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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Camille Sebastien Perry.

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## DIGEST

Present law provides that the signature of an attorney or party on a pleading is a certification by him that he has read the pleading; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact; that it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Proposed law retains present law that the signature of the attorney or party is a certification that he has read the pleading but restates the certification requirements by providing that by signing the pleading the person is certifying that to the best of his knowledge:

- (1) The pleading is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
- (2) Each claim, defense, or other legal contention in the pleading is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.
- (3) Each allegation or other factual contention in the pleading has evidentiary support or, for a specifically identified allegation or factual contention, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.
- (4) Each denial in the pleading of a factual contention is warranted on the evidence or, for a specifically identified denial, is reasonably based on a lack of information or belief.

Present law provides that if, upon motion of any party or upon its own motion, the court determines that a certification violates present law provisions, the court shall impose upon the person who made the certification or the represented party, or both, an appropriate sanction which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, including a reasonable attorney fee.

Proposed law retains present law but also provides that absent exceptional circumstances, a law firm shall be held jointly responsible for a violation committed by its partner, associate, or employee.

Proposed law additionally requires the court when imposing a sanction to describe the conduct that is in violation of proposed law and to explain the basis for the imposed sanction.

Effective August 15, 2010.

(Amends C.C.P. Arts. 863(B) and (D); adds C.C.P Art. 863(G))