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motion that recites the supporting papers would apply to all papers recited.

Q: Are there other requirements about the form of the signature?

A: The name of the signer must be clearly printed or typed immediately below the signature. It is not necessary to repeat the language of Part 130 or otherwise make an express certification. The signature itself is sufficient.

Q: Can a verification signature also serve as the signature required by Part 130?

A: Yes. An attorney's verification signature can also serve as a Part 130 signature. However, a client's verification does not eliminate the need for the attorney to sign the paper pursuant to Part 130.

Q: Must the signature be original, or can a signature stamp, autograph machine or other device be used?

A: An original signature is required.

Q: Must each set of papers bear an original signature?

A: No. Only one set of papers must bear an original signature. It is required, however, that each copied set indicate that the original was signed. For example, an attorney could sign the original set of motion papers and file them with the court, and serve a photocopy of the papers, including the signature, on other parties. Alternatively, the signature could be indicated on the copied sets by an "s/", followed by the name of the signer clearly printed or typewritten.

Q: Do the same rules apply to memoranda of law and briefs?

A: Yes. Memoranda of law and briefs must be signed, but only one copy must bear an original signature. The preferred method of signing memoranda of law and briefs is to sign on the Conclusion page,

above the attorney's printed name and the name of the firm or office, as is typically done in federal practice.

Q: Who must sign?

A: The papers must be signed by an attorney, or if a party is not represented, by the party. Where a party is represented by a firm, the signature can be made by any attorney associated with the firm who has the knowledge required for the certification. It is not required that the attorney who signs be a member of the firm.

Q: What happens if papers are not signed?

A: Section 130-1.1-a (a) requires that, "[a]bsent good cause shown," the court shall strike unsigned papers if the failure to sign is not corrected promptly after being brought to the attention of the attorney or party.

Q: In addition to the Part-130 signature, are attorneys required to sign a certification in matrimonial cases that the attorney has no knowledge that the substance of a submission is false?

A: No. The certification previously required by the Matrimonial Rules [22 NYCRR § 202.16(c)] has been replaced by the Part-130 signing requirement.

Q: Were there any other amendments to Part 130?

A: Yes, effective March 1, 1998, there are a number of other amendments to Part 130. The most significant change is the increase in authorized costs and sanctions for frivolous conduct. Previously, costs and sanctions for frivolous conduct under Part 130 were limited to \$10,000 per case. Now, there is no limit on awards of costs, and sanctions are limited to \$10,000, but the limit applies to each incident of frivolous conduct, not to the entire case.

## Part - 130

### Signing

### Requirement

## Questions & Answers



# Part - 130

## Signing Requirement

Effective March 1, 1998, section 130-1.1-a of the Rules of the Chief Administrator (22 NYCRR) requires that all papers served, filed or submitted in most civil cases be signed by an attorney, or, if the party is not represented by an attorney, by the party. Section 130-1.1-a provides:

### *Signing of Papers*

(a) **Signature.** Every pleading, written motion, and other paper, served on another party or filed or submitted to the court shall be signed by an attorney, or by a party if the party is not represented by an attorney, with the name of the attorney or party clearly printed or typed directly below the signature. Absent good cause shown, the court shall strike any unsigned paper if the omission of the signature is not corrected promptly after being called to the attention of the attorney or party.

(b) **Certification.** By signing a paper, an attorney or party certifies that, to the best of that person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the paper or the contentions therein are not frivolous as defined in subsection (c) of section 130-1.1.

This brochure addresses the most frequently asked questions about the signing requirement. **Questions about the requirement also can be answered by calling 1-800-334-6442, a phone line dedicated for this purpose. Inquiries can also be made by E-mail (Part130@courts.state.ny.us). Answers to questions of general interest will also be posted on the Unified Court System's web site at ucs.jfx.com.**

**Q: What is the significance of the signature?**

**A:** The signature is a certification that to the best of the signer's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the paper or the contentions therein are not frivolous, as that term is defined in Part 130.

**Q: What are the standards for determining if the presentation or contentions are frivolous?**

**A:** Section 130-1.1(c) provides that conduct is frivolous if:

- (1) it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law;
- (2) it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or
- (3) it asserts material factual statements that are false.

**Q: In what type of cases is a signature required?**

**A:** The signing rule applies in all civil cases except for: 1) cases in town and village courts; 2) small claims cases in any court; and 3) Family Court cases arising under Articles 3, 7, or 8 of the Family Court Act. The signing rule does not apply in any criminal cases.

**Q: Is a signature required on papers filed in an appellate court?**

**A:** Yes, except for appeals in those categories of cases excepted above.

**Q: What papers must be signed?**

**A:** Rule 130-1.1-a provides that "all pleadings, motions and other papers served, filed or submitted to the court" must be signed. The rule thus applies to papers of all types, including memoranda of law and briefs, motions, affidavits, and discovery demands and responses.

**Q: Does the rule apply only to papers that are filed or submitted to the court?**

**A:** No. Signatures also are required on papers served on other parties, even if the papers are not submitted to the court.

**Q: What are acceptable methods for signing?**

**A:** The signing requirement can be fulfilled in a number of ways. What is important is that every paper served, filed or submitted be covered by a signature. Four preferred methods of signing papers are:

- Signature on the actual paper, such as on a deposition notice
- Signature on a cover paper, such as a notice of motion, that recites the accompanying papers
- Signature on a separate page that recites the accompanying papers and that is served, filed or submitted with those papers
- Signature on a litigation back that recites the attached papers

**Q: Must each paper be signed individually?**

**A:** No. A single signature can "cover" a number of different papers. However, it must be clear that a certification is being made with respect to each paper. For example, a signature on a notice of