

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 address of each attorney, telephone number, and business e-mail address shall be stated. Parties who are not represented by an attorney shall sign their pleadings and state their 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 handwritten signature, an image intended to substitute for the signature, or a "/s/ name of signatory" block. A self-represented party 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 party through a legal aid program 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 by these rules to be signed under oath or under the penalties of perjury may be affixed electronically to any of the foregoing documents by that party, or, if the party expressly so authorizes in writing, by the party's attorney, as follows.

- (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 original or a copy of the document. If the party is self-represented, the party shall retain the hand-signed document, or a copy thereof, until the conclusion of the case. If the party is represented, the party's attorney shall obtain the hand-signed document, or a copy thereof, from the party and retain it until the conclusion of the case.
- (iii) An attorney who affixes a party's electronic signature to such a document shall state thereon, "signed w/ approval"; shall sign the attorney's name; shall state the attorney's name and Board of Bar Overseers number; shall retain the party's written authorization for such attorney to affix the party's signature; shall obtain, as early as practicable, the party's handwritten signature on the document; shall retain the party's hand-signed document, or a copy thereof, until the conclusion of the case; and, having complied with the foregoing, shall not be deemed to have sworn under oath to the contents of the document.
- (iv) The hand-signed document or a copy thereof, whether retained by the attorney or the self-represented party, shall be produced upon request of any other party or upon court order.

(D) Affidavits of Attorneys. An attorney representing a party may electronically sign an affidavit by inserting a scan of the handwritten signature, an image intended to substitute for the 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, address and telephone number of the attorney or person filing the notice.
- (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

In the event an attorney who has heretofore appeared, ceases to act, or a substitute attorney or additional attorney appears, or a party heretofore represented by attorney appears without attorney, or an attorney appears representing a heretofore self-represented party, or a heretofore stated address or telephone number 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 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 heretofore self-represented), and on notice, at an address previously entered.