

**CERTIFICATE OF REPRESENTATION FOR AN ARTIFICIAL ENTITY OR PUBLIC BODY
IN CIVIL CASES IN THE JUSTICE OF THE PEACE COURT**

[PLEASE READ THE INFORMATION ON THE BACK OF THIS FORM BEFORE COMPLETING THE FORM. This certification form **must** be completed by an officer of the artificial entity or public body as defined by Supreme Court Rule 57, and forwarded to the **Chief Magistrate, ChiefMagistrateOffice@delaware.gov, 5 East Pine Street, Georgetown, Delaware 19947, along with the \$20 annual fee.** Check or money order should be made payable to the **State of Delaware.** Payment may also be made by credit card using the **Form 50 Credit Card Processing form (MISC 43).**

NAME OF BUSINESS (please print): _____ Co. ID # @ _____
(if previously assigned)

TYPE OF ENTITY; YOU MUST CHECK ONE OF THESE TO BE ELIGIBLE TO USE RULE 57:

- | | | |
|---|---|---|
| <input type="checkbox"/> DE Corporation | <input type="checkbox"/> DE Partnership | <input type="checkbox"/> DE Limited Liability Co. |
| <input type="checkbox"/> DE Association | <input type="checkbox"/> DE Estate | <input type="checkbox"/> DE Trust |
| <input type="checkbox"/> DE Public Body | <input type="checkbox"/> Foreign Entity, reg. in DE | <input type="checkbox"/> DE Entity with Registered Tradename or Title |

PRINCIPAL OFFICE ADDRESS MAILING ADDRESS (where court notices are to be sent -- if different than principal office address)

Street Address

Street Address

City State Zip

City State Zip

Telephone Email Address

Telephone Email Address

APPOINTS _____ Agent No. FA _____ (if previously assigned)
NAMED REPRESENTATIVE

The artificial entity or public body, through signature of an officer on this document, ratifies and confirms that the named representative is authorized to appear on its behalf in all matters before the Justice of the Peace Court, and agrees that it will be bound by the results of that representation. This certification makes the named representative of the artificial entity or public body an agent only for purposes of this representation. By filing a certification, the artificial entity or public body and its named representative are subject to the **sanctions** set forth in Justice of the Peace Court Rules for inappropriate actions.

The artificial entity/public body, through signature of an officer on this document, certifies and affirms:

- (1) That the artificial entity/public body is in good standing.
 (2) That the named representative has not been disbarred from, or is not currently under suspension or probation with respect to, the practice of law in any state or jurisdiction within the United States; and has not been convicted of a felony or a crime involving dishonesty or false statement in the ten (10) year period immediately prior to the appearance of the named representative in the Court; and has not been determined to have engaged in the unauthorized practice of law in this or any other jurisdiction; and is not an employee whose primary duty is to prosecute or defend Justice of the Peace Court civil actions; and has not had any prior authorization pursuant to this rule revoked by the Chief Magistrate.

(3)(a) That the **OFFICER** is (**CHECK ONE**):

- chief executive, president or chair
- vice-president or vice chair
- secretary or assistant secretary
- treasurer or assistant treasurer
- trustee of a trust
- executor or administrator of an estate
- general partner of a limited or general partnership
- manager or member of a limited liability company
- other officer who may bind the artificial entity (specify) _____

(b) That the **NAMED REPRESENTATIVE** is (**CHECK ONE**):

- chief executive, president or chair
- vice-president or vice chair
- secretary or assistant secretary
- treasurer or assistant treasurer
- trustee of a trust
- executor or administrator of an estate
- general partner of a limited or general partnership
- manager or member of a limited liability company
- other officer (specify) _____

full-time employee who has experience in the operations of the artificial entity/public body and knowledge of the necessary facts and law relevant to the action before the Justice of the Peace Court

Manager who is responsible for the management of the rental property at issue in the action before the Court

In lieu of any notarial obligation, this affirmation is made under penalty of perjury and/or termination of representation privileges

In lieu of any notarial obligation, this affirmation is made under penalty of perjury and/or termination of representation privileges

EXECUTED BY: _____

EXECUTED BY: _____

Officer of Artificial Entity or Public Body

Named Representative

NAME OF OFFICER (Printed): _____

NAME OF REPRESENTATIVE (Printed): _____

ARTIFICIAL ENTITY AND PUBLIC BODY *PRO SE* REPRESENTATION IN CIVIL ACTIONS IN THE JUSTICE OF THE PEACE COURT

- **What does Supreme Court Rule 57 do?** Rule 57 allows artificial entities or public bodies to file or defend a case and to appear in Justice of the Peace Court without being represented by a duly licensed Delaware attorney. For all purposes related to that representation, the representative is given a temporary and limited right to appear in JP Court for the entity.
- **How do I know if I am an artificial entity or public body and can appear in the Justice of the Peace Court without an attorney under Rule 57?** Under Supreme Court Rule 57, an **artificial entity** means any **corporation** incorporated in Delaware or doing business in Delaware pursuant to the provisions of 8 *Del. C.* §371 or the exceptions thereto contained in 8 *Del. C.* §373, any **limited liability company** defined under the provisions of 6 *Del. C.* §18-101, any **partnership** or **limited partnership** as defined in 6 *Del. C.* §15-101(11) *et seq.*, any **trust** as defined in 12 *Del. C.* §3501 *et seq.*, any **estate** as defined in 12 *Del. C.* §1501 *et seq.*, or other entity which has filed a certificate in the office of the Prothonotary in the County in which it does business designating a tradename or title pursuant to 6 *Del. C.* §3101. **Public body** means any regulatory, administrative, executive, or legislative body of the State or of any political subdivision of the State, including, but not limited to, any board, bureau, commission, department, division, district, agency, authority, or any municipal or county government. **IF YOUR ORGANIZATION DOES NOT FALL UNDER ONE OF THESE CATEGORIES, YOU MAY NOT TAKE ADVANTAGE OF RULE 57 PROVISIONS.** For example, if Joe Jones if a sole proprietor doing business as “Jones Restaurant”, Joe Jones must appear himself (or have an attorney represent him) in Justice of the Peace court cases unless he either establishes a corporation, partnership, limited liability company, and/or registers his tradename in the office of the Prothonotary at the Superior Court of the county in which his business is located, and then files a Form 50 along with the annual fee, in the Chief Magistrate’s office.
- **How can artificial entities or public bodies take advantage of Rule 57? MOST IMPORTANTLY, J.P. CIV. FORM NO. 50 MUST BE COMPLETED AND FORWARDED TO THE CHIEF MAGISTRATE, ChiefMagistrateOffice@delaware.gov, 5 EAST PINE STREET, GEORGETOWN, DELAWARE 19947, ALONG WITH THE \$20.00 ANNUAL REGISTRATION FEE.** The certificate must be signed by an officer of the artificial entity or public body (the definition of “officer” for Rule 57 is explained below) and the representative (see below). A \$20.00 annual registration fee must be sent with the Form 50 to the Chief Magistrate’s office. A check or money order must be made payable to the State of Delaware. Payment may also be made by credit card using the Form 50 Credit Card Processing Form (MISC Form 43). **PLEASE BE SURE TO KEEP A COPY OF THE COMPLETED FORM 50 FOR YOUR RECORDS**, and a clocked in copy with you every time you are in Court. If emailing the J.P. Civil Form No. 50 it **MUST** be accompanied by the Form 50 Credit Card Processing Form (MISC Form 43). **EMAILING IS THE PREFERRED METHOD OF SUBMISSION.**
- **Does Rule 57 allow an entity to appear without an attorney in all Delaware Courts? NO.** Provisions of Supreme Court Rule 57 only allow an artificial entity to appear without representation by an attorney in the **Justice of the Peace Court**. If a case is appealed to the Court of Common Pleas, artificial entities must be represented by an attorney in that court and other Delaware courts.
- **Who can sign the Form 50 certifying the named representative for the artificial entity?** The form 50 must be signed by an **officer** of the artificial entity or public body. To sign as an **officer** under Rule 57, a person must be one of the following: the chief executive; operating, financial, legal or accounting officer of an artificial entity or public body; chair of the governing board, president, treasurer, secretary, vice-president, vice-chair, assistant secretary, assistant treasurer, superintendent, or **other person who performs a major policy making function for the artificial entity or public body**; trustee of a trust; executor or administrator of an estate; general partner of a limited or general partnership; manager of member of a limited liability company; or any other individual designated as an officer by the artificial entity or public body. By signing the form, the officer in lieu of any notarial obligation, is affirming under penalty of perjury and/or termination of representation privileges that the named representative has not been disbarred from, or is not currently under suspension or probation with respect to the practice of law in any State or jurisdiction within the United States; has not been convicted of a felony or crime involving dishonesty or false statement in the ten year period prior to the appearance of the respective in the Court; has not been determined to have engaged in the unauthorized practice of law in this or any other jurisdiction; has not had any prior certification revoked by the Chief Magistrate; and that it is not an employee’s primary duty to prosecute or defend Justice of the Peace Court civil actions. **The officer who signed the form has the continuing responsibility to notify the Chief Magistrate’s office and the Justice of the Peace Court in which the artificial entity or public body has a case pending of any material change and circumstances affecting the certificate.** This notification must occur within a reasonable time and at least one week prior to any appearance in a Justice of the Peace Court of the officer or employee involved.
- **Who can serve as a representative for an artificial entity or public body?** An **officer** as defined in Rule 57 may serve as a **representative** of an artificial entity or public body. In addition, a full-time **employee** who has experience in the operations of the artificial entity or public body and has knowledge of the necessary facts and law relevant to the case before the Justice of the Peace Court, a uniformed officer bringing action on behalf of a public entity to recover a civil penalty pursuant to 21 *Del. C.* §4101, §4802, or any subsequent civil penalty enacted by the legislature over which the Justice of the Peace Court is granted jurisdiction, or a manager who is responsible for the management of the property at issue in a case before the JP Court may also represent the entity or public body. **A separate form must be filed for each representative.**
- **How often does the Form 50 certificate need to be filed? Form 50 certificates must renewed annually by filing a new Form 50, along with the \$20.00 fee, with the Chief Magistrate’s office on or before January 15th of each year.** To be considered a renewal for the next year, the new Form 50 cannot be filed with the Chief Magistrate’s office before December 15th (one month prior to the January 15th date). Certifications accepted on or after December 15th of each year are valid for the remainder of the certification term and also serve as renewal for the one year period following January 14th, unless terminated or revoked. The Chief Magistrate may **revoke** a certification at the Chief Magistrate’s discretion, upon review of a certificate or upon recommendation of a Justice of the Peace. **The ability of a non-lawyer to represent an artificial entity or public body in the Justice of the Peace Court is a privilege, not a right.** Certificates containing false or fraudulent information shall be forwarded by the Chief Magistrate to the Department of Justice for prosecution or other action and to the Board on the Unauthorized Practice of Law, and representatives and officer signing the Form 50 may be sanctioned under JP Rules for inappropriate actions.
- **What should an artificial entity do if the named representative leaves?** When an officer or employee who has been certified to represent an artificial entity or public body leaves the employ of that entity, the entity must notify the Justice of the Peace Court in which an action is pending and the Chief Magistrate’s office **in writing immediately upon the termination of the officer or employee.**