HLS 14RS-3654 ENGROSSED

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

- 1 information in order to determine the frequency and effectiveness of judicial enforcement
- 2 of sanctions for filing pleadings in violation of Code of Civil Procedure Article 863(B).
- 3 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
- 4 to the Chief Justice of the Supreme Court of the state of Louisiana as a member and
- 5 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 pleadings that violate Code of Civil Procedure Article 863(B), relative to signing of pleadings.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Changed all references <u>from</u> "filing frivolous pleadings" <u>to</u> "filing pleadings in violation of Code of Civil Procedure Article 863(B)", which provides that the signature of an attorney certifies certain information contained within the pleading.