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Federal judges don't see problem with frivolous suits

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WASHINGTON—Frivolous litigation is not a major problem in the federal court system, according to an overwhelming majority of federal judges who participated in a recent survey.

The survey, conducted by the Federal Judicial Center, was based on the responses of 278 federal district court judges. Seventy percent of the respondents called groundless litigation either a "small problem" or a "very small problem," and 15% said it was no problem at all. Only 1% called it a "very large problem," 2% called it a "large problem" and the rest rated it as a "moderate problem" in their courts.

The survey asked judges their opinion on proposed changes to Rule 11 of the Federal Rules of Civil Procedure, which since 1993 has allowed, but has not required, judges to impose sanctions on attorneys who bring frivolous lawsuits. Eighty-seven percent said they favored retaining Rule 11 in its current form. In addition, 91% of the judges surveyed opposed provisions in the Lawsuit Abuse Reduction Act, which won House approval in the last Congress, that would require judges to impose mandatory sanctions on attorneys who bring frivolous lawsuits.

The Washington-based Federal Judicial Center is the research and education agency of the federal court system. "Report of a Survey of United States District Judges' Experiences and Views Concerning Rule 11, Federal Rules of Civil Procedure" is available at www.fjc.gov.

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