



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

May 16, 2022

NOTICE

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

Pursuant to 28 U.S.C. § 2071, 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 June 15, 2022**, 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. Local Rule 5-2 – Filing of Documents shall be **amended** as follows:

(a) **Electronic Filing.** Electronic filing of documents is generally required pursuant to Fed. R. Civ. P. 5(d)(3)(A).

(b) **Documents Exempt from Electronic Filing.** Any document that is exempt from electronic filing must be filed directly with the clerk and served on other parties in the case as required by those Federal Rules of Civil Procedure and these rules that apply to the service of non-electronic documents. Only the following documents are exempt from the electronic filing requirement of Fed. R. Civ. P. 5(d)(3)(A):

(1) documents filed by *pro se* litigants;

(2) exhibits in a format that does not readily permit electronic filing (such as videos **recordings**, **audio recordings**, and large maps and charts);

- (3) documents that are illegible when scanned into PDF.pdf format;
- (4) documents filed in cases not maintained on the ECF system; and
- (5) any other documents that the court or these rules specifically allow to be filed directly with the clerk.

(c) Format for Video, Audio, and Similar Media Files. Video, audio, and similar files must be presented in MP4, WMV, MOV, or AVI format.

(e)(d) Case Initiating Documents. The initial pleading and accompanying documents, including the complaint and issuance of the summons, may be filed either in paper form or electronically through the court's ECF system. Case initiating documents must be served in the traditional manner on paper. All subsequent documents must be filed electronically except as provided in these rules or as ordered by the court.

(d)(e) Document Filing by Non-Exempt Party. When a party who is not exempt from the electronic filing requirement files a document directly with the clerk, the party must:

- (1) electronically file a notice of manual filing that explains why the document cannot be filed electronically;
- (2) present the document to the clerk within 1 business day after filing the notice of manual filing; and
- (3) present the clerk with a copy of the notice of manual filing when the party files the document with the clerk.

Note: Amended July 1, 2022 to specify audio and video file formats the court can accept. December 1, 2018, for consistency with Fed. R. Civ. P. 5, which becomes effective on December 1, 2018. Amended Fed. R. Civ. P. 5(d)(3)(A) establishes a uniform national rule that mandates electronic filing by persons represented by counsel, except when local rules require or allow nonelectronic filing, or for good cause. Effective January 1, 2012, former Local Rule 5.6 was combined with former Local Rule 5.10 to create new Local Rule 5-2.

B. Local Rule 5-3 – Eligibility, Registration, Passwords for Electronic filing; Exemption from Electronic Filing shall be amended as follows:

Local Rule 5-3 – Eligibility, Registration, Passwords Login Credentials for Electronic Filing; Exemption from Electronic Filing

(a) Registration. To register to use the ECF system, an attorney must complete the process in PACER.

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

(1) within 5 business days of any change, update ~~his or her~~the attorney's contact information in PACER and file a Notice of Change of Attorney Information form in each of the attorney's pending cases; and

(2) notify the clerk immediately upon learning that the attorney's ~~password~~login credentials for the ECF system have been compromised, and immediately change ~~his or her~~the attorney's ~~password~~login credentials 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).

(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 and July 1, 2022, to reflect procedural changes associated with the court's adoption of the NextGen CM/ECF system.

C. Local Rule 83-6 - *Pro Hac Vice* Admission shall 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~~any 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 court's Electronic Case Filing System (ECF).~~ proceed in one of the following ways:

(1) By the Attorney Seeking Admission. The attorney seeking admission may, on their own behalf, complete the process and procedure for *pro hac vice* admission in PACER, which includes requesting access to the court's Electronic Case Filing System (ECF). Upon approval of ECF access, the clerk's office will email the attorney with instructions to file a motion to appear in the relevant case containing the certification described in subsection (d) below; or

(2) By an Attorney of Record in the Case on Behalf of the Attorney Seeking Admission. An attorney of record in the relevant case may file a motion in the case requesting that the court admit the new attorney *pro hac vice*. The motion must be filed electronically and be accompanied by a certification as described in subsection (d) below. The attorney to be admitted *pro hac vice* must, if they have not previously done so, separately request access to the court's ECF system through PACER.

(c) Admission Fee. The attorney filing a motion under subsections (b)(1) or (2) will be instructed to pay the *pro hac vice* admission fee during the electronic filing process.

~~(e)~~ **(d) Form of Motion or Certification Requesting for 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 or certification filed pursuant to subsection (b) above must include the following:

(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~~ they have 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.

~~(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.~~

(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 and July 1, 2022, to reflect procedural changes associated with the court's adoption of the NextGen CM/ECF system.

Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before **June 15, 2022**, and should be sent to:

Roger A. G. Sharpe, Clerk of Court
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46 East Ohio Street, Room 105
Indianapolis, IN 46204
or via email: LocalRules@insd.uscourts.gov