

JX

[Statutes, codes, and regulations](#)[Vermont Court Rules](#)[Vermont Rules of Civi...](#)[III. Pleadings and M...](#)

Vt. R. Civ. P. 11

[Download](#)

As amended through January 9, 2023

Rule 11 - Signing of Pleadings, Motions, and Other Papers; Representations to Court; Sanctions

(a) Signature. Every pleading, written motion, and other document that requires a signature shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each document shall state the signer's e-mail and postal address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned document shall 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 to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other document, 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:

(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;

(2) the claims, defenses, and other legal contentions therein 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;

(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 subdivision (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 subdivision (b) or are responsible for the violation.

(1) *How Initiated.*

(A) **By Motion.** A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subdivision (b). It shall be served as provided in Rule 5, but shall 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's fees incurred in presenting or opposing the motion. Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.

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

(2) *Nature of Sanction; Limitations.* A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in subparagraphs (A) and (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's fees and other expenses incurred as a direct result of the violation.

(A) Monetary sanctions may not be awarded against a represented party for a violation of subdivision (b)(2).

- (3) *Order*. When imposing sanctions, the court shall describe the conduct determined to constitute a violation of this rule and explain the basis for the sanction imposed.
- (d) **Inapplicability to Discovery**. Subdivisions (a) through (c) of this rule do not apply to discovery requests, responses, objections, and motions that are subject to the provisions of Rules 26 through 37.
- (e) **Use of Declaration In Place of Notarization**.

(1) Except as provided in paragraph (3), whenever these rules require the filing of a statement made under oath, an affidavit, or a notarized document, a party may file a document with the following language inserted above the signature and date:

I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury, or other sanctions in the discretion of the court.

(2) A document filed pursuant to paragraph (1) shall not require the approval or verification of a notary public.

(3) This subdivision does not apply when an oath, affidavit, or notarization is required by statute.

V.R.C.P. 11

Amended Oct. 21, 1983, eff. 1/1/1984; 2/22/1996, eff. 7/1/1996; 8/17/2010, eff. 10/1/2010; 8/30/2011, eff. 10/31/2011; amended December 13, 2021, eff. 2/14/2022.

Reporter's Notes-2022 Amendment

Rule 11(e) is added at the suggestion of the Supreme Court to make permanent an emergency provision permitting use in a civil action of remote means to obtain attestations of parties. The Rule applies whenever these rules otherwise require the filing of a statement made under oath, an affidavit, or a notarized document. It is a narrower version of 28 U.S.C. § 1746, which applies to statutory requirements as well.

A similar provision was originally adopted April 6, 2020, as Administrative Order 49, ¶ 17(a), and after April 30, 2020, continued in more elaborate form as Act of April 28, 2020, 2019 No. 95 (Adj. Sess.), § 7. Act 95 expired with the end of the executive emergency in June 2021. The terms of Act 95 were virtually identical

[Sign In](#)[Get a Demo](#)[Free Trial](#)

applicable in all civil proceedings. Paragraph (1) permits a party required to make a statement under oath, or similar sworn statement, to file instead a declaration that the statement is true, subject to the penalty of perjury under 13 V.S.A. § 2904(b) or to judicial sanction. Paragraph (2) expressly provides that notarization of that statement is not required. Paragraph (3) makes clear that Rule 11(e) does not apply to oath, affidavit, or notarization requirements expressly provided by statute. See, e.g., 10 V.S.A § 8005; 12 V.S.A. § 4967; 14 V.S.A. § 1853; 17 V.S.A. § 2982.

[Previous Section](#)[Rule 10 - Form of Pleadings](#)[Next Section](#)[Rule 12 - Defenses and Objections-When and How Presented-By Pleading or Motion-Motion for Judgment on the Pleadings](#)

Make your practice more effective and efficient with Casetext's legal research suite.

[Get a Demo](#)[Casetext research](#)[Parallel Search](#)[Compose](#)[AllSearch](#)



Sign In

Get a Demo

Free Trial

Coverage

SmartCite

Public records search

Partnerships and Resources

Law school access

Bar associations

About us

Jobs

Blog

News

Twitter

Facebook

LinkedIn

Instagram

Help articles

Customer support

Contact sales

Privacy

Terms

© 2021 Casetext Inc.

Casetext, Inc. and Casetext are not a law firm and do not provide legal advice.