



# UNITED STATES DISTRICT COURT

## Southern District of Indiana

Kristine L. Seufert, 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

June 12, 2026

### 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 May 14, 2026, regarding the proposed amendments. The Court has considered the proposed amendments and the comments received.

Therefore, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 57 of the Federal Rules of Criminal Procedure, the United States District Court for the Southern District of Indiana hereby gives public notice that the following **redline** amendments to the Local Rules of this Court are adopted, effective July 1, 2026.

#### A. **Local Rule 5-4 – Timing and Consequences of Electronic Filing -is amended** as follows

(a) **Deadlines.** A document due on a particular day must be filed before midnight local time of the division where the case is pending.

(b) **When Electronic Filing Is Completed.** Electronic transmission of a document to the ~~E~~electronic ~~C~~case ~~F~~filing ("~~E~~CF") ~~S~~system consistent with these rules, together with the transmission of a notice of ~~E~~electronic ~~F~~filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the court's local rules.

(c) **Consequences of Electronic Filing.** When a document has been filed electronically:

(1) it is deemed entered on the clerk's docket under Fed. R. Civ. P. 58 and

79;

(2) the document's electronic recording stored by the court is the official record of the document;

(3) the document, as filed, binds the filing party;

(4) the notice of electronic filing for the document serves as the court's date-stamp and proof of filing;

(5) transmission of the notice of electronic filing generated by the ECF system to an attorney's e-mail address constitutes service of the document on that attorney; and

(6) no other attempted service will constitute electronic service of the document.

**(d) Service on Exempt Parties.** A filer must serve a copy of the document consistent with Fed. R. Civ. P. 5 on any party or attorney who is exempt from participating in electronic filing.

**(e) Technical Difficulties.** If a party will miss a filing deadline due to a technical or functional failure of the court's ECF system, the party should:

(1) print a copy of any error message received or displayed;

(2) file a "Declaration of Inability to Timely File Due to Filing Difficulties," stating the reasons for missing the filing deadline, accompanied by a copy of the error message received or displayed, if any, as an attachment; and

(3) transmit a courtesy copy of the attempted filing to opposing counsel before the deadline passes. This step is not required if the opposing party is unrepresented.

Unless the court orders otherwise, the document and declaration must be filed no later than 4:00 p.m. of the next business day following the original filing deadline.

Note: Effective January 1, 2012, former Local Rule 5.8 becomes Local Rule 5-4. Amended July 1, 2026, to add subsection (e) Technical Difficulties.

**B. Local Rule 87 – Representation of Indigent Litigants – Subsection (g)(1) and the Committee Comments – is amended as follows:**

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**(g) Expenses Incurred by Recruited Counsel.** The litigant shall bear the cost of any expenses of the litigation to the extent reasonably feasible in light of the litigant’s financial condition. Recruited counsel is not required to advance the payment of such expenses. However, it is permissible for recruited counsel, or the firm with which counsel is affiliated, to advance part or all of the payment of any such expenses without requiring that the litigant remain ultimately liable for such expenses, except out of the proceeds of any recovery.

**(1) Eligibility for Reimbursement of Expenses.** Recruited counsel may move for the reimbursement of expenses up to ~~One~~Two Thousand Dollars (\$~~12~~,000.00) incurred in the litigation. Any request for funds in excess of ~~One~~Two Thousand Dollars (\$~~12~~,000.00) – in total for the case – must be approved by the assigned judge before the expense is incurred.

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**Local Rules Advisory Committee Comments  
Re: 2016 New Rule 87**

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Local Rule 87 is the court’s effort, after consultation with a broad range of attorneys who regularly practice in this court, to ensure that the court can recruit counsel in every case in which the law requires it. ~~The court estimates recruited counsel will be necessary in approximately 70 civil cases per year – many involving prisoner litigants.~~ Despite the publication of this proposed Rule, it is the court’s goal to provide representation to indigent litigants, when needed, by way of volunteer counsel, ~~as happens now~~. The court will rely on the Obligatory Panel only when efforts to find volunteer counsel fall short.

To summarize the process, subject to certain exemptions, attorneys who have appeared in the threshold number of cases in the preceding calendar year will be drawn upon to populate the “Obligatory Panel.” Attorneys will be assigned a quarter during which they will be eligible for recruitment, and will be notified of the “duty” quarter well in advance.

For each case in which it is determined recruited counsel is required, initial efforts will be made to obtain volunteer counsel. If a motion to appoint counsel is granted, the case will be posted on the “Pro Bono Opportunities” section of the court's website (<https://www.insd.uscourts.gov/pro-bono->

[opportunities](#)). ~~Twice a month an email~~ Periodic emails will be sent to Voluntary Panel members asking them to consider taking a listed case. Any attorney admitted to practice in this district may register to participate in the Voluntary Panel. ~~After two weeks, an email~~ Periodic emails will be sent to the Obligatory Panel members that are “on call,” asking for volunteers. ~~After another two weeks, if~~ no one ~~has~~ volunteered, the assigned judge will select an individual to ~~appoint~~ from that quarter’s list of attorneys.

The court is committed to utilizing limited appointments when appropriate to pull attorneys into the most critical parts of cases (*e.g.*, exhaustion of administrative remedies), then releasing counsel from the case (unless counsel prefers to stay engaged).

Note: Amended July 1, 2024, to eliminate provision for prepayment of expenses.

**C. Local Rule 72-2 – Forfeiture of Collateral in Lieu of Appearance – is amended** as follows:

**Local Criminal Rule ~~72-2~~ 58-2 - Forfeiture of Collateral in Lieu of Appearance**

**(a) Nature of Offense.** A person charged with an offense made criminal pursuant 18 U.S.C. § 13, and for which the penalty provided by state law is equal to or less than that of a misdemeanor, other than an offense for which a mandatory appearance is required may, in lieu of appearance, post collateral before a United States Magistrate Judge and consent to forfeiture of collateral.

**(b) Schedule of Offenses.** These offenses, and the amounts of collateral to be posted (if applicable), will appear on a schedule and be available for public inspection in the clerk’s office in each of the district’s divisions. The schedule will be effective until rescinded or superseded by court order.

**(c) Failure to Appear.** Posted collateral will be forfeited if the person charged with an offense covered by this rule fails to appear before the magistrate judge. The forfeiture will signify that the offender does not contest the charge and does not request a hearing before the magistrate judge. The forfeiture is tantamount to a finding of guilt.

**(d) When Forfeitures Are Not Permitted.** Forfeitures are not permitted for violations involving an accident that results in personal injury. Arresting officers must treat multiple and aggravated offenses as mandatory-appearance offenses and must direct the accused to appear for a hearing.

**(e) Discretion of Officers to Arrest.** Nothing in this rule prohibits a law-enforcement officer from:

(1) arresting a person for the commission of an offense (including those for which collateral may be posted and forfeited); and

(2) either:

(A) requiring the person charged to appear before a magistrate judge,  
or

(B) taking that person before a magistrate judge immediately after arrest.

Note: Effective July 1, 2026, former Local Rule 72-2 becomes Local Criminal Rule 58-2.