

# HOUSE BILL No. 1411

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-23-10-7; 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 dispositive 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.

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## Washburne

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January 22, 2013, read first time and referred to Committee on Courts and Criminal Code.

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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.

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# 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



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.**

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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, "dispositive motion" includes a**  
7 **motion to dismiss or a motion for summary judgment.**

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

11 **Sec. 3. (a) The circuit and superior court staff attorney pilot**  
12 **program is established.**

13 **(b) The Indiana judicial center shall administer the pilot**  
14 **program.**

15 **(c) The pilot program must make staff attorneys available to**  
16 **circuit and superior court judges to assist with the preparation of**  
17 **orders granting or denying dispositive motions.**

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

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

21 **(2) two (2) counties with a population of at least fifty thousand**  
22 **(50,000) but less than two hundred thousand (200,000); and**

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

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

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

35 **(g) If the pilot program assists in resolving a dispositive motion,**  
36 **the opinion described in subsection (f) must contain analysis and**  
37 **case law citations.**

38 **(h) The Indiana judicial center may require a fee from a**  
39 **petitioning party described in subsection (e) and may set the**  
40 **amount of the fee.**

41 **(i) The Indiana judicial center may determine if pilot program**  
42 **assistance is available in a proceeding based on the amount in**

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controversy.

**Sec. 4. (a) The Indiana judicial center shall report on the progress of the pilot program to the commission on courts established under IC 33-23-10 in the 2013 and 2014 legislative interims. The report must include:**

- (1) a list of the counties in which the pilot program was available in the preceding year;**
- (2) the number of petitions filed for pilot program assistance in the preceding year;**
- (3) the number of requests for pilot program assistance made by a judge in the preceding year;**
- (4) the costs associated with the pilot program in the preceding year;**
- (5) the expected costs of expanding the pilot program statewide;**
- (6) a recommendation on the appropriate fee, if necessary, for staff attorney assistance if the pilot program is expanded statewide;**
- (7) recommendations for alternative sources of funding for the pilot program if the pilot program is expanded statewide; and**
- (8) other recommendations regarding implementing the pilot program statewide.**

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

**Sec. 5. This chapter expires June 30, 2015.**

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