



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5518

by Rep. Jim Watson

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-625 new

Amends the Code of Civil Procedure. Requires every pleading, motion, and other paper of a party represented by an attorney to be signed by at least one attorney of record in his or her individual name, whose address shall be stated. Provides that if a pleading, motion, or other paper is signed in violation of the requirement, the court may impose upon the person who signed it, a represented party, or both, an appropriate sanction. Provides that proceedings concerning alleged violations shall be brought within the civil action in which the pleading, motion, or other paper referred to has been filed, and no violation or alleged violation shall give rise to a separate civil suit, but shall be considered a claim within the same civil action. Provides that the provision shall apply to the State of Illinois or any agency of the State in the same manner as any other party. Provides that the judge shall set forth with specificity the reasons and basis of any sanction so imposed either in the judgment order itself or in a separate written order. Effective immediately.

LRB097 18914 AJ0 64152 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding
5 Section 2-625 as follows:

6 (735 ILCS 5/2-625 new)

7 Sec. 2-625. Signed pleadings, motions, and other papers.

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

1 litigation. If a pleading, motion, or other paper is not
2 signed, then it shall be stricken unless it is signed promptly
3 after the omission is called to the attention of the pleader or
4 movant. If a pleading, motion, or other paper is signed in
5 violation of this Section, the court, upon a motion or upon its
6 own initiative, may impose upon the person who signed it, a
7 represented party, or both, an appropriate sanction, which may
8 include an order to pay to the other party or parties the
9 amount of reasonable expenses incurred because of the filing of
10 the pleading, motion, or other paper, including a reasonable
11 attorney fee.

12 (b) All proceedings under this Section shall be brought
13 within the civil action in which the pleading, motion, or other
14 paper referred to has been filed, and no violation or alleged
15 violation of this Section shall give rise to a separate civil
16 suit, but shall be considered a claim within the same civil
17 action. Motions brought pursuant to this Section must be filed
18 within 30 days after the entry of final judgment or, if a
19 timely post-judgment motion is filed, within 30 days after the
20 ruling on the post-judgment motion.

21 (c) This Section shall apply to the State of Illinois or
22 any agency of the State in the same manner as any other party.
23 Furthermore, where the litigation involves review of a
24 determination of an administrative agency, the court may
25 include in its award for expenses an amount to compensate a
26 party for costs actually incurred by that party in contesting

1 on the administrative level an allegation or denial made by the
2 State without reasonable cause and found to be untrue.

3 (d) Where a sanction is imposed under this Section, the
4 judge shall set forth with specificity the reasons and basis of
5 any sanction so imposed either in the judgment order itself or
6 in a separate written order.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.