

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

**CR 11 - SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL
MEMORANDA; SANCTIONS**

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2 (a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be
3 dated and signed by at least one attorney of record in the attorney's individual name, whose
4 address and Washington State Bar Association membership number shall be stated. A party who
5 is not represented by an attorney shall sign and date the party's pleading, motion, or legal
6 memorandum and state the party's address. Petitions for dissolution of marriage, separation,
7 declarations concerning the validity of a marriage, custody, and modification of decrees issued as
8 a result of any of the foregoing petitions shall be verified. Other pleadings need not, but may be,
9 verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a
10 certificate by the party or attorney that the party or attorney has read the pleading, motion, or
11 legal memorandum, and that to the best of the party's or attorney's knowledge, information, and
12 belief, formed after an inquiry reasonable under the circumstances: (1) it is well grounded in fact;
13 (2) it is warranted by existing law or a good faith argument for the extension, modification, or
14 reversal of existing law or the establishment of new law; (3) it is not interposed for any improper
15 purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of
16 litigation; and (4) the denials of factual contentions are warranted on the evidence or, if
17 specifically so identified, are reasonably based on a lack of information or belief. If a pleading,
18 motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after
19 the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal
20 memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative,
21 may impose upon the person who signed it, a represented party, or both, an appropriate sanction,
22 which may include an order to pay to the other party or parties the amount of the reasonable
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2 expenses incurred because of the filing of the pleading, motion, or legal memorandum, including
3 a reasonable attorney fee.

4 **(b)** In helping to draft a pleading, motion or document filed by the otherwise self-represented
5 person, the attorney certifies that the attorney has read the pleading, motion, or legal
6 memorandum, and that to the best of the attorney's knowledge, information, and belief, formed
7 after an inquiry reasonable under the circumstances: (1) it is well grounded in fact, (2) it is
8 warranted by existing law or a good faith argument for the extension, modification, or reversal of
9 existing law or the establishment of new law, (3) it is not interposed for any improper purpose,
10 such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, and
11 (4) the denials of factual contentions are warranted on the evidence or, if specifically so
12 identified, are reasonably based on a lack of information or belief. The attorney in providing
13 such drafting assistance may rely on the otherwise self-represented person's representation of
14 facts, unless the attorney has reason to believe that such representations are false or materially
15 insufficient, in which instance the attorney shall make an independent reasonable inquiry into the
16 facts.
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19 **(c)** Consistent with the overall purpose of these rules as set forth in CR 1, the court, upon motion
20 or upon its own initiative, may impose an appropriate sanction on any party or attorney who
21 violates the mandate of reasonable cooperation set forth in CR 1, which sanction may include an
22 order to pay to the other party or parties the amount of the reasonable expenses incurred because
23 of the lack of cooperation, including a reasonable attorney fee. The court will not entertain any
24 motion with respect to this subsection unless the parties have conferred with respect to the
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2 motion. The moving party shall arrange for a mutually convenient conference in person or by
3 telephone. The court may apply sanctions if the court finds that any party or its counsel, upon
4 whom a motion with respect to matters covered by such rules has been served, has willfully
5 refused or failed to confer in good faith. Any motion seeking sanctions under this subsection
6 shall include a certification that the conference requirements of this rule have been met.
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