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If You Care About: THE ENVIRONMENT You Should Care About: THE LAWSUIT ABUSE REDUCTION ACT

The “Lawsuit Abuse Reduction Act” (LARA) would amend Rule 11 of the Federal Rules of Civil Procedure. Rule 11 provides judges with authority to sanction attorneys for filing frivolous claims (and defenses). Judges have discretion to decide, on a case-by-case basis, if sanctions are appropriate. LARA would remove this discretion, making sanctions mandatory.

In 2015, the Natural Resources Defense Council said, “This shortsighted legislation is bad for our justice system, bad for the public interest and bad for the environment.”¹ Indeed, LARA would reinstate a rule put into effect in 1983 that was so unworkable it was rescinded in 1993 after many problems and nearly universal criticism.² Among those problems were:

- The rule had a chilling effect on the filing of meritorious cases.³
- The rule was “overused in civil rights cases,”⁴ as sanctions were sought and imposed against civil rights plaintiffs more than against any other litigants in civil court.⁵
- The rule burdened the strained federal court systems with “an avalanche of ‘satellite litigation’”⁶ over “alleged noncompliance with the rule.”⁷
- The rule circumvented the process that Congress itself established for promulgation of U.S. federal court rules.⁸

LARA is opposed by the Judicial Conference of the United States,⁹ the American Bar Association¹⁰ and a host of public interest organizations.¹¹ Please contact the Center for Justice & Democracy for more information: centerjd@centerjd.org.

¹ <http://ecotopical.com/nrdc/96224/the-lawsuit-abuse-reduction-act-puts-polluters-before-victims/>

² Testimony of Lonny Hoffman, George Butler Research Professor of Law, University of Houston Law Center, <http://judiciary.house.gov/files/hearings/pdf/Hoffman03112011.pdf>; Georgene M. Vairo, “Rule 11 and the Profession,” 67 *Ford. L. Rev.* 589 (1998).

³ Hoffman testimony, *supra* note 1.

⁴ Georgene M. Vairo, “Rule 11 and the Profession,” 67 *Ford. L. Rev.* 589 (1998).

⁵ [http://www.fjc.gov/public/pdf.nsf/lookup/rule11study.pdf/\\$file/rule11study.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/rule11study.pdf/$file/rule11study.pdf).

⁶ Georgene M. Vairo, “Rule 11 and the Profession,” 67 *Ford. L. Rev.* 589 (1998).

⁷ Hoffman testimony, *supra* note 1.

⁸ [http://www.fjc.gov/public/pdf.nsf/lookup/rule11study.pdf/\\$file/rule11study.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/rule11study.pdf/$file/rule11study.pdf).

⁹ http://www.americanbar.org/content/dam/aba/uncategorized/GAO/25mar2015_opposehr758.authcheckdam.pdf.

⁹ Letter to the Honorable Bob Goodlatte, Chairman, House Judiciary Committee, from Hon. Jeffrey S. Sutton, United States Circuit Judge, Chair, Committee on Rules of Practice and Procedure, and Hon. David G. Campbell, United States District Judge, Chair, Advisory Committee on Civil Rules (April 13, 2015).

¹⁰ http://www.americanbar.org/content/dam/aba/uncategorized/GAO/25mar2015_opposehr758.authcheckdam.pdf.

¹¹ <http://www.afj.org/wp-content/uploads/2015/04/H.R.-758-LARA-Letter.pdf>.