

1 **Rule 40. Attorney's or party's signature; representations to the court; sanctions and discipline.**

2 **(a) Attorney's or party's signature.** Every motion, brief, and other document must be signed by at
3 least one attorney of record who is an active member in good standing of the Bar of this state or by a
4 party who is self-represented. A person may sign a document using any form of signature recognized by
5 law as binding.

6 **(b) Representations to court.** The signature of an attorney or self-represented party certifies that to
7 the best of the person's knowledge formed after an inquiry reasonable under the circumstances:

8 (b)(1) the filing is not being presented for any improper purpose, such as to harass or to cause
9 unnecessary delay or needless increase in the cost of litigation;

10 (b)(2) the legal contentions are warranted by existing law or by a nonfrivolous argument for the
11 extension, modification, or reversal of existing law or the establishment of new law;

12 (b)(3) the factual contentions are supported by the record on appeal; and

13 (b)(4)(A) the filing contains no information or records classified as private, controlled, protected,
14 safeguarded, sealed, juvenile court legal, or juvenile court social or any other information or records
15 to which the right of public access is restricted by statute, rule, order, or caselaw; or

16 (b)(4)(B) a filing required by Rule [21\(g\)](#) that does not contain information or records classified as
17 private, controlled, protected, safeguarded, sealed, juvenile court legal, or juvenile court social or any
18 other information or records to which the right of public access is restricted by statute, rule, order, or
19 caselaw is being filed simultaneously.

20 **(c) Sanctions and discipline of attorneys and parties.**

21 ~~(c)(1) The court may, after reasonable notice and an opportunity to show cause to the contrary,~~
22 ~~and upon hearing, if requested, take appropriate action~~ enter a discipline order against any an
23 attorney or person a self-represented party who practices appears before it for inadequate
24 representation of a client, conduct unbecoming a member of the Bar or a person allowed to appear
25 before the court, an attorney or a self-represented party or for failure to comply with these rules or a
26 court order of the court. In addition the court may enter a discipline order against an attorney for
27 inadequate representation of a client.

28 (c)(2) When alleged conduct constituting grounds for discipline comes to the attention of the
29 court, the court may enter an order to show cause why a discipline order should not be entered. The
30 order to show cause will describe the alleged conduct, and the clerk of the court will send the order to
31 the attorney or self-represented party.

32 (c)(3) No later than 14 days after receiving the order the self-represented party or attorney may
33 file a memorandum showing cause why a discipline order should not be entered and may request a
34 hearing.

35 (c)(4) If the self-represented party or attorney fails to show cause why a discipline order should
36 not be entered, the court may enter the order, which may include suspension from practice before the

