



HOUSE OF REPRESENTATIVES

SB 1323

vexatious litigants; workers' compensation

Prime Sponsor: Senator Yee, LD 20

DP Committee on Commerce
DP Caucus and COW
X As Transmitted to the Governor

OVERVIEW

SB 1323 permits a Chief Administrative Law Judge (Chief ALJ) to designate a Pro Se Litigant as a *vexatious litigant* in a workers' compensation case.

PROVISIONS

1. Stipulates that on the motion of a party, a Chief ALJ or a designated Administrative Law Judge (ALJ) may label a Pro Se Litigant as a vexatious litigant in a workers' compensation case before the Industrial Commission of Arizona (ICA).
2. Designates a 30-day period for the Pro Se Litigant to respond to the motion and directs the Chief ALJ to issue an order within 30 days after receiving the response or after the deadline expires.
3. Applies a vexatious litigant designation only to the specific claim before the ALJ.
4. Prohibits a vexatious litigant from filing a new request for hearing, pleading, motion or other document without prior permission of the ALJ.
5. Deems a Pro Se Litigant as a vexatious litigant if the ICA finds that the person engaged in vexatious conduct.
6. Suspends the title of vexatious litigant during any period when the litigant is represented by an attorney.
7. Defines *vexatious conduct* as follows: a) repeatedly filing requests for hearing, pleadings, motions or other documents solely or primarily for the purpose of harassment; b) unreasonably expanding or delaying ICA proceedings; c) bringing or defending claims *without substantial justification* (the claim is groundless and not made in good faith); d) engaging in abuse of discovery or conduct that has resulted in the imposition of sanctions against the pro se litigant; e) a pattern of making unreasonable, repetitive and excessive requests for information; f) repeatedly filing documents or requests for relief that have been the subject of previous rulings by the ICA in the same claim. F. For the purposes of this section, "without substantial justification" means that the claim or defense is groundless and is not made in good faith.

CURRENT LAW

[A.R.S. § 12- 3201](#) states that in a noncriminal case, at the request of a party or on the court's own motion, the presiding judge of the Superior Court or a designated judge may label a Pro Se Litigant as a *vexatious litigant*. A Pro Se Litigant declared as *vexatious* may not file any new pleading, motion or other related document without prior permission of the court. The statute

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defines *vexatious conduct* to include such things as a) repeated filings of court actions for the purpose of harassment; b) unreasonably delaying court proceedings; c) court actions brought *without substantial justification*; d) engaging in abusive conduct in discovery that results in the imposition of sanctions against the Pro Se Litigant; e) a pattern of making unreasonable, repetitive and excessive requests for information, among other such conduct.

[A.R.S. § 12- 349](#) stipulates the term "*without substantial justification*" means that the claim or defense is groundless and is not made in good faith.

ADDITIONAL INFORMATION

Black's Law Dictionary defines a *Pro Se Litigant*: For one's own behalf; in person. Appearing for oneself, as in the case of one who does not retain a lawyer and appears for himself or herself in court.

SB 1323 contains similar language to the noncriminal cases for workers' compensation cases that are brought before an ALJ at the ICA.