

Proposed Amendment from Commission on Indiana's Legal Future  
Small Claims Rule 8 (October 2024)

The Commission on Indiana's Legal Future recommended proposed rule amendments in its interim report to the Indiana Supreme Court. The proposed amendment to Small Claims Rule 8 would allow greater flexibility for business owners to decide whether to hire counsel or not in small claims cases.

## Small Claims Rules

...

### Rule 8. Informality of Hearing

...

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

...

(2) Sole Proprietorship and Partnerships. A sole proprietorship or partnership may be represented by the sole proprietor or partner, owner, counsel, or 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 six thousand dollars (\$6,000.00). However, claims exceeding six thousand dollars (\$6,000.00) must either be defended or presented by counsel or pro se by the sole proprietor, partner, or owner.~~

(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 be represented by counsel, owner, or 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 six thousand dollars (\$6,000.00). However, claims exceeding six thousand dollars (\$6,000.00) must be defended or presented by counsel.~~

(4) Full-Time Employee Designations--Binding Effect of Designations and Requirements.

...

(b) By authorizing a designated full-time employee or trustee to appear under this Rule, the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust waives

Proposed Amendment from Commission on Indiana's Legal Future  
Small Claims Rule 8 (October 2024)

any present or future claim in this or any other forum in excess of ~~six thousand dollars (\$6,000.00)~~ the small claims jurisdictional limit as defined by relevant Indiana statutes.

...

(5) Full-Time Employee or Trustee Designations--Contents. A corporate entity, sole proprietorship, partnership, LLC, LLP, or trust that wishes to designate an employee or trustee to represent it must execute a certificate of compliance in each case expressly appointing the person as its representative and must state 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 that the entity shall be bound by the designated employee's or trustee's acts and agreements relating to the small claims proceeding, and shall be liable for assessments and costs levied by a court relating to the small claims proceeding, and that the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust waives any claim for damages in excess of ~~six thousand dollars (\$6,000.00)~~ the small claims jurisdictional limit as defined by relevant Indiana statutes associated with the facts and circumstances alleged in the notice of claim. Additionally, the designated employee or trustee must file in each case an affidavit stating that he/she is not disbarred or suspended from the practice of law in Indiana or any other jurisdiction.

...