

**2021 HOUSE JUDICIARY**

**HB 1334**

# 2021 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1334  
1/27/2021

Relating to requiring a court to determine if a claim for relief was frivolous
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Chairman Klemin opened the hearing at **10:30 AM**.

## Discussion Topics:

- Courts and frivolous lawsuits
- 28-26-01 claim for relief
- Current claims effectiveness

Rep Roers Jones moved to amend line 11-12, Rep Paulson seconded.  
Voice vote. Motion carried.

Rep Vetter moved a Do Pass as Amended, Rep Christensen seconded.  
Roll call vote:

Representatives	Vote
Chairman Klemin	Y
Vice Chairman Karls	Y
Rep Becker	Y
Rep. Christensen	Y
Rep. Cory	Y
Rep T. Jones	Y
Rep Magrum	Y
Rep Paulson	Y
Rep Paur	Y
Rep Roers Jones	Y
Rep B. Satrom	Y
Rep Vetter	Y
Rep Buffalo	AB
Rep K. Hanson	Y

Motion carried. 13 – 0 – 1

Rep Paulson is carrier.

## Additional written testimony:

Todd Kjelland #3276

**10:40 AM** hearing closed.

*Delores Shimek, Committee Clerk*

January 27, 2021

DP 1/27/21  
1 of 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1334

Page 1, line 12, after "~~upon~~" insert "make"

Page 1, line 12, remove the overstrike over "~~a finding~~"

Page 1, line 12, remove "determine"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1334: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1334 was placed on the Sixth order on the calendar.

Page 1, line 12, after "~~upon~~" insert "make"

Page 1, line 12, remove the overstrike over "~~a finding~~"

Page 1, line 12, remove "determine"

Renumber accordingly

Sixty-seventh Legislative Assembly of North Dakota

Re: Testimony in opposition to HB 1334

Attn: Committee Members,

I, Todd Kjelland am writing in opposition to HB 1334 because I believe by passing this bill, defending corporate entities or other entities with monetary advantages could falsely influence the court to declare a case frivolous as undue punishment. This bill disadvantages the plaintiff if a suit is filed against entities of wealth in good faith.

I believe a case declaring frivolous filing of a lawsuit should not be a decision of the court unless filed equally by the defendant, because that also gives the defeated plaintiff equal opportunity to seek a frivolous claim. Judges should not interfere with filings of lawsuits on behalf of a prevailing filer.

Thank you for your consideration to NOT PASS HB 1334

Todd Kjelland

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701-331-2956

**2021 SENATE JUDICIARY**

**HB 1334**

# 2021 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

HB 1334  
3/31/2021

A BILL for an Act to amend and reenact section 28-26-01 of the North Dakota Century Code, relating to requiring a court to determine if a claim for relief was frivolous.

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Larson.**  
**[9:30]**

**Discussion Topics:**

- Insubstantial standards in statute
- Legal Defense Standard practice

**Rep. Terrence B Jones**, R-Newtown, provided testimony in Favor [9:30]

**Jaci Hall**, ND Association for Justice, provided testimony in Favor #11152 [9:43]

**Additional written testimony:**

**Mitchell Sanderson**, Park River, ND provided Neutral Testimony #11082

Hearing Adjourned [9:57]

*Jamal Omar, Committee Clerk*



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### DO PASS - HB 1334 As Amended

Madame Chair Larson and members of the Senate Judiciary Committee, my name is Jaci Hall and I am the Executive Director of the North Dakota Association for Justice. Today I am here to ask you for a DO Pass recommendation on HB 1334 as amended. After visiting with Rep Jones, this amendment is an equitable compromise to the proposed legislation.

HB 1334 seeks to amend 28.26.01 of the ND Century Code to ask the court to award damages and reasonable attorney fees as the result of a frivolous lawsuit. A lawsuit or defense may be deemed frivolous because it has no underlying justification in fact, or because it was not presented with an argument for a reasonable extension or reinterpretation of the law.

After reviewing HB 1334 and visiting with Representative Jones, we agreed that this amendment would create the same outcome for a frivolous defense. Frivolous defenses are not as popular as frivolous lawsuits, but they do happen.

*For example:* A business sues a customer for nonpayment of a contract. The suit is for failure to pay. The defendant files multiple motions to have the plaintiff's lawsuit thrown out of court, none of which have a significant chance of success, all aimed at delaying the day when the defendant has to face a jury, or pay to settle.

An insurance company paying an attorney to contest an injury claim that the insurer knows is valid, all because the insurer hopes to wear down the injured party or her lawyer and pay less money to settle the case.

Lastly, a corporation making an injured plaintiff ask for relevant documents 7, 8 or more times during the life of a case before it finally turning them over. This process can not only delay a case for 6-18 months, but it can also be extremely, and totally unnecessarily expensive for the plaintiff just to get documents to which he is entitled.

In closing, frivolous lawsuits, as well as frivolous defenses, tie up the court system. They needlessly prolong cases, waste courts' time and cost taxpayer's money. I am here today to ask you to amend HB 1334 to discourage ***any frivolous filing-whether it's the lawsuit or the defense of the lawsuit.***

Thank you for the opportunity to provide testimony. I will take any questions you may have at this time.

Sincerely,  
 Jaclyn Hall  
 NDAJ



**Senator,**

This bill is interesting to me because this is exactly what we need to do to the counties and state when they do not follow the law!

We need some guidelines to determine if a motion is frivolous because right now the courts do whatever they want!

I can tell you that some attorneys should have their license to practice taken away because they play games and lie in affidavits and judges do nothing to them so is perjury not a crime anymore???

The courts need to be overseen by a citizens tribunal due to the courts do not follow the law or execute the law equally and fairly to everyone.

I know of cases where a judge retaliates against someone who the judge actually had in his findings that the person who filed complaints had merit and then charged that person with frivolous motions!!!!!! How the hell does that work???????

In another case a judge did not follow the statute of limitations and awarded attorney fees to a plaintiff when it was past 10 years.

**JUDGES DO NOT FOLLOW THE LAW AND ACT WITH CRIMINAL INTENT AND ARE RETALIATIVE TO CITIZENS WHO STAND UP AGAINST CORRUPT JUDGES!**

We have a ND Supreme Court case that states judges can act with **MISCONDUCT, MALICE AND CORRUPTION** and they are immune from prosecution!!!!!! This is the kind of crap that needs to get fixed so courts follow the laws already on the books!!!!

Thank you,

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Mitchell S. Sanderson

# 2021 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

HB 1334  
3/31/2021  
PM

A BILL for an Act to amend and reenact section 28-26-01 of the North Dakota Century Code, relating to requiring a court to determine if a claim for relief was frivolous.

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson. [3:10]**

**Discussion Topics:**

- Redundant Allegations in statute
- Legal Defense Fees

**Senator Myrdal** Moved a DO NOT PASS

**Senator Luick** Seconded the Motion

Vote Passed 6-1-0

**Senator Dwyer** Carried the Bill

<b>DO NOT PASS Vote On HB 1334</b>	<b>Vote</b>
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	N
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Hearing Adjourned [3:22]

*Jamal Omar, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1334, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1334 was placed on the Fourteenth order on the calendar.