

West's Tennessee Code Annotated

State and Local Rules Selected from West's Tennessee Rules of Court

Tennessee Rules of Civil Procedure

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

Rules Civ.Proc., Rule 11.01

Rule 11.01. Signature

Currentness

(a) 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. Each paper shall state the signer's address and telephone number, and Tennessee Board of Professional Responsibility number, if any. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) **Appearance of Counsel and Notification by Counsel Subject to Limited Scope Representation.** An attorney providing limited scope representation to an otherwise unrepresented party shall file at the beginning of the representation an initial notice of limited scope representation with the court, simply stating that the representation is subject to a written limited scope representation agreement without disclosing the terms of the agreement. In addition to the initial notice of limited scope representation, when provided notice by another party, attorney or the court of a motion, pleading, discovery, hearing or other proceeding that is outside of the scope of the services provided pursuant to the limited scope representation agreement, an attorney shall promptly file a notice of limited appearance that the attorney does not represent the otherwise unrepresented party for purposes of the motion, pleading, discovery, hearing or other proceeding. The notice of limited appearance shall simply state that the limited scope representation does not include representation for purposes of the motion, pleading, discovery, hearing or other proceeding noticed and shall not otherwise disclose the terms of the limited scope representation agreement. The notice of limited appearance shall provide the otherwise unrepresented client with the deadline(s), if any, for responding to the motion, pleading, discovery, hearing or other proceeding and shall state the date, place and time of any hearing or other proceeding. If an initial notice of limited scope representation or a notice of limited appearance is filed, service shall be made as provided in [Rule 5.02](#).

(c) **Withdrawal of Counsel Upon Completion of a Limited Scope Representation.** Upon the filing of a notice of completion of limited scope representation that is accompanied by a declaration from the attorney indicating that the attorney's obligations under a limited scope representation agreement have been satisfied, and that the attorney provided the otherwise unrepresented person at least fourteen (14) days advance written notice of the filing of notice of completion of limited scope representation, the attorney shall have withdrawn from representation in the case.

Credits

[Amended effective August 1, 1987; July 1, 1995; July 1, 1999; July 1, 2012.]

Editors' Notes

ADVISORY COMMISSION COMMENT

Rule 11 makes it an absolute requirement that the attorney, if any, sign, and makes the signature, in effect, the attorney's statement that the pleading is filed in good faith. Rule 11 does not abrogate statutes which require that pleadings be verified or accompanied by affidavit.

[Comment amended effective May 17, 2005.]

ADVISORY COMMISSION COMMENT TO 1987 AMENDMENT

The [1987] revision includes motions and “other papers” as well as pleadings. Significantly, an attorney's belief that a court filing is well-founded must be a belief “formed after reasonable inquiry.” The amended wording therefore imposes an objective reasonable lawyer standard of inquiry. What inquiry is reasonable, of course, necessarily must depend on particular facts. If a client retains a lawyer on the eve of expiration of a statute of limitations, a reasonable inquiry must be performed in view of the exigencies of the situation.

ADVISORY COMMISSION COMMENT TO 1995 AMENDMENT

Amended Rule 11 tracks the current federal version. Sanctions no longer are mandatory, and non-monetary sanctions are encouraged. The 21-day safe harbor provision allows otherwise sanctionable papers to be withdrawn, thereby escaping sanctions.

Tennessee courts have not seen the widespread abuse of sanctions law experienced by federal courts under the previous rule. *See Andrews v. Bible*, 812 S.W.2d 284 (Tenn. 1991). Nonetheless, the amended language should prevent potential future abuse.

ADVISORY COMMISSION COMMENT TO 1999 AMENDMENT

A lawyer must place his or her Board of Professional Responsibility number on court papers.

ADVISORY COMMISSION COMMENT TO 2012 AMENDMENT

Rule 11.01 is amended to add new paragraphs (b) and (c), concerning an attorney's limited scope representation of a client. An attorney's obligations under this Rule of Civil Procedure are also governed by Tenn. Sup. Ct. R. 8, RPC 1.2(c), which states: “A lawyer may limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent, preferably in writing.” *See also* Tenn. Sup. Ct. R. 8, RPC 1.2(c), Comments [6]--[8]. Note, however, that paragraph (b) of this Rule goes further than RPC 1.2(c) and requires that an agreement for limited scope representation, as it relates to a proceeding governed by this Rule, must be in writing.

Nothing in this rule prohibits an attorney providing limited scope representation from withdrawing with leave of the court prior to completion of the terms set forth in the limited scope representation agreement.

[Notes of Decisions \(13\)](#)

Rules Civ. Proc., Rule 11.01, TN R RCP Rule 11.01
Current with amendments received through 2/15/14