

**Joint Resolution Amending Court Rules to Address Sanctions and Dismissals**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Anthony E. Loubet**

Senate Sponsor: Brady Brammer

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**LONG TITLE****General Description:**

This resolution amends court rules to address sanctions and dismissals.

**Highlighted Provisions:**

This resolution:

- amends Rule 11 of the Utah Rules of Civil Procedure to allow a court to order a sanction of a charitable contribution;
- amends Rule 41 of the Utah Rules of Civil Procedure to allow:
  - a defendant to seek a dismissal of an action or claim when the defendant is named solely for representing another party in the action or a related action; and
  - the award of attorney fees to the defendant in certain circumstances; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This resolution provides a special effective date.

**Utah Rules of Civil Procedure Affected:**

AMENDS:

**Rule 11**, Utah Rules of Civil Procedure

**Rule 41**, Utah Rules of Civil Procedure

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*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of all members of both houses of the Legislature:

Section 1. **Rule 11**, Utah Rules of Civil Procedure is amended to read:

**Rule 11 . Signing of pleadings, motions, affidavits, and other papers;**

**representations to court; sanctions.**

**(a) Signature.**

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

[(a)](2) A person may sign a paper using any form of signature recognized by law as binding. Unless required by statute, a paper need not be accompanied by affidavit or have a notarized, verified or acknowledged signature. If a rule requires an affidavit or a notarized, verified or acknowledged signature, the person may submit an unsworn declaration as described in Title 78B, Chapter 18a, Uniform Unsworn Declarations Act. If an affidavit or a paper with a notarized, verified or acknowledged signature is filed, the party must comply with Rule 5(f).

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

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

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

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

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

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

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

**[(e)](1) How initiated.**

[(e)(1)](A) **By motion.** A motion for sanctions under this rule must be made separately from other motions or requests and must describe the specific conduct alleged to violate

paragraph (b). It must be served as provided in Rule 5, but may not be filed with or presented to the court unless, within 21 days after service of the motion (or such other period as the court may prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney fees incurred in presenting or opposing the motion. In appropriate circumstances, a law firm may be held jointly responsible for violations committed by its partners, members, and employees.

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

**[(e)](2) Nature of sanction; limitations.**

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

(B) Subject to the limitations described in paragraphs (c)(2)(C) and (c)(2)(D), the court may order a sanction that consists of, or includes:

(i) a directive of a nonmonetary nature;

(ii) an order to pay a penalty to the court;

(iii) an order to pay a charitable contribution to a nonprofit organization that offers free or low-cost legal assistance; or

(iv) if imposed on motion and warranted for effective deterrence, an order directing the attorney, law firm, or party to pay some or all of the reasonable attorney fees and other expenses incurred as a direct result of the violation.

~~[(e)(2)(A)] (C) [Monetary sanctions may not be awarded] A court may not award monetary sanctions~~ against a represented party for a violation of paragraph (b)(2).

~~[(e)(2)(B)] (D) [Monetary sanctions may not be awarded] A court may not award monetary sanctions~~ on the court's initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is, or whose attorneys are, to be sanctioned.

**[(e)](3) Order.** When imposing sanctions, the court will describe the conduct determined

to constitute a violation of this rule and explain the basis for the sanction imposed.

Section 2. **Rule 41**, Utah Rules of Civil Procedure is amended to read:

**Rule 41 . Dismissal of actions.**

**(a) Voluntary dismissal; effect.**

**(1) By the plaintiff.**

(A) Subject to Rule 23(e) and any applicable statute, the plaintiff may dismiss an action, a claim, or a party without a court order by filing:

(i) a notice of dismissal before any opposing party serves an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

**(2) By court order.** Except as provided in paragraph (a)(1), an action, a claim, or a party may be dismissed at the plaintiff's request by court order only on terms the court considers proper. If a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication by the court. Unless the order states otherwise, a dismissal under this paragraph is without prejudice.

**(b) Involuntary dismissal; effect.** ~~[If the plaintiff fails to prosecute or to comply with these rules or any court order, a defendant may move to dismiss the action or any claim against it.]~~

(1) A defendant may move to dismiss an action, or any claim in an action, against the defendant if:

(A) the plaintiff fails to prosecute or to comply with these rules or any court order; or

(B) the plaintiff, or the plaintiff's attorney, named the defendant in the action solely because the defendant is an attorney of record for a party in the action or a related action.

(2) Unless the dismissal order otherwise states, a dismissal under this paragraph and any dismissal not under this rule, other than a dismissal for lack of jurisdiction, improper venue, or failure to join a party under Rule 19, operates as an adjudication on the merits.

**(c) Dismissal of counterclaim, crossclaim, or third-party claim.** This rule applies to the dismissal of any counterclaim, crossclaim, or third-party claim. A claimant's voluntary dismissal under paragraph (a)(1) must be made before a responsive pleading is served or, if there is no responsive pleading, before evidence is introduced at a trial or hearing.

**(d) Costs of previously-dismissed action.**

\_\_\_\_ (1) If a plaintiff who previously dismissed an action in any court files an action based on or including the same claim against the same defendant, the court may order the plaintiff to pay all or part of the costs of the previous action and may stay the proceedings until the plaintiff has complied.

\_\_\_\_ (2) The court shall order a plaintiff, or a plaintiff's attorney or law firm, to pay reasonable attorney fees and other expenses incurred by a defendant if:

\_\_\_\_ (A) the action or claim against the defendant is dismissed under paragraph (b)(1)(B); and

\_\_\_\_ (B) the court determines, by clear and convincing evidence:

\_\_\_\_ (i) the action or claim against the defendant was frivolous or of little weight or importance having no basis in law or fact; and

\_\_\_\_ (ii) the plaintiff, or the plaintiff's attorney, lacked an honest belief that the action or defense against the defendant was proper, intended to take unconscionable advantage of another by bringing the action or claim, or intended to, or acted with, the knowledge that the action or claim would hinder, delay, or defraud another.

(e) **Bond or undertaking to be delivered to opposing party.** If a party dismisses a complaint, counterclaim, crossclaim, or third-party claim, under paragraph (a)(1) after a provisional remedy has been allowed the party, the bond or undertaking filed in support of the provisional remedy must be delivered to the party against whom the provisional remedy was obtained.

### Section 3. **Effective Date.**

As provided in Utah Constitution, Article VIII, Section 4, this resolution takes effect upon a two-thirds vote of all members elected to each house.