



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**NOTICE TO THE BAR**

LAURA TAYLOR SWAIN  
*Chief Judge*

RUBY J. KRAJICK  
*Clerk of Court*

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Dated:  
October 16, 2023

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**Southern District Court Adopts Amendments to the  
Rules for Division of Business Among District Judges**

The United States District Court for the Southern District of New York has amended Rules 3 and 20 of the Rules for Division of Business Among District Judges, effective October 16, 2023.

Rule 3, which concerns Part I, has been amended to clarify the applicability of the Rule to cases assigned to the White Plains Courthouse.

Rule 20, which concerns Removed Actions and Bankruptcy Matters, has been amended to clarify that the judge assigned to a removed action or bankruptcy matter in the first instance may seek reassignment to the other courthouse in accordance with Rules 18 and 19.

The text of the amendments is attached. The Rules for Division of Business Among District Judges may be found at <https://nysd.uscourts.gov/rules>.

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**United States District Court for the Southern District of New York**  
**Rules for the Division of Business Among District Judges**

Amendments effective October 16, 2023

**Rule 3. Part I**

(a) Establishment of Part I

Part I is established for hearing and determining certain emergency and miscellaneous matters in civil and criminal cases. Judges shall choose assignment to Part I from an appropriate schedule, in order of their seniority, for periods not to exceed three weeks in each year. The judge(s) assigned full-time to White Plains do not sit in Part I in Manhattan. The assignment committee may, on consent of the judges affected, change such assignments, if necessary, to meet the needs of the court.

Part I shall be open from 9:00 a.m. to 5:00 p.m. Monday through Friday except on holidays. The judge presiding in Part I may fix such other times for any proceeding as necessary.

(b) ~~Bar Admissions and Naturalizations~~Civil Proceedings in Part I

~~The Part I judge (or that judge's designee) shall hear Admissions-admissions to the bar shall be heard~~ in Manhattan on Tuesdays at 10:00 a.m. ~~Admissions to the bar shall be held in White Plains on a schedule to be published annually. Civil matters other than emergencies shall be heard in Manhattan on Tuesdays at 11:00 a.m. and shall conduct Naturalization-naturalization~~ proceedings shall be conducted in Manhattan on Fridays at 11:00 a.m.

(c) Civil Proceedings in Part I

(1) Miscellaneous Civil Matters

The judge presiding in Part I shall hear and determine those miscellaneous proceedings in civil matters not assigned to a judge.

(2) Civil Emergency Matters

The Part I judge shall hear and determine all emergency matters in civil cases which have been assigned to a judge when the assigned judge is absent or has expressly referred the matter to Part I only when that judge is unavailable due to extraordinary circumstances. ~~In the absence of a judge at the White Plains~~

~~Courthouse, emergency matters are heard in Part I at the Manhattan Courthouse.~~ Depending on the procedures the Part I judge deems the more efficient, the Part I judge may either dispose of an emergency matter only to the extent necessary to meet the emergency, or, on consent of the assigned judge and notice to the clerk, transfer the action to himself or herself for all further proceedings.

(3) Subsequent Emergency Proceedings

If a civil emergency matter is brought before the Part ~~I~~ judge and the judge concludes that for lack of emergency or otherwise the proceeding should not be determined in Part I, the party who brought the proceeding shall not present the same matter again to any other Part I judge unless relevant circumstances have changed in the interim in which case the party shall advise the judge of the prior proceedings and changed circumstances.

(4) Modifications

When a modification or further action on a Part I determination is sought in connection with an assigned case, it shall be handled by the judge assigned to the case. If a case is not assigned to a judge or if the assigned judge is unavailable, it shall be referred ~~in the first instance~~ to the judge who made the original determination even ~~though if~~ that judge is no longer sitting in Part I.

~~(d)~~ Criminal Proceedings in Part I

The judge presiding in Part I shall:

- (1) Hear and determine all emergency matters in criminal cases which have been assigned to a judge when the assigned judge is absent or has expressly referred the matter to Part I only when that judge is unavailable due to extraordinary circumstances. ~~In the absence of a judge at the White Plains Courthouse, emergency matters are heard in Part I at the Manhattan Courthouse.~~
- (2) Hear and determine appeals from orders of a magistrate judge in cases that have not yet been assigned to a district judge.

(e) Applicability to the White Plains Courthouse

With respect to cases pending in the White Plains Courthouse, the judges in White Plains will continue to follow such procedures as they find convenient. The other paragraphs of this Rule apply to such cases only in the event that no judge is available at the White Plains Courthouse. Admissions to the bar shall be held in White Plains on a schedule to be published annually.

## **Rule 20. Removed Actions and Bankruptcy Matters**

### (a) Assignment of Removed Actions and Bankruptcy Matters

Other than cases subject to Rule 4(b), actions removed from state court and bankruptcy appeals will be assigned in the first instance as follows:

- (1) cases removed from a state court in New York County or Bronx County, and bankruptcy appeals from the Manhattan bankruptcy courthouse, will be assigned to Manhattan; and
- (2) cases removed from a state court in any of the Northern Counties, and bankruptcy appeals from a bankruptcy courthouse in the Northern Counties, will be assigned to White Plains.

### (b) Reassignment of Removed Actions and Bankruptcy Matters

If the judge to whom a case is assigned under this Rule believes that it should be assigned to the other courthouse based on the criteria set forth in Rule 18(a)(3), a request for reassignment shall be sent to the Assignment Committee, which shall determine if the case should be reassigned. In addition, Any party may move for reassignment of a removed case or a bankruptcy appeal as provided in these Rules. If a removed case or bankruptcy appeal is reassigned, it will be reassigned as if it were a new filing, but will retain its original case number.