



January 23, 2015

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## HOUSE BILL No. 1039

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DIGEST OF HB 1039 (Updated January 21, 2015 3:22 pm - DI 69)

**Citations Affected:** IC 2-5; IC 33-38.

**Synopsis:** Court staff attorney pilot program. Creates the circuit and superior court staff attorney pilot program (pilot program) to provide assistance to courts with preparing orders for complex motions. Requires the judicial center to administer the pilot program and to report to the interim study committee on courts and the judiciary (committee) concerning the pilot program. Requires the committee to receive reports concerning the pilot program, and allows the committee to make recommendations and to propose legislation concerning the pilot program.

**Effective:** July 1, 2015.

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## Washburne, DeLaney

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January 6, 2015, read first time and referred to Committee on Courts and Criminal Code.  
January 22, 2015, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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HB 1039—LS 6318/DI 107





January 23, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1039

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 2-5-1.3-17 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]: **Sec. 17. (a) The interim study committee on courts and the  
4 judiciary established by section 4(4) of this chapter shall receive  
5 reports from the Indiana judicial center concerning the circuit and  
6 superior court staff attorney pilot program established under  
7 IC 33-38-15.**

8 **(b) The committee may make recommendations and propose  
9 legislation concerning the pilot program.**

10 SECTION 2. IC 33-38-9-9, AS AMENDED BY P.L.108-2010,  
11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2015]: Sec. 9. The Indiana judicial center shall administer the  
13 following:

- 14 (1) The alcohol and drug services program under IC 12-23-14.  
15 (2) The certification of problem solving courts under IC 33-23-16.

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1           **(3) The circuit and superior court staff attorney pilot**  
2           **program under IC 33-38-15.**

3           SECTION 3. IC 33-38-15 IS ADDED TO THE INDIANA CODE  
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2015]:

6           **Chapter 15. Circuit and Superior Court Staff Attorney Pilot**  
7           **Program**

8           **Sec. 1. As used in this chapter, "complex motion" includes a**  
9           **motion to dismiss, a motion for summary judgment, or another**  
10           **motion considered to be a complex motion by the Indiana judicial**  
11           **center.**

12           **Sec. 2. As used in this chapter, "pilot program" means the**  
13           **circuit and superior court staff attorney pilot program established**  
14           **by section 4 of this chapter.**

15           **Sec. 3. As used in this chapter, "staff attorney" means an**  
16           **attorney, a senior judge, or a third year law student.**

17           **Sec. 4. (a) The circuit and superior court staff attorney pilot**  
18           **program is established.**

19           **(b) The Indiana judicial center shall administer the pilot**  
20           **program.**

21           **(c) The pilot program must make staff attorneys available to**  
22           **circuit and superior court judges to assist with the preparation of**  
23           **orders granting or denying complex motions.**

24           **(d) The pilot program must be made available to at least:**

25           **(1) two (2) counties with a population of less than fifty**  
26           **thousand (50,000);**

27           **(2) two (2) counties with a population of at least fifty thousand**  
28           **(50,000) but less than two hundred thousand (200,000); and**

29           **(3) one (1) county with a population of at least two hundred**  
30           **thousand (200,000).**

31           **(e) A party to an action filed in a county in which the pilot**  
32           **program is available may petition a court, when filing a complex**  
33           **motion, to have a staff attorney from the pilot program assist the**  
34           **court in preparing a judicial opinion that explains the reasons for**  
35           **granting or denying the complex motion.**

36           **(f) A judge of a court located in a county in which the pilot**  
37           **program is available may request research and drafting assistance**  
38           **from the pilot program to aid in the preparation of a judicial**  
39           **opinion that explains the reasons for granting or denying a**  
40           **complex motion.**

41           **(g) If the pilot program assists in resolving a complex motion,**  
42           **the opinion described in subsection (f) must contain analysis and**



- 1 case law citations.
- 2 (h) The Indiana judicial center may require a fee from a  
3 petitioning party described in subsection (e) and may set the  
4 amount of the fee.
- 5 (i) The Indiana judicial center may determine if pilot program  
6 assistance is available in a proceeding based on the amount in  
7 controversy.
- 8 **Sec. 5. (a) The Indiana judicial center shall report on the**  
9 **progress of the pilot program to the interim study committee on**  
10 **courts and the judiciary established under IC 2-5-1.3-4(4) in the**  
11 **2015 and 2016 legislative interims. The report must be submitted**  
12 **in an electronic format under IC 5-14-6 and include:**
- 13 (1) a list of the counties in which the pilot program was  
14 available in the preceding year;
- 15 (2) the number of petitions filed for pilot program assistance  
16 in the preceding year;
- 17 (3) the number of requests for pilot program assistance made  
18 by a judge in the preceding year;
- 19 (4) the costs associated with the pilot program in the  
20 preceding year;
- 21 (5) the expected costs of expanding the pilot program  
22 statewide;
- 23 (6) a recommendation on the appropriate fee, if necessary, for  
24 staff attorney assistance if the pilot program is expanded  
25 statewide;
- 26 (7) recommendations for alternative sources of funding for  
27 the pilot program if the pilot program is expanded statewide;
- 28 (8) recommendations on the types of matters with which a  
29 staff attorney should be available to assist a court; and
- 30 (9) other recommendations regarding implementing the pilot  
31 program statewide.
- 32 (b) The interim study committee on courts and the judiciary  
33 may make recommendations and propose legislation concerning  
34 the pilot program.
- 35 **Sec. 6. The Indiana judicial center shall establish guidelines for**  
36 **courts in using the pilot program.**
- 37 **Sec. 7. This chapter expires June 30, 2017.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1039, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1039 as introduced.)

WASHBURNE

Committee Vote: Yeas 11, Nays 0

