

Union Calendar No. 114

112TH CONGRESS
1ST SESSION

H. R. 966

[Report No. 112-174]

To amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2011

Mr. SMITH of Texas introduced the following bill; which was referred to the Committee on the Judiciary

JULY 21, 2011

Additional sponsors: Mr. CANSECO, Mr. GALLEGLY, Mr. CALVERT, and Mr. HERGER

JULY 21, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, 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. SHORT TITLE.**

4 This Act may be cited as the “Lawsuit Abuse Reduc-

5 tion Act of 2011”.

6 **SEC. 2. ATTORNEY ACCOUNTABILITY.**

7 (a) **SANCTIONS UNDER RULE 11.**—Rule 11(e) of the

8 Federal Rules of Civil Procedure is amended—

9 (1) in paragraph (1), by striking “may” and in-

10 sserting “shall”;

11 (2) in paragraph (2), by striking “Rule 5” and

12 all that follows through “motion.” and inserting

13 “Rule 5.”; and

14 (3) in paragraph (4), by striking “situated”

15 and all that follows through the end of the para-

16 graph and inserting “situated, and to compensate

17 the parties that were injured by such conduct. Sub-

18 ject to the limitations in paragraph (5), the sanction

19 shall consist of an order to pay to the party or par-

20 ties the amount of the reasonable expenses incurred

21 as a direct result of the violation, including reason-

22 able attorneys’ fees and costs. The court may also

23 impose additional appropriate sanctions, such as

24 striking the pleadings, dismissing the suit, or other

25 directives of a nonmonetary nature, or, if warranted

1 for effective deterrence, an order directing payment
2 of a penalty into the court”.

3 (b) **RULE OF CONSTRUCTION.**—Nothing in this Act
4 shall be construed to bar or impede the assertion or devel-
5 opment of new claims, defenses, or remedies under Fed-
6 eral, State, or local laws, including civil rights laws.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Lawsuit Abuse Reduc-*
9 *tion Act of 2011”.*

10 **SEC. 2. ATTORNEY ACCOUNTABILITY.**

11 (a) **SANCTIONS UNDER RULE 11.**—Rule 11(c) of the
12 *Federal Rules of Civil Procedure is amended—*

13 (1) *in paragraph (1), by striking “may” and in-*
14 *serting “shall”;*

15 (2) *in paragraph (2), by striking “Rule 5” and*
16 *all that follows through “motion.” and inserting*
17 *“Rule 5.”; and*

18 (3) *in paragraph (4), by striking “situated” and*
19 *all that follows through the end of the paragraph and*
20 *inserting “situated, and to compensate the parties*
21 *that were injured by such conduct. Subject to the lim-*
22 *itations in paragraph (5), the sanction shall consist*
23 *of an order to pay to the party or parties the amount*
24 *of the reasonable expenses incurred as a direct result*
25 *of the violation, including reasonable attorneys’ fees*

1 *and costs. The court may also impose additional ap-*
2 *propriate sanctions, such as striking the pleadings,*
3 *dismissing the suit, or other directives of a nonmone-*
4 *tary nature, or, if warranted for effective deterrence,*
5 *an order directing payment of a penalty into the*
6 *court.”.*

7 *(b) RULE OF CONSTRUCTION.—Nothing in this Act*
8 *shall be construed to bar or impede the assertion or develop-*
9 *ment of new claims, defenses, or remedies under Federal,*
10 *State, or local laws, including civil rights laws, or under*
11 *the Constitution.*

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