

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>	)	
	)	Justices
	)	
<u>SCOTT L. KAFKER</u>	)	
	)	
	)	
<u>DALILA ARGAEZ WENDLANDT</u>	)	
	)	
	)	
<u>SERGE GEORGES, JR.</u>	)	
	)	
	)	
<u>ELIZABETH N. DEWAR</u>	)	
	)	
	)	
<u>GABRIELLE WOLOHOJIAN</u>	)	

ORDERED: That the Massachusetts Rules of Civil Procedure adopted by order dated July 13, 1973, as amended, to take effect on July 1, 1974, are hereby amended as follows:

Rule 5

By deleting the current heading of section (d) and inserting in lieu thereof the following heading:
(d) Filing Generally and Nonfiling of Discovery Materials and Other Documents

Rule 5

By deleting the word "him" in the second sentence of Rule 5(d)(1) and inserting in lieu thereof the following words: the attorney

Rule 5

By inserting the following sentence at the end of Rule 5(d)(2):
Where there is a verified pleading, an affidavit, or a document required to be signed under oath or under the penalties of perjury that is electronically signed pursuant to Rule 11(a), the hand-signed document shall not be presented or accepted for filing unless the court on motion or sua sponte orders otherwise in a particular case or unless otherwise provided by a rule of court or standing order.

Rule 11

By deleting current Rule 11 and inserting in lieu thereof the Rule 11 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>	)	
	)	Justices
	)	
<u>SCOTT L. KAFKER</u>	)	
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	)	
<u>DALILA ARGAEZ WENDLANDT</u>	)	
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<u>SERGE GEORGES, JR.</u>	)	
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	)	
<u>ELIZABETH N. DEWAR</u>	)	
	)	
	)	
<u>GABRIELLE WOLOHOJIAN</u>	)	

MASSACHUSETTS RULES OF CIVIL PROCEDURE
RULE 11. APPEARANCES AND PLEADINGS; SIGNATURES

(a) Signing

- (1) In General.** Every pleading of a party represented by an attorney shall be signed by at least one attorney who is admitted to practice in this Commonwealth in the attorney's name. The mailing address of each attorney, telephone number, business e-mail address, name of firm, if any, and Board of Bar Overseers number shall be stated. Parties who are not represented by an attorney shall sign their pleadings and state their mailing address, telephone number, and e-mail address if any. The personal pronouns of the attorney or self-represented party may be included. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of any attorney to a pleading constitutes a certificate that the attorney has read the pleading; that to the best of the attorney's knowledge, information, and belief there is a good ground to support it; and that it is not interposed for delay. If a pleading is not signed, or is signed with intent to defeat the purpose of this Rule, it may be stricken and the action may proceed as though the pleading had not been filed. 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.
- (2) Verification and Affidavits Generally.** When a pleading is required to be verified, or when an affidavit is required or permitted to be filed, the pleading may be verified or the affidavit made by the party, or by a person having knowledge of the facts for and on behalf of such party.
- (3) Electronic Signatures.**

 - (A) 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 11(a)(3)(C) and Rule 11(a)(3)(D).
 - (B) 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.

(C) Verified Pleadings; Affidavits 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:

(i) The signature shall be affixed in the manner set forth in Rule 11(a)(3)(A).

(ii) 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.

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

1. state thereon, "signed w/ approval";
2. sign the attorney's name;
3. state the attorney's name and Board of Bar Overseers number;
4. retain the party's written authorization for such attorney to affix the party's signature; and

5. 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 signature.

(D) 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.

(b) Appearances

- (1) The filing of any pleading, motion, or other paper shall constitute an appearance by the attorney who signs it, unless the paper states otherwise.
- (2) An appearance in a case may be made by filing a notice of appearance, containing the name, mailing address, and telephone number of the attorney or person filing the notice, as well as the attorney's business e-mail address, the name of the attorney's firm, if any, and Board of Bar Overseers number.
- (3) No appearance shall, of itself, constitute a general appearance.

(c) Withdrawals

An attorney may, without leave of court, withdraw from a case by filing written notice of withdrawal, together with proof of service on the attorney's client and all other parties, provided that (1) such notice is accompanied by the appearance of successor counsel; (2) no motions are then pending before the court; and (3) no trial date has been set. Under all other circumstances, leave of court, on motion and notice, must be obtained.

(d) Change of appearance or contact information

In the event an attorney who has previously appeared ceases to act, or a substitute attorney or additional attorney appears, or a party previously represented by an attorney appears without an attorney, or an attorney appears representing a previously self-represented party, or a party's or an attorney's previously stated mailing address, telephone number, e-mail address, or an attorney's firm is changed, the party or attorney concerned shall notify the court and every other party (or the party's attorney, if the party is represented) in writing, and the clerk shall, except as provided below, enter such cessation, appearance, or change on the docket forthwith. Until such notification the court, parties, and attorneys may rely on action by, and notice to, any attorney previously appearing (or party previously self-represented), and on notice, at a mailing address or e-mail address previously entered. An attorney giving such notice of a change of mailing address, telephone number, or business e-mail address must immediately give notice of such change to the Board of Bar Overseers as required by Supreme Judicial Court Rule 4:02(1), and the clerk shall rely on electronic updates from the Board of Bar Overseers regarding such change.