

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-271.1 of the Code of Virginia, relating to signing of pleadings, motions,*
 3 *and other papers of a party; courts of record; certain information required.*

4 [H 555]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-271.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 8.01-271.1. Signing of pleadings, motions, and other papers; oral motions; sanctions.**

9 A. Except as otherwise provided in §§ 16.1-260 and 63.2-1901, every pleading, motion, or other paper of
 10 a party represented by an attorney shall be signed by at least one attorney of record who is an active member
 11 in good standing of the Virginia State Bar ~~in~~ *with* his individual name, and the attorney's *mailing* address
 12 shall be stated on the first pleading filed by that attorney in the action. *In any action in a court of record, the*
 13 *first pleading shall also contain the attorney's Virginia State Bar number, email address, and telephone*
 14 *number.* A party who is not represented by an attorney, including a person confined in a state or local
 15 correctional facility proceeding *pro se*, shall sign his pleading, motion, or other paper and state his *mailing*
 16 address. *In any action in a court of record, the first pleading shall also contain the email address and, if*
 17 *available, the telephone number of the party who is not represented by an attorney.* The signature of a person
 18 other than counsel of record who is an active member in good standing of the Virginia State Bar or a *pro se*
 19 litigant is not a valid signature. A minor who is not represented by an attorney shall sign his pleading, motion,
 20 or other paper by his next friend. Either or both parents of such minor may sign on behalf of such minor as
 21 his next friend. However, a parent may not sign on behalf of a minor if such signature is otherwise prohibited
 22 by subdivision 6 of § 64.2-716. The signature required by this section may be an electronic signature as
 23 defined in § 59.1-480 or a digital image of a signature. If a pleading, motion, or other paper is not signed in
 24 compliance with this paragraph, it is defective. Such a defect renders the pleading, motion, or other paper
 25 voidable.

26 B. The signature of an attorney or party constitutes a certificate by him that (i) he has read the pleading,
 27 motion, or other paper, (ii) to the best of his knowledge, information and belief, formed after reasonable
 28 inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the
 29 extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose,
 30 such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

31 C. An oral motion made by an attorney or party in any court of the Commonwealth constitutes a
 32 representation by him that (i) to the best of his knowledge, information and belief formed after reasonable
 33 inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension,
 34 modification or reversal of existing law, and (ii) it is not interposed for any improper purpose, such as to
 35 harass or to cause unnecessary delay or needless increase in the cost of litigation.

36 D. If a pleading, motion, or other paper is signed or made in violation of this section, the court, upon
 37 motion or upon its own initiative, shall impose upon the person who signed the paper or made the motion, a
 38 represented party, or both, an appropriate sanction, which may include an order to pay to the other party or
 39 parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other
 40 paper or making of the motion, including reasonable attorney fees.

41 E. Failure to raise the issue of a signature defect in a pleading, motion, or other paper before the trial
 42 court's jurisdiction expires pursuant to Rule 1:1 (a) and Rule 1:1B waives any challenge to that pleading,
 43 motion, or other paper based on such a defect.

44 F. Signature defects in appellate filings, including the notice of appeal, shall be raised in the appellate
 45 court where the appeal is taken. Failure to timely raise the issue of a defective signature in an appellate
 46 pleading, motion, or other paper while the case is pending before the appellate court waives any challenge to
 47 that pleading, motion, or other paper based on such a defect.

48 G. If a signature defect is not timely and properly cured after it is brought to the attention of the pleader or
 49 movant, the pleading, motion, or other paper is invalid and shall be stricken. A signature defect shall be cured
 50 within 21 days after it is brought to the attention of the pleader or movant. If a signature defect is timely and
 51 properly cured, the pleading, motion, or other paper shall be valid and relate back to the date it was originally
 52 served or filed.

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