

* The proposed amendment to Trial Rule 11 would update the language and move signing and verification of pleadings for parties without attorneys into proposed new Trial Rule 11.1.

Rule 11. Signing and verification of pleadings

(A) Signing of Pleadings~~Parties Represented by Attorney.~~

Every pleading or motion of a party represented by an attorney ~~must~~shall be signed by at least one ~~[1]~~ attorney of record in ~~the attorney's~~his individual name, whose address, telephone number, and attorney number ~~must~~shall be stated, except that this provision ~~does~~shall not apply to pleadings and motions made and transcribed at the trial or a hearing before the judge and received by ~~the judge~~him in such form. ~~A party who is not represented by an attorney shall sign his pleading and state his address.~~ Except when specifically required by rule, pleadings or motions 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 [2] witnesses or of one [1] witness sustained by corroborating circumstances is abolished.~~ The ~~attorney's~~ signature ~~of an attorney constitutes a certificate by him~~ certifies that ~~the attorney~~he has read the pleadings; that to the best of ~~the attorney's~~his knowledge, information, and belief, there is good ground to support it; and that it is not interposed for delay. If a pleading or motion is not signed or is signed with intent to defeat the purpose of the rule, it may be stricken as sham and false and the action may proceed as though the pleading had not been ~~filed~~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) Verification by affirmation or representation.

When in connection with any civil or special statutory proceeding it is required that any pleading, motion, petition, supporting affidavit, or other document of any kind, be verified, or that an oath be taken, it ~~is~~shall be sufficient if the subscriber simply affirms the truth of the matter to be verified by an affirmation or representation in substantially the following language:

"I (we) affirm, under the penalties for perjury, that the foregoing representation(s) is (are) true.

(Signed) _____"

Any person who falsifies an affirmation or representation of fact ~~is~~shall be subject to the same penalties as are prescribed by law for the making of a false affidavit.

(C) Verified pleadings, motions, and affidavits as evidence.

Pleadings, motions, and affidavits accompanying or in support of such pleadings or motions when required to be verified or under oath ~~must~~ be accepted as a representation that the signer had personal knowledge thereof or reasonable cause to believe the existence of the facts or matters stated or alleged therein; and, if otherwise competent or acceptable as evidence, may be admitted as evidence of the facts or matters stated or alleged therein when it is so provided in these rules, by statute or other law, or to the extent the writing or signature expressly purports to be made upon the signer's personal knowledge. When such pleadings, motions, and affidavits are verified or under oath, they ~~must~~ not require other or greater proof on the part of the adverse party than if not verified or not under oath unless expressly provided otherwise by these rules, statute, or other law. Affidavits upon motions for summary judgment under Rule 56 and in denial of execution under Rule 9.2 ~~must~~ be made upon personal knowledge.

Trial Rule 11.1. Signing of Pleadings; parties not represented by an attorney (proposed new rule)

(A) Signing of pleadings. A party not represented by an attorney who files a pleading, motion, or other document must sign it and provide the party's mailing address, telephone number, and email address (if available). The signature certifies that the party has read the pleadings; that to the best of the party's knowledge, information, and belief, there is good ground to support it; and that it is not interposed for delay. Rules 11(B) and 11(C) apply to parties not represented by an attorney.

(B) Striking pleadings. A court may strike a pleading, motion, or other document not in compliance with section (A), and the action may proceed as though the pleading had not been filed. The court may take similar action on any redundant, immaterial, impertinent, or scandalous matter.