



UNITED STATES DISTRICT COURT

Southern District of Indiana

Laura A. Briggs, Clerk
Alison M. Chestovich, Chief Deputy Clerk

Birch Bayh Federal Building
& U.S. Courthouse
46 East Ohio Street, Room 105
Indianapolis, IN 46204
(317) 229-3700

104 U.S. Courthouse
921 Ohio Street
Terre Haute, IN 47807
(812) 231-1840

304 U. S. Courthouse
101 NW Martin Luther King Blvd.
Evansville, IN 47708
(812) 434-6410

Lee H. Hamilton Federal Building
& U.S. Courthouse
121 West Spring Street
New Albany, IN 47150
(812) 542-4510

November 16, 2017

NOTICE

TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE SOUTHERN DISTRICT OF INDIANA

Pursuant to 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure, the United States District Court for the Southern District of Indiana hereby gives public notice of the following:

The Local Rules Advisory Committee for the Southern District of Indiana has recommended, and the District Court has authorized release for a period of **public comment through December 16, 2017**, the revision of certain Local Rules of the United States District Court for the Southern District of Indiana. Unless otherwise indicated, as seen in this Notice redline text is added and struck text is deleted. The proposed revisions are as follows:

A. **Proposed New Local Rule 5-12 - Social Security Appeals** shall state as follows:

Local Rule 5-12 - Social Security Appeals

(a) Social Security Appeals - Initial Process. Where a complaint for administrative review is filed pursuant to 42 U.S.C. § 405(g) concerning benefits under the Social Security Act, by agreement with the United States Attorney, no actual service of initial process (i.e., summons and complaint) will be required in any case, unless otherwise ordered. The Social Security Administration will treat notification through the court's Case Management and Electronic Filing System (CM/ECF) as service under Rule 4 of the Federal Rules of Civil Procedure.

(b) Response to Complaint. The Social Security Administration must respond to a complaint for administrative review of an agency determination

about Social Security benefits within 60 days after notification of the filing of the complaint through the court's CM/ECF by filing either 1) a motion to dismiss or 2) the certified administrative record. The filing of the certified administrative record will suffice as the Social Security Administration's answer to the complaint.

B. Subparagraph (f) of Local Rule 87- Representation of Indigent Litigants – shall be **amended** as follows:

(f) Attorney's Fees.

(1) Fee Agreements. ~~Unless the appointment is for a limited purpose,~~ ~~Recruited counsel~~ and the litigant may negotiate a fair and reasonable fee agreement arrangement with the litigant at the outset of the representation. If an agreement fee arrangement is entered into that provides for fees ~~other than those provided by statute~~, counsel must notify the court by filing a Notice of Fee Agreement within 28 days after the fee agreement is executed. This Notice may be filed ex parte. ~~If such a Notice is filed, counsel may not seek reimbursement or prepayment of expenses under subsection (g) of this rule.~~ Fee agreements that include attorney compensation are not permitted in instances of limited appointments.

(2) Allowance of Fees. Upon the filing of a motion for attorney's fee by recruited counsel, the judge may award attorney's fees to recruited counsel for services rendered in the action as authorized by applicable statute (including 42 U.S.C. § 1997e(d)), regulation, rule, or other provision of law, including case law.

Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before **December 16, 2017**, and should be sent to:

Local Rule Comments
Office of the Clerk
105 U.S. Courthouse
46 East Ohio Street
Indianapolis, IN 46204
or via email: LocalRules@insd.uscourts.gov