



**United States District Court
Southern District Of New York**

Colleen McMahon
Chief Judge

Edward A. Friedland
District Court Executive

COURT NOTICE TO THE BAR
April 13, 2018

CONTACT
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**Southern District Adopts Revision to Rules for Division of Business
6(d) and 6(f), Criminal Proceedings**

The United States District Court for the Southern District of New York has adopted revisions to the Local Rules for Division of Business Among District Judges, effective April 16, 2018.

Rules 6(d) and 6(f), regarding the assignment of superseding indictments and informations, have been revised.

The modified Rules follow this notice and may also be found at
<http://nysd.uscourts.gov/courtrules.php>.

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500 PEARL STREET, NEW YORK, NY 10007-1312
300 Quarropas Street, White Plains, NY 10601

Local Rules for Division of Business Among District Judges

Rule 6. Criminal Proceedings

(a) Indictments designated for Manhattan may be returned by the grand jury in open court to the magistrate judge presiding in the criminal part. Indictments designated for White Plains may be returned by the grand jury to the magistrate judge presiding in the White Plains Courthouse.

(b) Assignments.

In a criminal case, after an indictment has been returned by the Grand Jury or a notice has been filed by the United States Attorney's Office of an intention to file an information upon the defendant's waiver of indictment, the magistrate judge on duty will randomly draw from the criminal wheel, in open court, the name of a judge to whom the case should be assigned for all purposes. The notice to file an information upon the defendant's waiver of indictment shall be signed by the United States Attorney's Office and by the defendant's attorney. Waiver of indictment cases will not be assigned a criminal docket number until the waiver has been accepted by the assigned judge. Sealed indictments will be assigned a criminal docket number upon filing, but a judge will not be selected until such time that the indictment is unsealed.

(c) Arraignments.

The United States Attorney's Office will promptly contact the judge to whom the case is assigned and request the scheduling of a pretrial conference at which the defendant will be arraigned.

(d) Waiver of Indictments.

When any person offers to waive indictment, the judge to whom the case has been assigned will conduct or refer to a magistrate judge such proceedings as may be required by law to establish that the waiver is both knowing and voluntary before an information is filed. The judge or the assigned magistrate judge shall then arraign the defendant. If the defendant fails to waive indictment and is subsequently indicted on the same or similar charges, the case shall be assigned by the clerk to the same judge to whom the original information was assigned.

(e) Assignment of Superseding Indictments and Informations.

An indictment or information designated by the grand jury or the United States Attorney as a superseding indictment or information will be assigned to the same judge to whom the original indictment or information was assigned and may not be reassigned from that judge except pursuant to the order of that judge or in the circumstances outlined in Rules 14 through 17. Any questions with respect to such designation as a superseding indictment or information shall be decided by that judge subject to appellate review where applicable. The judge may require the United States Attorney to explain in writing, either under seal or otherwise, the reasons for proceeding by superseding indictment or information before that judge rather than in another manner.

(f) With the exception of Rules 6(a) and 6(e), which apply in Manhattan and White Plains, T~~h~~is rule applies only to Manhattan. The judges in the White Plains Courthouse will continue to follow such procedures as they find convenient.