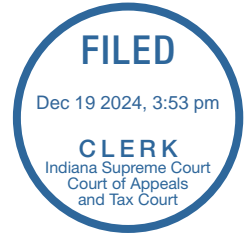


In the Indiana Supreme Court

Cause No. 24S-MS-1



Order Amending Rules for Small Claims

The Commission on Indiana's Legal Future and the Committee on Rules of Practice and Procedure have proposed amendments to the Rules for Small Claims to allow greater flexibility for business owners to decide whether to hire counsel in small claims cases and to allow courts to order alternative dispute resolution in small claims cases under certain circumstances.

The Court has considered these proposed amendments. Under this Court's authority to establish procedures and supervise the administration of all courts in the state, the Rules for Small Claims are amended as set forth in Exhibit A to this order (deletions shown by ~~strikethrough~~ and new text shown by underlining).

These amendments are effective January 1, 2025.

Done at Indianapolis, Indiana, on 12/19/2024.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

Small Claims Rules

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Rule 8. Informality of Hearing

(A) Procedure. The trial shall be informal, with the sole objective of dispensing speedy justice between the parties according to the rules of substantive law, and shall not be bound by the statutory provisions or rules of practice, procedure, pleadings or evidence except provisions relating to privileged communications and offers of compromise. The court may order alternative dispute resolution only when: (1) not prohibited by law, (2) consistent with the informal and speedy dispensing of justice, (3) agreed to by the parties, and (4) provided at no cost to the parties.

...

(C) Party Representation. Any assigned or purchased claim, or any debt acquired from the real party in interest by a third party cannot be presented or defended by said third party unless third party is represented by counsel. In all other cases, the following rules shall apply:

...

(2) Sole Proprietorship and Partnerships. A sole proprietorship or partnership may be represented by the sole proprietor or partner, owner, counsel, or by a designated full-time employee of the business in the presentation or defense of claims arising out of the business, ~~if the claim does not exceed six thousand dollars (\$6,000.00). However, claims exceeding six thousand dollars (\$6,000.00) must either be defended or presented by counsel or pro se by the sole proprietor, partner, or owner.~~

(3) Corporate Entities, Limited Liability Companies (LLC's), Limited Liability Partnerships (LLP's), Trusts. All corporate entities, Limited Liability Companies (LLC's), and Limited Liability Partnerships (LLP's), and Trusts may be represented by counsel, owner, or by a designated full-time employee of the corporate entity, or, in the case of a trust by a trustee, in the presentation or defense of claims arising out of the business ~~if the claim does not exceed six thousand dollars (\$6,000.00). However, claims exceeding six thousand dollars (\$6,000.00) must be defended or presented by counsel.~~

(4) Full-Time Employee Designations--Binding Effect of Designations and Requirements.

...

Exhibit A

(b) By authorizing a designated full-time employee or trustee to appear under this Rule, the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust waives any present or future claim in this or any other forum in excess of ~~six thousand dollars (\$6,000.00)~~ the small claims jurisdictional limit as defined by relevant Indiana statutes.

...

(5) Full-Time Employee or Trustee Designations--Contents. A corporate entity, sole proprietorship, partnership, LLC, LLP, or trust that wishes to designate an employee or trustee to represent it must execute a certificate of compliance in each case expressly appointing the person as its representative and must state by a duly adopted resolution in the case of a corporate entity, LLC or LLP; or a document signed under oath by the sole proprietor or managing partner of a partnership, or trustee that the entity shall be bound by the designated employee's or trustee's acts and agreements relating to the small claims proceeding, and shall be liable for assessments and costs levied by a court relating to the small claims proceeding, and that the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust waives any claim for damages in excess of ~~six thousand dollars (\$6,000.00)~~ the small claims jurisdictional limit as defined by relevant Indiana statutes associated with the facts and circumstances alleged in the notice of claim. Additionally, the designated employee or trustee must file in each case an affidavit stating that he/she is not disbarred or suspended from the practice of law in Indiana or any other jurisdiction.

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