

## VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 24th day of September, 2020.*

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 November 23, 2020.

Amend Rule 1:5A as follows:

### **RULE 1:5A. Signature Defects.**

(a) *Signature Compliance and Defects.* — If a pleading, motion, or other paper is not signed in compliance with Code § 8.01-271.1(A), it is defective. Such a defect renders the pleading, motion, or other paper voidable.

(b) *Raising Signature Defects; Waiver.* — (1) Pursuant to paragraphs (E) and (F) of Code § 8.01-271.1, the issue of a signature defect shall be raised in the trial court unless the signature defect occurs in an appellate filing. Signature defects in appellate filings, including the notice of appeal, shall be raised in the appellate court where the appeal is taken.

(2) Failure to raise the issue of a signature defect in a pleading, motion or other paper, other than the notice of appeal, before the trial court's jurisdiction expires pursuant to Rule 1:1(a) and Rule 1:1B, waives any challenge based on such defect. Failure to raise the issue of a signature defect in appellate documents, including the notice of appeal, in the appellate court waives any challenge based on such defect.

(c) *Curing Signature Defects; Failure to Cure.* — (1) A signature defect shall be cured within 21 days after it is brought to the attention of the pleader or movant, as required under Code § 8.01-271.1(G). If a signature defect is timely and properly cured, the pleading, motion, or other paper shall be valid and relate back to the date it was originally served or filed.

(2) If a signature defect is not timely and properly cured after it is brought to the attention of the pleader or movant, the pleading, motion, or other paper is invalid and shall be stricken.

(d) *Costs and Fees.* — The court, upon motion or upon its own initiative, may require the person who signed the paper, the party represented by that person, or both, to reimburse any additional costs and fees, including reasonable attorney's fees, incurred by other parties solely as a result of the signature defect.

(e) *Statute of Limitations.* — If a complaint is filed to commence a civil action under Rule 3:2(a) within the prescribed limitation period and is dismissed due to the failure to timely and properly cure a signature defect, the provisions of Code § 8.01-229(E)(1) govern the calculation of the limitation period. The time such action was pending shall not be computed as part of the period within which such action may be brought, and another action may be brought within the remaining period.

Amend Rule 1A:4(2) as follows:

**Rule 1A:4. Out-of-State Lawyers — When Allowed by Comity to Participate in a Case *Pro Hac Vice***

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2. *Association of Local Counsel.* — No out-of-state lawyer may appear *pro hac vice* before any tribunal in Virginia unless the out-of-state lawyer has first associated in that case with a lawyer who is an active member in good standing of the Virginia State Bar (hereinafter called “local counsel”). The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the case. Local counsel shall personally appear and participate in pretrial conferences, hearings, trials, or other proceedings actually conducted before the tribunal. Local counsel associating with an out-of-state lawyer in a particular case shall accept joint responsibility with the out-of-state lawyer to the client, other parties, witnesses, other counsel and to the tribunal in that particular case. Any pleading or other paper required to be served (whether relating to discovery or otherwise) shall be signed by local counsel, as required by Code § 8.01-271.1(A). If the pleading or other paper is not signed by local counsel, it is defective. Such a defect renders the pleading or other paper voidable subject to the provisions of Code § 8.01-271.1. The tribunal in which such case is pending shall have full authority to deal with local counsel exclusively in all matters connected with the pending case. If it becomes

necessary to serve notice or process in the case, any notice or process served upon local counsel shall be deemed valid as if served on the out-of-state lawyer.

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A Copy,

Teste:

Douglas B. Robelen, Clerk

By:



Deputy Clerk