

Sponsor Statement for House Bill 86

The Frivolous Lawsuit Prevention Act

An Act relating to civil liability for certain false or improper allegations in a civil pleading or for certain improper acts relating to a civil action.

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House Bill 86 will prevent frivolous lawsuits by requiring parties to a lawsuit and their attorneys to be truthful and responsible in their pleadings. This bill discourages false statements and claims in litigation and encourages responsibility by all parties and their attorneys. It requires more careful and focused preparation of pleadings.

This bill creates an obligation, in statute, for litigants and attorneys to make reasonable efforts to assure those claims have a reasonable basis in fact and valid under existing law. If the claim is intentionally false, both the attorney and the party can be assessed damages. Currently, there is no *effective* way of holding parties responsible for frivolous pleadings or claims. Frivolous pleadings and claims increase the costs of litigation for all the parties involved in addition to escalating the cost of our judicial system.

House Bill 86 also provides that if a party makes an intentional, false statement of material fact, the court shall dismiss the claim to which the false claim relates.

Attorneys, as well as their clients, will be required to research their claims to assure they are factually supported before filing a lawsuit. This bill will eliminate “boiler plate” pleadings in lawsuits and encourages responsible and focused pleadings. “Boiler plate” pleadings include everything anyone could ever imagine could have happened rather than focusing on those specific issues that actually did occur. Those extraneous pleadings are expensive for innocent parties to litigate and work through and are most often thrown out. They simply cause one party, and the court system, to expend significant dollars to pare down to real issues.

Many suits are often less expensive to settle than to litigate, regardless of their merit. This bill does not affect suits filed in good faith. It will, however, deter those without merit. A system allowing deceit to be rewarded because it is more costly to litigate than to capitulate must be changed.

This bill assigns financial liability to those who:

- Sign a civil pleading with the intention of asserting allegations or defenses that are false.
- Initiate or sign a civil pleading without first determining that it has a reasonable basis in fact and law
- Continues a claim or defense after determining the claim or defense does not have a reasonable basis in fact and law

The basic purpose of HB86 is to preclude bad faith litigation by providing meaningful sanctions likely to be enforced if such conduct occurs, and at the same time provide effective remedies to parties who are injured by such conduct. Those who are trying to tell the truth will have nothing to fear from this provision, as it would only apply if the trier of fact finds a party has made an intentional, false statement of material fact.