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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

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 2017”.

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

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

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

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

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

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