



**Oregon Rules of Civil Procedure
Legislative Amendments 1979-2023**

ORCP 17



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Lewis & Clark Law School | Oregon Council on Court Procedures

Rule 17 – Signing of Pleadings, Motions and Other Papers; Sanctions

§	Latest Amendment
A	Or. Laws 2007 c.129 § 27
B	Or. Laws 1987 c.774 § 12
C	Or. Laws 2007 c.129 § 28
D	Or. Laws 2007 c.129 § 29
E	Unamended
F	Unamended

[Originally “Rule 17. Subscription of Pleadings” (CCP 12/2/1978)]

Or. Laws 1979 c.284 § 14

Amends Rule 17(A) & (B)

- A. **Subscription Signature by party or attorney; certificate.** Every pleading shall be **subscribed signed** by the party or by a resident attorney of the state, except that if there are several parties united in interest and pleading together, the pleading may be **subscribed signed** by at least one of such parties or one resident attorney. If a party is represented by an attorney, every pleading of that party shall be signed by at least one attorney of record in such attorney’s individual name. Verification of pleadings shall not be required unless otherwise required by rule or statute. The **subscription of a pleading signature** constitutes a certificate by the person signing: that such person has read the pleading; that to the best of the person’s knowledge, information, and belief, there is a good ground to support it; and that it is not interposed for harassment or delay.
- B. **Pleadings not subscribed signed.** Any pleading not duly **subscribed signed** may, on motion of the adverse party, be stricken out of the case.

H.B. 3131

Or. Laws 1979 c.284 § 14

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1987 c.774 § 12
Amends Rule 17

[Title Change: Rule 12 – Signing of Pleadings, Motions and other Papers; Sanctions”]

- A. **Signing by party or attorney; certificate.** Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record who is an active member of the Oregon State Bar. A party who is not represented by an attorney shall sign the pleading, motion, or other paper and state ~~that party's~~ the address of the party. ~~Except when otherwise specifically provided by rule or statute,~~ Pleadings need not be verified or accompanied by affidavit. The signature constitutes a ~~certification~~ **certificate** that the person ~~signing~~ has read the pleading, motion, or other paper, ~~that to the best of that person's the knowledge,~~ information, and belief **of the person** 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 increase in the cost of litigation.
- B. **Pleadings, motions, and other papers not signed.** 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.
- C. **Sanctions.** 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 to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney fee.

S.B. 323

Or. Laws 1987 c.774 § 12

Senate Introduction

2/15/87

A-Engrossed Bill

3/25/87 – Judiciary Committee recommended passing with amendments; Majority and Minority recommend differing amendments

3/26/87 – Referred back to Judiciary Committee

4/6/87 – Senate Judiciary Committee Majority recommended Senate pass with amendments; Minority recommended Senate pass with different set of amendments

4/8/87 – Failed to pass Senate; Senate voted to reconsider; Referred to Rules Committee “on voice vote” [*sic*]

4/15/87 – Rules Committee recommended Senate pass with amendments

4/17/87 – Passed with amendments in Senate (per Rules Committee recommendation)

4/20/87 – Referred to House Judiciary Committee

6/12/87 – House Judiciary Committee recommended Senate pass with amendments

6/16/87 – Passed with amendments in House (per Rules Committee recommendation)

B-Engrossed Bill

6/16/87 – Senate refused to concur with House Amendments; Conference Committee formed

Conference Committee Bill

6/26/87 – Conference Committee recommended Senate concur with House amendments

6/27/87 – Senate adopted and repassed Conference Committee bill; House adopted and repassed Conference Committee bill

Governor signed Enrolled Bill

7/17/87

Or. Laws 1995 c.618 § 4
Amends Rule 17

- A. **Signing by party or attorney; certificate.** Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record who is an active member of the Oregon State Bar. A party who is not represented by an attorney shall sign the pleading, motion or other paper and state the address of the party. Pleadings need not be verified or accompanied by affidavit. ~~The signature constitutes a certificate that the person has read the pleading, motion or other paper, that to the best of the knowledge, information and belief of the person 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 increase in the cost of litigation.~~
- B. [Unamended]
- C. ~~**Sanctions.** 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 to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion or other paper, including a reasonable attorney fee.~~ **Certifications to court.**
1. An attorney or party who signs, files or otherwise submits an argument in support of a pleading, motion or other paper makes the certifications to the court identified in subsections (2) to (5) of this section, and further certifies that the certifications are based on the person's reasonable knowledge, information and belief, formed after the making of such inquiry as is reasonable under the circumstances.
 2. A party or attorney certifies that the pleading, motion or other paper is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.
 3. An attorney certifies that the claims, defenses, and other legal positions taken in the pleading, motion or other paper are warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law.
 4. A party or attorney certifies that the allegations and other factual assertions in the pleading, motion or other paper are supported by evidence. Any allegation or other factual assertion that the party or attorney does not wish to certify to be supported by evidence must be specifically identified. The attorney or party certifies that the attorney or party reasonably believes that an allegation or other factual assertion so identified will be supported by evidence after further investigation and discovery.
 5. The party or attorney certifies that any denials of factual assertion are supported by evidence. Any denial of factual assertion that the party or attorney does not wish to certify to be supported by evidence must be specifically identified. The attorney or party certifies that the attorney or party believes that a denial of a factual assertion so identified is reasonably based on a lack of information or belief.
- D. **Sanctions.**
1. The court may impose sanctions against a person or party who is found to have made a false certification under section C of this rule, or who is found to be responsible for a false certification under section C of this rule. A sanction may be imposed under this section only after notice and an opportunity to be heard are provided to the party or attorney. A law firm is jointly liable for any sanction imposed against a partner, associate or employee of the firm, unless the court determines that joint liability would be unjust under the circumstances.
 2. Sanctions may be imposed under this section upon motion of a party or upon the court's own motion. If the court seeks to impose sanctions on its own motion, the court shall direct the party or attorney to appear before the court and show cause why the sanctions should not be imposed. The court may not issue an order to appear and show cause under this subsection at any time after the filing of a voluntary dismissal, compromise or settlement of the action with respect to the party or attorney against whom sanctions are sought to be imposed.
 3. A motion by a party to the proceeding for imposition of sanctions under this section must be made separately from other motions and pleadings, and must describe with specificity the alleged false certification. A motion for imposition of sanctions based on a false certification under subsection C(4) of this rule may not be filed until 120 days after the filing of a complaint if the alleged false certification is an allegation or other factual assertion in a complaint filed within 60 days of the

running of the statute of limitations for a claim made in the complaint. Sanctions may not be imposed against a party until at least 21 days after the party is served with the motion in the manner provided by Rule 9. Notwithstanding any other provision of this section, the court may not impose sanctions against a party if, within 21 days after the motion is served on the party, the party amends or otherwise withdraws the pleading, motion, paper or argument in a manner that corrects the false certification specified in the motion. If the party does not amend or otherwise withdraw the pleading, motion, paper or argument but thereafter prevails on the motion, the court may order the moving party to pay to the prevailing party reasonable attorney fees incurred by the prevailing party by reason of the motion for sanctions.

4. Sanctions under this section must be limited to amounts sufficient to reimburse the moving party for attorney fees and other expenses incurred by reason of the false certification, including reasonable attorney fees and expenses incurred by reason of the motion for sanctions, and amounts sufficient to deter future false certification by the party or attorney and by other parties and attorneys. The sanction may include monetary penalties payable to the court. The sanction must include an order requiring payment of reasonable attorney fees and expenses incurred by the moving party by reason of the false certification.
 5. An order imposing sanctions under this section must specifically describe the false certification and the grounds for determining that the certification was false. The order must explain the grounds for the imposition of the specific sanction that is ordered.
- E. Rule not applicable to discovery. This rule does not apply to any motion, pleading or conduct that is subject to sanction under Rule 46.

S.B. 385

Or. Laws 1995 c.618 § 4

Senate Introduction

1/30/95

A-Engrossed Bill

1/30/95 – Referred to Senate Judiciary Committee

2/1/95 – Assigned to Civil Process Subcommittee

4/20/95 – Printed engrossed (A-Eng.) and rereferred to Judiciary Committee (per Civil Process Subcommittee recommendation)

5/8/95 – Returned to Judiciary Committee

5/18/95 – Judiciary Committee recommended passing with amendments to A-Eng. (printed “B-Eng.”)

B-Engrossed Bill

5/23/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/6/95 – House Judiciary Committee recommended passing with amendments to B-Eng. (printed “C-Eng.”)

C-Engrossed Bill

6/8/95 – Passed with amendments in House (per Judiciary Committee recommendation)

6/9/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/17/95

Or. Laws 2003 c.194 § 7
Amends Rule 17(A)

- A. **Signing by party or attorney; certificate.** Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record who is an active member of the Oregon State Bar. A party who is not represented by an attorney shall sign the pleading, motion or other paper and state the address of the party. Pleadings need not be verified or accompanied by affidavit **or declaration.**
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 7

Or. Laws 2007 c.194 § 27–29

§27 Amends Rule 17(A);

§28 Amends Rule 17(C);

§29 Amends Rule 17(D)

- A. Signing by party or attorney; certificate.** Every pleading, motion and other [paper] document of a party represented by an attorney shall be signed by at least one attorney of record who is an active member of the Oregon State Bar. A party who is not represented by an attorney shall sign the pleading, motion or other [paper] document and state the address of the party. Pleadings need not be verified or accompanied by affidavit or declaration.
- B.** [Unamended]
- C. Certifications to court.**
1. An attorney or party who signs, files or otherwise submits an argument in support of a pleading, motion or other **paper document** makes the certifications to the court identified in subsections (2) to (5) of this section, and further certifies that the certifications are based on the person's reasonable knowledge, information and belief, formed after the making of such inquiry as is reasonable under the circumstances.
 2. A party or attorney certifies that the pleading, motion or other **paper document** is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.
 3. An attorney certifies that the claims, defenses, and other legal positions taken in the pleading, motion or other **paper document** are warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law.
 4. A party or attorney certifies that the allegations and other factual assertions in the pleading, motion or other **paper document** are supported by evidence. Any allegation or other factual assertion that the party or attorney does not wish to certify to be supported by evidence must be specifically identified. The attorney or party certifies that the attorney or party reasonably believes that an allegation or other factual assertion so identified will be supported by evidence after further investigation and discovery.
 5. [Unamended]
- D. Sanctions.**
1. [Unamended]
 2. [Unamended]
 3. A motion by a party to the proceeding for imposition of sanctions under this section must be made separately from other motions and pleadings, and must describe with specificity the alleged false certification. A motion for imposition of sanctions based on a false certification under subsection C(4) of this rule may not be filed until 120 days after the filing of a complaint if the alleged false certification is an allegation or other factual assertion in a complaint filed within 60 days of the running of the statute of limitations for a claim made in the complaint. Sanctions may not be imposed against a party until at least 21 days after the party is served with the motion in the manner provided by Rule 9. Notwithstanding any other provision of this section, the court may not impose sanctions against a party if, within 21 days after the motion is served on the party, the party amends or otherwise withdraws the pleading, motion, **paper document** or argument in a manner that corrects the false certification specified in the motion. If the party does not amend or otherwise withdraw the pleading, motion, **paper document** or argument but thereafter prevails on the motion, the court may order the moving party to pay to the prevailing party reasonable attorney fees incurred by the prevailing party by reason of the motion for sanctions.
 4. [Unamended]
 5. [Unamended]
- E.** [Unamended]
- F.** [Unamended]

H.B. 2357

Or. Laws 2007 c.194 § 27–29

A-Engrossed Bill

2/26/07 – Passed with amendments in House (per Judiciary Committee recommendation)

3/29/07 – Passed unamended in Senate

Governor signed Enrolled Bill

5/9/07