

Issued: March 1, 2007

Individual Rules of Practice for Criminal Case Sentencing Proceedings
Richard M. Berman, United States District Judge

The Court assumes that every document in a sentencing submission, including letters, will be filed in the public record either in paper form or 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.

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.

1. A defendant's sentencing submission shall be served 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. At the time it is served, a party shall file its sentencing submission following one of the two procedures described here (at counsel's election). (If the criminal case is a non-ECF case, then only paper filing is allowed.)

a. Paper Filing

If letters are part of the sentencing submission and are filed as hard copies, a party shall group all letters together in a single paper filing under a cover marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated and submit in person it to the Clerk's Office.

OR

b. ECF Filing

If letters are part of the sentencing submission and are filed electronically, they must be grouped and filed together as attachments to a single document marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated.

2. If a party seeks to redact or seal information beyond the eleven categories of information identified in the Privacy Policy, an application to do so must be served and filed at the time the sentencing submission is served. The application should clearly identify the redaction and explain the reasons for the redaction or sealing and state whether opposing counsel agrees to the redaction/sealing. The application will be addressed at the sentencing proceeding.
3. If you have any questions about these practices, contact the Courtroom Deputy Clerk, Christine Murray (212) 805-6715.