

**Limited Jurisdiction and Traffic Law Committee**  
**Judicial Conference of Indiana**

**Minutes**  
**January 12, 2024**  
**via Microsoft Teams**

1. Attendance: The following members participated in the meeting: James Burns, Sam Conrad, Garland Graves, Steven Hagen, David Happe (chair), Kyle Noone, Steven Poore, Roman Ricker, and Travis Sandifur. The meeting was staffed by Mindy Pickett from IOCS.
2. Approval of Minutes: The committee reviewed and unanimously approved the minutes from the July 14, 2023, meeting.
3. City and Town Court Manual Updates: The committee reviewed and approved revisions to the manual including 2023 legislation and criminal rules changes. The committee tabled approving the revisions in the criminal rules regarding change of judge until the next meeting.
4. Updates to Benchbook: The committee reviewed and approved revisions to the Benchbook including 2023 legislation and case law updates on *Turner v. Knowles* and *Wang v. Sun*. The committee discussed eviction sealing best practices and automatic sealing after dismissal and opted to leave the guidance as is.
5. Weighted Caseload Study: The importance of accurately reflecting time regarding small claims and eviction case types in the upcoming weighted caseload study was discussed.
6. Potential Committee Projects: Mindy provided data from Odyssey on the amount of eviction hearing advisements vs. the number of cases that participated in the pre-eviction diversion program. The committee discussed their concerns with the mandated advisement and its impact on litigants. Mindy will get updated fourth quarter 2023 statistics and circulate via email. The committee agreed to communicate as a group their concerns and feedback with the Indiana Supreme Court. Discussions regarding other potential projects including creating a listserv for small claims questions and proceeding supplemental best practices were tabled until the next meeting.
7. Other business:
  - a. The committee reviewed and discussed five published cases: Piccadilly Mgt. v. Abney, 215 N.E.3d 1078 (Ind. App. 2023), Priest v. State, 215 N.E.3d 1099 (Ind. App. 2023), Murphy v. Cook, No. 23A-SC-1614, 2023 WL 8793287 (Ind. App. Dec. 20, 2023), Taft v. Piper, 222 N.E.3d 1070 (Ind. App. 2023), and Wenner v. Hensley, No. 23A-SC-973, 2023 WL 8361307 (Ind. App. Dec. 4, 2023). Judge Graves agreed to draft case law summaries on *Piccadilly* and *Taft*. Mag. Sandifur agreed to draft a summary of *Priest*.
  - b. Mindy reported that the 2024 Small Claims Manual has been posted to the website and that Indiana Legal Services reached out and wanted to provide feedback on the manual. At the time of the meeting no feedback had been received. The committee asked Mindy to follow-up with ILS and agreed to do a review of the manual during the third quarter of 2024.

**2024 Meeting Dates: April 12, July 12, and October 11**

The meetings will be held virtually at 11am (eastern) on Microsoft Teams.

**Limited Jurisdiction and Traffic Law Committee**  
**Judicial Conference of Indiana**

**Minutes**  
**April 12, 2024**  
**via Microsoft Teams**

1. Attendance: The following members participated in the meeting: Michael Douglass, David Happe (chair), Steven Poore, Matthew Raper, and Travis Sandifur. The meeting was staffed by Mindy Pickett from IOCS.
2. Approval of Minutes: The committee reviewed and unanimously approved the minutes from the January 12, 2024, meeting.
3. City and Town Court Manual Updates: The committee reviewed some revisions to the criminal rules regarding change of judge. Mag. Raper plans to review his revisions again and we will finalize the criminal rule updates at the next committee meeting.
4. Updates to Benchbook: The committee reviewed case law updates to the Benchbook drafted by Mag. Sandifur and Judge Graves, including Piccadilly Mgmt. v. Abney, 215 N.E. 3d 1078, 1079 (Ind. Ct. App. 2023), H & S Financial, Inc. v. Parnell, 214 N.E.3d 1030 (Ind. Ct. App. 2023), and Taft v. Piper, 222 N.E.3d 1070 (Ind. Ct. App. 2023). Mindy will circulate the revisions to the committee via email for final approval.
5. 2024 Legislation: Relevant bills pertinent to the committee were reviewed including, SEA 188: Actions on deposit accounts, HEA 1162: BMV, and HEA 1238: Competency Evaluation. The committee updated the benchbook regarding deposit accounts. Mindy will communicate with Judge Noone regarding whether city and town court judges handle competency issues and if the manual should be updated.
6. Other business:
  - a. The committee reviewed and discussed two published cases and opted not to include the cases in the benchbook: Hazelwood v. Com. Wealth Apartments, No. 23A-EV-1404 (Ind. App. Mar. 22, 2024) and Logan v. Evans, No. 23A-SC-1324 (Ind. App. Mar. 4, 2024).
  - b. The committee discussed future committee projects including providing proceeding supplemental best practices and making a recommendation to the Supreme Court regarding the pre-eviction diversion program mandated advisement. Committee members expressed that both sides, landlords and tenants, walk away from hearing the advisement frustrated for various reasons. Judge Happe will draft the recommendation and circulate to the committee via email to confirm everyone agrees.
  - c. Mag. Sandifur will rotate off the committee on July 1<sup>st</sup>, the committee thanked him for his service.
  - d. Mindy reported that she will transition off as staff of this committee when a new staff attorney is hired.

**2024 Meeting Dates: July 12 and October 11**

The meetings will be held virtually at 11am (eastern) on Microsoft Teams.

**Limited Jurisdiction and Traffic Law Committee  
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**Minutes  
July 12, 2024  
via Microsoft Teams**

1. Attendance: The following members participated in the meeting: James Burns, Michael Douglass, Garland Graves, Steven Hagen, David Happe (chair), Steven Poore, Matthew Raper, Roman Ricker and Jennifer Wilson Reagan. The meeting was staffed by Mindy Pickett and Kelly Elliott from IOCS.
2. New Members and Staff: New committee member Mag. Jennifer Wilson Reagan and new IOCS staff attorney, Kelly Elliott, were introduced to the committee.
3. Approval of Minutes: The committee reviewed and unanimously approved the minutes from the April 12, 2024, meeting.
4. City and Town Court Manual Updates: The committee reviewed and approved for publication the following updates to the manual:
  - Criminal Rules Changes drafted by Mag. Raper, Judge Noone, Mag. Burns, and Judge Happe
  - Added CR 4 Continuance Order, information regarding expungements, and a new section on Competency in response to HEA 1238.
5. Other business:
  - a. Mindy provided an update on the status of the Eviction Diversion Advisement Letter sent to the Indiana Supreme Court from the committee. Committee members provided additional feedback including their concerns with providing the mandatory advisement and alternatives to allow the information to still be provided to litigants, such as providing it in writing prior to the hearing.
  - b. The committee tabled the review of 3 recently published cases until the next meeting. Judge Poore agreed to review *Converging Capital*, Mag. Raper agreed to review *Hetty Inc.* and Mag. Ricker agreed to review *Sanders*.
  - c. The committee agreed on the next project for the committee which is to draft guidance on proceeding supplemental best practices. Judge Graves volunteered to come up with some ideas on different topics, i.e. discovery practices, court control, etc. for the next meeting.

**2024 Meeting Dates: October 11**

The meeting will be held virtually at 11:00 a.m. (eastern) on Microsoft Teams.

**Limited Jurisdiction and Traffic Law Committee**  
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**Minutes**  
**October 11, 2024**  
**via Microsoft Teams**

1. Attendance: The following members participated in the meeting: Michael Douglass, Garland Graves, Steven Hagen, David Happe (chair), Kyle Noone, Steven Poore, Roman Ricker, and Jennifer Wilson Reagan. The meeting was staffed by Mindy Pickett and Kelly Elliott from IOCS.
2. Approval of Minutes: The committee reviewed and unanimously approved the minutes from the July 12, 2024, meeting.
3. Review Small Claims Eviction Proposed Rules: The Rules Committee received several eviction procedure rule proposals and requested that the committee review and provide comments on the proposals. The committee discussed the proposals and created a subcommittee to review the proposals further to provide more specific input to the Rules Committee.
4. FTA/FTP process example for Benchbook: The committee members discussed including an example of the FTA/FTP process in the Benchbook. Magistrate Wilson Reagan and Judge Noone will review the FTA/FTP process example provided to the committee and provide their feedback at the next committee meeting.
5. Other business:
  - a. Update on mandatory Eviction Diversion Program: Kelly provided an overview on the status of the committee's Eviction Diversion Advisement Letter. The letter was presented to the Indiana Supreme Court Justices at their July administrative conference. The Justices reviewed the letter and discussed exploring alternative methods to ensure that the information in the advisement is still provided to litigants. Committee members discussed possible alternatives, such as providing the advisement in written form prior to the initial hearing.
  - b. Case Law: The committee reviewed and discussed three published cases: Converging Capital, LLC v. Steglich, 234 N.E.3d 902 (Ind. Ct. App. 2024); Sanders v. AHEPA 78 VI Apartments, Inc., 237 N.E.3d 1126 (Ind. Ct. App. 2024), modified on reh'g, Sanders v. Ahepa 78 VI Apartments, Inc., 243 N.E.3d 352 (Ind. Ct. App. 2024); and Hetty Inc. v. Weems, 237 N.E.3d 701 (Ind. Ct. App. 2024). The committee decided to include information about Converging and Sanders in the Benchbook.

The committee tabled the review of Abbott v. Wegert, 238 N.E.3d 710 (Ind. Ct. App. 2024), and Ministries v. Alexander, 240 N.E.3d 183 (Ind. Ct. App. 2024) until the next meeting. Judge Happe agreed to review Abbott and Mag. Raper will discuss Ministries.
  - c. The committee set the 2025 meeting dates as follows: February 14, May 9, August 8, and November 14. The meetings will be held virtually at 11:00 a.m. (eastern) on Microsoft Teams.

**2025 Meeting Dates: February 14, May 9, August 8, and November 14.**