

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 598
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30218-LR-11A (12/03)

Short Title: Revise Rule 11/Allow Cure Before Sanctions. (Public)

Sponsors: Representatives Bishop, Stam, and Glazier (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT AMENDING G.S. 1A-11, 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 MAY BE ORDERED BY THE COURT.

The General Assembly of North Carolina enacts:

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

"(a) Signing by Attorney. – 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~~the attorney's individual name, whose address shall be stated. A party who is not represented by an attorney shall sign ~~his~~the pleading, motion, or other paper and state his or her address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or party constitutes a certificate by ~~him~~the attorney or party that he or she has read the pleading, motion, or other paper; that to the best of ~~his~~the attorney's or party's knowledge, information, and belief formed after reasonable inquiry 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~~fee, if after notice and a reasonable opportunity to cure the violation the person who signed the motion, pleading, or other paper failed to do so."

SECTION 2. This act becomes effective October 1, 2015, and applies to pleadings, motions, and other papers filed on or after that date.



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