

## **VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 31<sup>st</sup> day of May, 2017.*

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective August 1, 2017.

Add Rule 1:5A to read as follows:

### **Rule 1:5A. Curing Signature Defects.**

(a) *Pro Se Litigants – Signature Defects.* — A litigant appearing in propria persona shall personally sign every pleading and paper served or filed, as required by Rule 1:5 and Virginia Code § 8.01-271.1. Subject to subpart (c) of this Rule, if a pleading or other paper is not signed or is not validly signed, within a reasonable time thereafter the pro se litigant may, upon written notice to all other parties, seek leave of court to properly sign such pleading or other paper. Upon obtaining such permission from the court, the properly signed pleading or other paper shall be valid and shall relate back to the date on which it was originally served or filed.

(b) *Curing Defective Signatures by Purported Representative; Relation Back.* — If a pleading or other paper filed on behalf of a party was not signed, or was signed by a person not authorized to practice law in the Commonwealth, within a reasonable time thereafter counsel authorized to practice law in Virginia may—upon notice to the opposing parties—seek leave of court to properly sign and file such pleading or other paper. If permitted by the court in the exercise of its discretion as provided in subpart (c) of this Rule, the properly executed pleading or other paper shall be valid and shall relate back to the date on which it was originally served or filed.

(c) *Discretion of the Trial Court; Time for Compliance.* — Leave to cure a signature defect under subparts (a) or (b) of this Rule shall be within the sound discretion of the court, and shall be liberally granted in furtherance of the ends of justice. An order granting such leave may be conditioned with provisions necessary to protect other parties from unnecessary burdens or prejudice. Such conditions may include a requirement that the party seeking to cure the

signature defect reimburse any extra costs and fees, including reasonable attorney's fees, incurred by other parties solely as a result of the defective or missing signature. An order granting leave to cure a signature defect shall specify a date for filing and service of the properly executed paper.

(d) *Statute of Limitations Governed by Statute.* — If a complaint filed commencing a civil action—as provided in Rule 3:2(a)—is dismissed because it was signed by a person who is not authorized to practice law in Virginia, the statute of limitations for refiling of any claims asserted therein shall be computed in light of the time the action was pending as required by Virginia Code § 8.01-229(E)(1).

(e) *Notices of Appeal.* — If a notice of appeal from the circuit court is filed with only the signature of an attorney or other purported representative who is not then authorized to practice law in the Commonwealth, a later notice of appeal in the same proceeding on behalf of the same party or parties and relating to the same judgment or order—if properly executed by an attorney qualified to practice law in Virginia, and filed within 90 days after the original—shall relate back to the date of filing of the original notice of appeal.

A Copy,

Teste:

A handwritten signature in black ink, appearing to read "Peter C. Hamming". The signature is written in a cursive, slightly slanted style.

Clerk