



February 15, 2013

---

---

## HOUSE BILL No. 1411

---

DIGEST OF HB 1411 (Updated February 13, 2013 3:45 pm - DI 69)

**Citations Affected:** IC 33-23; 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 commission on courts (commission) concerning the pilot program. Requires the commission to receive reports concerning the pilot program, and allows the commission to make recommendations and to propose legislation concerning the pilot program.

**Effective:** July 1, 2013.

---

---

### Washburne, DeLaney

---

---

January 22, 2013, read first time and referred to Committee on Courts and Criminal Code.  
February 14, 2013, amended, reported — Do Pass.

---

---

C  
o  
p  
y

HB 1411—LS 7107/DI 107+



February 15, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C  
O  
P  
Y

## HOUSE BILL No. 1411

---

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 33-23-10-7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. The commission on  
3 courts shall do the following:
- 4 (1) Review and report on all requests for new courts or changes  
5 in jurisdiction of existing courts. A request for review under this  
6 subdivision must be received by the commission not later than  
7 July 1 of each year. A request received after July 1 may not be  
8 considered unless a majority of the commission members agrees  
9 to consider the request.
- 10 (2) Conduct research concerning requests for new courts or  
11 changes in jurisdiction of existing courts. The research may  
12 include conducting surveys sampling members of the bar,  
13 members of the judiciary, and local officials to determine needs  
14 and problems.
- 15 (3) Conduct public hearings throughout Indiana concerning  
16 requests for new courts or changes in jurisdiction of existing  
17 courts. The commission shall hold at least one (1) public hearing

HB 1411—LS 7107/DI 107+



- 1 on each request presented to the commission.
- 2 (4) Review and report on any other matters relating to court
- 3 administration that the commission determines appropriate,
- 4 including the following:
  - 5 (A) Court fees.
  - 6 (B) Court personnel, except constables that have jurisdiction
  - 7 in a county that contains a consolidated city.
  - 8 (C) Salaries of court officers and personnel, except constables
  - 9 that have jurisdiction in a county that contains a consolidated
  - 10 city.
  - 11 (D) Jury selection.
  - 12 (E) Any other issues relating to the operation of the courts.
- 13 (5) Submit a report in an electronic format under IC 5-14-6 before
- 14 November 1 of each year to the general assembly. The report
- 15 must include the following:
  - 16 (A) A recommendation on all requests considered by the
  - 17 commission during the preceding year for the creation of new
  - 18 courts or changes in the jurisdiction of existing courts.
  - 19 (B) If the commission recommends the creation of new courts
  - 20 or changes in jurisdiction of existing courts, the following:
    - 21 (i) A draft of legislation implementing the changes.
    - 22 (ii) A fiscal analysis of the cost to the state and local
    - 23 governments of implementing recommended changes.
    - 24 (iii) Summaries of any research supporting the
    - 25 recommended changes.
    - 26 (iv) Summaries of public hearings held concerning the
    - 27 recommended changes.
  - 28 (C) A recommendation on any issues considered by the
  - 29 commission under subdivision (4).
- 30 **(6) Receive reports from the Indiana judicial center**
- 31 **concerning the circuit and superior court staff attorney pilot**
- 32 **program established under IC 33-38-15. The commission may**
- 33 **make recommendations and propose legislation concerning**
- 34 **the pilot program.**
- 35 SECTION 2. IC 33-38-9-9, AS AMENDED BY P.L.108-2010,
- 36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2013]: Sec. 9. The Indiana judicial center shall administer the
- 38 following:
  - 39 (1) The alcohol and drug services program under IC 12-23-14.
  - 40 (2) The certification of problem solving courts under IC 33-23-16.
  - 41 **(3) The circuit and superior court staff attorney pilot**
  - 42 **program under IC 33-38-15.**

COPY



1 SECTION 3. IC 33-38-15 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]:

4 **Chapter 15. Circuit and Superior Court Staff Attorney Pilot**  
5 **Program**

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

10 **Sec. 2.** As used in this chapter, "pilot program" means the  
11 circuit and superior court staff attorney pilot program established  
12 by section 3 of this chapter.

13 **Sec. 3.** As used in this section, "staff attorney" means an  
14 attorney, a senior judge, or a third year law student.

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

17 **(b)** The Indiana judicial center shall administer the pilot  
18 program.

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

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

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

25 **(2)** two (2) counties with a population of at least fifty thousand  
26 (50,000) but less than two hundred thousand (200,000); and

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

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

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

39 **(g)** If the pilot program assists in resolving a complex motion,  
40 the opinion described in subsection (f) must contain analysis and  
41 case law citations.

42 **(h)** The Indiana judicial center may require a fee from a

C  
o  
p  
y



1 petitioning party described in subsection (e) and may set the  
2 amount of the fee.

3 (i) The Indiana judicial center may determine if pilot program  
4 assistance is available in a proceeding based on the amount in  
5 controversy.

6 Sec. 5. (a) The Indiana judicial center shall report on the  
7 progress of the pilot program to the commission on courts  
8 established under IC 33-23-10 in the 2013 and 2014 legislative  
9 interims. The report must include:

- 10 (1) a list of the counties in which the pilot program was
- 11 available in the preceding year;
- 12 (2) the number of petitions filed for pilot program assistance
- 13 in the preceding year;
- 14 (3) the number of requests for pilot program assistance made
- 15 by a judge in the preceding year;
- 16 (4) the costs associated with the pilot program in the
- 17 preceding year;
- 18 (5) the expected costs of expanding the pilot program
- 19 statewide;
- 20 (6) a recommendation on the appropriate fee, if necessary, for
- 21 staff attorney assistance if the pilot program is expanded
- 22 statewide;
- 23 (7) recommendations for alternative sources of funding for
- 24 the pilot program if the pilot program is expanded statewide;
- 25 (8) recommendations on types of matters with which a staff
- 26 attorney should be available to assist a court; and
- 27 (9) other recommendations regarding implementing the pilot
- 28 program statewide.

29 (b) The commission on courts may make recommendations and  
30 propose legislation concerning the pilot program.

31 Sec. 6. The Indiana judicial center shall establish guidelines for  
32 courts in using the circuit and superior court staff attorney pilot  
33 program.

34 Sec. 7. This chapter expires June 30, 2015.

C  
O  
P  
Y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1411, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 6, delete ""dispositive" and insert ""**complex**".

Page 3, line 7, delete "dismiss or" and insert "**dismiss**".

Page 3, line 7, delete "judgment." and insert "**judgment, or another motion considered to be a complex motion by the Indiana judicial center.**".

Page 3, between lines 10 and 11, begin a new paragraph and insert:

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

Page 3, line 11, delete "Sec. 3." and insert "**Sec. 4.**".

Page 3, line 17, delete "dispositive" and insert "**complex**".

Page 3, line 26, delete "dispositive" and insert "**complex**".

Page 3, line 29, delete "dispositive" and insert "**complex**".

Page 3, line 34, delete "dispositive" and insert "**complex**".

Page 3, line 35, delete "dispositive" and insert "**complex**".

Page 4, line 2, delete "Sec. 4." and insert "**Sec. 5.**".

Page 4, line 21, delete "and", begin a new line block indented and insert:

**"(8) recommendations on types of matters with which a staff attorney should be available to assist a court; and"**

Page 4, line 22, delete "(8)" and insert "**(9)**".

Page 4, between lines 25 and 26, begin a new paragraph and insert:

**"Sec. 6. The Indiana judicial center shall establish guidelines for courts in using the circuit and superior court staff attorney pilot program."**

Page 4, line 26, delete "Sec. 5." and insert "**Sec. 7.**".

and when so amended that said bill do pass.

(Reference is to HB 1411 as introduced.)

MCMILLIN, Chair

Committee Vote: yeas 11, nays 0.

C  
O  
P  
Y

