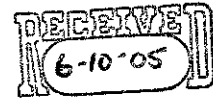


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
UNITED STATES COURTHOUSE  
222 N. JOHN G. HAMMONS PARKWAY  
SPRINGFIELD, MISSOURI 65806



RICHARD E. DORR  
DISTRICT JUDGE

(417) 865-3741  
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May 20, 2005

05-CV- 001

Secretary of the Committee on Rules of Practice and Procedure  
Administrative Office of the U.S. Courts  
Washington DC 20544

*In re: Comment on Proposed Style Revision to Rule 11(a)*

Dear Committee Members:

I am writing in regard to your proposed style revision to Rule 11(a). In particular, I request that you reconsider your decision to delete the word "individual" in describing the required attorney signature, i.e. "attorney's individual name."

I recently had a case in which an attorney had personally filed a suit in his individual name and signed the complaint using a fictitious name. The fictitious name was very close to his individual name such that one would never think it was fictitious. For reasons not relevant to this discussion, the name distinction between the plaintiff and plaintiff's attorney (same person) became an issue and I learned that the individual had formed an L.L.C. which in turn registered the fictitious name with the State of Missouri. The individual (attorney) then requested that his bar registration number be assigned to his fictitious name and the clerk (probably confused by the similarity between the fictitious and individual names) changed his registration to the fictitious name. The long and short is, I ruled that Rule 11 required the attorney's "individual" name, not his fictitious name, which I equated to no name. As a result, the pleadings were stricken after the attorney refused to correct his name.

I believe the intent of Rule 11(a) is to make the attorney sign pleadings in his or her own individual name so there is no doubt about the line of responsibility for the pleading. I suggest that the circumstances I described above would have been less clear had Rule 11 not included the word "individual" to qualify the name. I realize that common sense should prevail and name means name, but it doesn't always work that way.

I would anticipate that the attorney involved in the case I described would conclude that the deletion of "individual" in Rule 11(a) was meant to loosen up the definition to include the name the attorney uses to practice law, albeit fictitious.

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I appreciate your work and agree with your objectives, but in regard to Rule 11(a), I suggest the proposed streamlining will have some unwanted ramifications. I respectfully urge you to keep the word "individual" in the Rule.

Sincerely yours,

A handwritten signature in cursive script that reads "Richard E. Dorr". The signature is written in black ink and is positioned above the typed name.

Richard E. Dorr, Judge  
United States District Court