

Amendments to Rule 11

Rule 11 is amended as follows:

Rule 11. Signing [of] Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions

(a) Signature. Every pleading, written motion, and other paper ~~[shall]~~ **must** be signed by at least one attorney of record in the attorney's ~~[individual]~~ name~~[-, or, if the party is not represented by an attorney, shall be signed by the party]~~ – **or by a party personally if the party is unrepresented**. Every pleading, **written** motion, or other paper of the United States ~~[shall]~~ **must** be signed by an attorney authorized to do so on behalf of the Assistant Attorney General, Civil Division, Department of Justice. A pleading, **written** motion, or other paper of an agency of the United States, authorized by statute to represent itself in judicial proceedings, ~~[may]~~ **must** be signed by an attorney authorized to do so on behalf of the agency. Each paper ~~[shall]~~ **must** state the signer's address, **e-mail address**, and telephone number~~[-, if any]~~. ~~[Except when otherwise specifically provided by rule or statute]~~ **Unless a rule or statute specifically states otherwise**, pleadings or other papers need not be verified or accompanied by affidavit. ~~[An]~~ **The court must strike an** unsigned paper ~~[shall be stricken]~~ unless **the** omission ~~[of the signature]~~ is ~~[corrected]~~ promptly **corrected** after being called to the **attorney's or party's** attention ~~[of the pleader or movant attorney or party]~~.

(b) Representation to Court. By presenting to the court ~~[(whether by signing, filing, submitting, or later advocating)]~~ a pleading, written motion, or other paper~~[-]~~ – **whether by signing, filing, submitting, or later advocating it** – an attorney or unrepresented party ~~[is certifying]~~ **certifies** that to the best of the person's knowledge, information, and belief, formed after any inquiry reasonable under the circumstances~~[-]~~ :

(1) it is not being presented for any improper purpose, such as to harass ~~[or to]~~, cause unnecessary delay, or ~~[needless]~~ **needlessly** increase ~~[in]~~ the cost of litigation;

(2) the claims, defenses, and other legal contentions ~~[therein]~~ are warranted by existing law or by a ~~[non-frivolous]~~ **nonfrivolous** argument for ~~[the extension, modification, or reversal of]~~ **extending, modifying, or reversing** existing law or ~~[the establishment of]~~ **for establishing** new law;

(3) the ~~[allegations and other]~~ factual contentions have evidentiary support or, if specifically so identified, ~~[are]~~ **will** likely ~~[to]~~ have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are ~~[reasonable]~~ **reasonably** based on **belief or** a lack of information ~~[or belief]~~.

(c) Sanctions.

(1) In General. If, after notice and a reasonable opportunity to respond, the court determines that ~~[subdivision (b)]~~ **Rule 11(b)** has been violated, the court may~~[, subject to the conditions stated below,]~~ impose an appropriate sanction ~~[upon the attorneys, law firms, or parties that have violated subdivision (b) or are]~~ **on any attorney, law firm, or party that violated the rule or is** responsible for the violation. **Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.**

~~[(1) How Initiated]~~

~~[(A) By Motion.]~~

(2) Motion for Sanctions. A motion for sanctions ~~[under this rule shall]~~ **must** be made separately from **any** other ~~[motions or requests]~~ **motion** and ~~[shall]~~ **must** describe the specific conduct ~~[alleged to violate subdivision (b)]~~ **that allegedly violates Rule 11(b).** ~~[It shall]~~ **The motion must** be served ~~[as provided in]~~ **under** Rule 5, but ~~[shall]~~ **it must** not be filed ~~[with]~~ or **be** presented to the court ~~[unless, within 21 days after service of the motion (or such other period as the court may prescribe),]~~ **if** the challenged paper, claim, defense, contention, ~~[allegation,]~~ or denial is ~~[not]~~ withdrawn or appropriately corrected **within 21 days after service or within another time the court sets.** If warranted, the court may award to the ~~[party]~~ prevailing **party** ~~[on the motion]~~ the reasonable expenses ~~[and]~~, **including** attorney's fees, incurred ~~[in presenting or opposing]~~ **for** the motion. ~~[Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.]~~

~~[(B) On Court's Initiative.]~~

(3) On the Court's Initiative. On its own ~~[initiative]~~, the court may ~~[enter an order describing the specific conduct that appears to violate subdivision (b) and directing]~~ **order** an attorney, law firm, or party to show cause why ~~[it]~~ **conduct specifically described in the order** has not violated ~~[subdivision (b) with respect thereto]~~ **Rule 11(b).**

~~[(2) Nature of Sanction; Limitations.]~~

(4) Nature of a Sanction. A sanction imposed ~~[for violation of]~~ **under** this rule ~~[shall]~~ **must** be limited to what ~~[is sufficient]~~ **suffices** to deter repetition of ~~[such]~~ **the** conduct or comparable conduct by others similarly situated. ~~[Subject to the limitations in subparagraphs (A) and (B), the sanction may consist of, or include, directives of a nonmonetary nature,]~~ **The sanction may include nonmonetary directives;** an order to pay a penalty into court~~[,];~~; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of ~~[some]~~ **part** or all of the reasonable attorney's fees and other expenses ~~[incurred as a direct result of]~~ **directly resulting from** the violation.

(5) Limitations on Monetary Sanctions. **The court must not impose a monetary sanction:**

(A) ~~[Monetary sanctions may be awarded]~~ against a represented party for ~~[a violation of subdivision (b)(2).]~~ **violating Rule 11(b)(2); or**

(B) ~~[Monetary sanctions may not be awarded on the court's initiative]~~ **on its own**, unless ~~[the court issues its order to show cause]~~ **it issued the show-cause order under Rule 11(c)(3)** before ~~[a]~~ voluntary dismissal or settlement of the claims made by or against the party ~~[which]~~ **that** is, or whose attorneys are, to be sanctioned.

~~[(3) Order.]~~

(6) Requirements for an Order. ~~[When imposing sanctions, the court shall describe the conduct determined to constitute a violation of this rule]~~ **An order imposing a sanction must describe the sanctioned conduct** and explain the basis for the sanction ~~[imposed].~~

(d) Inapplicability to Discovery. [~~Subdivisions (a) through (c) of this rule do~~] **This rule does** not apply to disclosures and discovery requests, responses, objections, and motions [~~that are subject to the provisions of~~] **under** Rules 26 through 37.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Oct. 5, 1994, eff. Jan. 1, 1995; Dec. 18, 2001, eff. Apr. 1, 2002; Sept. 28, 2004, eff. January 1, 2005; **Nov. 25, 2008, eff. Jan. 1, 2009.**)