

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN COURTHOUSE
500 PEARL STREET, COURTROOM 12D
NEW YORK, NY 10007
(212) 805-6715**

RICHARD M. BERMAN
United States District Judge

SEPTEMBER 2013

**INDIVIDUAL RULES OF PRACTICE
FOR CRIMINAL CASE SENTENCING PROCEEDINGS**

The Court assumes that every document in a sentencing submission, including letters, will be filed in the public record through the ECF system, using the procedures described below. The defendant is responsible for filing all letters submitted on behalf of the defendant, including those from friends, relatives, etc. The Government is responsible for filing all letters from victims. Letters must be grouped and filed together as attachments to a single document marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated.

In this regard, the parties are referred to E-Government Act of 2002 and the Southern District's ECF Privacy Policy ("Privacy Policy") and reminded not, unless necessary, to include the five categories of "sensitive information" in their submissions (i.e., social security numbers, names of minor children, dates of birth, financial account numbers, and home addresses). Parties may exclude or redact the five categories of "sensitive information" and the six categories of information requiring caution (i.e., personal identifying number, medical records, treatment and diagnosis, employment history, individual financial information, proprietary or trade secret information, and information regarding an individual's cooperation with the government) as described in the Privacy Policy, without application to the Court.

If a party seeks to redact or seal information (beyond the eleven categories of information identified in the Southern District of New York's ECF Privacy Policy), an application to do so must be served and filed at the time the sentencing memorandum is served. The application should clearly identify the proposed redaction and explain the reasons for the redaction or sealing and state whether opposing counsel agrees to the redaction or sealing. The redacted version must be filed on ECF. The unredacted version shall be submitted to Chambers for the Court's determination as to whether filing such document under seal is appropriate.

A defendant's sentencing memorandum and the government's sentencing memorandum are due in accordance with the schedule set by the Court. If no schedule is set by the Court, then the defendant's sentencing submission shall be served and file two weeks in advance of the date set for sentence. The Government's sentencing submission shall be served one week in advance of the date set for sentence. The parties should provide the Court with one courtesy copy of each submission when it is served.