

1 **Rule 11. Signing of pleadings, motions, affidavits, and other papers; representations to court;**  
2 **sanctions.**

3 **(a) Signature.**

4 (a)(1) Every pleading, written motion, and other paper shall be signed by at least one attorney of  
5 record, or, if the party is not represented, by the party.

6 (a)(2) A person may sign a paper using any form of signature recognized by law as binding.  
7 Unless required by statute, a paper need not be accompanied by affidavit or have a notarized,  
8 verified or acknowledged signature. If a rule requires an affidavit or a notarized, verified or  
9 acknowledged signature, the person may submit a declaration pursuant to Utah Code Section  
10 78B-5-705. ~~If a statute requires an affidavit or a paper with a~~ notarized, verified or acknowledged  
11 signature ~~and is filed, the party electronically files the paper, the signature shall be notarized pursuant~~  
12 ~~to Utah Code Section 46-1-16~~ must comply with Rule 5(f).

13 (a)(3) An unsigned paper shall be stricken unless omission of the signature is corrected promptly  
14 after being called to the attention of the attorney or party.

15 **(b) Representations to court.** By presenting a pleading, written motion, or other paper to the court  
16 (whether by signing, filing, submitting, or advocating), an attorney or unrepresented party is certifying that  
17 to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under  
18 the circumstances,

19 (b)(1) it is not being presented for any improper purpose, such as to harass or to cause  
20 unnecessary delay or needless increase in the cost of litigation;

21 (b)(2) the claims, defenses, and other legal contentions are warranted by existing law or by a  
22 nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment  
23 of new law;

24 (b)(3) the allegations and other factual contentions have evidentiary support or, if specifically so  
25 identified, are likely to have evidentiary support after a reasonable opportunity for further investigation  
26 or discovery; and

27 (b)(4) the denials of factual contentions are warranted on the evidence or, if specifically so  
28 identified, are reasonably based on a lack of information or belief.

29 **(c) Sanctions.** If, after notice and a reasonable opportunity to respond, the court determines that  
30 subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an  
31 appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b) or are  
32 responsible for the violation.

33 **(c)(1) How initiated.**

34 **(c)(1)(A) By motion.** A motion for sanctions under this rule shall be made separately from  
35 other motions or requests and shall describe the specific conduct alleged to violate subdivision  
36 (b). It shall be served as provided in Rule 5, but shall not be filed with or presented to the court  
37 unless, within 21 days after service of the motion (or such other period as the court may

38 prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn  
39 or appropriately corrected. If warranted, the court may award to the party prevailing on the motion  
40 the reasonable expenses and attorney fees incurred in presenting or opposing the motion. In  
41 appropriate circumstances, a law firm may be held jointly responsible for violations committed by  
42 its partners, members, and employees.

43 **(c)(1)(B) On court's initiative.** On its own initiative, the court may enter an order describing  
44 the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or  
45 party to show cause why it has not violated subdivision (b) with respect thereto.

46 **(c)(2) Nature of sanction; limitations.** A sanction imposed for violation of this rule shall be  
47 limited to what is sufficient to deter repetition of such conduct or comparable conduct by others  
48 similarly situated. Subject to the limitations in subparagraphs (A) and (B), the sanction may consist of,  
49 or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on  
50 motion and warranted for effective deterrence, an order directing payment to the movant of some or  
51 all of the reasonable attorney fees and other expenses incurred as a direct result of the violation.

52 (c)(2)(A) Monetary sanctions may not be awarded against a represented party for a violation  
53 of subdivision (b)(2).

54 (c)(2)(B) Monetary sanctions may not be awarded on the court's initiative unless the court  
55 issues its order to show cause before a voluntary dismissal or settlement of the claims made by  
56 or against the party which is, or whose attorneys are, to be sanctioned.

57 **(c)(3) Order.** When imposing sanctions, the court shall describe the conduct determined to  
58 constitute a violation of this rule and explain the basis for the sanction imposed.

59 Advisory Committee Notes

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