



# UNITED STATES DISTRICT COURT Southern District of Indiana

Roger A. G. Sharpe, 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 4, 2021

## NOTICE

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

Pursuant to 28 U.S.C. § 2071(e) 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 United States District Court for the Southern District of Indiana has determined there is an immediate need to amend Local Rule 5-3 - Eligibility, Registration, Passwords for Electronic Filing; Exemption from Electronic Filing; Local Rule 83-5 - Bar Admission; and Local Rule 83-6 - *Pro Hac Vice* Admission. The amendments detailed below are effective as of **November 8, 2021**.

**A. Local Rule 5-3 - Eligibility, Registration, Passwords for Electronic Filing; Exemption from Electronic Filing will be amended as follows:**

**(a) Registration.** To register to use the ECF system, an attorney must complete **the process in PACER**. ~~the registration form adopted by the clerk.~~  
The form must require:

~~(1) the attorney's name, address, and telephone number;~~

~~(2) the attorney's e-mail address; and~~

~~(3) a declaration that the attorney is admitted to this court's bar.~~

**(b) Change in Information; Compromise of Password.** An attorney who has registered to use the ECF system must: ~~notify the clerk:~~

~~(1) in writing within 30 days after the attorney's address, telephone number, or e-mail address changes;~~ **within 5 business days of any change, update his or her contact information in PACER;** and

~~(2) notify the clerk~~ immediately upon learning that the attorney's password for the ECF system has been compromised, **and immediately change his or her password in PACER.**

**(c) Exemption from Participation Pursuant to Fed. R. Civ. P. 5(d)(3)(A).** An attorney must file a petition for ECF exemption and a CM/ECF technical requirements exemption questionnaire in each case in which the attorney seeks an exemption. (The CM/ECF technical requirements exemption questionnaire is available on the court's website, [www.insd.uscourts.gov](http://www.insd.uscourts.gov)).

**(d) Suspension of Electronic Filing.** Only attorneys who are active and in good standing with the court's bar may utilize the ECF system. Upon receipt of a court order subjecting an attorney to suspension or disbarment, or notice that the attorney's license to practice law is inactive, the clerk will suspend the attorney's ECF rights, pending the attorney's reinstatement to active, good standing status.

**(e) Electronic Filing by an Unrepresented Person.** If authorized to file electronically pursuant to Fed. R. Civ. P. 5(d)(3)(B), the person's electronic signature in accordance with Local Rule 5-7 constitutes the person's signature on the document for purposes of the Federal Rules of Civil Procedure, including Rule 11, and these local rules, and for any other purpose for which the unrepresented person's signature may be required in connection with the court's activities.

Note: **Amended November 8, 2021 to reflect procedural changes associated with the court's adoption of the NextGen CM/ECF system.** ~~Amended December 1, 2018, for consistency with amended Fed. R. Civ. P. 5(b)(2)(E), which explicitly provides that service is accomplished by filing with the court's electronic filing system. The amendment also is consistent with Fed. R. Civ. P. 5(d)(3)(A), which generally requires electronic filing. Amended July 1, 2017, to clarify that attorneys in good standing with the court are required to file electronically, and provide a mechanism for permissive filing by pro se litigants. Effective January 1, 2012, former Local Rule 5.7 became Local Rule 5-3.~~

B. **Local Rule 83-5 – Bar Admission** will be **amended** as follows:

**(a) Authority to Practice Before the Court.**

(1) *Rule.* Only members of the court’s bar may represent parties before the court.

(2) *Exceptions.*

(A) *Pro Se.* A nonmember may represent him or herself in a case.

(B) *U.S. Government Attorneys.* A nonmember who is an attorney may represent the United States, or an officer or agency of the United States.

(C) *Pro Hac Vice.* Attorneys admitted *pro hac vice* pursuant to Local Rule 83-6 may represent parties in a case.

(3) *Foreign Legal Consultants.* Foreign legal consultants may not be admitted to practice in the court (despite the provisions of Rule 5 of the Indiana Rules for the Admission to the Bar and the Discipline of Attorneys).

**(b) Bar Membership.** The bar consists of those persons who:

(1) have been admitted by the court to practice; ~~and have signed the roll of attorneys; and~~

(2) have not resigned or been disbarred or suspended from the bar.

**(c) Admission.**

(1) *Who May Be Admitted.* An attorney admitted to practice by the United States Supreme Court or the highest court in any state may become a member of the court’s bar ~~on a member’s motion.~~ **when sponsored by a current member of this court's bar.**

(2) *Character.* An applicant will be admitted to the bar if the court – after being assured by a member or by the report of a committee appointed by the court – is satisfied that the applicant:

(A) has good ~~private~~ **personal** and professional character; and

(B) is a member in good standing of the bar in every jurisdiction where the applicant is admitted to practice.

**(3) Entry on Court's Records.** The attorney's admission will be entered on the court's records and the court will issue a certificate to that effect only after the applicant:

**(A)** completes the process and procedures in PACER for admission and electronic filing in this court;

~~(A)~~**(B)** takes a prescribed oath or affirmation;

~~(B)~~ certifies that he or she has read and will abide by the *Seventh Circuit Standards of Professional Conduct* and the *Local Rules for the United States District Court for the Southern District of Indiana*;

**(C)** pays the required fees (law clerks to the court's judges and attorneys representing the United States are exempt from these fees);

~~(D)~~ signs the roll of attorneys;

~~(E)~~ registers for electronic case filing;

~~(F)~~**(D)** gives a current address; and **provides complete contact information; and**

~~(G)~~**(E)** agrees to notify the clerk promptly of any change in address **updates his or her contact information in PACER within 5 business days of any change.**

**(d) Local Counsel.** The court may require an attorney residing outside the district to retain, as local counsel, a member of the court's bar who resides in the district.

**(e) Standards.** The Indiana Rules of Professional Conduct and the *Seventh Circuit Standards of Professional Conduct* (an appendix to these rules) govern the conduct of those practicing in the court.

**(f) Sanctions.** Attorneys may be disbarred or suspended from practicing in the court for good cause, but only after having an opportunity to be heard. They may also be reprimanded as provided for in the court's Rules of Disciplinary Enforcement.

Note: Amended November 8, 2021 to reflect procedural changes associated with the court's adoption of the NextGen CM/ECF system. Amended December 1, 2018, to add a requirement that new admittees to the court's bar certify they will abide by the court's Local Rules.

C. **Local Rule 83-6 - Pro Hac Vice Admission** will be amended as follows:

**(a) Authority to Represent Parties in a Case.** An attorney who is not a member of the bar of the court may represent parties in a case if the nonmember has paid the required *pro hac vice* admission fee to the clerk of court and been granted leave by the court to appear *pro hac vice* in the case.

**(b) Application for Pro Hac Vice Admission.** An attorney seeking *pro hac vice* admission must complete the process and procedure for *pro hac vice* admission in PACER, which includes requesting access to the courts Electronic Case Filing System (ECF).

**(c) Motion Requesting Pro Hac Vice Admission.** Upon completing the requirements in subsection (b), an attorney seeking *pro hac vice* admission must pay the applicable fee and file a motion in the relevant case which includes the following:

~~A motion requesting *pro hac vice* admission must include the following information.~~

**(1) Admission Status.** The motion must include a statement indicating that the attorney requesting admission is admitted to practice, currently in active status, and in good standing as an attorney in another United States court or the highest court of any state.

**(2) Disciplinary History.** The motion must include a statement indicating whether the attorney requesting admission is currently or has ever been disbarred or suspended from practice before any court, department, bureau or commission of any state or the United States, or has ever received a reprimand or been subject to other disciplinary action from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar.

**(3) Certification as to Standards of Conduct.** The attorney requesting admission must certify that he or she has reviewed the *Seventh Circuit Standards of Professional Conduct* and the Local Rules of the court, including the Rules of Disciplinary Enforcement, and will abide by these rules.

~~(b)~~ **(d) Form of Filing Pro Hac Vice Motion.** A motion requesting *pro hac vice* admission may be filed by: the attorney seeking admission. After completing the

PACER process, the motion must be filed in ECF within 2 business days.

~~(1) **The Attorney Seeking Admission.** The motion must be filed electronically if the attorney seeking *pro hac vice* admission is already registered for electronic filing in this district as required by Rule 5-3. Otherwise, the *pro hac vice* motion must be filed in paper form.~~

~~(2) **An Admitted Attorney of Record in the Case on Behalf of the Attorney Seeking Admission.** When filed by an attorney of record on behalf of the attorney seeking admission, the motion must be filed electronically and be accompanied by a certification addressing requirements (a)(1) through (3) of this rule and bearing the original signature of the attorney seeking admission.~~

~~(e)~~ **(e) Local Counsel.** The court may require an attorney residing outside the district to retain, as local counsel, a member of the court's bar who resides in the district.

Note: Amended November 8, 2021 to reflect procedural changes associated with the court's adoption of the NextGen CM/ECF system.

Comments concerning the rule amendments are welcome. Comments must be submitted in writing or via email on or before **December 4, 2021**, and should be sent to:

Roger A. G. Sharpe, Clerk of Court  
United States District Court  
Birch Bayh Federal Building and U.S. Courthouse  
46 East Ohio Street, Room 105  
Indianapolis, IN 46204  
or via email: [LocalRules@insd.uscourts.gov](mailto:LocalRules@insd.uscourts.gov)