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# HOUSE BILL No. 1023

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-10-1-2.

**Synopsis:** Indigent parties in civil actions. Allows a court that has accepted a person's application to prosecute or defend a civil action as an indigent person the option of appointing an attorney at no expense to the indigent person to prosecute or defend the indigent person's interests in the civil action. Requires the court to pay reasonable attorney's fees and litigation expenses incurred by the appointed attorney.

**Effective:** July 1, 2002.

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### Ulmer

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January 8, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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# HOUSE BILL No. 1023



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 34-10-1-2 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. **(a) This section**
- 3 **shall not be construed to prohibit a court from participating in a**
- 4 **pro bono legal services program or any other program that**
- 5 **provides legal services to litigants without charge or at a reduced**
- 6 **fee.**
- 7 **(b) If the court is satisfied that a person who makes an application**
- 8 **described in section 1 of this chapter does not have sufficient means to**
- 9 **prosecute or defend the action, the court: ~~shall:~~**
- 10 **(1) shall** admit the applicant to prosecute or defend as an indigent
- 11 **person; and**
- 12 **(2) ~~assign~~ may appoint** an attorney to defend or prosecute the
- 13 **cause.**
- 14 **(c) All officers required to prosecute or defend the action shall do**
- 15 **their duty in the case without taking any fee or reward from the**
- 16 **indigent person.**
- 17 **(d) The reasonable attorney's fees and expenses of an attorney**



1 **appointed to represent an applicant under subsection (b)(2) shall**  
2 **be paid from the money appropriated to:**  
3 **(1) the court appointing the attorney, if the action was not**  
4 **transferred from another county; or**  
5 **(2) the court from which the action was transferred, if the**  
6 **action was transferred from another county.**

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