

Alabama Rules of Appellate Procedure

Rule 25A.

Signing briefs, motions, and other papers; representations to court.

(a) *Signature.* Every brief, motion, or other paper presented to an appellate court for filing must be signed by at least one attorney of record or, in a case in which a party is proceeding pro se, by the party. The brief, motion, or other paper must include the signer's address and telephone number. Unless a rule or statute provides otherwise, a brief, motion, or other paper need not be verified or accompanied by an affidavit.

The court shall strike an unsigned brief, motion, or other paper unless the omission is promptly corrected after it is called to the attention of the attorney or party filing it. The signature requirement is to be interpreted broadly, and the attorney of record may designate another attorney to sign the brief, motion, or other paper for him or her. When a party is represented by more than one counsel and counsel reside in different locations, it is not necessary to incur the expense of sending the brief, motion, or other paper from one person to another for multiple signatures. If a brief, motion, or other paper is filed electronically, an electronic signature is an original signature under this rule.

(b) *Representations to court.* By presenting to the court, whether by signing, filing, submitting, or later advocating a brief, motion, or other paper, an attorney or unrepresented party certifies that, to the best of the person's knowledge, information, and belief, formed after inquiry reasonable under the circumstances:

(1) the brief, motion, or other paper is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or expense in the litigation;

(2) the issues presented are warranted either by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or establishing new law; and

(3) the factual contentions or denials in the brief, motion, or other paper are supported in the record.

[Adopted 1-12-2005, eff. 6-1-2005.]

**Court Comment to Rule 25A
Adopted Effective June 1, 2005**

Rule 25A combines parts of the rule on signing papers used in the United States Courts of Appeals for the Fifth Circuit and the Tenth Circuit. The second paragraph in section (a) covers situations where counsel for a party may have offices in different towns throughout the state or in different states. The rule allows another attorney designated by counsel to sign for him or her.

Although this rule does not specifically provide for sanctions for improper or untrue representations to the court, appellate courts may impose sanctions pursuant to Rule 2 for noncompliance with the appellate rules and may impose the penalty of contempt of court pursuant to Rule 48 for willful noncompliance with the appellate rules.

Note from the reporter of decisions: The order amending Rule 21(a), Rule 28, Rule 31(b), Rule 32(a) and (b), Rule 34(a), Rule 39, and Rule 40(g), effective June 1, 2005, and adopting Rule 25A, effective June 1, 2005, is published in that volume of *Alabama Reporter* that contains Alabama cases from 890 So. 2d.