

§ 0.22. Judicial Conference of the Second Circuit

1. **Purpose.** There shall be held annually, at such time and place as shall be designated by the chief judge of the circuit, a conference of all the circuit, district and bankruptcy judges, and magistrate judges, of the circuit for the purpose of considering the state of business of the courts and ways and means of improving the administration of justice within the circuit. It shall be the duty of each circuit and district judge in the circuit, in active service, and each bankruptcy judge serving for a term pursuant to 28 U.S.C. § 152, to attend the conference unless excused by the chief judge. The circuit justice shall be invited to attend.
2. **Sessions.** A portion of the conference, to be known as the "executive session" shall be for the judges alone and shall be devoted to a discussion of matters affecting the state of the dockets and the administration of justice throughout the circuit. At other sessions of the conference, members of the bar, to be chosen as set forth in the succeeding paragraph, shall be members of the conference and shall participate in its discussions and deliberations.
3. **Members of the Bar.** Members of the conference from the bar shall be selected to reflect a cross-section of lawyers who currently practice before federal courts in this circuit; members should be willing and able to contribute actively to conference purposes. In order to assure that fresh views are represented, no judge may invite the same individual more than two years out of any five. The membership shall be composed of the following:
 - (a) The presidents of the state bar associations of the three states of the circuit and a member from each of such

associations to be designated by their respective presidents with a view to giving appropriate representation to various areas of the state.

- (b) Each United States Attorney of the circuit or an Assistant United States Attorney designated by the United States Attorney.
- (c) The Public Defender (or an assistant designated by the Public Defender) for any district within the circuit, and a representative of a community defender organization, authorized to act generally in any district, designated by the president of such organization.
- (d) Such number of invitees by the circuit justice, and the active and senior circuit and district judges, as the judicial council may determine for each conference.
- (e) Such additional number of lawyers as shall be selected jointly by the chief judge and the conference chairperson in light of their competence and interest in the subject or subjects to be considered at the conference. These conference members also shall be selected to reflect a cross-section of lawyers who currently practice before federal courts in this circuit, and may include:
 - (i) Members of county and local bar associations in the circuit, selected in consultation with their respective presidents, reflecting the geography and the relative size and activity in federal litigation of those associations;
 - (ii) The dean, or other representative of the faculty of

law schools within the circuit;

(iii) Members of State/Federal Judicial Councils within the circuit (including especially state court chief judges or chief justices);

(iv) Members of the United States Senate and House of Representatives with a particular interest in the work of the federal courts;

(v) Former presidents of the American Bar Association residing or practicing in the Second Circuit; the current member of the Board of Governors of the American Bar Association from the Second Circuit; the current member of the Standing Committee on the Federal Judiciary of the American Bar Association from the circuit; the chairperson of such committee if residing or practicing in the circuit; and the president, former presidents, and the executive director of the American Law Institute if residing or practicing in the circuit;

(vi) Members of the staff of federal courts within the circuit not enumerated elsewhere in this rule.

(f) Any retired Justice of the Supreme Court of the United States residing within the circuit, any present or former Attorney General of the United States residing or practicing within the circuit, and any circuit or district judge of the circuit who has resigned such office.

(g) The Director (or, if the Director is unable to attend, the Director's designee) of the Administrative Office of the

United States Courts, and the Director (or designee) of the Federal Judicial Center.

- (h) The circuit and district court executives and clerks of the courts within the circuit.
- (i) Members of the committee provided for in paragraph 4 of this Rule, and past chairpersons and executive secretaries of such committee.

4. Committee. To assist in the conduct of the conference (other than the executive session), the chief judge shall appoint annually, subject to the approval of the judicial council, members of a committee to be known as the Planning and Program Committee. The committee, whose members shall be appointed to staggered three-year terms, shall include the presidents of the state bar associations of the three states of the circuit and such number of judges and members of the bar of the circuit as the chief judge may determine.

5. Chairperson. The chief judge may also appoint a conference chairperson to be selected from among the active judges of the circuit.

6. Representative to the Judicial Conference of the United States.

- (a) Three months before the date of the Judicial Conference of the Second Circuit at which the district judge member of the Judicial Conference of the United States from the Second Circuit is to be chosen, the chief judges of the district courts of the circuit, acting together as a nominating committee, shall nominate no more than three active district judges of the circuit (not

excluding one of their own number) as candidates for the office of district judge member from the Second Circuit. The names of the nominees will be mailed to all the judges of the circuit and to the clerk of the court of appeals, who is the secretary of the conference, at least thirty days before the date of the executive session of the Circuit Judicial Conference.

- (b) Additional active district judges may be put in nomination (i) from the floor at the executive session in replacement of any nominee of the chief judges who is disabled or declines to stand, and (ii) from the floor at the executive session by written nomination signed by at least one-fourth of the judges of the circuit. The one-fourth requirement shall not include vacant judgeships or judgeships for which commissions have been signed but the nominees have not been sworn and have not taken office at the time the nominating petition is signed. No judge may sign more than one such nomination and such nomination may not include more than one judge.
- (c) The judge receiving a plurality of the votes of the active judges of the circuit will be the circuit's choice. Voting will be by secret, written ballot. Any judge who expects to be absent from the meeting may send in a judge's ballot unsigned and enclosed in an inner, sealed envelope, to the secretary of the conference provided that the ballot reaches the secretary before the executive meeting is convened.
- (d) No judge may succeed himself or herself to a second successive term by election and no judge of any district court may succeed a judge from the same district unless

at least three years have elapsed since the expiration of such earlier judge's term; however, in the case of a judge who is a member of the Executive Committee of the Judicial Conference of the United States, such judge may be elected to a second successive term in order to continue eligibility to serve on the Executive Committee.

- (e) In the event that it is not convenient to conduct at a Judicial Conference the election referred to herein, such election may be conducted by mail ballot following action by the nominating committee, according to such procedures as that body may establish.