

HOUSE BILL No. 1047

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-1.3-17; IC 33-38.

Synopsis: Court motion clerk pilot program. Creates the circuit and superior court motion clerk 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, 2016.

Washburne, DeLaney

January 5, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1047

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, 2016]: **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 motion clerk 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, 2016]: 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.
- 16 **(3) The circuit and superior court motion clerk pilot program**
17 **under IC 33-38-15.**



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, 2016]:

4 **Chapter 15. Circuit and Superior Court Motion Clerk 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 motion clerk pilot program established
12 by section 4 of this chapter.

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

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

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

19 **(c)** The pilot program must make motion clerks 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 motion clerk 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



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 interim study committee on
8 courts and the judiciary established under IC 2-5-1.3-4(4) in the
9 2016 and 2017 legislative interims. The report must be submitted
10 in an electronic format under IC 5-14-6 and include:

11 (1) a list of the counties in which the pilot program was
12 available in the preceding year;

13 (2) the number of petitions filed for pilot program assistance
14 in the preceding year;

15 (3) the number of requests for pilot program assistance made
16 by a judge in the preceding year;

17 (4) the costs associated with the pilot program in the
18 preceding year;

19 (5) the expected costs of expanding the pilot program
20 statewide;

21 (6) a recommendation on the appropriate fee, if necessary, for
22 motion clerk assistance if the pilot program is expanded
23 statewide;

24 (7) recommendations for alternative sources of funding for
25 the pilot program if the pilot program is expanded statewide;

26 (8) recommendations on the types of matters with which a
27 motion clerk should be available to assist a court; and

28 (9) other recommendations regarding implementing the pilot
29 program statewide.

30 (b) The interim study committee on courts and the judiciary
31 may make recommendations and propose legislation concerning
32 the pilot program.

33 Sec. 6. The Indiana judicial center shall establish guidelines for
34 courts in using the pilot program.

35 Sec. 7. This chapter expires June 30, 2018.

