

# Supreme Court of the State of New York

## Appellate Division: Second Judicial Department

### COMPLYING WITH THE SIGNING REQUIREMENT OF 22 NYCRR 130-1.1-a

Papers filed with this court in most civil causes must be signed. The signature constitutes a certification by the signer that the presentation of the paper or the contentions therein are not frivolous (22 NYCRR 130-1.1-a).

The requirement applies to civil appeals, habeas corpus proceedings, original and transferred CPLR article 78 proceedings, most Family Court proceedings (e.g., support, custody, visitation, abuse and neglect), and all other actions or proceedings commenced in this court in the first instance.

The requirement is not applicable to criminal cases, to Family Court cases arising under articles 3 (juvenile delinquency), 7 (PINS), and 8 (family offenses) of the Family Court Act, and to appeals in cases originating in a town or village court or a small claims part (see, 22 NYCRR 130-1.1[a]).

When a signature is required, any attorney with the firm can sign. The signature must be an autograph in ink and must be on the original of the paper that is to be filed in the office of the clerk of this court. The attorney's name must be typed or printed below the signature.

Parties appearing *pro se* are also obligated to sign their papers.

### **Informational Statement**

The Informational Statement that must be annexed to the notice of appeal pursuant to the Practice Rules of the Appellate Division (22 NYCRR 1250.3[a]) need not be separately signed. However, those statements that are required to be filed in the office of the clerk of this court in connection with transferred proceedings and actions or proceedings commenced in this court (22 NYCRR 1250.3[a]; 670.3[a]) must be signed on a space provided for that purpose on a litigation back enclosing the Informational Statement or on a separate form annexed thereto. A form for this purpose is available in the office of the clerk.

### **Records & Appendices**

Records and appendices on appeals and on proceedings transferred to this court need not be signed, the papers contained therein having been subject to the application of the signature rule in the court of original instance.

### **Briefs**

The "original" of the brief to be filed with the court must bear an ink autograph signature. All copies must be conformed to the original (*see*, 22 NYCRR 1250.7[d]).

In the event joint briefs are submitted, if separate firms appear for different parties, a signature is needed for each firm. If separate firms appear for the same party, one signature will suffice.

## **Motions**

### *Motions in General*

There are four preferred methods of signing: (1) by signing the actual paper, such as an affidavit, (2) by signing a cover paper, such as a notice of motion, (3) by signing a space provided for that purpose on a litigation back that encloses the motion papers to be filed, or (4) by signing a separate form that lists the accompanying papers. A form for this purpose is available in the office of the clerk. Some of these methods are better adapted than others for use in different types of motion practice.

### *Motions Prosecuted by Notice of Motion.*

The preferred method for complying with the signing requirement on a motion prosecuted by notice of motion is a signature on the notice of motion itself. Alternatively, signing a litigation back or a separate form is appropriate. The notice of motion, litigation back, or separate form must recite the papers that accompany the notice of motion.

If the only affidavit or affirmation in support of the motion is that of the attorney or party *pro se*, the original signature on that paper is sufficient compliance with the rule and a separate signature is not required.

### *Motions Prosecuted by Order to Show Cause*

An order to show cause is not signed by the party or attorney on whose behalf it is submitted for signature. Accordingly, compliance with the signing requirement is necessary in one of the following ways: (1) if the only supporting paper is an affidavit or affirmation of an attorney or a party *pro se*, by signature on that paper, (2) by signature on a litigation back enclosing the motion papers, or (3) by signature on a separate form. If the second or third of these methods is used, the litigation back or form must recite the papers covered by the signature. If the only paper submitted in support of a motion prosecuted by order to show cause is the affidavit or affirmation of a party who is represented by counsel, or the affidavit or affirmation of a nonparty, compliance with the signing requirement by an attorney is required. The signature may be made either on a litigation back or on a separate form, each of which must recite the papers covered by the signature.

### *Opposition & Reply Papers*

If the only paper submitted in opposition to the motion or in reply to opposition papers is an affidavit or affirmation of an attorney or a party *pro se*, the signature on that paper will be sufficient. If, however, the only paper submitted in opposition or reply is the affidavit or affirmation of a party who is represented by counsel, or the affidavit or affirmation of a nonparty, or if more than one affidavit or affirmation is submitted, the signature of an attorney is necessary. That signature may be made either on a litigation back or on a separate form, each of which must recite the papers covered by the signature.