



# NEWS RELEASE

CALIFORNIA SECRETARY OF STATE **KEVIN SHELLEY**

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## **Proposed Initiative Enters Circulation**

*Frivolous Court Filings. Payment of Legal Costs. State Bar Notice. Initiative Statute.*

SACRAMENTO, CA --- Secretary of State Kevin Shelley announced today that the proponent of a new initiative may begin collecting petition signatures for his measure.

The Attorney General's official title and summary is as follows:

FRIVOLOUS COURT FILINGS. PAYMENT OF LEGAL COSTS. STATE BAR NOTICE. INITIATIVE STATUTE.

- Requires losing party and lawyer in frivolous civil lawsuit, as defined, to pay legal costs of prevailing party.
- Judge required to give written explanation for dismissing or continuing case when party claims opponent's court filing is frivolous, and to notify State Bar if judge sanctions attorney or law firm for frivolous filing, with cost of notification paid by sanctioned attorney or firm.
- State Bar must recommend discipline if three sanction notices received against same attorney or law firm within five-year period.
- Measure inapplicable to small claims actions.

The summary of the estimate by the Legislative Analyst and Director of Finance of the fiscal impact on state and local governments indicates that this measure would result in an unknown, but probably minor absorbable cost to the state.

The proponent, Robert McCracken must collect 373,816 signatures of registered voters, which is five percent of the total votes cast for governor in the 2002 gubernatorial election. The 150-day deadline to circulate petitions is December 6, 2004. The initiative proponent can be reached at 626-919-8290.

For a copy of the complete text, title & summary, and circulation calendar, please contact the Secretary of State's Press Office at 916-653-6575.