HLS 14RS-3654 ORIGINAL

Regular Session, 2014

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HOUSE CONCURRENT RESOLUTION NO. 137

BY REPRESENTATIVE HARRISON

ATTORNEYS/FEES: Provides relative to the judicial enforcement of sanctions for filing frivolous pleadings

A CONCURRENT RESOLUTION

2	To authorize and request the Judicial Council of the Supreme Court of Louisiana to gather
3	information in order to determine the frequency and effectiveness of judicial
4	enforcement of sanctions for filing frivolous pleadings.
5	WHEREAS, in most circumstances under current law, each party to a civil action is
6	required to pay the attorney fees he has incurred during the prosecution or defense of the
7	action; and
8	WHEREAS, parties to civil actions frequently have to litigate spurious or frivolous
9	claims or defenses; and
10	WHEREAS, even though Code of Civil Procedure Article 863(D) authorizes the
11	court to impose sanctions, including attorney fees, there is no existing method for
12	determining the effectiveness or frequency of the imposition of sanctions; and
13	WHEREAS, it would be of assistance to the Legislature of Louisiana for the Judicial
14	Council to commence gathering data and information from the state district courts relative
15	to the frequency of enforcement of sanctions pursuant to Code of Civil Procedure Article
16	863(D), as well as any other pertinent data which may be helpful in determining the
17	effectiveness of, and possible need to amend, Code of Civil Procedure Article 863(D).
18	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
19	authorize and request the Judicial Council of the Supreme Court of Louisiana to gather
20	information in order to determine the frequency and effectiveness of judicial enforcement
21	of sanctions for filing frivolous pleadings.

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1 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted

- 2 to the Chief Justice of the Supreme Court of the state of Louisiana as a member and
- 3 chairperson of the Judicial Council.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison HCR No. 137

Requests the Judicial Council of the Supreme Court of Louisiana to gather information in order to determine the frequency and effectiveness of judicial enforcement of sanctions for filing frivolous pleadings.