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Appropriations
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TESTIMONY IN SUPPORT OF SB 2382

Senate Judiciary Committee

February 11, 2025

SB 2382 is an attempt to strike a more appropriate balance between an individual's right to seek redress in the courts for alleged harm weighed against protecting others from harassing or malicious litigation brought without a good faith basis in the law. The content of SB 2382 is largely similar to the version of N.D. Sup. Ct. Admin. R. 58, "Vexatious Litigation", that will take effect on March 1, 2025, with two proposed differences.

The first change at page 1, line 21 would decrease the number of required prior litigations involving vexatious conduct and determined adversely against the litigant from three to two. This change would further limit misuse of the litigation process and lessen costs incurred by individuals who must defend against multiple instances of vexatious litigation. This change would move the vexatious litigant standard closer to at least one other similar statutory requirement regarding misuse of the judicial system. Under NDCC 14-07.6, specific to intimate partner relationships, only one prior action may be sufficient to meet the definition of "abusive litigation".

The second change at page 5, line 8 would direct the state district clerk of court to send a copy of pre-filing orders issued under this standard to federal courts seated in North Dakota. This communication would provide federal courts with additional information to potentially limit actions of litigants who file claims in federal courts similar to those state court claims that were the basis for the vexatious litigation determination.