

HR 420

Lawsuit Abuse Reduction Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Law

Introduced: Jan 26, 2005

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. (Oct 31, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/420>

Sponsor

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

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

Cosponsors (57 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Boozman, John [R-AR-3]	R · AR		Jan 26, 2005
Rep. Bradley, Jeb [R-NH-1]	R · NH		Jan 26, 2005
Rep. Brady, Kevin [R-TX-8]	R · TX		Jan 26, 2005
Rep. Calvert, Ken [R-CA-44]	R · CA		Jan 26, 2005
Rep. Cannon, Chris [R-UT-3]	R · UT		Jan 26, 2005
Rep. Chabot, Steve [R-OH-1]	R · OH		Jan 26, 2005
Rep. Chocoma, Chris [R-IN-2]	R · IN		Jan 26, 2005
Rep. Culberson, John Abney [R-TX-7]	R · TX		Jan 26, 2005
Rep. Davis, Jo Ann [R-VA-1]	R · VA		Jan 26, 2005
Rep. DeLay, Tom [R-TX-22]	R · TX		Jan 26, 2005
Rep. Feeney, Tom [R-FL-24]	R · FL		Jan 26, 2005
Rep. Ferguson, Mike [R-NJ-7]	R · NJ		Jan 26, 2005
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Jan 26, 2005
Rep. Franks, Trent [R-AZ-2]	R · AZ		Jan 26, 2005
Rep. Gallegly, Elton [R-CA-24]	R · CA		Jan 26, 2005
Rep. Garrett, Scott [R-NJ-5]	R · NJ		Jan 26, 2005
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jan 26, 2005
Rep. Green, Mark [R-WI-8]	R · WI		Jan 26, 2005
Rep. Herger, Wally [R-CA-2]	R · CA		Jan 26, 2005
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Jan 26, 2005
Rep. Keller, Ric [R-FL-8]	R · FL		Jan 26, 2005
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Jan 26, 2005
Rep. King, Steve [R-IA-5]	R · IA		Jan 26, 2005
Rep. Kirk, Mark Steven [R-IL-10]	R · IL		Jan 26, 2005
Rep. Kline, John [R-MN-2]	R · MN		Jan 26, 2005
Rep. Leach, James A. [R-IA-2]	R · IA		Jan 26, 2005
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Jan 26, 2005
Rep. Miller, Gary G. [R-CA-42]	R · CA		Jan 26, 2005
Rep. Miller, Jeff [R-FL-1]	R · FL		Jan 26, 2005
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Jan 26, 2005
Rep. Neugebauer, Randy [R-TX-19]	R · TX		Jan 26, 2005
Rep. Norwood, Charles W. [R-GA-9]	R · GA		Jan 26, 2005
Rep. Otter, C. L. (Butch) [R-ID-1]	R · ID		Jan 26, 2005
Rep. Paul, Ron [R-TX-14]	R · TX		Jan 26, 2005
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Jan 26, 2005
Rep. Shays, Christopher [R-CT-4]	R · CT		Jan 26, 2005
Rep. Wilson, Joe [R-SC-2]	R · SC		Jan 26, 2005
Resident Commissioner Fortuno, Luis G. [R-PR-At Large]	R · PR		Jan 26, 2005
Rep. Conaway, K. Michael [R-TX-11]	R · TX		Feb 1, 2005
Rep. Souder, Mark E. [R-IN-3]	R · IN		Feb 1, 2005
Rep. Lewis, Ron [R-KY-2]	R · KY		Feb 2, 2005

Cosponsor	Party / State	Role	Date Joined
Rep. Rohrabacher, Dana [R-CA-46]	R · CA		Feb 2, 2005
Rep. Bartlett, Roscoe G. [R-MD-6]	R · MD		Feb 8, 2005
Rep. Cox, Christopher [R-CA-48]	R · CA		Feb 8, 2005
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Feb 8, 2005
Rep. Gutknecht, Gil [R-MN-1]	R · MN		Feb 10, 2005
Rep. Ney, Robert W. [R-OH-18]	R · OH		Mar 2, 2005
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		Mar 8, 2005
Rep. Cubin, Barbara [R-WY-At Large]	R · WY		May 5, 2005
Rep. Akin, W. Todd [R-MO-2]	R · MO		May 24, 2005
Rep. Brown-Waite, Ginny [R-FL-5]	R · FL		May 24, 2005
Rep. Hensarling, Jeb [R-TX-5]	R · TX		May 24, 2005
Rep. Inglis, Bob [R-SC-4]	R · SC		May 24, 2005
Rep. Rogers, Mike J. [R-MI-8]	R · MI		May 24, 2005
Rep. Stearns, Cliff [R-FL-6]	R · FL		May 24, 2005
Rep. Bachus, Spencer [R-AL-6]	R · AL		May 26, 2005
Rep. Putnam, Adam H. [R-FL-12]	R · FL		May 26, 2005

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Discharged from	May 20, 2005
Judiciary Committee	Senate	Referred To	Oct 31, 2005

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
109 HRES 508	Procedurally related	Oct 27, 2005: Motion to reconsider laid on the table Agreed to without objection.

Lawsuit Abuse Reduction Act of 2005 - (Sec. 2) Amends Rule 11 of the Federal Rules of Civil Procedure (Signing of Pleadings, Motions, and Other Papers; Representations to Court; Sanctions) 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; and (4) authorize courts to impose Rule 11 sanctions that include reimbursement of a party's reasonable litigation costs in connection with frivolous lawsuits.

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

(Sec. 4) Requires personal injury claims (defined to exclude class actions and personal injury claims brought against a debtor in bankruptcy proceedings) 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 Claim occurred; (3) the defendant's principal place of business is located; or (4) the defendant resides, if the defendant is an individual. 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 federal district court to suspend from the practice of law for one year (or for an additional period at the court's discretion) an attorney who is found to have violated Rule 11 three or more times. Grants such attorney a right to appeal a suspension and permits reinstatement after suspension under procedures and conditions prescribed by the court.

(Sec. 7) Establishes a rebuttable presumption that an attempt to litigate, in any forum, a claim or defense involving the same plaintiff and defendant that has been litigated and lost on three consecutive prior occasions is a Rule 11 violation.

(Sec. 8) Imposes additional sanctions for the willful and intentional destruction of documents sought pursuant to the rules of, and highly relevant to, a federal court proceeding.

(Sec. 9) Requires public disclosure of the record of a Rule 11 proceeding unless the presiding judge determines that the interest justifying nondisclosure of the record outweighs any public health and safety interests served by disclosure. Exempts from disclosure records subject to the attorney-client or other recognized privilege, or state or federal laws that protect the confidentiality of crime victims, including victims of sexual abuse.

Actions Timeline

- **Oct 31, 2005:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Oct 27, 2005:** Rule H. Res. 508 passed House.
- **Oct 27, 2005:** Considered under the provisions of rule H. Res. 508. (consideration: CR H9312-9329)
- **Oct 27, 2005:** Rule provides for consideration of H.R. 420 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **Oct 27, 2005:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 508 and Rule XVIII.
- **Oct 27, 2005:** The Speaker designated the Honorable Tom Latham to act as Chairman of the Committee.
- **Oct 27, 2005:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 420.
- **Oct 27, 2005:** DEBATE - Pursuant to H. Res. 508, the Committee of the Whole proceeded with 10 minutes of debate on the Smith (TX) amendment.
- **Oct 27, 2005:** DEBATE - Pursuant to H. Res. 508, the Committee of the Whole proceeded with 40 minutes of debate on the Schiff amendment in the nature of a substitute.
- **Oct 27, 2005:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 420.
- **Oct 27, 2005:** The previous question was ordered pursuant to the rule. (consideration: CR H9327)
- **Oct 27, 2005:** The House adopted the amendment as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H9319)
- **Oct 27, 2005:** Mr. Barrow moved to recommit with instructions to Judiciary.
- **Oct 27, 2005:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Barrow motion to recommit.
- **Oct 27, 2005:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Oct 27, 2005:** On motion to recommit with instructions Failed by recorded vote: 196 - 217 (Roll no. 552). (consideration: CR H9327-9329; text: CR H9327)
- **Oct 27, 2005:** Passed/agreed to in House: On passage Passed by recorded vote: 228 - 184 (Roll no. 553).
- **Oct 27, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 27, 2005:** On passage Passed by recorded vote: 228 - 184 (Roll no. 553).
- **Oct 25, 2005:** Rules Committee Resolution H. Res. 508 Reported to House. Rule provides for consideration of H.R. 420 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **Jun 14, 2005:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-123.
- **Jun 14, 2005:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-123.
- **Jun 14, 2005:** Placed on the Union Calendar, Calendar No. 69.
- **May 25, 2005:** Committee Consideration and Mark-up Session Held.
- **May 25, 2005:** Ordered to be Reported (Amended) by the Yeas and Nays: 19 - 11.
- **May 20, 2005:** Subcommittee on Courts, the Internet, and Intellectual Property Discharged.
- **Mar 2, 2005:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Feb 16, 2005:** Sponsor introductory remarks on measure. (CR H633-634)
- **Jan 26, 2005:** Introduced in House
- **Jan 26, 2005:** Introduced in House
- **Jan 26, 2005:** Referred to the House Committee on the Judiciary.