

**At a Stated Term of the United States Court of Appeals for the
Second Circuit, held at the Thurgood Marshall United States Courthouse,
40 Foley Square, in the City of New York, on the 13th day of December,
Two Thousand Twenty-one,**

PRESENT: Debra Ann Livingston,
Chief Judge
José A. Cabranes
Rosemary S. Pooler
Raymond J. Lohier, Jr.
Susan L. Carney
Richard J. Sullivan
Joseph F. Bianco
Michael H. Park
William J. Nardini
Steven J. Menashi
Eunice C. Lee
Beth Robinson
Myrna Perez,
Circuit Judges

IT IS HEREBY ORDERED, that the Local Rules of the United States Court of Appeals for the Second Circuit, following the 30-day public comment period prescribed by 28 U.S.C. § 2071(b) and Fed. R. App. P. 47(a)(1), are amended as follows, effective immediately:

L.R. 46.2 Attorney Discipline

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(b)(6) Confidentiality. All matters referred to, all proceedings conducted by, and all records possessed by the Committee remain confidential, unless the Grievance Panel orders otherwise, or the Committee acts under (b)(2)(B) ~~or~~ and (b)(7). The Committee may make recommendations to the Grievance Panel concerning confidentiality issues, including the possible need for a protective order or an order sanctioning the violation of a confidentiality rule, or the desirability of making public, in whole or part, a matter that is otherwise confidential under these rules. The Committee may recommend public disclosure, or notification to a particular person or entity, in order to protect the public, the administration of justice, or the legal profession.

(7) Procedure to Disclose Information to a New York State Attorney

Disciplinary Authority. A disciplinary authority of a New York State supreme court appellate division may request, from the Grievance Panel or the Committee, expedited disclosure of confidential records for use by that disciplinary authority in its own investigation or proceeding. The request shall be made in writing and submitted to the Grievance Panel. The request should, to the extent practicable, identify the nature of the pending investigation or proceeding and the specific records sought. The request may also seek deferral of notice of the request for so long as the matter is under investigation or consideration by the appellate division disciplinary authority. Upon receipt

of the request, the Grievance Panel may determine the request or take any other action it deems appropriate. Prior to taking such action, the Grievance Panel shall seek the assurance of the appellate division disciplinary authority that any confidential records disclosed to the appellate division disciplinary authority in response to the request shall not be used for any purpose other than the investigation or proceeding pending before the disciplinary authority.

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F O R T H E C O U R T

s/s

Catherine O'Hagan Wolfe
Clerk of Court

New York, NY

Underline – material added
Strikethrough – material deleted