

SENATE BILL No. 38

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-2-3.1-2.

Synopsis: Attorney disciplinary proceedings. Provides that, in a disciplinary proceeding against an attorney, the person who filed the complaint with the disciplinary commission must pay the attorney's expenses of defending the action, including attorney's fees, if the attorney is found not guilty of misconduct.

Effective: July 1, 1998.

Randolph

January 6, 1998, read first time and referred to Committee on Judiciary.



Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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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 33-2-3.1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) Any person shall
3 be immune from civil liability for damages for any sworn or written
4 statements, made without malice, and transmitted to the commission,
5 executive secretary, or his staff, or made in the course of investigatory,
6 hearing or review proceedings under Admission and Discipline Rule
7 Twenty-Three (23).

8 (b) **A person who files a formal complaint with the disciplinary**
9 **commission alleging misconduct against an attorney shall pay the**
10 **attorney's fees and all other costs of defending the proceeding if the**
11 **commission finds the attorney against whom the complaint was**
12 **filed not guilty of misconduct.**

