

2.27. SIGNING OF PLEADINGS, MOTIONS, AND OTHER PAPERS - SANCTIONS.

-- (A) All attorneys of record shall include their name, address, email address, bar number, telephone number, and signature on all pleadings, motions, and other papers filed with the court. A party who is not represented by an attorney shall sign their pleading, motion, or other paper and state her or his name, address, email address (if electing to utilize the EFS), and telephone number. The signature of an attorney or party certifies that the signer has read the pleading, motion, or other paper; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is supported 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 a needless increase 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, after hearing, may impose upon the person who signed it, a represented party, or both, any 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's fee.

(B) All proceedings for costs, expenses, reasonable attorney's fees, and/or penalties to be assessed for delay or inaction without just cause pursuant to G.L. 1956 § 28-35-17.1 or § 28-33-17.3, or for sanctions pursuant to section (A) of this rule, shall be heard by the trial judge at such time as s/he shall determine. In the event that such proceedings are instituted at the appellate level, notice of such action shall be provided by the appellate panel assigned to hear the appeal advising the party or attorney of the hearing and providing her/him an opportunity to be heard.

Reporter's Notes. This rule generally follows Rule 11 of the Superior Court Rules of Civil Procedure. It affirms the requirement of good faith in pleading and requires the pleader to assert that there is a good faith basis for the pleading and that it is based in fact and supported by law. The amendments to this rule establish procedures consistent with the provisions of G.L 1956 § 28-33-17.3.