



HOUSE BILL 598: Revise Rule 11/Allow Cure Before Sanctions

2015-2016 General Assembly

Committee:	House Judiciary II	Date:	April 23, 2015
Introduced by:	Reps. Bishop, Stam, Glazier, L. Hall	Prepared by:	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 598 would amend Rule 11 of the North Carolina Rules of Civil Procedure to provide that an attorney or party receive notice and a reasonable opportunity to cure a violation of the rule before sanctions are ordered by the court.*

CURRENT LAW: Every pleading, motion, and other paper of a party represented by an attorney shall be signed by at least one attorney of record in his individual name. A party who is not represented by an attorney shall sign his pleading, motion, or other paper. The signature of an attorney or party constitutes a certificate by him that the attorney has read the pleading, motion, or other paper; that to the best of the attorney's knowledge it is well grounded in fact and 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. If a pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a 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, motion, or other paper, including a reasonable attorney's fee.

BILL ANALYSIS: House Bill 598 would amend Rule 11 of the North Carolina Rules of Evidence to provide that an attorney or party receive notice and a reasonable opportunity to cure a violation of the rule before sanctions are ordered by the court.

EFFECTIVE DATE: October 1, 2015, and applies to pleadings, motions, and other papers filed on or after that date.

O. Walker Reagan
Director



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