

Alabama Rules of Civil Procedure

III. PLEADINGS AND MOTIONS

Rule 11.

Signing of pleadings, motions, or other papers.

(a) Every pleading, motion, or other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. A party who is not represented by an attorney shall sign the pleading, motion, or other paper, and state the party's address. Except when otherwise specifically provided by rule or statute, pleadings, motions, or other papers need not be verified or accompanied by affidavit. The rule in equity that the averments of an answer under oath must be overcome by the testimony of two witnesses or of one witness sustained by corroborating circumstances is abolished. The signature of an attorney constitutes a certificate by the attorney that the attorney has read the pleading, motion, or other paper; that to the best of the attorney's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. As provided in Rule 30(G) of the Alabama Rules of Judicial Administration, an electronic signature is a "signature" under these Rules. If a pleading, motion, or other paper is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the pleading, motion, or other paper had not been served. For a willful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

(b) Limited-scope representation. An attorney may draft or help to draft a pleading, motion, or other paper filed by an otherwise self-represented person. The attorney need not sign that pleading, motion, or other paper but shall include a notation at the end stating: "This document was prepared with the assistance of a licensed Alabama lawyer pursuant to Rule 1.2(c), Alabama Rules of Professional Conduct." In providing such drafting assistance, the attorney may rely on the otherwise self-represented person's representation of the facts, unless the attorney has reason to believe that such representation is false or materially insufficient.

(dc) District Court Rule. Rule 11 applies in the district courts.

[Amended eff.10-1-95; Amended eff. 10-24-2008; Amended eff. 3-26-2012]

Committee Comments on 1973 Adoption

For an approved form of signature under this rule, see *United States to Use of Foster Wheeler Corp. v. American Surety Co.*, 25 F.Supp. 225 (E.D.N.Y.1938). Since the signature is to serve as an affidavit of merit, typing of counsel's name will no longer be sufficient, contrary to the holding in *Brogan v. Huntsville*, 218 Ala. 9, 117 So. 419 (1928).

Insofar as this rule provides for the signature of an attorney or party as a substitute for verification, it is almost identical with Equity Rule 115. It differs from that rule only in requiring the attorney's address to be stated.

The fourth sentence of the rule is similar to Equity Rule 13.

Verification will still be required in special statutory proceedings, see Rule 81, to the extent that the statutes call for it. And these rules require verification of a complaint asserting secondary rights of shareholders in a class action, Rule 23.1, and of a petition to perpetuate testimony, Rule 27(a). Rule 65 permits verification of the complaint where a temporary injunction is sought; the verified complaint then can be regarded as an affidavit. Where verification is required, it should be by the party, rather than by the attorney, unless the attorney has personal knowledge of the facts alleged.

This rule differs from the Federal Rules of Civil Procedure in that Alabama Rule 11 applies to motions and other papers as well as pleadings. The specific motivation for this expansion was the desire to make certain discovery devices such as requests for admissions and interrogatories subject to the provisions of Rule 11. See the commentary to Rule 33, Interrogatories.

Committee Comments to October 1, 1995, Amendment to Rule 11

The amendment is technical. No substantive change is intended.

Committee Comments to Amendment to Rule 11 Effective October 24, 2008

The amendment is to make clear that all pleadings, motions, or other papers, including those signed and filed electronically, are subject to the provisions of Rule 11. The other change is technical.

Note from the reporter of decisions: The order amending effective October 24, 2008, Rule 3, Rule 4, Rule 5, Rule 6, Rule 11, Rule 55, Rule 58, Rule 59.1, Rule 77, and Rule 79, and adopting effective October 24, 2008,

the Committee Comments to Amendment to Rule 3(b) Effective October 24, 2008; Committee Comments to Amendments to Rule 4 Effective October 24, 2008; Committee Comments to Amendments to Rule 5 Effective October 24, 2008; Committee Comments to Amendments to Rule 6 Effective October 24, 2008; Committee Comments to Amendment to Rule 11 Effective October 24, 2008; Committee Comments to Amendment to Rule 55(a) Effective October 24, 2008; Committee Comments to Amendments to Rule 58 Effective October 24, 2008; Committee Comments to Amendment to Rule 59.1 Effective October 24, 2008; Committee Comments to Amendments to Rule 77(d) Effective October 24, 2008; and the Committee Comments to Addition of Rule 79(e) Effective October 24, 2008, is published in that volume of *Alabama Reporter* that contains Alabama cases from 994 So. 2d.

Note from the reporter of decisions: The order amending Rule 1.1, Rule 1.2(c), Rule 4.2, and Rule 4.3, Alabama Rules of Professional Conduct, and amending Rule 11, Alabama Rules of Civil Procedure, and adopting Rule 87, Alabama Rules of Civil Procedure, is published in that volume of *Alabama Reporter* that contains Alabama cases from __ So. 3d.