

Economic Impact Statement

LSA Document #11-590

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**I. Estimate of Number of Small Businesses That Will Be Subject to this Rule.**

As required by IC 4-22-2.1-5(a)(1), the estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule is unknown. The Commission estimates that no more than 20 attorneys per year are affected by this rule. However, as the rule applies to attorneys not licensed in Indiana, it is assumed that the number of attorneys from what is considered a small business under Indiana law would be quite small. To qualify as a small business, the entity must be an Indiana law firm where the majority of the employees of the business entity work in Indiana. It appears unlike [*sic, unlikely*] that such a small business would employ attorneys who are not licensed in this state. Further, the rule is voluntary; if attorneys do not wish to practice before the Commission, the rule would not apply.

As required by IC 4-22-2.1-5(a)(2), the estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule is de minimis. The rule removes the requirement that the attorney file a petition to practice with the Commission. The requirement that the attorney petition the Supreme Court instead is required by the court, not a cost of the Commission rule. The only new cost to appearing attorneys would be the cost of copying the Notice of Temporary Admission granted by the Court to provide to the Commission. That cost is estimated at ten cents (\$0.10). With at most 20 attorneys affected, the net cost would be up to two dollars (\$2).

As required by IC 4-22-2.1-5(a)(3), the estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule is de minimis. As stated above, most costs would be associated with the amended court rule, not the Commission's rule.

II. Justification Statement.

As required by IC 4-22-2.1-5(4), the following statement justifies any requirement or cost that is imposed on small businesses by the rule and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law. The statement required by this subsection must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

As noted above, there are only de minimis costs associated with this rule. Most costs would be associated with the amended court rule, not the Commission's rule.

III. Regulatory Flexibility Analysis.

As required by IC 4-22-2.1-5(5), this regulatory flexibility analysis considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The analysis under this subdivision considers the following methods of minimizing the economic impact of the proposed rule on small businesses:

A. The establishment of less stringent compliance or reporting requirements for small businesses: None.

B. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses: None.

C. The consolidation or simplification of compliance or reporting requirements for small businesses: None.

D. The establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule: None.

E. The exemption of small businesses from part or all of the requirements or costs imposed by the rule: None.

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