

Rule 68-I. Judgment by Confession or Consent

(a) [Deleted].

(b) [Deleted].

(c) CONSENT OF COUNSEL. Once a complaint is filed, the clerk is authorized to enter judgment by confession or consent without judicial approval by stipulation signed by the attorneys for all parties in that case.

(d) COURT APPROVAL.

(1) *When Required.* All other requests for entry of judgment by confession or consent must be submitted by praecipe for approval by the court after the complaint is filed.

(2) *Form of Praecipe.* The praecipe must be entitled "Rule 68-I Praecipe Requesting a Hearing." A copy of the proposed judgment, signed by all parties to that judgment, must be attached to the praecipe with a blank line at the bottom for the judge's signature.

(3) *Hearing.* If the praecipe meets the requirements of Rule 68-I(d)(2), the clerk will set a hearing. At the hearing, the judge or magistrate judge must ascertain to his or her satisfaction that all self-represented parties understand the nature and consequences of the judgment.

COMMENT TO 2017 AMENDMENTS

This rule has been redrafted to allow the clerk to approve judgments for confession only where all parties are represented by counsel and to require court inquiry prior to any approval in all cases where any party is not represented by counsel. Previous versions of this rule required opposing counsel to certify that he or she had explained the nature and consequences of the confessed judgment to any self-represented opposing party. Having the court perform this function provides greater protection to both self-represented litigants and opposing counsel, and it ensures that all aspects of confessed judgments, including any claimed entitlement to attorney's fees, are supported by law.

Parties seeking a judgment under this rule must fully comply with the requirements of Rule 3 by filing a complaint with the clerk's office before requesting a judgment.