

**Special Courts Committee
Judicial Conference of Indiana**

**January 31, 2020
Minutes**

1. Attendance: The following members participated in the meeting: John Baker, Kathleen Belzeski (via conference call), John Bohdan, Thomas Cannon, Aleksandra Dimitrijevic (via conference call), Garland Graves, Warren Haas, Travis Sandifur (via conference call), Julie Verheye (via conference call), Charles Wicks, and Kimberly Bacon, chair.
2. Staff Assistance: Kyle Hunter provided staff assistance for Committee.
3. Approval of minutes: Committee unanimously approved the November 2019 meeting minutes.
4. BMV title issues: Judge Bacon presented a checklist for consideration by Committee. Committee will consider whether a separate checklist would be appropriate for mobile homes or if the same checklist would work. Committee will consider whether amendments should be made to the checklist and expect to vote on whether to add it to the benchbook at the next meeting. Discussion about whether last known owner should be added to the complaint or just provided with notice by certified mail. Will discuss whether best practice guidance should be provided on this at the next meeting.
5. Small Claims Property Management/Prejudgment Interest/Affidavit of Debt: Mag. Belzeski presented two amended drafts of best practice recommendations for dealing with prejudgment interest. Committee voted to approve the longer, less condensed version being added to the benchbook.
6. AR 9 and Garnishee Interrogatories: Judge Hass prepared two form interrogatories that were clearly labeled as “Confidential” and “Public Access” instead of a letter that might get lost or not be effective. Committee agreed that these should be attached to the benchbook as samples. Committee discussed whether clerks had authority to redact non-compliant filings. Discussed the Access to Court Records Benchcard.
7. Traffic Amnesty: Kyle reviewed materials to assist trial courts with implementation of Traffic Amnesty Statute, including handbook overview, sample orders, and forms available on indianalegalhelp.org. Committee discussed whether issues with this new statute are coming up.
8. Small Claims Mediation: Judge Bacon led a discussion about the Court of Appeals decision in Kim v. Village at Eagle Creek HOA, Inc., 133 N.E.3d 250 (Ind. Ct. App. 2019) concerning mediation in small claims courts. Committee expressed concerns about parties incurring additional expenses on claims that are, by their nature, not large. Some counties, like Elkhart, St. Joe, and Delaware, have mediation provided though the court’s budget. Discussion of whether mediation is effective on small claims docket and concern about attempts to make it mandatory.
9. Legislative Update: Kyle provided reminder that IOCS provides a blog to track the development of legislation relevant to the courts and specific areas of practice. Judge Bacon discussed a

number of bills percolating that may significantly affect the small claims courts and particularly concerning tenant rights.

10. Other business: Judges Bacon and Graves informed the committee that the Eviction Roundtable would resume following the legislative session to take into account any legislation that may affect the issue. There was also a discussion of old judgments, if and for how long they are still collectable, and the differences between an affidavit of account and an Affidavit of Debt.
11. 2020 meeting schedule: The committee scheduled the following 2020 meeting dates:

April 24

August 14

December 11

All meetings will be held at IOCS at 11 a.m.

Respectfully submitted,

Kyle Hunter
Staff Attorney

**Special Courts Committee
Judicial Conference of Indiana**

**April 24, 2020
Minutes**

1. Attendance: The following members participated in the meeting: Kathleen Belzeski, John Baker, Aleksandra Dimitrijevic; Thomas Cannon, Garland Graves, Warren Haas, Kyle Noone, Travis Sandifur, Julie Verheye, Charles Wicks, and Kimberly Bacon, chair.
2. Staff assistance: Michelle Goodman provided staff assistance for the committee.
3. Approval of Minutes: The committee reviewed the minutes and request two amendments. The first was to add Judge Wicks to attendee list and the second was to strike the last sentence of item 5. Judge Hass moved to adopt the minutes as amended and Mag. Belzeski seconded the motion. Motion was unanimously approved.
4. Recognition of outgoing members: The committee recognized Judge John Baker, Court of Appeals Liaison and wished him well in his retirement.
5. Discussion on BMV Title processes: The committee continued its discussion on best practices from the last meeting. The committee discussed the current forms and process noting to add a caveat for Marion County Small Claims Courts may not use this process. The committee also discussed whether this should be exclusively processed through MI or other case type. Staff will discuss this recommendation with OJA staff.
6. Legislative update: Ms. Goodman provided a summary of key bills impacting the areas of criminal, traffic, natural resources, UCC code, and small claims.
7. Other business: The committee discussed the orders issued by the Supreme Court on stimulus funds and debt collection cases, the order on remote hearings. The committee discussed what was occurring in their courts during this change in operations and requested meeting on May 15 at 2:30 to check in and share practice ideas.
8. 2020 meeting dates: The remaining committee meeting dates for 2020 are:

August 14

December 11

All meetings will be held at 11 a.m. either remotely or at IOCS.

Respectfully submitted,

Michelle Goodman
Staff Attorney

**Special Courts Committee
Judicial Conference of Indiana**

**August 14, 2020
Minutes**

1. Attendance: The following members participated in the meeting: Kathleen Belzeski, Thomas Cannon, Garland Graves, Travis Sandifur, Julie Verheye, Charles Wicks, Gina Jones, Michael Drenth, Steven Hagen and Kimberly Bacon, Chair.
2. Staff assistance: Michelle Goodman and Mindy Pickett provided staff assistance for the committee.
3. Welcome: The committee welcomed two new members, Judge Steven Hagen and Judge Gina Jones, and conducted introductions of members and committee staff.
4. Approval of Minutes: The committee reviewed and unanimously approved the minutes from the April 24, 2020 virtual meeting.
5. Discussion on BMV Title processes: The committee continued its discussion on the checklist proposal regarding title transfers by pro-se litigants. The checklist was proposed to be used by all counties except Marion County. The committee discussed content of the form and whether small claims court has or should continue to have jurisdiction for this type of case. Ms. Goodman previously discussed the jurisdiction issue with OJA staff and reported back to the committee. The committee unanimously voted that title transfers under \$5,000 should remain under small claims jurisdiction (with the exception of Marion County) and voted unanimously to approve the checklist form for publication.
6. Review of proposed edits based on legislation: The committee reviewed the edits and unanimously voted to approve for publication the Small Claims Manual. Information regarding Marion County Small Claims processes will be updated at a later date. Additionally, the committee reviewed the following traffic guidance documents: Special Driving Privileges (SDP), Sample SDP orders including: Prior to Sentencing, Issued at Sentencing, and Administrative, HTV Determinations, HVSO Determinations and OWI Judicial Suspension. The committee unanimously voted to approve all the documents for publication.
7. Other business: Judge Cannon and the committee thanked the Landlord-Tenant taskforce for their work and guidance. The committee discussed the upcoming filings of evictions as the moratoriums end. Ms. Goodman provided a NCSC resource on civil justice located online at <https://www.ncsc.org/cji/cji-implementation-tools>.
8. 2020 meeting dates:

December 11

All meetings will be held at 11 a.m. either remotely or at IOCS.

**Special Courts Committee
Judicial Conference of Indiana**

**December 11, 2020
Minutes**

1. Attendance: The following members participated in the meeting: Steven Hagen, Gina Jones, Kathleen Belzeski, Kyle Noone, Thomas Cannon Jr., Travis Sandifur, Michael Drenth, Julie Verheye, Garland Graves, Charles Wicks and Kimberly Bacon, Chair.
2. Staff assistance: Mindy Pickett and Michelle Goodman provided staff assistance for the committee.
3. Approval of Minutes: The committee reviewed and unanimously approved the minutes from the August 14, 2020 virtual meeting.
4. BMV- Requirements for Court Order Title Issuance: The committee reviewed the memo issued by the BMV concerning an audit conducted on court orders and missing information. The committee unanimously voted to update the Title checklist for pro se litigants currently on INCite to include court order title requirements. The committee also recommended submitting the document to Access to Court Records for review.
5. Other business: The committee discussed practices utilized for virtual hearings during the pandemic, HOA debt collection concerns, post-judgment interest on older cases, and the recent order issued, 20SMS-1, amending administrative rules to include a new case type "EV." The committee voted not to send recommendations regarding landlord practices to stakeholder group.
6. Benchbook edits: Ms. Goodman updated the committee on the progress of the Benchbook revisions. The committee unanimously approved adding two new forms with edits: Affidavit of Debt and Trustee's Verified Certificate of Compliance with Ind. Small Claims Rule 8(C)(5). Judge Bacon and Judge Graves recommended additions to the Small Claims Manual regarding Marion County. Ms. Goodman will finalize the edits and circulate to the committee via email for review and final approval.
7. 2021 meeting dates:
 - March 5
 - May 14
 - August 13
 - November 5

All meetings will be held at 11 a.m. virtually via Microsoft Teams until further notice.