

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

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

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

(1) the filing 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;

(2) the legal contentions 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;

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

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

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

(c) **Sanctions and discipline of attorneys and parties.** The court may, after reasonable notice and an opportunity to show cause to the contrary, and upon hearing, if requested, take appropriate action against any attorney or person who practices before it for inadequate representation of a client, conduct unbecoming a member of the Bar or a person allowed to appear before the court, or for failure to comply with these rules or order of the court. Any action

to suspend or disbar a member of the Utah State Bar shall be referred to the Office of Professional Conduct of the Utah State Bar.

(d) **Rule does not affect contempt power.** This rule does not limit or impair the court's inherent and statutory contempt powers.

(e) **Appearance of counsel pro hac vice.** An attorney who is licensed to practice before the bar of another state or a foreign country but who is not a member of the Bar of this state, may appear, pro hac vice upon motion, filed pursuant to Rule [14-806](#) of the Rules Governing the Utah State Bar. A separate motion is not required in the appellate court if the attorney has previously been admitted pro hac vice in the trial court or agency, but the attorney shall file in the appellate court a notice of appearance pro hac vice to that effect.

Effective May 1, 2016

Advisory Committee Note

[Court records are public unless otherwise](#) ~~Records are~~ classified as ~~public~~, private, controlled, protected, safeguarded, sealed, juvenile court legal, or juvenile court social by [the Utah](#) Code of Judicial Administration ~~Rule 4-202.02~~. The right of public access ~~might may also~~ be restricted by ~~Title 63G, Chapter 2, Government Records Access and Management Act, by other~~ statutes [\(including the Government Records Access and Management Act\)](#), rules, ~~or~~ case law, or ~~by~~ court order. If a filing contains information or records that are not public, ~~Rule 21(g) requires~~ the filer ~~to~~ [must](#) file an unredacted version for the court and a version for the public that does not contain the ~~confidential-nonpublic~~ information.

[Adopted 2020](#)