COURT RULES

DISTRICT & LOCAL COURT RULES

Trial Rule 81

PRIMER FOR DISTRICT & LOCAL RULE ADOPTION, REPEAL OR AMENDMENT

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Background

The Indiana Supreme Court, at the request of its Committee on Rules of Practice and Procedure, initiated a project designed to take district and local court rules from courthouse bulletin boards to the official website of the Indiana Judiciary. District and local court rules are now readily available to practitioners, litigants and the public.

Ind. Trial Rule 81 provides a process, schedule and format for adopting new, or repealing or amending existing, district and local court rules. Every district and county court system now has their district and local court rules posted on the Indiana Judicial Website. There is a numbering system and designated times for adopting or amending district and local court rules. This process promotes transparency with notice and wide distribution of any proposed rule changes.

Courts no longer use standing orders (generic orders not entered in an individual case) to regulate court practice. T.R. 81(A). Courts adopt new, or repeal or amend existing, district or local rules using a legislative style procedure. Courts send proposed rules or rule amendments to the county clerk and the Division of State Court Administration (STAD) (now Indiana Office of Court Services IOCS) in **digital format via** a Word or WordPerfect document. T.R. 81(B)(2).

Understanding the Amended Format for Numbering Local Rules

Under T.R. 81(E), the Division published a numbering format for local rules. A county designates letters or numerical sequences to indicate differences among the local courts. For example, LR01-TR79-1 decodes as:

LR	01	TR	79	1
Local Rule Designation	County Identification Number	State Rule Set	State Level Rule Set Number	Local Sequence Number

The Process

T.R. 81(B) requires courts to give Notice when proposing to adopt or amend district and local rules and to solicit comments from the bar and the public for a minimum of **30 days**. The notice includes the proposed **effective date** of the rule or amendment, and designates the name and address of the person to whom comments should be directed.

Courts must send the **proposed** new rule or amendment to the officers of the impacted county bar association. The county clerk posts the proposal on the county website, if any, and the Division posts the proposal on the Indiana Judicial Website.

Courts **underline** proposed new language and ~~**strike through**~~ language to be deleted.

Local courts must place **adopted** rules and amendments in the **Record of Judgments and Orders (RJO)** and the county clerk posts them in the county clerk's office and on the county clerk's website, if any. The Division (IOCS) posts the adopted rules or amendments on the Indiana Judicial Website.

How to do it

The first step in the process is to provide Notice of the proposed rule change. Publication of the Notice is considered complete when the courts send the text of the proposed new rule or amended rule ***in a digital format*** (in a Word or WordPerfect document and **not** PDF) to STAD (IOCS) and the County Clerk on or before June 1.

Step two is to show the changes to the existing rule by ~~**striking through**~~ language to be deleted and **underlining** language to be added. ***Courts are strongly encouraged to use the Track Changes feature in Word or WordPerfect.***

Step three is to **request Supreme Court approval** if changes are being proposed to one of the four (4) **required** local rules, as follows:

- special judge selection in civil cases pursuant to T.R. 79(H);
- special judge selection in criminal cases pursuant to Ind. Criminal Rule 2.2;
- regulation of court reporter services pursuant to Ind. Administrative Rule 15; and
- caseload allocation plans pursuant to Admin. R. 1(E).

District and Local Rule Adoption or Amendment Schedule

TRIAL RULE 81 SCHEDULE DEADLINES

DATE	EVENT
Prior to June 1	Notice of Proposed Rule Adoption or Amendment
June 1	Thirty-day comment period begins
July 1 - July 31	Final approval by local courts
August 1 or before	Submission for Supreme Court approval, if necessary
August 1 - October 1	State Court Administration will review proposals and make recommendation to the Supreme Court for approval, modification or rejection
October 1 or before	Supreme Court review and decision, if necessary
November 1 or before	Revised rules due to Supreme Court
November 15 or before	Supreme Court review and decisions on any resubmitted rules
January 1 following year	Effective date of District or Local Rules

Good Cause to Deviate from the Schedule

T.R. 81(D) provides an exception when local courts find **good cause** to deviate from the above schedule. A Notice must be filed and posted with a comment period of at least **30 days** before the new or amended district or local court rule becomes effective. If Supreme Court approval is necessary, then the effective date will be subject to that approval.

Sending marked-up and final documents to the Division

Courts must digitally send by email with attached documents the marked up versions of the proposed new or amended district or local court rules and the final version after the end of comment period, to the Division (IOCS) and the County Clerk for posting on their websites.

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