



January 31, 2017

SENATE BILL No. 84

DIGEST OF SB 84 (Updated January 26, 2017 11:26 am - DI 84)

Citations Affected: IC 33-43.

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.
January 30, 2017, reported favorably — Do Pass.

SB 84—LS 6274/DI 106



January 31, 2017

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.

SENATE BILL No. 84

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**

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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.**



COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill No. 84, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 84 as introduced.)

HOLDMAN, Chairperson

Committee Vote: Yeas 9, Nays 0

