

Court Rules

District and Local Court Rules

Primer for District & Local Rule Adoption, Repeal, or Amendment

Trial Rule 81

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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, repealing, or amending existing, district and local court rules. Every district and county court system now has [district and local court rules](#). The rule provides 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, with an opportunity for comments to be submitted to the local courts.

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, 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 Office of Judicial Administration (OJA) in an ADA **digitally accessible format** in both Word and PDF. T.R. 81(B)(2).

Local Rules Format

Under T.R. 81(E), OJA publishes a standard format for local rules. A county designates letters and numerical sequences to correspond with the Indiana Rules of Court. For example, LR01-TR79-1 represents:

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

The Process

The first step is preparing the proposed new or amended rule and public notice. Show 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.** The public 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 then send proposed rules or rule amendments to OJA for review in both Word and PDF formats with full digital ADA accessibility. T.R. 81(B).**

Upon approval from OJA, the second step is to provide public notice of the proposed rule change(s). A sample public notice can be found at: <https://www.in.gov/courts/publications/local-rules/>. Publication of the notice and rule amendment(s) is considered complete when the courts send the notice and text of the proposed new or amended rule(s) **in an ADA accessible digital format** (in both Word and PDF formats) to OJA and the county clerk and the proposal is posted for public comment on or before June 1. Courts must also send the proposed new rule or amendment(s) to the officers of the impacted county bar association. The public comment period shall be a minimum of thirty (30) days.

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

1. special judge selection in civil cases pursuant to T.R. 79(H);
2. special judge selection in criminal cases pursuant to Ind. Criminal Rules 2.2 and 13;
3. regulation of court reporter services pursuant to Ind. Administrative Rule 15; and
4. caseload allocation plans pursuant to Admin. R. 1(E).

Once approval is obtained from the Supreme Court, local courts must place the **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 available. OJA posts the adopted rules or amendments on the Indiana Judicial Website.

District and Local Rule Adoption or Amendment Schedule

TRIAL RULE 81 SCHEDULE DEADLINES

DATE	EVENT
Prior to June 1	Review by OJA; Notice of Proposed Rule Adoption or Amendment
June 1	Thirty-day comment period begins
July 1 - July 31	Final approval by local courts, including consideration of all public comments received
August 1 - October 1	OJA will review proposals and make a recommendation to the Supreme Court for approval, modification, or rejection, as required

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 the following year	Effective date of the amended 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. A sample notice can be found at: <https://www.in.gov/courts/publications/local-rules/>. If Supreme Court approval is necessary, the effective date will be subject to that approval.

Sending marked-up and final documents to OJA

Courts must email OJA the marked-up versions of the notice and proposed new or amended district or local court rules in both Word and PDF document files with full digital ADA accessibility. After the completion of the comment period and any required approval from the Supreme Court, courts must email OJA and the county clerk a complete set of the current local rules in a single document file for posting on their websites.