

COMMONWEALTH OF MASSACHUSETTS

Supreme Judicial Court

At the Supreme Judicial Court held at Boston within and
for said Commonwealth on the third day of September in the year
two thousand and twenty-six:

present,

<u>KIMBERLY S. BUDD</u>	)	Chief Justice
	)	
<u>FRANK M. GAZIANO</u>	)	
	)	
	)	
<u>SCOTT L. KAFKER</u>	)	Justices
	)	
	)	
<u>DALILA ARGAEZ WENDLANDT</u>	)	
	)	
	)	
<u>SERGE GEORGES, JR.</u>	)	
	)	
	)	
<u>ELIZABETH N. DEWAR</u>	)	
	)	
	)	
<u>GABRIELLE R. WOLOHOJIAN</u>	)	

ORDERED: That the Rules of the Supreme Judicial Court be
amended as follows:

Rule 1:26

By inserting the new Rule 1:26
attached hereto.

The amendments accomplished by this order shall take effect on January 1, 2027.

ORDERED:

<u>KIMBERLY S. BUDD</u>	)	Chief Justice
	)	
<u>FRANK M. GAZIANO</u>	)	
	)	
	)	
<u>SCOTT L. KAFKER</u>	)	Justices
	)	
	)	
<u>DALILA ARGAEZ WENDLANDT</u>	)	
	)	
	)	
<u>SERGE GEORGES, JR.</u>	)	
	)	
	)	
<u>ELIZABETH N. DEWAR</u>	)	
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	)	
<u>GABRIELLE R. WOLOHOJIAN</u>	)	

Rules of the Supreme Judicial Court

Rule 1:26. Electronic Signatures of Attorneys and Parties

(1) Applicability. The provisions of this rule regarding the signing of pleadings apply to all cases in all courts and also apply to motions and other papers provided for in the applicable rules of court.

(2) Pleadings Generally. An attorney representing a party may electronically sign a pleading by inserting a scan of the attorney's handwritten signature, an image intended to substitute for the attorney's signature, or a "/s/ name of signatory" block. A self-represented litigant may electronically sign a pleading in the same manner. Verified pleadings, affidavits, and other documents required to be signed under oath or under the penalties of perjury are governed by Rule 1:26(4) and Rule 1:26(5).

(3) Attorney Not Representing a Party. An attorney providing assistance to a self-represented litigant through a legal aid program or a Court Service Center may affix such party's signature electronically to a pleading, provided that such party has reviewed and approved the pleading and has given express written or oral authorization for the attorney to sign such pleading on the party's behalf. The attorney shall retain such express written authorization, or contemporaneously make and retain a record of such oral authorization.

(4) Verified Pleadings; Affidavit of Parties. Unless otherwise provided by law or ordered by the court, a signature of a party verifying a pleading, making an affidavit, or signing a document required to be signed under oath or under the penalties of perjury may be affixed electronically to such a document by that party, or, if the party expressly so authorizes in writing, by the party's attorney, provided that:

(a) The signature shall be affixed in the manner set forth in Rule 1:26(2).

(b) Any party who affixes the party's own electronic signature to such a document shall, as early as practicable, hand sign the document. If the party is represented, the party's attorney shall obtain, as early as practicable, the hand-signed document from the party. A self-represented litigant or a party's attorney shall serve a copy of the hand-signed document upon each of the parties within a reasonable period of time after having obtained the hand-signed document. The hand-signed document shall be retained by the self-represented litigant or the party's attorney until the conclusion of the case and shall be produced upon request of any other party or upon court order. The hand-signed document shall not be filed with the court unless the court on motion or sua sponte orders otherwise in a particular case. A rule of court or standing order may provide that such a hand-signed document be filed with the court and may exempt categories of cases from the requirement of a hand-signed signature.

(c) An attorney who affixes a party's electronic signature to such a document shall:

- (i) state thereon, "signed w/ approval";
- (ii) sign the attorney's name;
- (iii) state the attorney's name and Board of Bar Overseers number;
- (iv) retain the party's written authorization for such attorney to affix the party's signature; and
- (v) obtain, as early as practicable, the party's hand-signed document. The attorney shall serve a copy of the hand-signed document upon each of the parties within a reasonable period of time after having obtained the hand-signed document. The hand-signed document shall be retained by the attorney until the conclusion of the case and shall be produced upon request of any other party or upon court order. The hand-signed document shall not be filed with the court unless the court on motion or sua sponte orders otherwise in a particular case. A rule of court or standing order may provide that such a hand-signed document be filed with the court and may exempt categories of cases from the requirement of a hand-signed document.

(5) Affidavits of Attorneys. An attorney representing a party may electronically sign an affidavit by inserting a scan of the attorney's handwritten signature, an image intended to substitute for the attorney's signature, or a "/s/ name of signatory" block, and by stating the attorney's name and Board of Bar Overseers number.