

In the
Indiana Supreme Court



CAUSE NUMBER: 94S00-1401-MS-57

ORDER AMENDING INDIANA RULES FOR SMALL CLAIMS

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Rules for Small Claims 2 and 4 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Indiana Rules for Small Claims

...

Rule 2. Commencement of Action

...

(E) Documents and Information Excluded from Public Access and Confidential Pursuant to Administrative Rule 9(G)(H). Documents and information excluded from public access pursuant to Administrative Rule 9(G)(~~H~~) shall be filed in accordance with Trial Rule 5(G).

...

Rule 4. Responsive pleadings

...

(C) Request for Jury Trial. Notwithstanding any statute to the contrary, a defendant may request a jury trial by submitting a written request to the court within ten (10) days after receipt of the notice of claim. No statement of facts supporting the request or verification of the request is required. The party requesting a jury trial shall pay the clerk the additional amount required by statute to transfer the claim to the plenary docket or, in the Marion Small Claims Court, the filing fee necessary to file a case in the appropriate court of the county. Unless filed within ten (10) days after receipt of the notice of claim the right to a jury trial is waived. Once a jury trial request has been granted, it may not be withdrawn without the consent of the other party or parties.

...

This amendment shall take effect January 1, 2015

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets and bound volumes of this Court's decisions. Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit and Superior Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, on September 2, 2014.

/s/Loretta H. Rush
Loretta H. Rush
Chief Justice of Indiana

All Justices concur.