

**RULE 11. SIGNING OF PLEADINGS, MOTIONS AND OTHER WRITTEN REQUESTS FOR RELIEF; SANCTIONS**

(a) Signature and Contact Information Required; Sanctions.

(1) *Attorney Information Form.* Attorneys must file the “Attorney Information” form with the Administrative Office of the Courts and must keep that information current.

(2) *Attorney Signature.* Subject to subdivision (b), every pleading, motion, and other written request for relief by a party represented by an attorney and filed with the court shall be signed by at least one attorney of record in the attorney’s individual name, together with the attorney’s bar number, address, email address, and telephone number.

(3) *Unrepresented Party Signature.* Every pleading, motion, and other written request for relief filed with the court by a party who is not represented by an attorney shall be signed by the party. Unless a Civil Summary Sheet is required pursuant to Rule 5(h), the party shall complete and submit to the court a current “Unrepresented Party Contact Information” form at the time of the party’s first filing in the case. Whether the party has initially filed a Civil Summary Sheet or an “Unrepresented Party Contact Information” form, if the party’s contact information changes during the pendency of the action, the party must complete and submit to the court a “Contact Information” form providing the updated contact information.

(4) *Form of signature.* Where a signature is required under this rule, a person may sign the document by using one of the following methods:

(A) Physically signing the document; or

(B) Signing electronically as defined in Maine Rules of Electronic Court Systems Rule 37(a) when filing electronically or, with authorization, filing by email or using ShareFile.

(5) *Effect of Signature; Effect of Failure to Sign.* Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or an unrepresented party constitutes a representation by the signer that the signer

has read the pleading, motion, or other written request for relief; that to the best of the signer's knowledge, information, and belief there is good ground to support it; and that it is not filed for delay. If a pleading, motion, or other written request for relief is not signed, it shall not be accepted for filing.

(6) *Sanctions.* If a pleading, motion, or other written request for relief is signed with the intent to defeat the purpose of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, upon a party, or upon 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, motion, or other written request for relief, including a reasonable attorney's fee.

(b) *Limited Appearance of Attorneys.* To the extent permitted by the Maine Bar Rules, an attorney may file a limited appearance on behalf of an otherwise unrepresented litigant. The appearance shall precisely state the scope of the limited representation. The requirements of subdivision (a) shall apply to every pleading, motion, and other written request for relief signed by the attorney. An attorney filing a pleading, motion, or other written request for relief outside the scope of the limited representation shall be deemed to have entered an appearance for the purposes of the filing.

(c) *Documents Filed in Federal Court.* Any document originally filed in the United States District Court for the District of Maine or any other federal court, and transferred to a court subject to these rules, shall be deemed to be signed if the document is signed or signing of the document is indicated in a manner that is acceptable for filing in the court from which the document is transferred.

### **Advisory Note – November 2023**

Subdivision (a) is reorganized and amended to distinguish the requirements imposed upon attorneys and unrepresented parties regarding the manner in which each must provide contact information to the court in order to comport with the Maine Rules of Electronic Court Systems, which restrict public access to a party's contact information.

Subdivisions (a) and (b) are amended to require that, in addition to pleadings and motions, "other written request for relief" are brought within the

ambit of Rule 11 and must be signed by an attorney of record or by a party who is not represented by an attorney. The broader term “other written request for relief” contemplates that an attorney or self-represented party might file a written request in an alternate form. Although the Rule 11 requirements do not apply to *anything* that might be filed, the requirements do apply to any pleading, motion, or other written request for relief—including supporting documentation such as a legal memorandum—filed in conjunction with the pleading, motion, or other written request for relief under the signature of the attorney or self-represented party. The rule as amended explicitly makes an attorney or self-represented party accountable for Rule 11 requirements as to such documents.

Subdivision (a)(2) is also amended to require that in addition to the name and address of the attorney of record, the pleading, motion, or other written request for relief must also state the attorney’s bar number, email address and telephone number.

Subdivision (a)(3) is also amended to require that, if an unrepresented party’s contact information is not included in a Civil Summary Sheet pursuant to Rule 5(h), the party must complete and submit to the court a current “Unrepresented Party Contact Information” form at the time of the party’s first filing in the case. If a party’s contact information changes during the pendency of the action, the party must update the court by filing an “Unrepresented Party Contact Information” form that reflects those changes.

Subdivision (a)(4) is added to define acceptable forms of signature and to include a cross-reference to the Maine Rules of Electronic Court Systems for the definition of electronic signing.

### **Advisory Note – July 2018**

The amendments to Rule 11, together with amendments to Rules 3, 4, 5(b) and 101 of the Maine Rules of Civil Procedure, are part of a package of simultaneous amendments to require parties who are represented by attorneys to serve pleadings and other papers electronically upon one another or by delivering copies pursuant to Rule 5(b)(1) following service of the summons and complaint under Rule 4. Parties who are not represented by an attorney may opt in to Electronic Service.

A more detailed description of Electronic Service and the procedures for complying with its requirements is stated in the Advisory Note to Rule 5.

The requirements and procedures of Electronic Service pertain only to the service of pleadings and documents among parties in a court action. Electronic Service does not alter, affect or in any way relate to a party's filing requirements with any court or clerk's office.

### **Advisory Notes 2004**

The United States District Court for the District of Maine requires electronic filing of documents. As a result, those courts accept electronic representations of signatures in lieu of actual signatures. M.R. Civ. P. 11(c) is added to state that when documents originally filed electronically in the federal court are transferred to the state courts, they shall be deemed to be signed for purposes of M.R. Civ. P. 11, if the document is signed or the signature of the document is indicated in a manner that is acceptable for filing in the court from which the document is transferred.

### **Advisory Committee's Notes July 1, 2001**

The Court has amended the Maine Bar Rules and Rules 5, 11 and 89 of the Maine Rules of Civil Procedure to permit attorneys to assist a pro se litigant on a limited basis without undertaking the full representation of the client on all issues related to the legal matter for which the attorney is engaged. By these amendments, the Court has sought to enlarge access to justice in Maine courts.

Rule 11 (a) is amended to make its provisions subject to a new subdivision (b). New Rule 11 (b) permits attorneys to file a limited appearance on behalf of an otherwise unrepresented litigant. The effect of the limited appearance is to permit the attorney to represent the client on one or more matters in the case but not for all matters. The attorney need not file a motion to withdraw unless the attorney seeks to withdraw from the limited appearance itself. The attorney is responsible under Rule 11 (a) only for those filings signed by the attorney.

The benefits of a Rule 11(b) are obtained only by the filing of a limited appearance identified as such. The limited appearance should clearly state the scope of the limited representation. Any doubt about the scope of the appearance should be resolved in a manner that promotes the interests of justice and those of the client and opposing party. As to those filings signed by the attorney, Rule 11 (a) applies fully and the attorney is deemed to have entered an appearance for the purposes of the filing, even if the filing is beyond the apparent scope of the limited appearance.

A limited appearance is created by the Maine Supreme Judicial Court's rulemaking authority. Consequently, counsel in cases removed to the United States District Court should be aware that limited appearances may not be recognized in the federal forum. *See, e.g.,* Order, *Donovan v. State of Maine*, Civil No. 00-268-P-H (February 16, 2001) (striking partial objection to recommended decision made through purported "limited appearance"); *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984) (noting trial judge not required to allow hybrid representation); *U.S. v. Campbell*, 61 F.3d 976, 981 (1st Cir. 1982) (same); *O'Reilly v. New York Times Co.*, 692 F.2d 863, 868 (2d Cir. 1982) (same; civil case).

### **Advisory Committee's Notes 1983**

Rule 11 is amended to resolve problems that have become apparent under both the Maine rule and its federal equivalent. The changes are adapted from the June 1981 Preliminary Draft of Proposed Amendments to the Federal Rules of Civil Procedure, \_\_\_\_ F.R.D. \_\_\_\_ (1981).

The Maine rule has not been effective in providing a sanction against attorneys who may violate its provisions, because it follows the language of the federal rule in authorizing "appropriate disciplinary action" for a willful violation by an attorney. Maine trial judges, noting that disciplinary power rests in the Board of Bar Overseers and the Supreme Judicial Court, have felt themselves unable to impose sanctions in the nature of professional discipline. In the federal courts, even though discipline is the province of the District Court, Rule 11 has been ineffective because of confusion as to the circumstances that should trigger action under it, the standard of conduct expected of attorneys, and the range of available and appropriate sanctions. *See* Federal Advisory Committee's Notes to June 1981 Proposed Amendments to Rules 7(b)(3), 11,

\_\_\_\_ F.R.D. \_\_\_\_ (1981), citing 5 Wright and Miller, *Federal Practice and Procedure* § 1334 (1969). These problems also exist under the identical language of the Maine rule.

The amendment seeks to solve these problems by shifting the focus from attorney discipline to a broad range of sanctions similar to those applicable to discovery orders under Rule 37. Because of this shift in focus, the rule also subjects parties who sign pleadings, whether in conjunction with an attorney or acting *pro se*, to its obligations. In construing the obligation of a party, the courts will of course not charge him with an attorney's knowledge of the law in evaluating the probable validity of his claim or defense. To eliminate any possible doubt, the amendment also expressly states that the rule applies to motions as well as to pleadings. This provision makes explicit the intention of Rule 7(b)(2) to subject motions to the sanctions of Rule 11. *See* 1 Field, McKusick and Wroth, *Maine Civil Practice* § 7.2 (2d ed. 1970).

The amendment eliminates language in the prior rule referring to "sham and false" pleadings and to "scandalous or indecent matter." To the extent that these faults in a pleading indicate, that it is violative of the rule, sanctions will now be appropriate against the attorney or party. To the extent that the faults go to the merits or the content of the pleading, they are properly the basis for motions to dismiss under Rules 12(b), (c), or 56 or a motion to strike under Rule 12(f). *See* Federal Advisory Committee's Note to June 1981 Proposed Amendment to Rule 11, *supra*.

In lieu of these provisions, the amended rule provided simply that an unsigned pleading or motion may not be accepted for filing and that a pleading or motion signed with intent to defeat the purpose of the rule may give rise to sanctions against the attorney or party who signed it or, in a proper case, against a party represented by the signing attorney. The amended rule does not delineate all the appropriate sanctions but makes clear that a proper sanction could be the costs of responding to the improper pleading or motion including attorney fees. The intent of the amendment is to give the court great flexibility in determining the nature and severity of the sanctions and the individual upon whom they are to be imposed, according to the circumstances of the case. This flexibility will allow the court to deal fairly and reasonably with situations involving *pro se* parties. *See* Federal Advisory Committee's Note to June 1981 Proposed Amendment to Rule 11, *supra*.

**Reporter's Notes**  
**December 1, 1959**

This rule is substantially the same as Federal Rule 11. The policy of the rule is to require bona fide pleading and the determination of the real issues without delay. Ordinarily pleadings need not be verified, but verification may be required by a statute or by rule. *See e. g.*, Rule 23(b) (shareholders' suits), Rule 65(a) (temporary restraining order), Rule 80(b) (divorce; allegation that defendant's address is unknown).