

INDIVIDUAL RULES AND PRACTICES IN CIVIL *PRO SE* CASES
Jessica G. L. Clarke, United States District Judge

Pro Se Office

United States District Court
Southern District of New York
Charles L. Brieant Jr. Courthouse
300 Quarropas Street
White Plains, NY 10601-4150
(212) 805-0175

Unless otherwise ordered by the Court, these Individual Rules apply to all civil cases involving *pro se* litigants (that is, litigants without counsel) before Judge Clarke. These Individual Rules supplement, but do not replace, the Court's Individual Rules and Practices in Civil Cases ("Individual Civil Rules"). For any case involving a *pro se* litigant where a rule in this document conflicts with the Court's Individual Civil Rules, litigants should follow the applicable rule in this document.

1. Communications with Chambers

- a. Telephone Calls by a *Pro Se* Party.** *Pro se* parties may not call the Court directly. Instead, *pro se* parties should call the *Pro Se* Office at (212) 805-0175 with any questions.
- b. Written Communications by a *Pro Se* Party.** All communications with the Court by a *pro se* party should be in writing and delivered in person, mailed, or (as discussed in Section 2(b) below) emailed to the *Pro Se* Office (address listed above). **No documents or court filings may be sent directly to Chambers.** Unless the Court orders otherwise, all communications with the Court will be filed on the public docket.
- c. Contact Information.** *Pro se* parties are required to maintain their current mailing address on the docket at all times and must notify the Court of any change of address by filing a change of address form with the *Pro Se* Intake Unit.
- d. Communications by Parties Represented by Counsel.** Except as otherwise provided below, communications with the Court by a represented party shall be governed by Judge Clarke's Individual Civil Rules, available at <https://www.nysd.uscourts.gov/hon-jessica-g-l-clarke>.
- e. Requests for Rescheduling a Conference or Extensions of Time.** All requests to reschedule a conference or extend a deadline must be made in writing and must state: (1) the original date(s) of the conference or deadline; (2) the reasons for the requested extension; (3) whether the other party or parties consent and, if not, the reasons given for refusing to consent; and (4) the date of the next

scheduled appearance before the Court as well as any other existing deadlines. Requests for extensions of deadlines regarding a matter that has been referred to a Magistrate Judge shall be addressed to that assigned Magistrate Judge.

Absent an emergency, any request for an extension or to reschedule a conference shall be made *at least 72 hours* prior to the deadline or scheduled appearance.

2. Filing of Papers and Service

- a. **Consent to Receive Electronic Service.** To ensure timely service of documents, including Court Orders, non-incarcerated *pro se* parties are encouraged to consent to receive electronic service through the ECF System. To do so, a *pro se* party should review the instructions available at https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent_Pro-Se_Eservice-Instructions.pdf, and then submit a Consent to Electronic Service (available at https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent_Pro-Se_Eservice-form.pdf). Submission of the consent form is required to receive electronic service.
- b. **Papers Filed by a *Pro Se* Party.** A *pro se* party may file papers with the Court by:
 - i. delivering them in person to the *Pro Se* Office (address listed above);
 - ii. mailing them to the *Pro Se* Office;
 - iii. emailing them as an attachment in PDF format to Pro_Se_Filing@nysd.uscourts.gov, in which case the *pro se* party should follow the instructions contained in the [April 1, 2020 Addendum](#) to the Court's ECF Rules & Instructions, available at <https://www.nysd.uscourts.gov/electronic-case-filing>; or
 - iv. filing them on the ECF System if the *pro se* party has filed a motion to participate in ECF (available at <http://nysd.uscourts.gov/file/forms/motion-for-permission-for-electronic-case-filing-for-pro-se-cases> and in the *Pro Se* Office) and been granted such permission by the Court.
- c. **Service on a *Pro Se* Party.** Absent a *pro se* party consenting to receipt of electronic service, counsel in *pro se* cases must serve a *pro se* party with a paper copy of any document that is filed electronically and must file with the Court a separate Affidavit of Service. Submissions filed without proof of service that the *pro se* party was served will not be considered.

3. Discovery

- a. **Requests for Discovery.** All requests for discovery by a *pro se* party should be sent to counsel for the party from whom discovery is sought. Discovery

requests should not be sent to the Court.

- b. Discovery Disputes.** If there are any discovery disputes, the parties are required to confer with one another in an effort to resolve the dispute without the need for Court intervention. If the parties are unable to resolve their dispute, either party may file a letter-motion, no longer than 1,050 words, explaining the nature of the dispute and requesting an informal conference. If the opposing party wishes to respond to the letter, it must file a responsive letter **within five business days**, not to exceed 1,050 words.

4. Motions

- a. Filing and Service.** Unless otherwise ordered by the Court, papers filed in opposition to a motion must be served and filed within 30 days of service of the motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.
- b. *Pro Se* Notices.** Parties who file a motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2.
- c. Copies of Briefs and Authority.** Parties filing any dispositive motions must provide incarcerated *pro se* parties with a copy of their supporting brief and copies of any caselaw or authority cited therein. The movant must also provide copies of the same upon request by non-incarcerated *pro se* parties.
- d. Generative AI:** Non-attorney *pro se* litigants are not prohibited from using generative artificial intelligence (“GAI”) in filings or documents related to their cases. However, non-attorney *pro se* litigants are warned that GAI can generate legal citations that do not exist and other false information. Non-attorney *pro se* litigants are required, to the extent possible, to cross-check any information, including case citations, produced by GAI.
- e. Special Rules for Summary Judgment Motions.**
 - i. Rule 56.1 Statements.** In cases with an incarcerated *pro se* party, a represented moving party shall mail their Rule 56.1 Statement, modified only to include extra spacing between each numbered paragraph, to the mailing address on the docket.

In general, opposing parties must individually admit, deny, or otherwise respond to each entry in the moving party’s Rule 56.1 Statement and set out their response directly beneath each numbered paragraph. They may set out any additional facts alleged as numbered paragraphs below, beginning numbering where the moving party left off. Each statement

must be accompanied by a citation to the evidentiary record. Any statements not denied and opposed will be deemed facts that both parties agree upon by the Court.

The Court does not require a Joint Rule 56.1 Statement for cases involving a *pro se* party.

- ii. Deposition Transcripts.** Deposition transcripts that are supplied in connection with a summary judgment motion should be text-searchable if possible and include an index if it is available. Deposition transcripts must be supplied in whole and may not be excerpted. Parties should still cite to particular pages when relying on a deposition transcript for support.
- f. No Courtesy Copies.** Unless the Court orders otherwise, parties should **not** submit courtesy hard copies of any submissions in *pro se* cases.

5. Conferences

- a. Notice and Scheduling.** Notices scheduling a court conference will be docketed on ECF and mailed to the *pro se* party or parties. Conferences may be held remotely or in person. Unless ordered otherwise, in-person conferences will be held in Courtroom 320 of the Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York 10601-4150.
- b. Incarcerated Parties.** An incarcerated party may not be able to attend scheduled conferences but may be able to participate by telephone. If an incarcerated party is unable to participate by telephone, a family member or a representative may attend the conference. In such instances, the incarcerated party may write to the Court in advance of the conference regarding any issue the *pro se* party wishes to have addressed at the conference. If a representative is designated, he or she should contact the Clerk's Office at (212) 805-0136 to determine the location of the conference. The Court will also have a transcript of the conference sent to the incarcerated party. If an incarcerated party does not have counsel and a representative cannot attend a conference, the *pro se* party should write to the Judge regarding any issue the *pro se* party wishes to have addressed at the conference.

6. Trial Documents

- a. Pretrial Statement.** Unless otherwise ordered by the Court, within 30 days of the completion of all discovery or, if a summary judgment motion is filed, within 30 days of the Court's ruling on summary judgment, the plaintiff in a *pro se* case shall file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: (1) a statement of the facts the

plaintiff hopes to prove at trial; (2) a list of all documents or other physical objects that the plaintiff plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses the plaintiff intends to have testify at trial. The Statement must be sworn by the plaintiff to be true and accurate based on the facts known by the plaintiff. If *pro se*, the plaintiff shall file an original of this Statement with the *Pro Se* Office. Two weeks after service of the plaintiff's Statement, the defendant must file and serve a similar Statement of its case containing the same information.

- b. Other Pretrial Filings.** If the case is to be tried before only a Judge without a jury, any parties represented by counsel must also file proposed findings of fact and conclusions of law at the time of filing the Pretrial Statement. If the case is to be tried before a jury, any parties represented by counsel must also file proposed *voir dire* questions, a proposed jury charge, and a proposed verdict form at the time of filing the Pretrial Statement. At the time of filing, a represented party should e-mail these documents to the Court (ClarkeNYSDChambers@nysd.uscourts.gov), in both .pdf and Microsoft Word formats. The *pro se* party may file such documents, but is not required to do so and need not submit them by e-mail.

7. Resources for *Pro Se* Parties

- a. Court Website.** *Pro se* parties are directed to the Court's website (<https://www.nysd.uscourts.gov/prose/role-of-the-prose-intake-unit/contact>) for other important information concerning proceeding *pro se* in this Court.
- b. Pro Se Legal Assistance.** There is a Federal *Pro Se* Legal Assistance Project in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide a non-incarcerated *pro se* litigant with advice in connection with his or her case. The Federal *Pro Se* Legal Assistance Project is run by a private organization called the City Bar Justice Center ("CBJC"); it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). An unrepresented party can make an appointment with CBJC (<https://www.citybarjusticecenter.org/projects/federal-pro-se-legal-assistance-project/>) by completing an [intake form online or via smartphone](#) and selecting "federal court case"; by visiting the kiosk at the Courthouse; or by calling (212) 382-4794 and leaving a message.