

b) On Court's Initiative

On its own initiative the court may enter an order describing the specific conduct that appears to violate the Rule and directing a lawyer, law firm or party to withdraw or correct the questioned claim, defense, request, demand, objection, contention or argument or to show cause why it has not violated the rule with respect thereto.

B. Missouri Courts

Missouri courts may impose sanctions on counsel and litigants in two general ways. First, the court possesses inherent authority to impose sanctions. Second, the court may do so pursuant to rule or statute. Specifically, the court may impose sanctions pursuant to Missouri Rule 55.03, which is very similar to Federal Rule 11, with the exception of procedure.

1) INHERENT POWER TO SANCTION

Missouri case law provides some support for the use of a court's inherent powers to address particular issues before it. See *Higgins v. Director of Revenue*, 778 S.W.2d 24, 26 (Mo.App. S.D. 1989). However, Missouri courts are cautioned to exercise inherent powers "sparingly, wisely, temperately, and with judicial self-restraint." *Id.* Any sanctions imposed under the court's inherent powers should be limited to those situations in which it is "reasonably necessary to preserve the courts' existence and protect it in the orderly administration of its business." *Id.* See also *Rea v. Moore*, 74 S.W.3d 795 (Mo. Ct. App. 2002).

★★★ 2) MISSOURI RULE 55.03

a) Signature Requirement

Missouri Rule 55.03 provides that "[e]very pleading, motion, and other filing 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. Every filing made electronically must add a certificate verifying that the original was signed by the attorney or party shown as the filer."

★★ b) Representations

By presenting the filing to the court, the party or attorney represents that:

- (1) No Improper Purpose: the claim, defense, request, demand, objection, contention, or argument is not presented or maintained for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
- (2) Legal Grounding: the claims, defenses, and other legal contentions therein are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;