

Summary of the Proposed Amendments to the Local Rules of Civil Procedure and Local Patent Rules of the Western District of New York to be Effective January 1, 2019

Local Rules of Civil Procedure

1. **LR Civ. P. 5.1(h) (Filing of Letters)** - The proposed amendment clarifies the rule by identifying when letter motions are required.
2. **LR Civ. P. 5.5 (Procedures in Social Security Cases)** - The proposed amendment is intended to correspond to the court's efforts at reducing the backlog of Social Security cases by shortening the time it takes for these cases to become ripe for decision, focusing the briefing, and providing a structure to expedite the adjudication of motions for attorneys' fees under the Equal Access to Justice Act and 42 U.S.C. §406(b).
3. **LR Civ. P. 7(a)(2)(C) (Page Limits)** - The proposed amendment clarifies that tables of contents and authorities are not counted against the page limitations.
4. **LR Civ. P. 83.1(f) (Pro Bono Service)** - The proposed amendment clarifies that *pro bono* service is encouraged, but not mandated.
5. **LR Civ. P. 83.2(c) (Substitution of Counsel)** - The proposed amendment clarifies that, absent court order, substitutions of counsel will not affect any scheduled proceedings or deadlines in the action.
6. **LR Civ. P. 83.2(d)(1) (Attorney Withdrawal)** - The proposed amendment clarifies that a motion to withdraw as counsel may include the *in camera* submission of information protected by the attorney-client privilege.
7. **LR Civ. P. 83.2(d)(2) (Attorney Withdrawal)** - The proposed amendment eliminates the requirement that a stipulation of withdrawal be effective when signed by the Clerk of Court, which is inconsistent with Court practice. The proposed amendment also clarifies that, absent court order, attorney withdrawals will not affect any scheduled proceedings or deadlines in the action.

Local Patent Rules

1. **L. Pat. R. 3.9(a) (Document Production Accompanying Final Invalidation Contentions)** - The proposed amendment corrects an erroneous cross-reference.
2. **L. Pat. R. 4.2(a) (Exchange of Proposed Terms for Construction)** - The proposed amendment conforms the rule to L. Pat. R. 3.8.
3. **L. Pat. R. 4.4(a)(6) (Joint Claim Construction and Prehearing Statement)** - The proposed amendment corrects an erroneous cross-reference.

4. L. Pat. R. 5.1(c) (Post Claim Construction Procedures) - The proposed amendment corrects a typographical error.