

Guinn and Thorne in New York Law Journal: Amendments to EDNY and SDNY Local Rules and Their Impact on Litigation

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PRACTICES Litigation

Haynes Boone Associate Tucker Guinn and Partner [Leslie Thorne](#) authored an article for *New York Law Journal* after the judges of the U.S. District Courts for the Eastern and Southern Districts of New York adopted amendments to their Joint Local Rules on June 17.

Read an excerpt below.

The amendments, which went into effect July 1, 2024, modify the procedures that parties should follow when litigating in front of these courts. The joint rules provide uniformity for the parties and the judges alike—both of whom face an array of differing expectations depending on the judge or the party litigating.

The purpose of this article is to highlight a few of the significant changes and how they may impact future proceedings.

Amendments

- **Local Rule 6.3 Motions for Reconsideration.** One of the first amendments sets a formal page limit on a motion for reconsideration. See Local Civil Rule 6.3. The prior rule did not specify, but the amended rule now sets the following page limits: 10 pages for the motion; 10 pages to oppose; and 5 pages for the reply. The rule was amended to “emphasize the limited scope of a motion for reconsideration.” As such, attorneys should be aware, as exceeding the page limit could risk prejudicing their motion and ultimately their client’s interests.
- **Local Rule 15.1 Amendment of Pleadings.** A second amended rule added a requirement that motions made under Fed. R. Civ. P. 15(a)(2) or (d) “must include as an exhibit (1) a clean copy of the proposed amended or supplemental pleadings and (2) a version of the proposed pleading that shows – though redlining, underlining, strikeouts, or other similar typographic method – all differences from the pleading that is intended to amend or supplement.” Local Rule 15.1. Additionally, if the court grants the motion, then the litigant still needs to file the amended pleading afterward. *Id.* The rule adds uniformity for litigants on how they should file amended pleadings and creates more efficiency for judges considering whether to allow them.
- **Local Rule 1.8. Electronic Equipment and Recording.** A third amended rule adds more clarity to the use of electronic equipment and recording devices in the court rooms. For starters, the amended rule title was “revised to reflect the full scope of the rule which restricts the bringing of electronic equipment into any courthouse...” Additionally, the rule was “amended to prohibit the broadcasting or streaming of any proceeding unless authorized by the presiding judge in accordance with Judicial Conference policy.”
- **Local Rule 26.2 Assertion of Claim of Privilege.** The rules regarding privilege were also modified. In 26.2(b)(a) parties are now able to assert a privilege claim after their response to the discovery request – so long as the parties agree. Previously, parties could only do so if

ordered by the court and otherwise had to assert privilege at the same time they furnished their response. In practice, this means parties can agree to exchange privilege logs after document disclosure.

Additionally, “[w]hen appropriate, parties should consider and discuss the use of a categorical log or a metadata log, instead of a document-by-document log,” and “it is presumptively proper to provide the information required by this rule by group or category.” However, when a categorical privilege log is used, “the parties are encouraged to discuss whether to allow the requesting party to request a document by document log for a limited number or percentage of the logged documents.”

To read the full article in *New York Law Journal*, click [here](#).