

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 636

Short Title: Rule 11 Sanctions.

(Public)

Sponsors: Representatives Neely; McComas, Russell, Snowden, Robinson, Miner, Hurley, and Shubert.

Referred to: Judiciary II.

March 30, 1995

A BILL TO BE ENTITLED

1 AN ACT TO MANDATE PAYMENT OF REASONABLE ATTORNEYS' FEES AND
2 OTHER REASONABLE EXPENSES INCURRED DUE TO THE FILING OF A
3 PLEADING, MOTION, OR OTHER PAPER WHEN THAT PLEADING, MOTION,
4 OR PAPER: (1) IS SIGNED WITHOUT THE SIGNATORY HAVING READ THE
5 PAPER, OR (2) IS NOT WELL-GROUNDED IN FACT, NOT WARRANTED IN
6 LAW, OR NOT OFFERED FOR A PROPER PURPOSE.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 1A-1, Rule 11(a), reads as rewritten:

10 "(a) Signing by Attorney. – Every pleading, motion, and other paper of a party
11 represented by an attorney shall be signed by at least one attorney of record in his
12 individual name, whose address shall be stated. A party who is not represented by an
13 attorney shall sign his pleading, motion, or other paper and state his address. Except
14 when otherwise specifically provided by rule or statute, pleadings need not be verified or
15 accompanied by affidavit. The signature of an attorney or party constitutes a certificate
16 by him that he has read the pleading, motion, or other paper; that to the best of his
17 knowledge, information, and belief formed after reasonable inquiry it is well grounded in
18 fact and is warranted by existing law or a good faith argument for the extension,
19 modification, or reversal of existing law, and that it is not interposed for any improper

1 purpose, such as to harass or to cause unnecessary delay or needless increase in the cost
2 of litigation. If a pleading, motion, or other paper is not signed, it shall be stricken unless
3 it is signed promptly after the omission is called to the attention of the pleader or movant.
4 If a pleading, motion, or other paper is signed in violation of this rule, the court, upon
5 motion or upon its own initiative, shall impose upon the person who signed it, a
6 represented party, or both, an appropriate sanction, which ~~may~~shall include an order to
7 pay to the other party or parties the amount of the reasonable expenses incurred because
8 of the filing of the pleading, motion, or other paper, including a reasonable attorney's
9 fee."

10 Sec. 2. This act becomes effective October 1, 1995, and applies to any civil
11 actions arising on or after that date.