

104TH CONGRESS
1ST SESSION

S. 720

To amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 24, 1995

Mr. BROWN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION. 1. REPRESENTATIONS AND SANCTIONS UNDER**
4 **RULE 11 OF THE FEDERAL RULES OF CIVIL**
5 **PROCEDURE.**

6 (a) IN GENERAL.—Rule 11 of the Federal Rules of
7 Civil Procedure is amended—

8 (1) in subsection (b)(3) by striking out “or, if
9 specifically so identified, are likely to have evi-

1 dentiary support after a reasonable opportunity for
2 further investigation or discovery” and inserting in
3 lieu thereof “or are well grounded in fact”; and

4 (2) in subsection (c)—

5 (A) in the first sentence by striking out
6 “may, subject to the conditions stated below,”
7 and inserting in lieu thereof “shall”;

8 (B) in paragraph (2) by striking out the
9 first and second sentences and inserting in lieu
10 thereof “A sanction imposed for violation of
11 this rule may consist of reasonable attorneys’
12 fees and other expenses incurred as a result of
13 the violation, directives of a nonmonetary na-
14 ture, or an order to pay penalty into court or
15 to a party.”; and

16 (C) in paragraph (2)(A) by inserting be-
17 fore the period “, although such sanctions may
18 be awarded against a party’s attorneys”.

19 (b) EFFECTIVE DATE.—The provisions of this sec-
20 tion shall take effect 30 days after the date of the enact-
21 ment of this Act.

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