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**NRCP 11 – Proposed**  
**(Adopt Federal rule with edits)**

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**Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions**

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(a) **Signature.** Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented. The paper must state the signer’s address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.

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(b) **Representations to the Court.** By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

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

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(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

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(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

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

3 (c) **Sanctions.**

4 (1) **In General.** If, after notice and a reasonable opportunity to respond,  
5 the court determines that NRCPRule 11(b) has been violated, the court may impose  
6 an appropriate sanction on any attorney, law firm, or party that violated the rule or  
7 is responsible for the violation. Absent exceptional circumstances, a law firm must  
8 be held jointly responsible for a violation committed by its partner, associate, or  
9 employee.

10 (2) **Motion for Sanctions.** A motion for sanctions must be made  
11 separately from any other motion and must describe the specific conduct that  
12 allegedly violates NRCPRule 11(b). The motion must be served under NRCPRule 5,  
13 but it must not be filed or be presented to the court if the challenged paper, claim,  
14 defense, contention, or denial is withdrawn or appropriately corrected within 21 days  
15 after service or within another time the court sets. If warranted, the court may award  
16 to the prevailing party the reasonable expenses, including attorney's fees, incurred  
17 for presenting or opposing the motion.

18 (3) **On the Court's Initiative.** On its own, the court may order an  
19 attorney, law firm, or party to show cause why conduct specifically described in the  
20 order has not violated NRCPRule 11(b).

21 (4) **Nature of a Sanction.** A sanction imposed under this rule must be  
22 limited to what suffices to deter repetition of the conduct or comparable conduct by  
23 others similarly situated. The sanction may include nonmonetary directives; an order  
24 to pay a penalty into court; or, if imposed on motion and warranted for effective

1 deterrence, an order directing payment to the movant of part or all of the reasonable  
2 attorney's fees and other expenses directly resulting from the violation.

3           **(5) Limitations on Monetary Sanctions.** The court must not impose  
4 a monetary sanction:

5                   (A) against a represented party for violating NRCPRule 11(b)(2);  
6 or

7                   (B) on its own, unless it issued the show-cause order under  
8 NRCPRule 11(c)(3) before voluntary dismissal or settlement of the claims made by  
9 or against the party that is, or whose attorneys are, to be sanctioned.

10           **(6) Requirements for an Order.** An order imposing a sanction must  
11 describe the sanctioned conduct and explain the basis for the sanction.

12           **(d) Inapplicability to Discovery.** This rule does not apply to disclosures and  
13 discovery requests, responses, objections, and motions under NRCPRules 16.1, 16.2,  
14 16.205, and 26 through 37. Sanctions for refusal to make discovery are governed by  
15 NRCP 26(g) and 37.

**NRCP 11 – Proposed**  
**(Subcommittee note to the Committee)**

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- 3 (1) FRCP 11(a) requires email addresses while the existing NRCP 11(a) does not.
- 4 The email requirement from the federal rule has been retained, as Nevada
- 5 attorneys are required to provide an email address to the State Bar under SCR
- 6 79(1)(c).
- 7 (2) While the FRCP internally reference other FRCP rules as “Rule,” the NRCP
- 8 internally refers to other NRCP rules as “NRCP.” Thus, Rule was changed to
- 9 NRCP for consistency.
- 10 (3) FRCP 11(c)(2) removed the language about “presenting or opposing” a motion
- 11 from the following sentence. “If warranted, the court may award to the
- 12 prevailing party the reasonable expenses, including attorney’s fees, incurred
- 13 for the motion.” “Presenting or opposing” is retained from the existing NRCP
- 14 (c)(1)(A) to clarify that such sanctions are not warranted if the opposing party
- 15 fixes the alleged violation within the time allowed, and filing the motion is not
- 16 necessary.
- 17 (4) The existing NRCP 11(d) added an extra sentence that “Sanctions for refusal
- 18 to make discovery are governed by Rules 26(g) and 37.” This sentence was
- 19 retained as a helpful cross-reference.
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