

### **E-Filing Policy Issue - # 3** (Multiple-party Signatures)

**Issue:** (State the issue and whether it is specific to a certain level of court or case type.)

Must each unrepresented party sign a joint pleading, such as a small claims complaint and answer?

**Discussion:** (Provide the factual setting or context for the issue.)

Generally, each unrepresented party must sign a pleading when there are multiple, joint parties to an action. (See Rule 11 below.) However, the e-filing process does not easily lend itself to multiple signatures, since generally one party is submitting a pleading electronically on behalf of the others.

**Authorities:** (Provide references to specific statutes, rules, codes or administrative orders you believe are pertinent to the issue.)

Rules of Civil Procedure for the Superior Courts of Arizona

#### **Rule 11(a). Signing of pleadings, motions and other papers; sanctions**

Every pleading, motion, and 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 party's pleading, motion, or other paper and state the party's address. Except when otherwise specifically provided by rule or statute, pleadings 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 or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other paper; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, including a reasonable attorney's fee.

A.R.S. § 22-211. Procedure and practice

The law governing procedure and practice in the superior court so far as applicable and when not otherwise specially prescribed, shall govern procedure and practice in justice of the peace courts.

**Alternative Solutions:** (List all identified alternative solutions for the issue.)

- For small claims actions, include an acknowledgment provision in TurboCourt to be acknowledged by the party submitting the pleading which says something like: “I have reviewed the content of this pleading with all parties to this action, each is aware of the content of this pleading, and each is in agreement with the same. Further each party understands he must appear at any hearing on this matter.”
- Modify Rule 11 to provide an exception for e-filed pleadings, with proper precautionary provisions.

**Position/Recommendation:** (Does the AOC E-filing team have a recommendation on this issue?)

At least as to small claims actions, the AOC e-filing team would like to offer the acknowledgment option in the first bullet above. The recommendation is less clear with regard to general civil actions.

**Decision:**

Clerks do not now reject pleadings because every individual pro se plaintiff has not signed them. E-filing practice should be the same: Documents should not be rejected at the outset for having only a single signature. After filing, a judicial officer can ascertain whether additional signatures are needed. Consideration might be given to a “Party Joinder Form” in which other e-filers formally identify themselves as additional parties.