

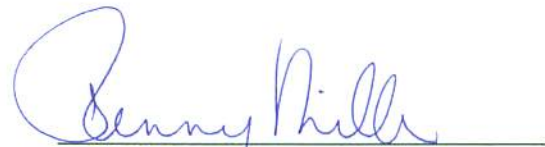
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**ORDER OF ADOPTION**
Supreme Court No. 20060029

Proposed Rule 10.2, North Dakota Rules of Court

On January 31, 2006, the Joint Procedure Committee requested the Supreme Court to adopt new Rule 10.2, North Dakota Rules of Court, relating to Small Claims Court. The Court received comments through March 28, 2006. On April 12, 2006, Rule 10.2 was re-referred to the Joint Procedure Committee for its consideration of the rule in light of the comments received. The Joint Procedure Committee filed its report on May 3, 2006, with amendments to the proposed rule. The Court considered the matter, and

ORDERED, that North Dakota Rule of Court 10.2 – Small Claims Court as submitted by the Joint Procedure Committee with its May 3, 2006, report, is adopted effective June 1, 2006.

The Supreme Court of the State of North Dakota convened May 10, 2006, with the Honorable Gerald W. VandeWalle, Chief Justice, and the Honorable Dale V. Sandstrom, the Honorable Mary Muehlen Maring, the Honorable Carol Ronning Kapsner, the Honorable Daniel J. Crothers, Justices, directing the Clerk of the Supreme Court to enter the above order.



Penny Miller
Clerk
North Dakota Supreme Court

RULE 10.2 SMALL CLAIMS COURT

(a) Appearances. The parties to any action in which a hearing has been requested shall appear in person, unless otherwise authorized by the court, and may be represented by a lawyer admitted to practice law before the courts of this state.

(b) Legal Entities. A legal entity may be represented in a small claims court action by the following persons who have been authorized to act on its behalf:

(1) an officer;

(2) a person holding an ownership interest;

(3) a director or other member of the governing board;

(4) a trustee; or

(5) an employee.

EXPLANATORY NOTE

Rule 10.2 was adopted, effective June 1, 2006.

Subdivision (a) applies to actions in which a hearing has been requested. Under N.D.C.C. § 27-08.1-02, if the court has not received a request for hearing within 20 days of filing of the claim, the matter proceeds by default.

Subdivision (b) allows certain authorized persons to represent a legal entity in small claims court. A legal entity is a body, other than a natural person, that can function legally, sue or be sued, and make decisions through authorized representatives. Examples of legal

22 entities are corporations, partnerships, limited liability companies, and political subdivisions.

23 Under N.D.C.C. § 27-08.1-01 (3), a claim may not be filed in small claims court by an
24 assignee of the claim, including owners or employees of collection agencies.

25 SOURCES: Joint Procedure Committee Minutes of April 27-28, 2006, pages ____;
26 January 26, 2006, pages 13-17.

27 STATUTES AFFECTED:

28 CONSIDERED: N.D.C.C. ch. 27-08.1.