

SENATE BILL No. 84

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-43-1-11.

Synopsis: Indemnification from legal malpractice claims. Provides that any provision in an agreement between an attorney and a client that purports to prospectively release the attorney from liability for malpractice is against public policy, void, and unenforceable.

Effective: July 1, 2017.

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January 3, 2017, read first time and referred to Committee on Insurance and Financial Institutions.



First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the 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 33-43-1-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: **Sec. 11. (a) This section applies to an agreement entered
4 into or renewed after June 30, 2017.**

5 **(b) This section does not apply to a bona fide agreement to settle
6 or compromise a legal malpractice claim. However, an agreement
7 that merely takes the form of an agreement to settle or compromise
8 a legal malpractice claim is void if it is intended to evade the
9 provisions of this section.**

10 **(c) Any provision in an agreement between an attorney and a
11 client that purports to prospectively release the attorney from
12 liability for legal malpractice is contrary to public policy, void, and
13 unenforceable.**

14 **(d) A provision described in subsection (c) is void:**

15 **(1) regardless of whether it takes the form of:**

16 **(A) a waiver of liability;**

17 **(B) an indemnification for liability by the client; or**



1 **(C) any other device or instrument having the effect of**
2 **prospectively relieving an attorney, in whole or in part,**
3 **from the consequences of legal malpractice; and**
4 **(2) even if the client is independently represented in making**
5 **the agreement.**

