

113TH CONGRESS
1ST SESSION

S. 1288

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

IN THE SENATE OF THE UNITED STATES

JULY 11, 2013

Mr. GRASSLEY (for himself, Mr. COBURN, and Mr. RUBIO) 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 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 2013”.

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

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

8 Federal Rules of Civil Procedure is amended—

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

10 serting “shall”;

1 (2) in paragraph (2), by striking “Rule 5” and
2 all that follows through “motion.” and inserting
3 “rule 5.”; and

4 (3) in paragraph (4), by striking “situated”
5 and all that follows through the end of the para-
6 graph and inserting “situated, and to compensate
7 the parties that were injured by such conduct. Sub-
8 ject to the limitations in paragraph (5), the sanction
9 shall consist of an order to pay to the party or par-
10 ties the amount of the reasonable expenses incurred
11 as a direct result of the violation, including reason-
12 able attorneys’ fees and costs. The court may also
13 impose additional appropriate sanctions, such as
14 striking the pleadings, dismissing the suit, or other
15 directives of a nonmonetary nature, or, if warranted
16 for effective deterrence, an order directing payment
17 of a penalty into the court”.

18 (b) RULE OF CONSTRUCTION.—Nothing in this Act
19 or an amendment made by this Act shall be construed to
20 bar or impede the assertion or development of new claims,
21 defenses, or remedies under Federal, State, or local laws,
22 including civil rights laws, or under the Constitution of
23 the United States.

○