

## **CS/HB 449 — Sanctions for Court Pleadings**

by Criminal and Civil Justice Policy Council and Rep. Steinberg (CS/SB 1108 by Judiciary Committee and Senator Constantine)

The bill amends the current attorney's fee sanction statute for frivolous claims, unsupported defenses, and sham appeals. The bill retains the existing exceptions to an award of attorney's fees as a sanction, but adds two exceptions that are currently included in the Federal Rules of Civil Procedure.

First, when an initial claim or defense is not supported by the application of then-existing law, an award of attorney's fees may not be imposed against a party if the party is represented by an attorney. However, such a sanction could still be imposed against the party's attorney. In addition, an award of attorney's fees is precluded altogether on the court's own initiative, unless the award is made prior to the voluntary dismissal of the claim or defense or settlement of the claim.

If approved by the Governor, these provisions take effect July 1, 2010.

*Vote: Senate 38-0; House 109-0*