

Law Day Speech, 5/79

Griffin Bell

Attorney General Griffin B. Bell addressed the University of Georgia School of Law:

I call to your attention a rule of procedure often neglected, Rule 11 of the Federal Rules of Civil Procedure. That rule states in pertinent part: "The signature of an attorney constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief, there is good ground to support it; and that it is not interposed for delay."

How often does a lawyer stop—just for a moment—to reflect on the presence or absence of "good grounds" for the filing? And how many motions and discovery proceedings are commenced, not in aid of truthseeking, but merely to put off the ultimate day of reckoning in court? Or, in another situation, how many appeals are taken by lawyers who *know* that there is an absence of "good grounds" for appeal, or that the appeal is "interposed for delay."

Abusive filings clog the courts and enhance the public misimpression that lawyers foster unnecessary litigation for their own interests. They divert judicial resources from consideration of truly meritorious filings. They obviously increase the costs of dispute resolution.

And it is important to note here that there is not even a Rule 11 requirement for criminal cases or for appeals.

This Rule 11 problem or lack of a Rule 11 has prompted me to draft an Attorney General's policy that will bind all lawyers within the Justice Department. I intend to hold each and every lawyer responsible for his or her pleadings, and positions taken orally in court. If we determine that a lawyer has knowingly violated the Rule 11 concept, we will take appropriate action against the attorney and, in addition, confession of error or such other judicial disposition of the offending pleading or position as may appear proper. And we will notify every government agency whom we represent that this policy will be applied to every proposed filing or position in their behalf.