

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 4077</b>
<b>Version:</b>	<b>Introduced</b>
<b>Request Number:</b>	<b>8614</b>
<b>Author:</b>	<b>Rep. Wallace</b>
<b>Date:</b>	<b>2/25/2022</b>
<b>Impact:</b>	<b>No direct fiscal impact anticipated</b>

**Research Analysis**

HB4077, as introduced, allows a court to make determinations on whether a claim is considered *frivolous* without a request from either party. For claims found to be frivolous, current law requires the court to order the nonprevailing party to reimburse the prevailing party for reasonable costs, including attorney fees. The measure would make the attorney of the nonprevailing party liable for half the reimbursement costs ordered by court.

Current law defines *frivolous* as a claim or defense that was knowingly asserted in bad faith or without and rational argument based on law or facts to support the position of the litigant or to change existing law.

Prepared By: Quyen Do

**Fiscal Analysis**

The measure, as introduced, would amend statute to allow a court to determine that a suit was frivolous without being requested to do so. The measure would also establish that the attorney of a nonprevailing party in a frivolous suit is liable for 50% of the reimbursement of the prevailing party's reasonable costs.

Upon review, the measure deals with civil procedure and so no direct fiscal impact to the state is anticipated from passage of the measure.

Prepared By: Clayton Mayfield

**Other Considerations**

None.