

HR 4571

Lawsuit Abuse Reduction Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Law

Introduced: Jun 15, 2004

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Sep 15, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/4571>

Sponsor

Name: Rep. Smith, Lamar [R-TX-21]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (31 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Calvert, Ken [R-CA-44]	R · CA		Jun 15, 2004
Rep. Carter, John R. [R-TX-31]	R · TX		Jun 15, 2004
Rep. Chabot, Steve [R-OH-1]	R · OH		Jun 15, 2004
Rep. Culberson, John Abney [R-TX-7]	R · TX		Jun 15, 2004
Rep. DeLay, Tom [R-TX-22]	R · TX		Jun 15, 2004
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Jun 15, 2004
Rep. Franks, Trent [R-AZ-2]	R · AZ		Jun 15, 2004
Rep. Gallegly, Elton [R-CA-24]	R · CA		Jun 15, 2004
Rep. Garrett, Scott [R-NJ-5]	R · NJ		Jun 15, 2004
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jun 15, 2004
Rep. Green, Mark [R-WI-8]	R · WI		Jun 15, 2004
Rep. Keller, Ric [R-FL-8]	R · FL		Jun 15, 2004
Rep. King, Steve [R-IA-5]	R · IA		Jun 15, 2004
Rep. Pearce, Stevan [R-NM-2]	R · NM		Jun 15, 2004
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Jun 15, 2004
Rep. Herger, Wally [R-CA-2]	R · CA		Jun 16, 2004
Rep. Norwood, Charles W. [R-GA-9]	R · GA		Jun 16, 2004
Rep. Feeney, Tom [R-FL-24]	R · FL		Jun 17, 2004
Rep. Cannon, Chris [R-UT-3]	R · UT		Jun 22, 2004
Rep. Brady, Kevin [R-TX-8]	R · TX		Jun 25, 2004
Rep. Paul, Ron [R-TX-14]	R · TX		Jun 25, 2004
Rep. Neugebauer, Randy [R-TX-19]	R · TX		Jul 7, 2004
Rep. Kline, John [R-MN-2]	R · MN		Jul 15, 2004
Rep. Miller, Jeff [R-FL-1]	R · FL		Jul 20, 2004
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Sep 8, 2004
Rep. Chocola, Chris [R-IN-2]	R · IN		Sep 8, 2004
Rep. Hostettler, John N. [R-IN-8]	R · IN		Sep 8, 2004
Rep. Miller, Gary G. [R-CA-42]	R · CA		Sep 8, 2004
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Sep 8, 2004
Rep. Brown, Henry E., Jr. [R-SC-1]	R · SC		Sep 13, 2004
Rep. Shays, Christopher [R-CT-4]	R · CT		Sep 13, 2004

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Discharged from	Sep 3, 2004
Judiciary Committee	Senate	Referred To	Sep 15, 2004

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
108 HRES 766	Procedurally related	Sep 14, 2004: Motion to reconsider laid on the table Agreed to without objection.

Summary (as of Sep 14, 2004)

(This measure has not been amended since it was reported to the House on September 13, 2004. The summary of that version is repeated here.)

Lawsuit Abuse Reduction Act of 2004 - (Sec. 2) Amends Rule 11 of the Federal Rules of Civil Procedure to: (1) require courts to impose sanctions on attorneys, law firms, or parties who file frivolous lawsuits (currently, discretionary); (2) disallow the withdrawal or correction of pleadings to avoid Rule 11 sanctions; (3) require courts to award parties prevailing on Rule 11 motions reasonable expenses and attorney's fees, if warranted; (4) authorize courts to impose Rule 11 sanctions that include reimbursement of a party's reasonable litigation costs in connection with frivolous lawsuits; and (5) make the discovery phase of litigation subject to Rule 11 sanctions.

(Sec. 3) Makes Rule 11 applicable to State civil actions where the court determines, upon motion, that the action affects interstate commerce.

(Sec. 4) Requires personal injury claims (defined to exclude class actions) filed in State or Federal court to be filed in the county or Federal district in which: (1) the person bringing the claim resides at the time of filing or resided at the time of the alleged injury; (2) the alleged injury or circumstances giving rise to the injury occurred; or (3) the defendant's principal place of business is located. Directs the trial court to determine which county or Federal district is the most appropriate forum in those situations where the alleged injury occurred in more than one county or district.

(Sec. 6) Requires a mandatory one-year suspension for attorneys determined by a Federal district court to have violated Rule 11 three or more times in that court during the attorney's career. Authorizes the court to suspend such attorneys for an additional period as the court considers appropriate. Gives suspended attorneys the right to appeal and stays suspensions pending appeal. Requires suspended attorneys to petition the court for reinstatement under procedures and conditions prescribed by the court.

(Sec. 7) Imposes civil sanctions commensurate with those sanctions available under Rule 37 of the Federal Rules of Civil Procedure, in addition to other available civil sanctions, for willfully and intentionally influencing, obstructing, or impeding a pending court proceeding (or attempting to do the same) through the willful and intentional destruction of documents sought in and highly relevant to that proceeding. Makes such sanctions applicable to both Federal and State court proceedings.

Actions Timeline

- **Sep 15, 2004:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Sep 14, 2004:** Rule H. Res. 766 passed House.
- **Sep 14, 2004:** Considered under the provisions of rule H. Res. 766. (consideration: CR H7098-7120; text of measure as reported in House: CR H7098-7099)
- **Sep 14, 2004:** Rule provides for consideration of H.R. 4571 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. Measure will be considered read. A specified amendment is in order.
- **Sep 14, 2004:** DEBATE - The House proceeded with one hour of debate on H.R. 4571.
- **Sep 14, 2004:** DEBATE - Pursuant to the provisions of H. Res. 766, the House proceeded with 40 minutes of debate on the Turner (TX) amendment in the nature of a substitute.
- **Sep 14, 2004:** Ms. DeLauro moved to recommit with instructions to Judiciary. (consideration: CR H7118-7120; text: CR H7118)
- **Sep 14, 2004:** DEBATE - The House proceeded with 10 minutes of debate on the DeLauro motion to recommit with instructions. The instructions contained in the motion seek to have the bill reported back to the House with an amendment that adds a new section stating that the provisions of the bill are not applicable to Benedict Arnold Corporations.
- **Sep 14, 2004:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H7119)
- **Sep 14, 2004:** On motion to recommit with instructions Failed by recorded vote: 196 - 211 (Roll no. 449). (text: CR H7118)
- **Sep 14, 2004:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 229 - 174 (Roll no. 450).
- **Sep 14, 2004:** On passage Passed by the Yeas and Nays: 229 - 174 (Roll no. 450).
- **Sep 14, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 13, 2004:** Reported (Amended) by the Committee on Judiciary. H. Rept. 108-682.
- **Sep 13, 2004:** Placed on the Union Calendar, Calendar No. 421.
- **Sep 13, 2004:** Rules Committee Resolution H. Res. 766 Reported to House. Rule provides for consideration of H.R. 4571 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. Measure will be considered read. A specified amendment is in order.
- **Sep 8, 2004:** Committee Consideration and Mark-up Session Held.
- **Sep 8, 2004:** Ordered to be Reported (Amended) by the Yeas and Nays: 18 - 10.
- **Sep 3, 2004:** Subcommittee on Courts, the Internet, and Intellectual Property Discharged.
- **Jun 28, 2004:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Jun 15, 2004:** Introduced in House
- **Jun 15, 2004:** Referred to the House Committee on the Judiciary.

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