



UNITED STATES DISTRICT COURT

Southern District of Indiana

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& U.S. Courthouse
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Indianapolis, IN 46204
(317) 229-3700

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

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Lee H. Hamilton Federal Building
& U.S. Courthouse
121 West Spring Street
New Albany, IN 47150
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December 18, 2017

NOTICE

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

The Court has considered the recommendation of the Local Rules Advisory Committee that the revision of certain Local Rules of the United States District Court for the Southern District of Indiana be adopted, and the Clerk issued a Public Notice on November 16, 2017, regarding the proposed amendments. The Court has considered the proposed amendments and the comments received.

Therefore, 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 that the following amendments to the Local Rules of this Court are adopted, effective **January 1, 2018**. Unless otherwise indicated, as seen in this Notice **redline** text is added and **struck** text is deleted. The proposed amendments are as follows:

A. **New Local Rule 5-12 - Social Security Appeals** will 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 – is 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.