

SUPREME COURT OF ARKANSAS

Sanford v. Harris, 367 Ark. 589

242 S.W.3d 277 (2006) · No. No. 06-306 · Decided November 2, 2006

SUMMARY

The Arkansas Supreme Court reviewed a Rule 11 sanctions order arising from litigation concerning the validity of a deed and related claims against the attorney who represented the property owner. The court held that the circuit court did not abuse its discretion by awarding \$1,000 rather than the \$3,135 in attorney fees requested, emphasizing that Rule 11 primarily serves to deter future litigation abuse and does not require making the sanctioned party's opponent whole. The court affirmed the sanctions order and denied the appellant's supplemental motion for additional fees and costs.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Jim Gunter
JURISDICTION	Arkansas
DECIDED	November 2, 2006
DOCKET	No. 06-306
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sanford appealed an order imposing \$1,000 in Arkansas Rule of Civil Procedure 11 sanctions against appellees' counsel, arguing that the sanction should have included the full amount of attorney's fees he requested.
STANDARD OF REVIEW	The court reviews both whether a Rule 11 violation occurred and the amount and type of sanction imposed for abuse of discretion, giving substantial deference to the trial court.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jon R. Sanford v. Johnnie Belle Morgan Harris, James Harold Harris

TOPICS

- sanctions
- attorney fees
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by awarding \$1,000 rather than the full \$3,135 in attorney's fees requested as a Rule 11 sanction.
2. Whether Arkansas Rule of Civil Procedure 11 requires a sanction to make the party seeking sanctions whole by awarding all requested attorney's fees.

HOLDINGS

1. Rule 11 does not require the court to award attorney's fees, and its purpose is to deter future litigation abuse rather than to make the party seeking sanctions whole.
2. The circuit court did not abuse its discretion by imposing a \$1,000 sanction rather than the \$3,135 requested by Sanford.

KEY QUOTATIONS

"We have stated that the primary purpose of Rule 11 sanctions in Arkansas "is to deter future litigation abuse, and the award of attorneys' fees is but one of several methods of achieving this goal." (281)

"We hold that the circuit court did not abuse its discretion in setting the amount of sanctions at \$1000 rather than \$3,135, as requested by Mr. Sanford." (281)

FACTUAL BACKGROUND

Sanford represented Dorothy Goodwyn in an action seeking to set aside a deed that allegedly had been wrongfully obtained and recorded by Johnnie Belle Morgan Harris and James Harold Harris. The Harris responded by suing Sanford for damages, alleging that the deed was valid and that Sanford had filed and pursued the Goodwyn action maliciously, without sufficient factual investigation or legal support. After the circuit court dismissed that action on Sanford's summary-judgment motion, Sanford sought \$3,135 in Rule 11 sanctions based on the time he spent defending the case. The circuit court imposed a \$1,000 sanction against the Harris' attorney, Jeff Mobley.

PROCEDURAL HISTORY

Appellees sued Sanford in connection with his representation of Dorothy Goodwyn in an action challenging appellees' deed to certain property. The circuit court granted Sanford's summary-judgment motion, denied appellees' partial-summary-judgment motion, and dismissed the case with prejudice; no appeal was taken. Sanford then sought Rule 11 sanctions, and the circuit court ordered appellees' counsel to pay \$1,000. The Supreme Court of Arkansas affirmed and denied Sanford's supplemental motion for additional fees and costs.

DISPOSITION

affirmed

CASES CITED

- Pomtree v. State Farm Mut. Auto. Ins. Co., 353 Ark. 657, 666, 121 S.W.3d 147, 153 (2003)
- Crockett & Brown, P.A. v. Wilson, 321 Ark. 150, 159, 901 S.W.2d 826, 830 (1995)

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