest, or malicious prosecution by employees of a police department in violation of 42 U.S.C. § 1983, regardless of whether the case is assigned to Manhattan or White Plains. It has also been amended to provide that referral to the Mediation Program or to a magistrate judge for settlement purposes is at the discretion of the presiding judge rather than automatic. Finally, the amendment incorporates into the rule (and updates to reflect current practices) the list of items that a defendant must serve on a plaintiff and, relatedly, eliminates references to attached exhibits that had been in the policy before it was codified as a rule.

ATTACHMENT H-3

Local Civil Rule 83.10. Plan for Certain § 1983 Cases Against ~~the City of New York~~Police Department Employees (Southern District Only)

Unless ordered otherwise, in any civil casescase filed by a represented plaintiff against ~~the City of New York ("City") and/or the New York City Police Department ("NYPD") or its employees~~ alleging the use of excessive force, false arrest, or malicious prosecution by employees of the NYPDan employee of a police department in violation of 42 U.S.C. § 1983, the procedures set forth below will apply, butexcept that the procedures and Protective Order identified in paragraphs (c)3 through (l)12 will not apply to class actions, actions brought by six or more plaintiffs, complaints requesting systemic equitable reform, or actions requesting immediate injunctive relief.

(a) Service of Releases with Complaint~~.~~

(1) ~~.~~At the ~~same~~ time that plaintiff serves the complaint, plaintiff must serve on ~~the City the~~defendant:

(i) a release ~~annexed as Exhibit A ("§ 160.50 Release")~~ for sealed arrest records for the arrest that is the subject of the complaint~~,~~ and for a list of all prior arrests. A separate release is required for each municipality identified in the complaint. In the case of class actions, plaintiff must serve ~~§ 160.50 Releases~~such releases for the named putative class representatives~~.~~; and

(~~2) If~~ii) if plaintiff seeks compensation for any physical or mental injury caused by the conduct alleged in the complaint other than "garden variety" emotional distress, ~~plaintiff must serve on the City the~~a medical release ~~annexed as Exhibit B ("Medical Release")~~ for all medical and psychological treatment records for those injuries ~~at the same time that plaintiff serves the § 160.50 Release~~. Where plaintiff has a pre-existing physical or mental condition that reasonably appears to be related to the injury for which compensation is sought, plaintiff must at that same time serve ~~Medical Releases~~medical releases on ~~the City~~defendant for all records of treatment for the pre-existing condition(s). Plaintiff should expect that a ~~F~~failure to ~~so~~ serve the ~~above-described Medical Release~~applicable medical release(s) will constitute a waiver of plaintiff's claims for compensation for that physical or mental injury.~~.~~

(b) Failure to Serve ~~§ 160.50 Release~~ Releases

If ~~no § 160.50 Release is served~~plaintiff fails to serve a release in accordance with paragraph (a)(1)(i) on ~~the City~~defendant with the complaint, ~~the City will~~defendant must promptly send a letter to plaintiff's counsel requesting the ~~§ 160.50 Release~~release and attaching a copy of ~~Local Civil~~this Rule ~~83.10.~~.

(c) Time to Answer

If the ~~§ 160.50 Release~~release required by paragraph (a)(1)(i) is served on ~~the City~~defendant at the time the complaint is first served ~~on a defendant, that,~~ defendant will have 80 days from the date of such service to answer the complaint. Any subsequently served defendant will have the greater of (i) 60 days, or (ii) the date by which the first-served defendant must answer, to answer the complaint. If ~~the § 160.50 Release~~such release is served on ~~the City~~a defendant after the complaint is first served ~~on a defendant~~, each defendant will have the greater of (i) 60 days from the date the ~~§ 160.50 Release~~release is served on the City, or (ii) 60 days after that defendant is served, to answer the complaint. If any defendant moves to dismiss the entire complaint rather than filing an answer, the deadlines in this rule will be stayed unless the court orders otherwise.

(d) Rule 26(f) Conference, Initial Disclosures, and Applying for Exemption from the Rule

(1) Within 14 days after the first defendant files ~~its~~an answer, the parties must confer in accordance with Fed. R. Civ. P. 26(f). The parties must also discuss whether to request that the court ~~(i) refer the case for settlement purposes to a magistrate judge; or (ii)~~ exempt the case from Local Civil Rule 83.10. Any such application by a party must be submitted to the presiding judge no later than 21 days after the first defendant files ~~its answer. Absent any such application from a party, the case will automatically proceed under the rule and will automatically be referred to a mediator selected from the Southern District Mediation Panel.~~ an answer.

(2) Within 21 days after the first defendant files ~~its~~an answer, the parties must exchange their initial disclosures.

~~-~~(e) Limited Discovery

Within 28 days after the first defendant files ~~its~~an answer, the parties must complete production of the following discovery. ~~All other discovery will be stayed. Unless ordered otherwise, the discovery stay will expire at the conclusion of the mediation or settlement conference.~~

(1) ~~The City~~Defendant must serve on plaintiff:

(A) Subject to any applicable privileges, any of the following items ~~on the list attached as Exhibit C~~, if available, that were not part of the ~~City's~~defendant's initial disclosures~~;~~:

(i) Complaint reports;

(ii) Use of Force reports;

(iii) Defendant officer's notes, memobook entries, or daily activity reports;

(iv) 911 reports, including any recordings;

(v) Radio run reports (audio and written);

(vi) Any video or photographs of the incident;

(vii) Injury reports;

(viii) Property vouchers;

(ix) Evidence vouchers;

(x) Arrest reports;

(xi) Mugshots;

(xii) Reports of medical treatment for plaintiff while in custody;

(xiii) Desk Appearance Tickets (for arrests after January 2009) or other tickets;

(xiv) Summonses; and

(xv) Handwritten Online Booking System forms.

(B) Any documents received from ~~the District Attorney's~~a district attorney's office~~; and documents obtained from the~~ or a court ~~file.~~ regarding the incident that forms the basis of the complaint.

(~~B~~C) Any ~~CCRB~~ records ~~and the IAB closing report~~or reports by an oversight agency or from an internal investigation regarding the incident that forms the basis of the complaint. If the incident or the conduct of defendants involved in the incident is the subject of an ongoing ~~CCRB~~ investigation~~,~~ ~~NYPD~~ by an oversight agency, internal police department investigation or disciplinary proceeding, criminal investigation, or outstanding indictment or information, discovery under this paragraph shall be suspended, and ~~the City~~defendant will produce the investigative records 30 days after the investigation or proceeding has been terminated (whether by completion of

the investigation without charges being brought or by disposition of the charges). This suspension will not apply to documents related to any investigation or proceeding that has concluded.

(~~C~~D) For each defendant, ~~the CCRB and CPI indices~~any records of complaints or incidents that are similar to the incident alleged in the complaint or that raise questions about the defendant's credibility. If the complaint alleges that a defendant ~~officer~~ used excessive force, ~~the City~~defendant will state whether that defendant ~~officer~~ has been or is ~~on NYPD "~~subject to any corrective action related to use of force ~~monitoring."~~.

(~~D~~E) For each officer named as a defendant, a list identifying all prior section 1983 lawsuits filed against and served on the defendant.

(~~E~~F) Any records obtained by defendant as a result of the ~~City from the Medical Releases.~~medical releases served in accordance with paragraph (a)(1)(ii). Medical records received after this date must be produced to plaintiff within seven days of receipt.

(G) Transcripts or other information generated pursuant to hearings under N.Y. General Municipal Law § 50-h.

(2) Plaintiff must serve on ~~the City:~~ defendant:

(A) Any documents identified in ~~Exhibit C, documents received from the District Attorney's office,~~paragraphs (e)(1)(A) and ~~documents obtained from the court file.~~ (B).

(B) Any medical records for which plaintiff has served ~~a Medical Release on the City.~~ on defendant a medical release in accordance with paragraph (a)(1)(ii).

(C) Any video and photographs of the incident.

(f) Amended Pleadings

The complaint may be amended to name additional defendants without leave of the presiding judge within six weeks after the first defendant files ~~its~~an answer. The filing of the amended complaint will not affect any of the duties imposed by Local Civil Rule 83.10.

(g) Settlement Demand and Offer

Within six weeks after the first defendant files ~~its~~an answer, plaintiff must serve a written settlement demand ~~on the City. The City~~. Defendant must respond in writing to plaintiff's demand within 14 days thereafter. The parties must thereafter engage in settlement negotiations.

(h) ~~Mediation or Settlement Conference~~

ATTACHMENT H-3

~~Unless~~Letter to the ~~presiding judge has referred the case to a magistrate judge to conduct a settlement conference, within 14 days after the first defendant files its answer, the Mediation Office will assign a mediator. The mediator must promptly confer with counsel for the parties to schedule a mediation session to occur no later than~~Presiding Judge

Within ~~14~~10 weeks after the first defendant files ~~its~~an answer~~. The mediator~~, the parties must ~~inform the Mediation Office no later than 60 days after~~file a letter with an update on the ~~first defendant files its answer~~status of the ~~schedule for~~case, including the ~~mediation session.~~following information:

(1) Unless the presiding judge has already scheduled or held an initial pretrial conference, at least three dates on which the parties ~~have filed a Stipulation of Dismissal with the clerk of court,~~would be available for an initial pretrial conference; and

(2) Unless the presiding judge has referred the case to the Mediation Program or to a magistrate judge for settlement purposes, whether the parties ~~must appear at the mediation session or at a settlement conference before a magistrate judge. The plaintiff~~believe that they would benefit from such a referral.

(i) Mediation or Settlement Conference

Plaintiff must attend ~~the~~any mediation or settlement conference. ~~The City's~~Defendant's representative at any mediation or settlement conference must have full authority to settle the case; if ~~the City~~defendant requires additional approvals in order to settle, ~~the City~~defendant must have arranged for telephone access to those persons during the mediation or settlement conference. If any defendant is insured, a fully authorized representative of that defendant's insurance company must attend any mediation or settlement conference if the decision to settle or the amount of settlement must be approved by the insurance company.

(~~i~~j) Failure to Timely Comply with the Requirements of this Rule

If any party fails to comply with any requirement under this rule, the other party must promptly write to the presiding judge indicating the nature of the failure and requesting relief.

~~(j) Request for Initial Pre-Trial Conference~~

~~Unless the presiding judge has already scheduled or held an initial pre-trial conference, if the mediation or settlement conference is unsuccessful, the parties must promptly request that the presiding judge schedule an initial pre-trial conference.~~

(k) Protective Order

The Protective Order ~~attached as Exhibit D~~found on the court's website will be deemed to have been issued in all cases governed by this rule.

(l) Preservation

Local Civil Rule 83.10 does not relieve any party of its obligation to preserve documents and to issue preservation instructions.

2025 COMMITTEE NOTE

The rule has been amended to create a single protocol for civil cases filed by represented plaintiffs alleging the use of excessive force, false arrest, or malicious prosecution by employees of a police department in violation of 42 U.S.C. § 1983, regardless of whether the case is assigned to Manhattan or White Plains. It has also been amended to provide that referral to the Mediation Program or to a magistrate judge for settlement purposes is at the discretion of the presiding judge rather than automatic. Finally, the amendment incorporates into the rule (and updates to reflect current practices) the list of items that a defendant must serve on a plaintiff and, relatedly, eliminates references to attached exhibits that had been in the policy before it was codified as a rule.