

STATE OF INDIANA)
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)
COUNTY OF MARION)
)
In Re Local Court Rules)

MARION CIRCUIT
COURT

Notice of Proposed Local Rule Amendments

The Judge of the Marion County Circuit Court in compliance with the provisions of Trial Rule 81 give Notice of proposed amendments to the Marion County local rules.

Accordingly, the Court issues the following proposed amendments to the Marion County Local Court Rules and ask for comment from the bar and the public. Underlining indicates proposed additions and ~~striking through~~ indicates deletions. The amended rules will be effective after the expiration of the public comment period. The proposed amendments are to LR49-SC00-500.

Notice has been given to the public by posting on the website of the Marion County Clerk (www.indy.gov/agency/marion-county-clerks-office) and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the Indianapolis Bar Association and the Marion County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Marion County, 675 Justice Wy, Indianapolis, IN 46203 during normal business hours.

Comments to these proposed Local Rule amendments will be received from June 9, 2025 through noon on July 10, 2025. Comments to these proposed amended Local Rule should be e-mailed to the Office of the Court Administrator, c/o Luke Britt, at Luke.Britt@indy.gov or mailed to:

Luke Britt
Office of the Court Administrator
Marion County Circuit and Superior Courts
675 Justice Way
Indianapolis, IN 46203

All of the above is so ORDERED this 23rd day of May 2025.

/s/ Amber Collins-Gebrehiwet

Judge Amber Collins- Gebrehiwet
Presiding Judge
Marion Circuit Court

Proposed amendment to Marion County Local Rule 49-SC00 Rule 502

Marion County Small Claims LR49-SC00 Rule 502(F) requires that the Marion County Small Claims Judges review LR49-SC00 Rule 502 every four years to determine whether or not the presumptive fees should be adjusted due to economic changes. For that reason the Marion County Small Claims Judges have reviewed LR49-SC00 Rule 502 and propose the following amendments:

In light of current economic circumstances and the increased cost for legal service the Marion County Small Claims Judges propose that LR49-SC00 Rule 502 be amended to provide that there shall be a rebuttable presumption that a reasonable attorney fee for time and service for prosecution of an eviction proceeding in Small Claims shall be \$600.00 instead of \$500.00

On July 1, 2021, the Marion County Small Claims Courts jurisdictional limit was raised from \$8,000 to \$10,000. For that reason, the Marion County Small Claims Judges propose that LR49-SC00 Rule 502 be amended to include a rebuttable presumption that a reasonable attorney fee for a small claims case other than a eviction proceeding resulting in a judgment between \$8,000 and \$10,000 shall be \$780.

The Marion County Small Claims Judges propose that LR49-SC00 Rule 502 be amended as follows:

LR49-SC00 Rule 502. ATTORNEY'S FEES

A. Attorney's fees shall not be awarded, unless such fees are authorized by law or contract. The party seeking attorney's fees shall support its request with evidence of the legal authority for the fees, the number of hours reasonably spent on the case, the hourly rate for those persons providing legal and / or paralegal services and any other fact relevant to the reasonableness of the requested fee. The parties may present evidence in the form of a sworn affidavit. Attorney fees may only be claimed for services provided for a particular case, provided that in those instances, when time spend on more than one case can be with reasonable accuracy apportioned among the cases, such apportioned time may be compensated.

B. In determining the amount of the fee, the Court shall consider:

1. time reasonably and actually expended on the case up to the date the request is heard or decided;
2. factors enumerated at Rule 1.5 of the Indiana Rules of Professional Conduct;
3. the amount of the fee in relation to the amount of damages sought; and
4. any other circumstance bearing on the "reasonableness" of the fee.

C. There shall be a rebuttable presumption that a reasonable attorney fee for a small claims case other than an eviction proceeding resulting in a judgment between \$1.00 and \$499.99 shall be \$300.00. There shall be a rebuttable presumption that a reasonable attorney fee for a small claims case other than an eviction proceeding resulting in a judgment between \$500.00 and \$999.99 shall be \$400.00. There shall be a rebuttable presumption that a reasonable attorney fee for a small claims case other than an eviction proceeding resulting in a judgment between \$1,000 and \$3,499.99 shall be \$450.00. There shall be a rebuttable presumption that a reasonable attorney fee for a small claims case other than an eviction proceeding resulting in a judgment between \$3,500.00 and \$5,999.99 shall be \$550.00. There shall be a rebuttable presumption that

a reasonable attorney fee for a small claims case other than an eviction proceeding resulting in a judgment between \$6,000.00 and ~~\$8,000.00~~ \$7,999.99 shall be \$650.00. There shall be a rebuttable presumption that a reasonable attorney fee for a small claims case other than an eviction proceeding resulting in a judgment between \$8000 and \$10,000 shall be \$780.00.

D. There shall be a rebuttable presumption that prosecution of an eviction proceeding in a small claims court requires 2.5 hours of time and service and that a reasonable attorney fee for this time and service is ~~\$500.00~~ \$600. This fee is inclusive of time and service incurred to recover compensation for damages and unpaid rent.

E. A party seeking attorney fees is not limited to the presumptive attorney fee and may request fees in excess of the presumptive fee by submitting an attorney fee affidavit in compliance with Section A above. A party who opposes a presumptive attorney fee may require itemization of time and service as required by section A above. A party who seeks a presumptive attorney fee under section C or D shall not be required to itemize time and service unless the request is challenged by the other party.

F. The Marion County Small Claims Judges shall review this rule every four years to determine whether or not the presumptive fees should be adjusted due to economic changes.