

In the  
Indiana Supreme Court

Cause No. 18S-MS-141

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, the Indiana Rules for Small Claims are amended as follows (deletions shown by striking and new text shown by underlining):

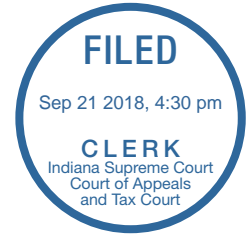
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**Rule 8. Informality of Hearing**

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**(C) Appearance.** 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 this third party is represented by counsel. In all other cases, the following rules shall apply:

- (1) *Natural Persons.* A natural person may appear *pro se* or by counsel in any small claims proceeding.
- (2) *Sole Proprietorship and Partnerships.* A sole proprietor or partnership may appear 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 one thousand five hundred dollars (\$1,500.00). However, claims exceeding one thousand five hundred dollars (\$1,500.00) must either be defended or presented by counsel or *pro se* by the sole proprietor or a partner.
- (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 appear 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 one thousand five hundred dollars (\$1,500.00). However, claims



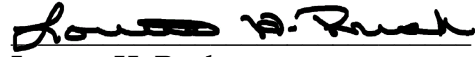
exceeding one thousand five hundred dollars (\$1,500.00) must be defended or presented by counsel.

- (4) *Full-Time Employee Designations--Binding Effect of Designations and Requirements.*
- (a) In the event a corporate entity, sole proprietorship, partnership, LLC, ~~or~~LLP, or trustee designates a full-time employee or trustee to appear in its stead, the corporate entity, sole proprietor, partnership, LLC ~~or~~LLP, or trustee will be bound by any and all agreements relating to the small claims proceedings entered into by the designated employee or trustee and will be liable for any and all costs, including those assessed by reason of contempt, levied by a court against the designated employee or trustee.
  - (b) By authorizing a designated full-time employee or trustee to appear under this Rule, the corporate entity, sole proprietorship, partnership, LLC, ~~or~~LLP, or trustee waives any present or future claim in this or any other forum in excess of one thousand five hundred dollars (\$1,500.00.)
  - (c) No person who is disbarred or suspended from the practice of law in Indiana or any other jurisdiction may appear for a corporate entity or on behalf of a sole proprietor, partnership, LLC, ~~or~~LLP, or trustee under this rule.
- (5) *Full-Time Employee Designations--Contents.* Before a designated employee or trustee is allowed to appear in a small claims proceeding, the corporate entity, sole proprietorship, partnership, LLC, ~~or~~LLP, or trustee must have on file with the court exercising jurisdiction of the proceedings, a certificate of compliance with the provisions of this rule, wherein the corporate entity, sole proprietorship, partnership, LLC, ~~or~~LLP, or trustee must expressly accept, 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 the binding character of the designated employee's or trustee's acts, the liability of the corporate entity, sole proprietorship, partnership, LLC, ~~or~~LLP, or trustee for assessments and costs levied by a court, and that the corporate entity, sole proprietorship, partnership, LLC, ~~or~~LLP, or trustee waives any claim for damages in excess of one thousand five hundred dollars (\$1,500.00) associated with the facts and circumstances alleged in the notice of claim. Additionally, the designated employee must have on file with the court exercising jurisdiction of the proceedings 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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These amendments shall take effect upon January 1, 2019.

Done at Indianapolis, Indiana, on 9/21/2018.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.