**Summary of the Proposed Amendments to the Local Rules of Civil and Criminal Procedure of the Western District of New York to be Effective January 1, 2024.**

The Western District of New York’s Local Rules Committee, which is comprised of Court personnel and members of the bar of this Court, convenes on an annual basis to ensure that the Local Rules conform to the Federal Rules amendments and current practices of this Court, as well as to address any Local Rule concerns raised by our bar. The Committee proposes amendments to the Court for consideration. This year’s proposed amendments to the Local Rules of Civil and Criminal Procedure are set forth below.

1. **Proposed amendment to Loc. R. Civ. P. 56(a)(1)–(2).**

The Committee suggests amending subsections a(1) and (2) bolding the words “**short**” and “**concise**” and “**material facts**” and amending the sentence beginning “Failure to submit” in subsections a(1) and (2). These amendments are meant to emphasize the requirements of submitting statements of undisputed facts in a manner that will be useful to judges when making a determination on summary judgment motions.

In addition, the Committee suggests adding language to subsection (a)(1) to clarify that in cases involving administrative records, the parties’ statement of facts would cite to the administrative record rather than declarations, transcripts, etc.

Finally, the proposed amendment adds language in subsection (a)(2) indicating that the party opposing a motion for summary judgment also has the obligation, when responding to the statement of facts, to cite to admissible evidence or evidence that can be presented in admissible form at trial. The language added to this subsection mimics that included in Loc. R. Civ. P. 56(a)(1).

**Redline version:**

**RULE 56**

**MOTIONS FOR SUMMARY JUDGMENT**

**(a) Statements of Facts on Motion for Summary Judgment.**

1. **Movant’s Statement.** Upon any motion for summary judgment pursuant to Fed. R. Civ. P. 56, there shall be annexed to the notice of motion a separate, **short**, and **concise** statement, in numbered paragraphs, of the **material facts** as to which the moving party contends there is no genuine issue to be tried. Each such statement must be followed by citation to admissible evidence or to evidence that can be presented in admissible form at trial as required by Fed. R. Civ. P. 56(c)(1)(A). Citations shall identify with specificity the relevant page and paragraph or line number of the evidence cited. Failure to submit ~~such~~ a statement in compliance with this Rule may constitute grounds for denial of the motion. This paragraph shall not apply to cases in which judicial review is based solely on the administrative record. In such cases, motions for summary judgment and oppositions thereto shall include a statement of facts with references to the administrative record.
2. **Opposing Statement.** The papers opposing a motion for summary judgment shall include a response to each numbered paragraph in the moving party’s statement, in correspondingly numbered paragraphs and, if necessary, additional paragraphs containing a **short** and **concise** statement of additional **material facts** as to which it is contended there exists a genuine issue to be tried. Each such statement must be followed by citation to admissible evidence or to evidence that can be presented in admissible form at trial as required by Federal Rule of Civil Procedure 56(c)(1)(A). Citations shall identify with specificity the relevant page and paragraph or line number of the evidence cited. Each numbered paragraph in the moving party’s statement of material facts may be deemed admitted for purposes of the motion unless it is specifically controverted by a correspondingly numbered paragraph in the opposing statement.

. . .

**Final version:**

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**(2) Opposing Statement.** The papers opposing a motion for summary judgment shall include a response to each numbered paragraph in the moving party’s statement, in correspondingly numbered paragraphs and, if necessary, additional paragraphs containing a **short** and **concise** statement of additional **material facts** as to which it is contended there exists a genuine issue to be tried. Each such statement must be followed by citation to admissible evidence or to evidence that can be presented in admissible form at trial as required by Federal Rule of Civil Procedure 56(c)(1)(A). Citations shall identify with specificity the relevant page and paragraph or line number of the evidence cited. Each numbered paragraph in the moving party’s statement of material facts may be deemed admitted for purposes of the motion unless it is specifically controverted by a correspondingly numbered paragraph in the opposing statement.

. . .

1. **Proposed amendment to the citation to the “Fed. R. Cr. P.” in the Rule (a) of the Local Rules of Criminal Procedure to comply with the Bluebook.**

In 2022, the District Judges voted to change the citation to the Local Rules of Criminal Procedure in Rule 1(a) from “L.R.Crim.P.” to “Loc. R. Crim. P.” The District Judges also voted to adopt an amendment to Local Rule of Criminal Procedure 1(a) regarding the citation to the Federal Rules of Civil and Criminal Procedure to comply with the Bluebook citation, changing it from “Fed.R.Cr.P.” to “Fed. R. Cr. P.”

When reviewing the final version of the Local Rules of Criminal Procedure, the Committee noticed that the Local Rules shorten criminal to “Crim.” when referencing the Local Rules, but to “Cr.” when referencing the Federal Rules.

The Committee proposes that Local Rule of Criminal Procedure 1(a) be amended to indicate that the citation to the Federal Rules of Criminal Procedure be “Fed. R. Crim. P.” so that there is consistency with the citations.

**Redline Version:**

**RULE 1**

**APPLICABILITY**

(a) **Scope.** These rules are the Local Rules of Criminal Procedure for the United States District Court for the Western District of New York. They supplement the Federal Rules of Criminal Procedure (“Fed. R. Crim. P.”) and are numbered to conform therewith. The Local Rules of Criminal Procedure shall be cited as “Loc. R. Crim. P.”

**Final Version:**

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