



General Assembly

February Session, 2016

Raised Bill No. 5525

LCO No. 2467



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING COURT AUTHORITY TO IMPOSE SANCTIONS
IN CIVIL ACTIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016, and applicable to actions*
2 *pending on and action filed on or after said date*) (a) Every pleading,
3 motion, request, application or objection directed to pleading or
4 procedure shall be signed by at least one attorney of record in the
5 attorney's name or by a party personally if the party is not represented
6 by an attorney. The pleading, motion, request, application or objection
7 shall state the signer's address, electronic mail address and telephone
8 number. Except as otherwise required by law or by rule of the court, a
9 pleading need not be verified or accompanied by an affidavit. The
10 court shall strike an unsigned pleading, motion, request, application or
11 objection unless the omission of a signature is promptly corrected after
12 being called to the attorney's or party's attention.

13 (b) By presenting to the court a pleading, motion, request,
14 application or objection, whether by signing, filing, submitting, or later
15 advocating it, an attorney or unrepresented party certifies with respect

16 to the document, to the best of the person's knowledge, information
17 and belief, formed after an inquiry reasonable under the
18 circumstances, that: (1) Such document is not being presented for any
19 improper purpose, such as to harass, cause unnecessary delay or
20 needlessly increase the cost of litigation; (2) the claims, defenses and
21 other legal contentions set forth in such document are warranted by
22 existing law or by a nonfrivolous argument for extending, modifying
23 or reversing existing law or for establishing new law; (3) the factual
24 contentions have evidentiary support or, if specifically so identified,
25 will likely have evidentiary support after a reasonable opportunity for
26 further investigation or discovery; and (4) the denials of factual
27 contentions are warranted on the evidence or, if specifically so
28 identified, are reasonably based on belief or a lack of information.

29 (c) If, after notice and a reasonable opportunity to respond has been
30 provided to an unrepresented party, attorney or a law firm, the court
31 determines that any provision of subsection (b) of this section has been
32 violated, the court may impose an appropriate sanction on such party,
33 attorney or law firm, that is in violation of said subsection or is
34 responsible for the violation. Absent exceptional circumstances, a law
35 firm shall be held jointly responsible for a violation committed by a
36 partner, associate or employee of such law firm.

37 (d) A motion for sanctions shall be made separately from any other
38 motion and shall describe the specific conduct that allegedly violates
39 the provisions of subsection (b) of this section. A motion for sanctions
40 shall be served in accordance with the rules of the court, provided such
41 motion shall not be filed or be presented to the court if the challenged
42 pleading, motion, request, application or objection is withdrawn or
43 appropriately corrected not later than twenty-one days after the date of
44 service or such other time as may be set by the court. If warranted, the
45 court may award to the prevailing party the reasonable expenses,
46 including attorney's fees, incurred for the motion.

47 (e) A court, in its own initiative, may order an unrepresented party,

48 attorney or a law firm to show cause why conduct specifically
49 described in such order is not a violation of the provisions of
50 subsection (b) of this section.

51 (f) A court, when imposing a sanction under this section, shall limit
52 such sanction to that which is sufficient to deter repetition of the
53 conduct or comparable conduct by others similarly situated. The
54 sanction may include nonmonetary directives; an order to pay a
55 penalty into court; or, if imposed on motion and warranted for
56 effective deterrence, an order directing payment to the movant of part
57 or all of the reasonable attorney's fees and other expenses directly
58 resulting from the violation.

59 (g) A court shall not impose a monetary sanction: (1) Against a
60 represented party for violating subdivision (2) of subsection (b) of this
61 section; or (2) on its own, unless the court issued a show cause order
62 under subsection (e) of this section before voluntary dismissal or
63 settlement of the claims made by or against the party that is, or whose
64 attorneys are, to be sanctioned.

65 (h) Any court order imposing a sanction shall describe the
66 sanctioned conduct and explain the basis for the sanction.

67 (i) The provisions of this section shall not apply to disclosure and
68 discovery requests or responses, objections and motions filed in
69 response to such requests. Such matters shall be filed, heard and
70 determined in accordance with the applicable rules of the court.

71 Sec. 2. Section 52-99 of the general statutes is repealed. (*Effective*
72 *October 1, 2016*)

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2016, and applicable to actions pending on and action filed on or after said date</i>	New section
Sec. 2	<i>October 1, 2016</i>	Repealer section

Statement of Purpose:

To provide state courts with the authority to impose sanctions in civil actions in a manner that is consistent with Rule 11 of the Federal Rules of Civil Procedure.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]