

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1009

Amending Civil Rule 11
concerning sanctions.

IT IS ORDERED:

Civil Rule 11 is amended to provide:

Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading, motion, or other paper and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The rule in equity that the averments of an answer under oath must be overcome by the testimony of two witnesses or of one witness sustained by corroborating circumstances is abolished. The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion, or other paper; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless expense in the cost of litigation. If a pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to

the attention of the pleader or movant. [IF A PLEADING, MOTION, OR OTHER PAPER IS SIGNED IN VIOLATION OF THIS RULE, THE COURT, UPON MOTION OR UPON ITS OWN INITIATIVE, SHALL IMPOSE UPON THE PERSON WHO SIGNED IT, A REPRESENTED PARTY, OR BOTH, AN APPROPRIATE SANCTION, WHICH MAY INCLUDE AN ORDER TO PAY THE OTHER PARTY OR PARTIES THE AMOUNT OF THE REASONABLE EXPENSES INCURRED BECAUSE OF THE FILING OF THE PLEADINGS, MOTION, OR OTHER PAPER, INCLUDING A REASONABLE ATTORNEY'S FEE.]

DATED: October 12, 1989

EFFECTIVE DATE: January 15, 1990

Chief Justice Matthews

Justice Rabinowitz

Justice Burke*

Justice Compton

Justice Moore

* Burke, Justice, dissents. I would not amend the rule.