



30 Bank Street
PO Box 350
New Britain
CT 06050-0350
06051 for 30 Bank Street
(860)223-4400
fax (860)223-4488

January 18, 2007

Informal Opinion 07-01

ATTORNEYS' ELECTRONIC SIGNATURE

We have received an inquiry to opine whether it violates the Connecticut Rules of Conduct for an attorney to permit his staff to “electronically sign” pleadings and motions for the U.S. District Court for the District of Connecticut under its Local Rules.

Section 4-2 of the Connecticut Rules for the Superior Court provides that:

§ 4–2. Signing of Pleading

(a) Every pleading 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. A party who is not represented by an attorney shall sign his or her pleadings and other papers. The name of the attorney or party who signs such document shall be legibly typed or printed beneath the signature.

(b) The signing of any pleading, motion, objection or request shall constitute a certificate that the signer has read such document, that to the best of the signer’s knowledge, information and belief there is good ground to support it, and that it is not interposed for delay. Each pleading and every other court-filed document signed by an attorney or party shall set forth the signer’s telephone number and mailing address.

Similarly, Rule 11 of the Federal Rules of Civil Procedure provides:

Rule 11. Signing of Pleadings, Motions, and Other Papers; Representations to Court; Sanctions

(a) **Signature.** Every pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney’s individual name, or, if the party is not represented by an attorney, shall be signed by the party. . . .

Pursuant to Rule 5(e) of the Federal Rules of Civil Procedure allowing district courts by local rule to permit papers to be filed, signed or verified by electronic means, the U.S. District Court for the District of Connecticut adopted a standing order permitting electronic filing in selected civil and criminal cases. The standing order provides that:

B. Attorney Signature

Counsel's identification name and password shall constitute counsel's signature for the purposes of Fed. R. Civ. P. 11, the Federal Rules of Criminal Procedure and any other purpose for which a signature is required on a document in connection with proceedings before the court. . . .

The inquiry points out that the Superior Court in an unreported decision dismissed several related actions for the reason that the summons and complaint contained a rubber stamp signature of plaintiff's counsel, and not his actual signature as required by Section 52-45a, Conn. Gen. Stat., that required legal process consisting of a writ of summons, accompanied by a complaint, be "signed" by a commissioner of the superior court or a judge or clerk of the court to which it is returnable. New Haven Housing Authority v. Senior, 1983 W.L. 187765 (Conn. Super.). This decision was not based upon any rule regulating professional conduct.

It is our opinion, that an attorney filing a pleading or motion in the U.S. District Court for the District of Connecticut in compliance with its Local Rules, with the signature of the attorney reflected by "counsel's identification name and password" does not implicate the Connecticut Rules of Professional Conduct. Further, it should be noted that Section 4-4 of the Connecticut Rules of Court provides for signature or verification of papers by electronic means that comply with standards established by the Office of the Chief Court Administrator.

THE COMMITTEE ON PROFESSIONAL ETHICS

By _____
Wesley W. Horton, Chair