

## **Question**

Petitioner has repeatedly filed amended pleadings containing allegations of abuse and neglect, despite a lack of supporting evidence and in the face of a substantial mandamus record refuting these claims. Texas Rule of Civil Procedure 13 prohibits the filing of pleadings that are groundless and brought in bad faith or for the purpose of harassment. Sanctions may be imposed for violations. Chapter 10 of the Texas Civil Practice and Remedies Code authorizes sanctions against parties and attorneys who sign or file pleadings for improper purposes, such as to harass or cause unnecessary delay, or who make factual contentions without evidentiary support. The repeated filing of unsubstantiated and refuted allegations, especially after being confronted with contrary evidence, demonstrates a flagrant disregard for the law and constitutes bad-faith litigation, warranting sanctions under Rule 13 and Chapter 10.

## **Answer (Texas)**

### **Short response**

Repeatedly filing amended pleadings alleging abuse and neglect without evidentiary support, especially when such allegations are contradicted by the record, constitutes sanctionable conduct under both Texas Rule of Civil Procedure 13 and Chapter 10 of the Texas Civil Practice and Remedies Code. Texas courts have consistently held that such conduct demonstrates bad faith or improper purpose and warrants the imposition of sanctions.

### **Summary**

Texas law strictly prohibits the filing of pleadings that are groundless and brought in bad faith or for the purpose of harassment, as set forth in Rule 13 of the Texas Rules of Civil Procedure and Chapter 10 of the Texas Civil Practice and Remedies Code. When a party repeatedly files unsubstantiated allegations—particularly after being confronted with contrary evidence—this conduct is viewed as a flagrant disregard for the law and is subject to sanctions designed to deter such abuse of the judicial process.

The legislative framework and case law make clear that both attorneys and parties are required to ensure that every factual allegation in a pleading has evidentiary support or is likely to have such support after reasonable investigation. Persisting in making allegations that are refuted by the record, or failing to withdraw them after contrary evidence is presented, is considered bad-faith litigation or an improper purpose, justifying sanctions under both Rule 13 and Chapter 10.

# Background and Relevant Law

## Legislative Framework

**Texas Rule of Civil Procedure 13** establishes that the signature of an attorney or party on a pleading certifies that, to the best of their knowledge and after reasonable inquiry, the pleading is not groundless and brought in bad faith or for the purpose of harassment. If this rule is violated, the court must impose an appropriate sanction after notice and hearing, and the particulars of the sanction must be stated in the order. The rule presumes pleadings are filed in good faith, but this presumption can be overcome by evidence to the contrary. "Groundless" is defined as having no basis in law or fact and not being warranted by a good faith argument for the extension, modification, or reversal of existing law ([Tex. R. Civ. P. 13](#)).

**Chapter 10 of the Texas Civil Practice and Remedies Code** further reinforces these requirements. Section 10.001 provides that the signing of a pleading or motion certifies that it is not being presented for any improper purpose, such as harassment or causing unnecessary delay, and that each factual contention has evidentiary support or is likely to have such support after reasonable investigation. Section 10.004 authorizes the court to impose sanctions for violations, which may include directives to perform or refrain from acts, payment of penalties, or payment of the opposing party's reasonable expenses and attorney's fees. The sanctions must be sufficient to deter repetition of the conduct (Tex. Civ. Prac. & Rem. Code §§ 10.001, 10.004). Section 10.002 outlines the procedure for seeking sanctions, either by motion or on the court's own initiative, and allows for the recovery of reasonable expenses and attorney's fees by the prevailing party (Tex. Civ. Prac. & Rem. Code § 10.002).

Section 9.011, while less frequently invoked, similarly certifies that pleadings are not groundless, not brought in bad faith, and not for harassment or other improper purposes (Tex. Civ. Prac. & Rem. Code § 9.011).

## Case Law

Texas appellate and Supreme Court decisions have repeatedly affirmed and clarified the standards for imposing sanctions under Rule 13 and Chapter 10. The courts have emphasized several key points:

- **Certification and Reasonable Inquiry:** The act of signing a pleading certifies that the attorney or party has conducted a reasonable inquiry and that each factual contention is supported by evidence or is likely to be after further investigation ([Low v. Henry, 221 S.W.3d 609, 614-15 \(Tex. 2007\)](#); [Nath v. Tex. Children's Hosp., 446 S.W.3d 355, 362-63 \(Tex. 2014\)](#)).
- **Improper Purpose and Bad Faith:** Both Rule 13 and Chapter 10 prohibit filings made for improper purposes, such as harassment or unnecessary delay. Courts have equated "improper purpose" under Chapter 10 with "bad faith" under Rule 13 ([Christopher Pace v. Aces](#)

[Autos, LLC](#), No. 05-22-00234-CV (Tex. App. Mar. 22, 2024); [Sullivan v. Arguello Hope & Assocs., PLLC](#), No. 03-18-00144-CV (Tex. App. Dec. 7, 2018)).

- **Evidentiary Support:** Sanctions are appropriate when factual contentions in pleadings lack evidentiary support, especially when the party persists in making such allegations after being confronted with contrary evidence ([Low v. Henry, 221 S.W.3d at 614-15](#); [Darnell v. Broberg, 565 S.W.3d 450, 456-57 \(Tex. App. 2018\)](#)).
- **Presumption of Good Faith and Burden of Proof:** There is a presumption that pleadings are filed in good faith, but the party seeking sanctions bears the burden of overcoming this presumption by showing groundlessness and bad faith or improper purpose ([GTE Communications Systems Corp. v. Tanner, 856 S.W.2d 725, 730 \(Tex. 1993\)](#); [R.M. Dudley Const. Co., Inc. v. Dawson, 258 S.W.3d 694, 709 \(Tex. App. 2008\)](#)).
- **Evidentiary Hearing Requirement:** Before imposing sanctions, courts are required to hold an evidentiary hearing to assess the motives and credibility of the person signing the allegedly groundless pleading, considering all facts and circumstances at the time of filing ([Christopher Pace v. Aces Autos, LLC](#), No. 05-22-00234-CV (Tex. App. Mar. 22, 2024); [Accurate Valve Serv., Inc. v. Gilmore](#), No. 13-17-00440-CV (Tex. App. May 9, 2019)).

## Analysis

### Application of Law to Repeated, Unsupported Allegations

The scenario described—where a petitioner repeatedly files amended pleadings alleging abuse and neglect without supporting evidence, and in the face of a substantial record refuting those claims—falls squarely within the conduct targeted by both Rule 13 and Chapter 10.

#### 1. Lack of Evidentiary Support and Reasonable Inquiry

Under both Rule 13 and Chapter 10, every factual allegation in a pleading must have evidentiary support or, at minimum, be likely to have such support after reasonable investigation. Persisting in making allegations that are directly contradicted by the record, especially after being confronted with contrary evidence, demonstrates a failure to conduct a reasonable inquiry and a lack of evidentiary support ([Low v. Henry, 221 S.W.3d at 614-15](#); [Darnell v. Broberg, 565 S.W.3d at 456-57](#)). The Texas Supreme Court has specifically held that continuing to assert allegations after obtaining information that negates those claims is sanctionable under Chapter 10 ([Low v. Henry, 221 S.W.3d at 614-15](#)).

#### 2. Improper Purpose and Bad Faith

Filing pleadings for the purpose of harassment, to cause unnecessary delay, or to needlessly increase the cost of litigation is prohibited. When a party continues to file unsubstantiated allegations after being presented with evidence to the contrary, courts have found this to be indicative of bad faith

or an improper purpose ([Christopher Pace v. Aces Autos, LLC](#), No. 05-22-00234-CV (Tex. App. Mar. 22, 2024); [Nath v. Tex. Children's Hosp., 446 S.W.3d at 362-63](#)). The courts have equated "improper purpose" under Chapter 10 with "bad faith" under Rule 13, and both frameworks authorize sanctions for such conduct ([Sullivan v. Arguello Hope & Assocs., PLLC](#), No. 03-18-00144-CV (Tex. App. Dec. 7, 2018)).

### **3. Repeated Filings and Escalation of Sanctionable Conduct**

The repeated nature of the filings exacerbates the violation. Texas courts have recognized that sanctions are particularly appropriate where a party persists in making allegations that have been refuted by the record or where the party fails to withdraw such allegations after being confronted with contrary evidence ([Low v. Henry, 221 S.W.3d at 614-15](#); [In re A.C.B., 103 S.W.3d 570, 574-75 \(Tex. App. 2003\)](#)). The legislative framework also emphasizes deterrence of repeated or comparable conduct by others (Tex. Civ. Prac. & Rem. Code § 10.004; [Dike v. Peltier Chevrolet Inc., 343 S.W.3d 179, 193 \(Tex. App. 2011\)](#)).

### **4. Sanctions Procedure and Due Process**

Before imposing sanctions, the court must provide notice and an opportunity for hearing, and must make specific findings of good cause in the sanction order ([Tex. R. Civ. P. 13](#); [Nath v. Tex. Children's Hosp., 446 S.W.3d at 362-63](#)). The party seeking sanctions bears the burden of overcoming the presumption of good faith by showing that the pleadings are groundless and brought in bad faith or for harassment ([GTE Communications Systems Corp. v. Tanner, 856 S.W.2d at 731](#)).

### **5. Scope and Nature of Sanctions**

Sanctions may include non-monetary directives, penalties, or fee-shifting, but must be limited to what is sufficient to deter repetition of the conduct (Tex. Civ. Prac. & Rem. Code § 10.004). The court may not impose monetary sanctions against a represented party under Chapter 10, and must ensure that the sanction is not excessive and relates directly to the abuse found ([Nath v. Tex. Children's Hosp., 446 S.W.3d at 362-63](#)).

## **Illustrative Case Applications**

- In [Low v. Henry, 221 S.W.3d 609 \(Tex. 2007\)](#), the Texas Supreme Court upheld sanctions where an attorney continued to assert allegations that were disproved by evidence, finding that this violated the certification requirements of Chapter 10.
- In [In re A.C.B., 103 S.W.3d 570 \(Tex. App. 2003\)](#), the court affirmed sanctions where a party filed a pleading without verifying the facts and persisted after being presented with evidence disproving the claim, characterizing the conduct as groundless and in bad faith.
- In [Darnell v. Broberg, 565 S.W.3d 450 \(Tex. App. 2018\)](#), the court held that even a single factual contention in a pleading that lacks evidentiary support can warrant sanctions under Chapter 10, and that

Rule 13 requires a finding of bad faith or improper purpose in addition to groundlessness.

## Presumption of Good Faith and Burden of Proof

While there is a presumption that pleadings are filed in good faith, this presumption is rebuttable. The party seeking sanctions must demonstrate both the groundlessness of the pleadings and the improper motive or bad faith behind their filing ([GTE Communications Systems Corp. v. Tanner, 856 S.W.2d at 731](#); [R.M. Dudley Const. Co., Inc. v. Dawson, 258 S.W.3d at 709](#)). The repeated filing of allegations that are unsupported and refuted by the record is strong evidence of bad faith or improper purpose.

## Distinction Between Rule 13 and Chapter 10

Rule 13 requires a showing that the pleading is both groundless and brought in bad faith or for harassment, while Chapter 10 allows for sanctions if the pleading is filed for an improper purpose or lacks evidentiary support, even without a specific finding of bad faith ([Darnell v. Broberg, 565 S.W.3d at 456-57](#); [Mann v. Kendall Home Builders Constr. Partners I, Ltd., 464 S.W.3d 84, 90 \(Tex. App. 2015\)](#)). However, in practice, the standards are closely aligned, and courts often analyze motions for sanctions under both frameworks simultaneously ([Christopher Pace v. Aces Autos, LLC, No. 05-22-00234-CV \(Tex. App. Mar. 22, 2024\)](#)).

## Negative Treatment of Authorities

It is important to note that [Mattly v. Spiegel Inc., 19 S.W.3d 890 \(Tex. App. 2000\)](#) has been disavowed by the Texas Supreme Court in [Martin v. Tex. Dept. of Family & Protective, 176 S.W.3d 390 \(Tex. 2004\)](#). While Mattly articulated the standard for Rule 13 sanctions and the presumption of good faith, its authority is limited, and reliance should instead be placed on more recent and controlling Supreme Court and appellate decisions such as [Low v. Henry](#) and [Nath v. Tex. Children's Hosp..](#)

## Exceptions and Caveats

- **Evidentiary Hearing Requirement:** Sanctions cannot be imposed without notice and an opportunity for hearing, and the court must make specific findings of good cause in the sanction order ([Tex. R. Civ. P. 13](#); [Christopher Pace v. Aces Autos, LLC, No. 05-22-00234-CV \(Tex. App. Mar. 22, 2024\)](#)).
- **Scope of Sanctions:** Sanctions must be proportionate and limited to what is necessary to deter repetition of the conduct. Monetary sanctions may not be imposed against a represented party under Chapter 10 (Tex. Civ. Prac. & Rem. Code § 10.004).
- **Presumption of Good Faith:** The presumption of good faith in filing pleadings means that sanctions are not automatic; the moving party must provide evidence to overcome this presumption ([GTE Communications Systems Corp. v. Tanner, 856 S.W.2d at 731](#)).

- **Alternative Pleading:** Texas law does not permit a party to allege claims with no factual basis simply as an alternative to claims that do have support ([Low v. Henry, 221 S.W.3d at 614-15](#)).

## Conclusion

Texas law, through both Rule 13 and Chapter 10, strictly prohibits the filing of pleadings that are groundless, brought in bad faith, or for improper purposes such as harassment or delay. The repeated filing of unsubstantiated and refuted allegations—especially after being confronted with contrary evidence—constitutes a clear violation of these rules and is sanctionable. Courts are empowered and, in appropriate cases, required to impose sanctions to deter such conduct, provided that due process is observed and the sanctions are proportionate. The authorities make clear that both attorneys and parties have a duty to ensure that every factual allegation in a pleading is supported by evidence or is likely to be after reasonable investigation, and that persistence in making baseless allegations in the face of contrary evidence is a hallmark of bad-faith litigation warranting sanctions.

## Legal Authorities

[Elkins v. Stotts-Brown, 103 S.W.3d 664 \(Tex. App. 2003\)](#)

### Texas Court of Appeals

#### Extract

This chapter also provides that, if the court determines that a pleading has been signed in violation of any one of the standards prescribed by section 9.011, 'the court shall, not earlier than 90 days after the date of the determination, at the trial or hearing or at a separate hearing following reasonable notice to the offending party, impose an appropriate sanction on the signatory, a represented party, or both.' ... TEX.R. CIV. P. 13. When determining whether rule 13 sanctions are proper, the trial court must examine the circumstances existing when the litigant filed the pleading. ... The trial court must examine the facts available to the litigant and the circumstances existing at the time the pleading was signed. ... Chapter 10 of the civil practice and remedies code ... provides that the signing of a pleading ... constitutes a certificate ... that ... (1) the pleading or motion is not being presented for any improper purpose, including to harass or to cause unnecessary delay or needless increase in the cost of litigation; ... (3) each allegation or other factual contention in the pleading or motion has evidentiary support or, ... is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery....

#### Summary

The passages articulate that pleadings must not be filed for improper purposes (harassment, delay), must have evidentiary support, and that

courts shall impose sanctions for violations. Rule 13 directs courts to assess the facts known at filing. This supports sanctioning repeated, unsubstantiated allegations made despite contrary evidence as bad-faith or improper-purpose filings under Rule 13 and Chapter 10.

[Sullivan v. Arguello Hope & Assocs., PLLC, NO. 03-18-00144-CV \(Tex. App. Dec 07, 2018\)](#)

## **Texas Court of Appeals**

### **Extract**

Rule 13 authorizes the imposition of sanctions against an attorney who files a pleading that is (1) both groundless and brought in bad faith; or (2) groundless and brought for the purpose of harassment... Rule 13 does not permit sanctions on the issue of groundlessness alone." ... "The burden is on the movant to establish not only the frivolity of its opponent's claim but also the improper motives underlying the decision to file the suit, motion, or document." ... "Chapter 10 of the Texas Civil Practice and Remedies Code allows sanctions for pleadings filed with an improper purpose or that lack legal or factual support." ... "'Improper purpose' under chapter 10 is the equivalent of 'bad faith' under rule 13.

### **Summary**

The opinion confirms that Rule 13 sanctions are proper when pleadings are both groundless and brought in bad faith or for harassment, and that Chapter 10 authorizes sanctions for improper purpose or lack of factual support. It equates "improper purpose" under Chapter 10 with "bad faith" under Rule 13. These standards support sanctioning repeated filings of unsubstantiated allegations, particularly after contrary evidence exists, as indicative of bad faith/harassment and lack of evidentiary support.

[GTE Communications Systems Corp. v. Tanner, 856 S.W.2d 725 \(Tex. 1993\)](#)

## **Texas Supreme Court**

### **Extract**

Rule 13 states in pertinent part: The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment.... If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, after notice and hearing, shall impose an appropriate sanction available under Rule 215-2b, upon the person who signed it, a represented party, or both. ... To impose

sanctions under Rule 13, the district court was also required to find that GCSC's assertions were made in bad faith or for the purpose of harassment. ... Rule 13 prescribes that courts presume that papers are filed in good faith. Thus, the burden is on the party moving for sanctions to overcome this presumption.

## **Summary**

The case confirms that Rule 13 prohibits groundless filings made in bad faith or for harassment and authorizes sanctions upon violation, while clarifying the evidentiary standards (presumption of good faith and need for specific findings). This supports the proposition's legal framework for sanctioning repeated, unsubstantiated pleadings in bad faith, especially after contrary evidence is presented.

[Mattly v Spiegel Inc., 19 S.W.3d 890 \(Tex. App. 2000\)](#)

## **Texas Court of Appeals**

### **Extract**

A party cannot obtain rule 13 sanctions unless the party proves that the claims are groundless and that the opposing party brought the claim in bad faith or to harass the party. See Tex. R. Civ. P.13. One purpose of rule 13 is to check abuses in the pleading process. ... [R]ule 13 authorizes sanctions ... against an attorney, a represented party, or both, who files a pleading that is groundless and brought in bad faith or groundless and brought for the purpose of harassment. The trial court must examine the circumstances existing when the litigant filed the pleadings to determine whether rule 13 sanctions are proper." ... "Bad faith does not exist when a party exercises bad judgment or negligence; 'it is the conscious doing of a wrong for dishonest, discriminatory, or malicious purposes.' ... Courts must presume that papers are filed in good faith, and the party moving for sanctions bears the burden of overcoming this presumption." ... "A request for rule 13 sanctions under the Texas Rules of Civil Procedure is also a request for affirmative relief." ... "However, in a patently meritless suit, some courts have held that failing to nonsuit may constitute some evidence supporting sanctions.

## **Summary**

The case articulates Rule 13's prohibition on groundless pleadings filed in bad faith or for harassment and confirms courts' authority to sanction attorneys/parties. It explains the bad-faith standard, presumption of good faith, and that sanctions are affirmative relief. It also notes that persistence in a patently meritless suit (e.g., failing to nonsuit) can evidence sanctionable conduct. These points support sanctioning repeated filings of unsubstantiated allegations contrary to an established record. While the passage does not cite Chapter 10, its Rule 13 analysis directly supports the

proposition's Rule 13 component and the concept of sanctioning improper, baseless pleadings.

[Condit v. Gonzales, No. 13-04-426-CV \(Tex. App. 9/28/2006\), No. 13-04-426-CV. \(Tex. App. Sep 28, 2006\)](#)

## **Texas Court of Appeals**

### **Extract**

the trial court erred (1) in finding Perring's suit against Judge Gonzales violated section 10.005 of the Texas Civil Practice and Remedies Code and rule 13 of the Texas Rules of Civil Procedure... In its order dated June 7, 2004, the trial court awarded sanctions against appellant pursuant to rule 13 and section 10.01 and included the following findings... 7. [Appellant] filed a pleading which was groundless in violation of Tex. R. Civ. P. 13; 8. The allegations in the pleading filed against Judge Gonzales were not warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law; 9. None of the allegations made had evidentiary support; ... Similarly, rule 13 allows a court to impose sanctions on counsel for pleadings, motions, or other papers signed and filed that are groundless and brought in bad faith or groundless and brought for the purpose of harassment... 'Groundless' for purposes of this rule means no basis in law or fact... 'The party seeking sanctions bears the burden of overcoming the presumption of good faith in the filing of pleadings.' ... Here, the trial court concluded that appellant's claims against Judge Gonzales were frivolous, groundless and brought in bad faith and for purpose of harassment.

### **Summary**

The court affirmed sanctions under Rule 13 and Chapter 10 where pleadings were groundless, not warranted by law, and lacked evidentiary support, and were brought in bad faith/for harassment. This supports sanctioning repeated unsubstantiated allegations, especially when contradicted by the record, as bad-faith litigation under Rule 13 and Chapter 10.

[Low v. Henry, 221 S.W.3d 609 \(Tex. 2007\)](#)

## **Texas Supreme Court**

### **Extract**

Chapter 10 of the Texas Civil Practice and Remedies Code requires a pleading's signatory to certify that he or she conducted a reasonable inquiry into the allegations and concluded that each allegation or other factual contention in the pleading has or is likely to have evidentiary support. Because the attorney who filed the petition in this case obtained and directed the review of evidence that disproved some of the allegations pled

against some of the defendants, the trial court correctly found that the attorney violated Chapter 10." ... "Chapters 9 and 10 of the Texas Civil Practice and Remedies Code and rule 13 of the Texas Rules of Civil Procedure allow a trial court to sanction an attorney or a party for filing motions or pleadings that lack a reasonable basis in fact or law." ... "The signing of a pleading or motion as required by the Texas Rules of Civil Procedure constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry: (1) the pleading or motion is not being presented for any improper purpose, including to harass or to cause unnecessary delay... (3) each allegation or other factual contention in the pleading or motion has evidentiary support..." ... "Pleading in the alternative does not permit alleging a claim with no reasonable basis in fact or law 'in the alternative' of a claim that does have support. That is simply not permitted by Texas law. See TEX. CIV. PRAC. & REM.CODE § 10.001. Each allegation and factual contention in a pleading or motion must have, or be likely to have, evidentiary support after a reasonable investigation." ... "We recognize that in some cases, a party may not have evidence that proves each specific factual allegation at the time a lawsuit is filed... However, this does not excuse the filing of claims against parties when the attorney filing the lawsuit possesses information that a reasonable inquiry would have determined negated some of the claims made. We affirm the trial court's determination that chapter 10 was violated..."

## **Summary**

The passages establish: (1) Chapter 10 requires reasonable inquiry and evidentiary support for each factual allegation; (2) filing allegations disproved by evidence violates Chapter 10; (3) sanctions are authorized under Chapter 10 and Rule 13 for groundless or improper-purpose pleadings; (4) improper purposes include harassment and unnecessary delay; (5) alternative pleading does not excuse factually baseless allegations; and (6) continuing to assert allegations after being confronted with contrary evidence demonstrates sanctionable conduct. This directly supports sanctioning repeated, unsubstantiated abuse/neglect allegations refuted by a mandamus record.

[Darnell v. Broberg, 565 S.W.3d 450 \(Tex. App. 2018\)](#)

## **Texas Court of Appeals**

### **Extract**

First, Chapter 10 of the Texas Civil Practice and Remedies Code allows a trial court to impose sanctions against a party for pleadings that were filed with an improper purpose or that lack legal or factual support... section 10.001... upon signing a pleading or motion, a signatory attests that to his best knowledge, information, and belief, formed after reasonable inquiry: TEX. CIV. PRAC. & REM. CODE ANN. § 10.001." "Second, Rule 13 of the Texas Rules of Civil Procedure gives a trial court authority to impose

sanctions on a person who has filed pleadings that are groundless and brought in bad faith or for the purpose of harassment... 'Groundless' for purposes of this rule means no basis in law or fact..." "Chapter 10... does not require a party seeking sanctions to specifically show bad faith or malicious intent—only that the party to be sanctioned certified... he made a reasonable inquiry... and the allegations had evidentiary support, or were likely to have evidentiary support, when in fact he had not made a reasonable inquiry and/or the allegations... did not have evidentiary support." "Moreover, even if we were to apply the more stringent standards set forth in Rule 13... which require a finding that the petition was filed in bad faith and/or for an improper purpose, the record here supports such a finding." "As such, a trial court may sanction an attorney under Chapter 10 for making a factual contention—even an isolated one—in a pleading that has no evidentiary support... (upholding sanctions for making factual contentions in pleadings that had no evidentiary support)... sanctions under Chapter 10 may be based on a finding that a pleading contained misrepresentations of the facts.

## **Summary**

The passages confirm that (1) Chapter 10 authorizes sanctions when pleadings are filed for improper purposes or without evidentiary support and does not require proof of subjective bad faith; (2) Rule 13 authorizes sanctions for groundless pleadings brought in bad faith or to harass, defining "groundless" as lacking basis in law or fact; (3) courts may sanction even specific factual contentions in pleadings that lack evidentiary support; and (4) the appellate court affirmed sanctions under both frameworks where allegations lacked evidentiary support, aligning with the proposition that repeated, unsubstantiated allegations in the face of contrary evidence warrant sanctions.

[Nath v. Tex. Children's Hosp., 446 S.W.3d 355 \(Tex. 2014\)](#)

## **Texas Supreme Court**

### **Extract**

Both Chapter 10 of the Texas Civil Practice and Remedies Code and Texas Rule of Civil Procedure 13 are applicable to this case... Chapter 10 allows sanctions for pleadings filed with an improper purpose or that lack legal or factual support. It provides that upon signing a pleading or motion, a signatory attests that: Tex. Civ. Prac. & Rem. Code § 10.001. Pleadings that violate these Chapter 10 requirements are sanctionable. Id. § 10.004(a). But a court may not sanction a represented party under section 10.001 for unfounded legal contentions. Id. § 10.004(d). Rule 13 provides that pleadings that are groundless and in bad faith, intended to harass, or false when made are also sanctionable... The amount of a sanction is limited only by the trial court's duty to act within its sound discretion... the trial court must ensure that the sanction: (1) relates directly to the abuse found; and (2) is not excessive." "See Tex. Civ. Prac. & Rem. Code § 10.001 (providing that signing a pleading or motion certifies that 'the pleading or motion is not

being presented for any improper purpose, ... [and] each allegation or other factual contention in the pleading or motion has evidentiary support or... is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery').

## **Summary**

The Court confirms that Chapter 10 and Rule 13 authorize sanctions for pleadings filed for improper purposes (harassment, delay) and for factual contentions lacking evidentiary support. It emphasizes that signing certifies evidentiary support and proper purpose, and that violations are sanctionable. This supports sanctioning repeated, unsubstantiated allegations made despite contrary evidence as bad-faith litigation warranting sanctions, subject to due-process and proportionality constraints.

[Dike v. Peltier Chevrolet Inc., 343 S.W.3d 179 \(Tex. App. 2011\)](#)

## **Texas Court of Appeals**

### **Extract**

Similarly, to award sanctions under Chapter 10, it must be shown that: (1) the pleading or motion was brought for an improper purpose; (2) there were no grounds for the legal arguments advanced; or (3) the factual allegations or denials lacked evidentiary support. See Tex. Civ. Prac. & Rem. Code Ann. § 10.001 ... Chapter 10 specifies that one of the aims for imposition of sanctions for the filing of frivolous or groundless pleadings is to "deter repetition of the conduct or comparable conduct by others similarly situated." ... To impose sanctions under Rule 13 of the Texas Rules of Civil Procedure, the proponent of sanctions must establish that the suit was groundless and brought (1) in bad faith or (2) for purposes of harassment. Tex.R. Civ. P. 13. A pleading is groundless when it has no basis in law or in fact. Tex.R. Civ. P. 13. ... Although Rule 13 requires a party to have filed a groundless pleading brought in bad faith or a groundless pleading for harassment, sanctions under Chapter 10 can be awarded if the suit was filed for an improper purpose, even if the suit was not frivolous.

## **Summary**

The case sets out the legal thresholds for sanctions under Rule 13 (groundless + bad faith/harassment) and Chapter 10 (improper purpose or lack of evidentiary support), and notes deterrence of repeated conduct as a statutory aim. This supports sanctioning repeated, unsubstantiated pleadings, especially when evidentiary support is lacking or when filings persist for improper purposes notwithstanding contrary evidence.

[R.M. Dudley Const. Co., Inc. v. Dawson, 258 S.W.3d 694 \(Tex. App. 2008\)](#)

## **Texas Court of Appeals**

### **Extract**

Rule 13 authorizes a trial court to impose sanctions against an attorney, a represented party, or both, who file a groundless pleading brought in bad faith or brought for the purpose of harassment. TEX.R. CIV. P. 13. 'The imposition of Rule 13 sanctions involves the satisfaction of a two-part test. First, the party moving for sanctions must demonstrate that the opposing party's filings are groundless, and second, it must be shown that the pleadings were filed either in bad faith or for the purposes of harassment.'" ... "Under section 10.001, signing a pleading or motion constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry: (1) the pleading or motion is not being presented for any improper purpose, including to harass or to cause unnecessary delay or needless increase in the cost of litigation; ... (3) each allegation or other factual contention in the pleading or motion has evidentiary support or, for a specifically identified allegation or factual contention, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery." ... "Sanctions under chapter 10 are reviewed for abuse of discretion." ... "Rule 13 directs a trial court to presume that a pleading was filed in good faith... 'Thus, the burden is on the party moving for sanctions to overcome this presumption.'

### **Summary**

The passages set out controlling standards: Rule 13 permits sanctions for pleadings that are both groundless and filed in bad faith or to harass; Chapter 10 certifies that filings are not for improper purposes and that factual contentions have evidentiary support, with sanctions available for violations. These principles support sanctioning repeated unsubstantiated allegations refuted by the record as bad-faith, harassing filings lacking evidentiary support.

[Akinwamide v. Transp. Ins. Co., 499 S.W.3d 511 \(Tex. App. 2016\)](#)

## **Texas Court of Appeals**

### **Extract**

Texas Rule of Civil Procedure 13 addresses the "effect of signing pleadings, motions and other papers" and grants the trial court the ability to impose sanctions if it determines that the rule was violated. See TEX.R. CIV. P. 13." ... "Civil Practice and Remedies Code Chapter 10 also governs the imposition of sanctions for filing frivolous pleadings or motions. Section 10.001 provides that the signing of a pleading or motion "constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry," among other things, "the pleading or motion is not being presented for any improper purpose, including to harass" and that "each claim, defense, or other legal

contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument..." ... "Akinwamide next argues that Transportation presented no evidence that he brought the 2014 motion for an improper purpose—such as for harassment or in bad faith—or that the motion lacked an arguable basis in law or fact. Here, in its order imposing sanctions, the trial court found that Akinwamide's 2014 motion to set aside the 2000 judgment was a frivolous pleading that "was filed for an improper purpose to include but not limited to harass" Transportation." ... "See Nath, 446 S.W. 3d at 369 (stating that Chapter 10 "provides that a claim lacks a legal or factual basis—without more—is sanctionable"); Parker, 233 S.W.3d at 540 ("[H]arassment means that the pleading was intended to annoy, alarm, and abuse another person."). Because we hold that the trial court's decision to sanction Akinwamide pursuant to Chapter 10 had evidentiary support, we need not consider whether sanctions were proper pursuant to Rule 13.

## **Summary**

The case confirms (1) Rule 13 authorizes sanctions for groundless/bad-faith pleadings; (2) Chapter 10 authorizes sanctions when pleadings are filed for improper purposes (e.g., to harass) or lack factual/legal support; (3) a trial court may find filings frivolous and harassing and impose sanctions; and (4) a claim lacking legal or factual basis alone is sanctionable under Chapter 10. This supports sanctioning repeated, unsubstantiated allegations contrary to the record as bad-faith, harassing litigation.

[Nath v. Texas Children's Hosp., NO. 14-11-00034-CV, NO. 14-11-00127-CV \(Tex. App. May 03, 2012\)](#)

## **Texas Court of Appeals**

### **Extract**

Chapter 10 provides in pertinent part: 'A court that determines that a person has signed a pleading or motion in violation of Section 10.001 may impose a sanction on the person, a party represented by the person, or both.' ... Sanctions under Chapter 10 are authorized if the evidence establishes that a pleading or motion was brought for an improper purpose. Id. § 10.001(1). Reasonable inquiry should be made by the party and attorney to ensure that the pleading is not filed to harass, delay, or increase the cost of the litigation. Id. Similarly, Rule 13 provides that, if a pleading, motion, or other paper is filed in violation of the rule, the trial court shall impose an appropriate sanction 'upon the person who signed it, a represented party, or both.' Tex. R. Civ. P. 13. Rule 13 authorizes sanctions if the evidence establishes that a pleading is either (1) groundless or brought in bad faith or (2) groundless and brought to harass. Tex. R. Civ. P. 13. Groundless 'means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law.' ... Rule 13 identifies (a) the conduct punishable—filing any fictitious pleading or making statements that are groundless, false, or for purposes of delay; (b) who may be sanctioned—the person who signed the pleading, a represented

party, or both; and (c) the amount of possible sanctions—any sanctions available under Texas Rule of Civil Procedure 215.... Similarly, Chapter 10 identifies (a) the punishable conduct—signing pleading or motion for improper purpose or without evidentiary support; (b) who may be sanctioned—the person signing the pleading, a represented party, or both; and (c) the amount—the amount of reasonable expenses and attorney's fees.

## **Summary**

The passages define and affirm the availability of sanctions when a party files pleadings without evidentiary support, for improper purposes, or that are groundless or brought in bad faith. They confirm courts may sanction both signers and represented parties, and that attorney's fees may be awarded. This supports imposing sanctions for repeated, unsubstantiated allegations contrary to an evidentiary record.

[Nath v. Texas Children's Hosp., NO. 14-11-00034-CV, NO. 14-11-00127-CV \(Tex. App. Jun 26, 2012\)](#)

## **Texas Court of Appeals**

### **Extract**

We review the imposition of sanctions under Chapter 10 of the Texas Civil Practice and Remedies Code under the same standard we review sanctions under Rule 13—abuse of discretion.... 'The degree of discretion afforded by the trial court is... greater when sanctions are imposed for groundless pleadings than when imposed for discovery abuse.' ... Under Chapter 10, a court may impose monetary sanctions upon a showing that a party has filed a pleading for an improper purpose or asserted a claim without evidentiary support TEX. CIV. PRAC. & REM. CODE §§ 10.001(1), (3); 10.004(a). To comply with Chapter 10, the party and the attorney filing the pleading must undertake a 'reasonable inquiry' to ensure the pleading does not violate the Chapter 10 prohibitions.... In addition, the filing party and attorney must undertake a reasonable inquiry to make certain the claims set forth in the filing have evidentiary support. ... A party seeking sanctions under Rule 13 must show that the pleading is groundless and filed in bad faith or for purposes of harassment. TEX. R. CIV. P. 13.... A groundless pleading has 'no basis in law or fact and [is] not warranted by good faith argument for the extension, modification, or reversal of existing law.' ... 'A party acts in bad faith when discovery puts him on notice that his understanding of the facts may be incorrect, and he does not make reasonable inquiry into the facts before filing a pleading.' ... A court may accordingly find bad faith where a party asserts a claim with knowledge that the evidence fails to support the claim. ... The Court concludes that, as set forth above, Nath brought this groundless case in bad faith, without evidentiary support and for an improper purpose... Nath's improper purposes provide an independent ground for sanctions under Chapter 10. ... Furthermore, the Court concludes that his bad faith satisfies the second prong of the test for levying sanctions under Rule 13.

## **Summary**

The passages set out the legal standards: Rule 13 requires pleadings not be groundless and not filed in bad faith or to harass; Chapter 10 requires reasonable inquiry and evidentiary support and prohibits filings for improper purposes. They also explain bad faith when a party persists after being put on notice by discovery that facts are unsupported. The court's findings that Nath filed groundless claims without evidentiary support and for improper purposes, warranting sanctions, directly support sanctioning repeated unsubstantiated allegations, especially after contrary evidence is shown.

[Nath v. Tex. Children's Hosp., 375 S.W.3d 403 \(Tex. App. 2012\)](#)

## **Texas Court of Appeals**

### **Extract**

The trial court specifically found that Nath's claims were groundless, that a reasonable inquiry would have revealed that these claims were without factual basis and barred by well-settled, existing Texas law, and that they were filed in bad faith and for an improper purpose." ... "Chapter 10 provides in pertinent part: 'A court that determines that a person has signed a pleading or motion in violation of Section 10.001 may impose a sanction on the person, a party represented by the person, or both.' ... Sanctions under Chapter 10 are authorized if the evidence establishes that a pleading or motion was brought for an improper purpose. ... Reasonable inquiry should be made by the party and attorney to ensure that the pleading is not filed to harass, delay, or increase the cost of the litigation." ... "Rule 13 ... authorizes sanctions if the evidence establishes that a pleading is either (1) groundless or brought in bad faith or (2) groundless and brought to harass. ... Groundless 'means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law.'" ... "Under either Chapter 10 or Rule 13 the trial court may sanction the person who signed the pleading, a party represented by the person, or both." ... "Rule 13 identifies (a) the conduct punishable—filing any fictitious pleading or making statements that are groundless, false, or for purposes of delay; (b) who may be sanctioned—the person who signed the pleading, a represented party, or both; and (c) the amount of possible sanctions—any sanctions available under Texas Rule of Civil Procedure 215. ... Similarly, Chapter 10 identifies (a) the punishable conduct—signing pleading or motion for improper purpose or without evidentiary support; (b) who may be sanctioned—the person signing the pleading, a represented party, or both; and (c) the amount—the amount of reasonable expenses and attorney's fees.

## **Summary**

The case affirms sanctions where claims were found groundless, filed without factual basis, and in bad faith/improper purpose. It explains that both Rule 13 and Chapter 10 authorize sanctions against signatories and

represented parties for groundless pleadings, bad faith, harassment, and lack of evidentiary support, aligning with the proposition's assertion that repeated unsubstantiated allegations warrant sanctions.

[Accurate Valve Serv., Inc. v. Gilmore, NUMBER 13-17-00440-CV \(Tex. App. Apr 04, 2019\)](#)

## **Texas Court of Appeals**

### **Extract**

We presume that the pleadings and other papers are filed in good faith... The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment. TEX. R. CIV. P. 13. Groundless means that the claim has 'no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law.' ... 'Bad faith is the conscious doing of a wrong for dishonest, discriminatory, or malicious purposes; bad faith does not exist when a party merely exercises bad judgment or is negligent.' ... 'The plaintiff's petition alone cannot establish that a case was brought in bad faith or to harass.' ... Generally, Rule 13 of the Texas Rules of Civil Procedure requires that the trial court hold an evidentiary hearing to make a determination about the motives and intention of the party in question. ... (holding that a trial court may grant a motion for sanctions filed after a party is non-suited as long as the trial court does so within its plenary powers...)

### **Summary**

The case articulates Rule 13's certification, defines "groundless" and "bad faith," and confirms sanctions are available when filings are groundless and in bad faith or for harassment. It also underscores the need for an evidentiary hearing to assess motives and clarifies the court's authority to impose sanctions even after nonsuit. These principles support sanctions for repeated, unsubstantiated allegations contrary to evidence, aligning with the proposition's Rule 13/Chapter 10 framework (while the passage focuses on Rule 13, the standards dovetail with Chapter 10).

[Accurate Valve Serv., Inc. v. Gilmore, NUMBER 13-17-00440-CV \(Tex. App. May 09, 2019\)](#)

## **Texas Court of Appeals**

## **Extract**

We presume that the pleadings and other papers are filed in good faith... To be entitled to sanctions, the party seeking sanctions must overcome this presumption of good faith. ... 'The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment.' TEX. R. CIV. P. 13. Groundless means that the claim has 'no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law.' ... 'Bad faith is the conscious doing of a wrong for dishonest, discriminatory, or malicious purposes; bad faith does not exist when a party merely exercises bad judgment or is negligent.' ... Generally, in deciding whether a party filed a document in bad faith or for the purpose of harassment, Rule 13 of the Texas Rules of Civil Procedure requires that the trial court hold an evidentiary hearing to make a determination about the motives and intention of the party in question." ... "Rule 162 merely acknowledges that a nonsuit does not affect the trial court's authority to act on a pending sanctions motion; it does not purport to limit the trial court's power to act on motions filed after a nonsuit.

## **Summary**

The case explains Rule 13's certification, defines "groundless" and "bad faith," and confirms that sanctions may be imposed upon overcoming the presumption of good faith, typically after an evidentiary hearing assessing motives. It also confirms courts can impose sanctions post-nonsuit. This supports sanctioning repeated, unsubstantiated allegations filed despite contrary evidence as groundless and in bad faith/for harassment, fitting Rule 13 (and by analogy complements Chapter 10's improper purpose/evidentiary support requirements).

[In re A.C.B., 103 S.W.3d 570 \(Tex. App. 2003\)](#)

## **Texas Court of Appeals**

### **Extract**

The court did not state the rule it relied upon in sanctioning the AG, but it appears to have done so under Texas Rule of Civil Procedure 13, which authorizes a trial court to impose sanctions against an attorney, a represented party, or both, who file a groundless pleading, motion, or other paper brought in bad faith or brought for the purpose of harassment. TEX.R. CIV. P. 13. ... Because the trial court's conclusions indicate it adhered to the standard of Rule 13, we hold that the requirements of that rule have been satisfied. ... The AG's filing of the Notice of Administrative Writ of Withholding without any effort to verify whether there was an arrearage, without looking at the divorce decree, and without Binder's former wife

seeking the AG's assistance or claiming that Binder was in arrears; and the AG's refusal to withdraw the writ after meeting with Binder and being presented with evidence that he was not in arrears can be described in no other terms except groundless and in bad faith. Accordingly, we hold that the trial court did not abuse its discretion in sanctioning the AG under these circumstances.

## **Summary**

The court affirms Rule 13 sanctions where a party filed a paper without verifying facts and persisted after being confronted with evidence disproving the claim, characterizing the conduct as "groundless and in bad faith." This supports sanctioning repeated, unsubstantiated allegations refuted by the record. While the passage does not cite Chapter 10, its reasoning aligns with Chapter 10's standards (improper purpose; lack of evidentiary support).

[Shilling v. Gough, 393 S.W.3d 555 \(Tex. App. 2013\)](#)

### **Texas Court of Appeals**

#### **Extract**

Chapter 10 of the civil practice and remedies code can provide statutory authority for a sanction based upon a party's filing suit for improper purposes. The chapter begins with a statement of the standard for properly bringing a pleading or motion: The signing of a pleading or motion as required by the Texas Rules of Civil Procedure constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry: (1) the pleading or motion is not being presented for any improper purpose, including to harass or to cause unnecessary delay or needless increase in the cost of litigation. (2) each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; ... We conclude that if the trial court intended to award Gough attorney's fees as a sanction under chapter 10 of the Texas Civil Practice and Remedies Code, it failed to follow the mandatory procedures of that chapter. Thus, the court abused its discretion, and the sanction cannot stand.

## **Summary**

The case confirms that Chapter 10 authorizes sanctions for pleadings filed for improper purposes (harassment, delay) and requires factual contentions to have evidentiary support, aligning with the proposition that repeated unsubstantiated allegations can warrant sanctions. It also cautions that courts must follow Chapter 10's mandatory procedures, relevant to ensuring any sanction is imposed correctly.

[Langston v. Freese & Goss, PLLC., No. 05-17-01140-CV \(Tex. App. Dec 03, 2018\)](#)

## **Texas Court of Appeals**

### **Extract**

Chapter 10 allows sanctions for pleadings filed with an improper purpose or that lack legal or factual support. Section 10.001 provides that the signing of a pleading constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, after reasonable inquiry: (1) the pleading is not being presented for any improper purpose, including to harass or cause unnecessary delay or needless increase in the cost of litigation; ... (3) each factual contention has evidentiary support or is likely to have evidentiary support after reasonable investigation or discovery[.]" ... "Rule 13 authorizes a trial court to impose sanctions against an attorney, a represented party, or both, who files a pleading, motion, or other paper that is groundless and either brought in bad faith or for the purpose of harassment. TEX. R. CIV. P. 13. A court may not impose sanctions under Rule 13 'except for good cause, the particulars of which must be stated in the sanction order.' ... The party seeking sanctions bears the burden of overcoming the good faith presumption under Rule 13, and must (1) demonstrate that the opposing party's filings are groundless, and (2) show that the pleadings were filed either in bad faith or for the purpose of harassment.

### **Summary**

The passages restate black-letter Texas law: Chapter 10 authorizes sanctions when pleadings are filed for improper purposes or lack evidentiary support, and Rule 13 authorizes sanctions for pleadings that are groundless and filed in bad faith or to harass. This supports the proposition that repeated, unsubstantiated allegations—especially when refuted by record evidence—can warrant sanctions under Rule 13 and Chapter 10.

[Cherry Petersen Landry Albert LLP v. Cruz, 443 S.W.3d 441 \(Tex. App. 2014\)](#)

## **Texas Court of Appeals**

### **Extract**

Under chapter 10 of the civil practice and remedies code, an attorney signing a pleading or motion certifies that "to the signatory's best knowledge, information, and belief, formed after reasonable inquiry ... the pleading or motion is not being presented for any improper purpose ... and each allegation or other factual contention in the pleading or motion has evidentiary support or ... is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery[.]" Tex. Civ. Prac. & Rem. Code Ann. § 10.001 (West 2002). Under rule 13, an attorney signing a pleading or motion certifies that "to the best of their knowledge,

information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment." Tex.R. Civ. P. 13. ... We presume that pleadings are filed in good faith. Tex.R. Civ. P. 13 ... The party seeking sanctions bears the burden to overcome this general presumption.

## **Summary**

The passages restate the governing sanctions standards under Rule 13 and Chapter 10: pleadings must not be for improper purpose and must have evidentiary support; groundless, bad-faith, or harassing filings are sanctionable. They also note the presumption of good faith and burden to overcome it, which frames how to argue sanctions where a party repeatedly files refuted, unsupported allegations.

[Arthur v. Blackburne & Brown Mortg. Fund I, 14-21-00396-CV \(Tex. App. Mar 30, 2023\)](#)

## **Texas Court of Appeals**

### **Extract**

Texas Rule of Civil Procedure 13 provides in pertinent part as follows: The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment... If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, after notice and hearing, shall impose an appropriate sanction available under Rule 215-2b... Because the sanctions imposed are not available under Rule 13, the trial court abused its discretion in basing the sanctions award under Rule 13. We accordingly reverse the portion of the judgment awarding sanctions pursuant to Rule 13, for the sanctions can be affirmed, if at all, only under Chapter 10. B. Chapter 10 Chapter 10 of the Texas Civil Practice and Remedies Code provides as follows: Id. § 10.001. 'A party may make a motion for sanctions, describing the specific conduct violating Section 10.001.' Id. § 10.002.

## **Summary**

The passage confirms (1) Rule 13's certification that pleadings must not be groundless or brought in bad faith/for harassment and that violations require sanctions; (2) Chapter 10 authorizes sanctions for conduct violating §10.001 and provides a mechanism for moving for sanctions; and (3) courts must impose sanctions under the correct authority (Rule 13 sanctions must be among those listed in Rule 215.2(b); otherwise, sanctions can be affirmed under Chapter 10). This supports the proposition that filings lacking evidentiary support and made for improper purposes can warrant sanctions under Rule 13 and Chapter 10.

[Mann v. Kendall Home Builders Constr. Partners I, Ltd., 464 S.W.3d 84 \(Tex. App. 2015\)](#)

## **Texas Court of Appeals**

### **Extract**

Under Rule 13, the signatures of attorneys or parties on a pleading, motion, or other paper “constitute a certificate by them that they have read the [instrument, and] that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment.” Tex. R. Civ. P. 13. “If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, after notice and hearing, shall impose an appropriate sanction ... upon the person who signed it, a represented party, or both.” ... “In addition to proving groundlessness, a party seeking sanctions also must prove that the challenged document was signed in bad faith or for the purpose of harassment. ... To meet this burden, the party seeking sanctions must overcome the presumption that the challenged document was filed in good faith.” ... “A narrower scope applies under Chapter 10 of the Texas Civil Practice and Remedies Code, which, like Rule 13, also governs sanctions. Under Chapter 10, entitled “Sanctions for Frivolous Pleadings and Motions,” sanctions are available if a single claim, defense, or legal contention is unwarranted by existing law and there is no nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.”

### **Summary**

The case explains that Rule 13 prohibits signing and filing groundless pleadings brought in bad faith or for harassment and requires sanctions if violated. It also clarifies the need to prove bad faith/harassment and overcome the good-faith presumption. The concurrence distinguishes Rule 13’s instrument-wide focus from Chapter 10’s claim-by-claim authority, supporting sanctions when particular allegations lack evidentiary support or are for improper purposes—fitting repeated unsubstantiated allegations after contrary evidence.

[Christopher Pace v. Aces Autos, LLC](#)

## **Texas Court of Appeals**

### **Extract**

Our analysis of a motion for sanctions filed under [Texas Civil Practice and Remedies Code] Chapter 10 is the same as our review of a motion filed under [Texas Rule of Civil Procedure] 13.” ... “Under Rule 13, the signature

of an attorney constitutes a certificate 'that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment.' ... 'If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, after notice and hearing, shall impose an appropriate sanction... upon the person who signed it[.]' ... 'Courts shall presume that pleadings, motions, and other papers are filed in good faith.' ... 'No sanctions under this rule may be imposed except for good cause, the particulars of which must be stated in the sanction order.'" ... "Under Chapter 10, '[t]he signing of a pleading or motion as required by the Texas Rules of Civil Procedure constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry':" ... "The phrase 'improper purpose' is the equivalent of 'bad faith' under Rule 13." ... "Both Rule 13 and § 10.001 require an evidentiary hearing to enable the trial court to make necessary factual determinations about the motives and credibility of the person signing the allegedly groundless pleading. ... 'Ultimately, the trial court is required to examine the signer's credibility taking into consideration all the facts and circumstances available to him at the time of the filing.'

## **Summary**

The passages confirm that (1) Rule 13 prohibits pleadings that are groundless and brought in bad faith or for harassment and mandates sanctions upon violation; (2) Chapter 10 imposes similar certification requirements and authorizes sanctions for improper purposes and lack of evidentiary support, with "improper purpose" equated to "bad faith"; (3) courts analyze Rule 13 and Chapter 10 sanctions similarly; and (4) an evidentiary hearing is required to assess the filer's motives and credibility in light of available facts. This supports sanctioning repeated unsubstantiated allegations, especially when contrary evidence exists.

[Akhtar v. Leawood Hoa, Inc., 525 S.W.3d 814 \(Tex. App. 2017\)](#)

## **Texas Court of Appeals**

### **Extract**

Appellees further filed a motion for sanctions and costs pursuant to Texas Rule of Civil Procedure 13 and Chapter 10 the Texas Civil Practice and Remedies Code. See Tex. R. Civ. P. 13 ; Tex. Civ. Prac. & Rem. Code §§ 10.004, 10.005. Appellees requested sanctions of \$9,300 for attorney's fees and \$150 in court costs 'to deter this type of conduct and establish to the Plaintiff that the filing of a frivolous complaint and/or lawsuit is a very serious matter.' ... Appellant further contends the trial court erred in failing to state in its order any reason for imposing sanctions. Rule 13 clearly states, 'No sanctions under this rule may be imposed except for good cause, the particulars of which must be stated in the sanction order.' Tex. R. Civ. P. 13. Section 10.005 of the Texas Civil Practice and Remedies Code imposes a

similar duty on the trial court: 'A court shall describe in an order imposing a sanction under this chapter the conduct the court has determined violated Section 10.001 and explain the basis for the sanction imposed.' Tex. Civ. Prac. & Rem. Code § 10.005.

## **Summary**

The passage confirms that Texas Rule 13 and Chapter 10 authorize sanctions for frivolous filings and require particularized findings explaining the sanctionable conduct, aligning with the proposition that groundless, bad-faith pleadings warrant sanctions. It also reflects the deterrent purpose of sanctions for frivolous complaints.

### [Tex. Civ. Prac. and Rem. Code § 9.011](#) [Tex. Civ. Prac. and Rem. Code § 9.011](#) [Signing of Pleadings](#)

## **Extract**

The signing of a pleading as required by the Texas Rules of Civil Procedure constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry, the pleading is not: groundless and brought in bad faith; groundless and brought for the purpose of harassment; or groundless and interposed for any improper purpose, such as to cause unnecessary delay or needless increase in the cost of litigation.

## **Summary**

Each signed pleading certifies it is not groundless, not in bad faith, and not for harassment or other improper purposes. Repeated filings of allegations lacking evidentiary support, especially after contrary record evidence, violate this certification and support sanctions under Rule 13 and Chapter 10. Section 9.011 aligns with and reinforces those sanctions regimes by defining the certification obligations and improper-purpose constraints.

### [Tex. Civ. Prac. and Rem. Code § 10.001](#) [Tex. Civ. Prac. and Rem. Code § 10.001](#) [Signing of Pleadings and Motions](#)

## **Extract**

The signing of a pleading or motion as required by the Texas Rules of Civil Procedure constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry: the pleading or motion is not being presented for any improper purpose, including to harass or to cause unnecessary delay or needless increase in the cost of litigation; each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the

establishment of new law; each allegation or other factual contention in the pleading or motion has evidentiary support or, for a specifically identified allegation or factual contention, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and each denial in the pleading or motion of a factual contention is warranted on the evidence or, for a specifically identified denial, is reasonably based on a lack of information or belief.

## **Summary**

Section 10.001 deems the signing of a pleading a certification that the filing is not for an improper purpose (e.g., harassment, delay) and that factual contentions have evidentiary support (or will after reasonable discovery). Repeated filings asserting abuse/neglect without evidentiary support, particularly after contrary record evidence, indicate violations of these certifications—both the improper purpose prong and the evidentiary support prong—thus fitting within Chapter 10’s sanctionable conduct and supporting sanctions alongside Rule 13.

### [Tex. Civ. Prac. and Rem. Code § 10.002 Tex. Civ. Prac. and Rem. Code § 10.002 Motion For Sanctions](#)

## **Extract**

(a) A party may make a motion for sanctions, describing the specific conduct violating Section CIVIL PRACTICE AND REMEDIES CODE 10.001. (b) The court on its own initiative may enter an order describing the specific conduct that appears to violate Section CIVIL PRACTICE AND REMEDIES CODE 10.001 and direct the alleged violator to show cause why the conduct has not violated that section. (c) The court may award to a party prevailing on a motion under this section the reasonable expenses and attorney's fees incurred in presenting or opposing the motion, and if no due diligence is shown the court may award to the prevailing party all costs for inconvenience, harassment, and out-of-pocket expenses incurred or caused by the subject litigation.

## **Summary**

Section 10.002 authorizes parties (and the court sua sponte) to seek and impose sanctions for conduct violating Section 10.001. It expressly allows fee shifting and additional costs where no due diligence is shown, including for inconvenience and harassment, aligning with the proposition’s claim that Chapter 10 permits sanctions for pleadings filed to harass or without evidentiary support. This supports sanctioning repeated, unsubstantiated allegations refuted by the record as bad-faith litigation.

### [Tex. Civ. Prac. and Rem. Code § 9.012 Tex. Civ. Prac. and Rem. Code § 9.012 Violation; Sanction](#)

## **Extract**

the court may on its own motion, or shall on the motion of any party to the action, determine if a pleading has been signed in violation of any one of the standards prescribed by Section CIVIL PRACTICE AND REMEDIES CODE 9.011. ... If the court determines that a pleading has been signed in violation of any one of the standards prescribed by Section CIVIL PRACTICE AND REMEDIES CODE 9.011, the court shall, not earlier than 90 days after the date of the determination, ... impose an appropriate sanction on the signatory, a represented party, or both. ... The sanction may include ... the striking of a pleading or the offending portion thereof; ... the dismissal of a party; or an order to pay ... reasonable expenses ... including costs, reasonable attorney's fees, witness fees, fees of experts, and deposition expenses. ... This section does not apply to any proceeding to which Section CIVIL PRACTICE AND REMEDIES CODE 10.004 or Rule 13, Texas Rules of Civil Procedure, applies.

## **Summary**

The passage confirms courts must determine and impose sanctions for pleadings signed in violation of § 9.011 standards, including striking pleadings, dismissal, and fee-shifting. It also clarifies that § 9.012 does not apply where Chapter 10 (§ 10.004) or Rule 13 applies, underscoring that Texas provides overlapping sanctions regimes for groundless or bad-faith pleadings. This supports the proposition that Texas law authorizes sanctions for repeated, unsupported allegations and that Rule 13 and Chapter 10 are appropriate vehicles; § 9.012 corroborates the availability and nature of sanctions and the procedural mechanism for determining violations.

### [Tex. Civ. Prac. and Rem. Code § 10.004 Tex. Civ. Prac. and Rem. Code § 10.004 Violation; Sanction](#)

## **Extract**

A court that determines that a person has signed a pleading or motion in violation of Section CIVIL PRACTICE AND REMEDIES CODE 10.001 may impose a sanction on the person, a party represented by the person, or both. The sanction must be limited to what is sufficient to deter repetition of the conduct or comparable conduct by others similarly situated. A sanction may include any of the following: a directive to the violator to perform, or refrain from performing, an act; an order to pay a penalty into court; and an order to pay to the other party the amount of the reasonable expenses incurred by the other party because of the filing of the pleading or motion, including reasonable attorney's fees. The court may not award monetary sanctions against a represented party for a violation of Section CIVIL PRACTICE AND REMEDIES CODE 10.001. The court may not award monetary sanctions on its own initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party or the party's attorney who is to be sanctioned. The filing of a general denial

under Rule 92, Texas Rules of Civil Procedure, shall not be deemed a violation of this chapter.

## **Summary**

Section 10.004 authorizes courts to impose sanctions when a pleading or motion violates § 10.001, which includes filings for improper purposes (e.g., harassment or unnecessary delay) or factual contentions without evidentiary support. The statute specifies available sanctions (directives, penalties, and fee-shifting) aimed at deterring repetition—aligning with the proposition that repeated, unsubstantiated allegations warrant sanctions. It also clarifies limits (no monetary sanctions against represented parties; show-cause requirement for court-initiated sanctions; general denial safe harbor), which frames how sanctions may be imposed for repetitive, unsupported allegations.

[Sanctions for nonfrivolous complaints? Implications for the improper purpose prong of Rule 11.](#)

**Albany Law Review - Albany Law School - Kruzansky, Barbara Comninos - 1998-06-22**

## **Extract**

Rule 11 prohibits the filing of pleadings that are not reasonably based in the law or in fact and forbids the filing of pleadings that are interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increased cost of litigation. The language of Rule 11 is mandatory; if a district court concludes that a party or attorney filed a pleading or other document for an improper purpose, then the court must impose a sanction.... Thus, the Seventh Circuit concluded, a district court need not find a claim to be frivolous in order for the filer's conduct..." ... "Even if there is an arguable legal and factual basis for a motion, an attorney or party violates Rule 11 by presenting that motion to the court for an improper purpose.

## **Summary**

The quoted passages establish that pleadings lacking factual basis or filed for improper purposes (harassment, delay) are sanctionable, and sanctions can be imposed even if the claims are not frivolous if the purpose is improper. This mirrors Texas Rule of Civil Procedure 13 and Texas Civil Practice & Remedies Code Chapter 10, both of which prohibit groundless filings, improper purposes, and unsupported factual contentions, and authorize sanctions. The article's discussion of Rule 11's improper purpose prong supports the argument that repeated, unsubstantiated allegations—especially in the face of contrary evidence—reflect bad faith and warrant sanctions.

## [The Dick Law Firm and its Client Sanctioned](#)

### **Extract**

Standard moved to recover attorney's fees under the Texas Rules of Civil Procedure, the Texas Insurance Code, the Texas Civil Practice and Remedies Code, and the DTPA, asserting that Aleman had filed a frivolous lawsuit, which was sanctionable conduct... Due to Aleman and her counsel's failure to support by any claim pled in this lawsuit and the failure to identify any effort to investigate a basis in law or fact to support the pleadings, the court found that there was no evidentiary support for any claim pled by Aleman in this lawsuit and that the lawsuit was brought for an improper purpose, including to cause unnecessary delay and the needless increase of the cost of litigation. In addition the court found that the Expert Designations filed by Aleman and her attorneys, Dick and the Dick Law Firm, were misleading and contained false information about designated witnesses.

### **Summary**

The passage shows a Texas court imposing sanctions where claims lacked evidentiary support and were pursued for improper purposes (e.g., delay and increasing costs), aligning with Rule 13's prohibition on groundless, bad-faith pleadings and Chapter 10's ban on filings for improper purposes or without factual support. It supports the argument that repeatedly filing unsubstantiated allegations, especially when refuted and unsupported, warrants sanctions.

## [The Rare Abuse of the Appraisal Process](#)

### **Extract**

In addition, counsel for Plaintiff violated Tex.R.Civ.P. 13 by signing and filing pleadings that were groundless, brought in bad faith, or brought for the purpose of harassment. ... Under these circumstances, the Court has discretion to strike the Plaintiffs pleadings and dismiss the case under Tex.R.Civ.P. 215.2(b). The Court determined that based on multiple violations of the Texas Rules of Civil Procedure and violations of the Court's orders, there are no lesser sanctions that would fully promote compliance. ... The court then struck Mitchell's pleadings and dismissed his case with prejudice.

### **Summary**

The passage explicitly states a Texas court found a violation of Rule 13 for groundless and bad-faith pleadings and imposed severe sanctions (striking pleadings and dismissal with prejudice) after repeated violations and ineffectiveness of lesser sanctions. This supports the proposition that Texas courts may sanction repetitive, unsubstantiated, harassing pleadings under Rule 13, and that courts may escalate to striking pleadings/dismissal when lesser sanctions are inadequate. While the passage does not cite Chapter 10

expressly, it corroborates the Rule 13 arm of the proposition and the availability of sanctions for improper pleadings.

## [Rule 13. Effect of Signing Pleadings, Motions and Other Papers; Sanctions](#)

### **Extract**

The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment. ... If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, after notice and hearing, shall impose an appropriate sanction ... Courts shall presume that pleadings, motions, and other papers are filed in good faith. No sanctions under this rule may be imposed except for good cause, the particulars of which must be stated in the sanction order. 'Groundless' for purposes of this rule means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law.

### **Summary**

The passage defines the signer's certification duty, prohibits pleadings that are groundless and brought in bad faith or for harassment, and mandates sanctions for violations after notice and hearing. It also defines "groundless" as having no basis in law or fact. Repeated filings of allegations lacking evidentiary support—especially when refuted by a mandamus record—fit within "groundless" and bad-faith/harassment purposes, supporting sanctions under Rule 13. While Chapter 10 is not quoted here, Rule 13 independently supports sanctions for the described conduct.

This memo was compiled by Vincent AI based on vLex materials available as of December 07, 2025. [View full answer on vLex](#)