

**1. An amendment to the Joint Local Rules of the Eastern and Southern Districts of New York effective July 1, 2024, amending Local Rule 26.2(c) to address the potential use in certain circumstances of categorical or metadata privilege logs instead of a document-by-document log.**

The Eastern and Southern Districts of New York announced that the two courts had adopted amendments to their Joint Local Rules, effective July 1, 2024, that will govern civil and criminal cases pending or filed on or after that date.

Among the rules amended was Local Civil Rule 26.2 concerning the assertion of claims of privilege. Subsection (c) of this rule was amended to provide that “[w]hen appropriate, parties should consider and discuss the use of a categorical log or a metadata log, instead of a document-by-document log.”

Subsection (c) was further amended to provide the following four considerations regarding privilege logs, which apply “[u]nless otherwise agreed to by the parties or provided by a judge’s individual practices or by court order”:

1. When a party is asserting privilege on the same basis with respect to multiple documents, it is presumptively proper to provide the information required by this rule by group or category.
2. Where numerous documents are withheld and the party is using review software, preparation of a metadata log may suffice to provide the information required to support the claim of privilege.
3. Where either a categorical log or a metadata log is used, the parties are encouraged to discuss whether to allow the requesting party to request a document-by-document log for a limited number or percentage of the logged documents.
4. A party cannot object to a privilege log solely on the basis that it is a categorical log or a metadata log but may object if the substantive information required by this rule has not been provided in a comprehensible form.