

Question

The opposing party blocked your emergency relief, leading to a sustained dental emergency for your daughter. Parties in a legal proceeding must act in good faith and not obstruct the opposing party's right to seek relief, especially in emergency situations. The actions of the opposing party in blocking your emergency relief may have exacerbated the situation, contributing to the harm experienced by your daughter.

Answer (Texas)

Short response

Based on Texas law, parties in legal proceedings must act in good faith and not obstruct emergency relief requests, particularly where such obstruction could cause harm. If the opposing party blocked emergency dental treatment for your daughter in bad faith or for improper purposes such as harassment or unnecessary delay, they may be subject to sanctions under Texas law.

Summary

Under Texas law, parties and their representatives are expected to act in good faith throughout legal proceedings. The Texas Administrative Code explicitly provides judges with sanctioning authority against parties who act in bad faith, for harassment, or for improper purposes such as causing unnecessary delay. This is particularly relevant in emergency situations where delay could exacerbate harm, as appears to be the case with your daughter's dental emergency.

The legal framework presumes good faith in pleadings and motions, but this presumption can be overcome when a party's actions demonstrate improper purpose. When an opposing party blocks emergency relief without legitimate grounds, especially in a situation involving a child's medical needs, this may constitute bad faith conduct that warrants judicial intervention. In your case, if you can demonstrate that the opposing party's obstruction of emergency dental treatment was groundless, in bad faith, or for an improper purpose, you may be able to seek appropriate sanctions.

Background and Relevant Legal Framework

Administrative Code Provisions

The Texas Administrative Code provides explicit authority for judges to impose sanctions on parties who act in bad faith or engage in improper conduct during legal proceedings. Specifically, [1 Tex. Admin. Code § 155.157](#) establishes that judges have the authority to impose appropriate sanctions against parties or their representatives for improper conduct.

Under this provision, a judge may sanction a party for "filing a motion or pleading that is deemed by the judge to be groundless and brought: (A) in bad faith; (B) for the purpose of harassment; or (C) for any other improper purpose, such as to cause unnecessary delay or needless increase in the cost of the proceeding." [1 Tex. Admin. Code § 155.157](#). This language directly addresses situations where parties act improperly during legal proceedings, including actions that cause unnecessary delay.

The available sanctions under this provision are substantive and may include "disallowing in whole or in part requests for relief by the offending party and excluding evidence in support of those requests" or "striking pleadings or testimony in whole or in part." [1 Tex. Admin. Code § 155.157](#). These remedies could be particularly relevant if the opposing party's obstruction of emergency dental treatment for your daughter was found to be groundless and in bad faith.

Case Law on Good Faith Requirements

Texas courts have consistently upheld the principle that parties must act in good faith throughout legal proceedings. In [Accurate Valve Serv., Inc. v. Gilmore, NUMBER 13-17-00440-CV \(Tex. App. Apr 04, 2019\)](#), the Texas Court of Appeals emphasized that "We presume that the pleadings and other papers are filed in good faith." This establishes an important baseline presumption that applies to all participants in legal proceedings.

However, the court also established that this presumption can be overcome, noting that "To be entitled to sanctions, the party seeking sanctions must overcome this presumption of good faith." [Accurate Valve Serv., Inc. v. Gilmore, NUMBER 13-17-00440-CV \(Tex. App. Apr 04, 2019\)](#). This means that while there is a presumption of good faith, evidence of bad faith conduct can overcome this presumption.

The court further explained that "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." [Accurate Valve Serv., Inc. v. Gilmore, NUMBER 13-17-00440-CV \(Tex. App. Apr 04, 2019\)](#). This establishes that parties certify their good faith when signing pleadings or motions.

Similarly, in [Shilling v. Gough, 393 S.W.3d 555 \(Tex. App. 2013\)](#), the court reinforced this principle, stating that "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."

This requirement is also emphasized in [Kramer v. Kramer, No. 13-04-00267-CV \(TX 8/30/2005\)](#), which states that "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."

Analysis of Blocking Emergency Relief

Legal Duties in Emergency Situations

When examining the specific situation where the opposing party blocked emergency relief for your daughter's dental emergency, several legal principles become particularly relevant.

First, under [1 Tex. Admin. Code § 155.157](#), actions that cause "unnecessary delay" are explicitly identified as potentially sanctionable conduct. In the context of an emergency dental situation involving a child, any delay could potentially exacerbate the medical condition and cause additional harm. The fact that your daughter experienced a "sustained dental emergency" suggests that the delay was not merely inconvenient but potentially harmful.

Second, the requirement that parties act in good faith, as established in [Accurate Valve Serv., Inc. v. Gilmore, NUMBER 13-17-00440-CV \(Tex. App. Apr 04, 2019\)](#), is particularly important in emergency situations. While there is a presumption of good faith, evidence that the opposing party knew of the urgent dental needs of your daughter and nevertheless opposed emergency relief without legitimate grounds could be evidence of bad faith.

Third, the prohibition on actions taken for "improper purpose" in [Shilling v. Gough, 393 S.W.3d 555 \(Tex. App. 2013\)](#) and [Kramer v. Kramer, No. 13-04-00267-CV \(TX 8/30/2005\)](#) is directly applicable. If the opposing party's obstruction was not based on legitimate legal grounds but rather intended to cause delay, increase costs, or harass, this would constitute an improper purpose under Texas law.

Standard for Determining Bad Faith

To establish bad faith in the context of blocked emergency relief, Texas courts would likely examine several factors:

Knowledge of Emergency: Did the opposing party have knowledge of the urgent dental situation affecting your daughter?

Basis for Opposition: What grounds did the opposing party cite for opposing emergency relief? Were these grounds legitimate or merely pretextual?

Proportionality: Was the opposition proportional to any legitimate interests the opposing party might have had?

Impact of Delay: Did the opposition cause unnecessary delay that exacerbated the dental emergency?

As stated in [Accurate Valve Serv., Inc. v. Gilmore, NUMBER 13-17-00440-CV \(Tex. App. Apr 04, 2019\)](#), "To be entitled to sanctions, the party seeking sanctions must overcome this presumption of good faith." This requires presenting evidence that the opposing party's actions were not motivated by legitimate legal positions but rather by improper purposes.

If, for example, the opposing party knew of the urgent dental needs, had no legitimate reason to oppose emergency relief, and the opposition caused unnecessary delay that worsened your daughter's condition, this could constitute grounds for finding bad faith.

Application to Your Daughter's Dental Emergency

In the specific context of your daughter's sustained dental emergency, the harm caused takes on additional significance. Courts typically apply a heightened standard of scrutiny when the welfare of children is at stake.

Under [1 Tex. Admin. Code § 155.157](#), judges have specific authority to sanction parties whose actions cause unnecessary delay. If the opposing party's blocking of emergency relief was groundless and led to prolonged pain or worsening of your daughter's dental condition, this could be viewed as precisely the kind of unnecessary and harmful delay that the rule seeks to prevent.

Moreover, the obligation not to present motions or pleadings "for any improper purpose" under [Shilling v. Gough, 393 S.W.3d 555 \(Tex. App. 2013\)](#) and [Kramer v. Kramer, No. 13-04-00267-CV \(TX 8/30/2005\)](#) is especially relevant. If the opposing party's blocking of emergency relief was motivated by a desire to gain tactical advantage, to harass, or to cause unnecessary delay rather than by legitimate legal objections, this would constitute an improper purpose.

The fact that your daughter suffered a "sustained dental emergency" suggests that the delay caused by the opposing party's actions had real consequences. This establishes a nexus between the potentially improper conduct and actual harm, which strengthens any claim for sanctions or other remedies.

Potential Remedies and Sanctions

Available Sanctions Under Texas Law

If the opposing party's actions in blocking emergency dental treatment for your daughter are found to be in bad faith or for an improper purpose, several remedies may be available under Texas law.

[1 Tex. Admin. Code § 155.157](#) explicitly provides that sanctions may include "disallowing in whole or in part requests for relief by the offending party and excluding evidence in support of those requests" or "striking pleadings or testimony in whole or in part." These sanctions could be significant in the ongoing legal proceedings.

Beyond these specific sanctions, the judge may have broader discretion to fashion appropriate remedies. This could potentially include:

Expedited Consideration: The court might prioritize future emergency requests related to your daughter's medical needs.

Cost Shifting: The court might order the opposing party to pay costs associated with the delay, including additional medical expenses.

Procedural Safeguards: The court might establish special procedures for future emergency requests to prevent similar obstruction.

Evidentiary Consequences: The court might draw adverse inferences or limit the opposing party's ability to introduce certain evidence.

Burden of Proof

As emphasized in [Accurate Valve Serv., Inc. v. Gilmore, NUMBER 13-17-00440-CV \(Tex. App. Apr 04, 2019\)](#), "To be entitled to sanctions, the party seeking sanctions must overcome this presumption of good faith." This means that the burden would be on you to establish that the opposing party's actions were in bad faith or for an improper purpose.

To meet this burden, you would likely need to present evidence showing:

1. The opposing party knew about the urgent dental situation.
2. The opposing party lacked legitimate grounds for opposing emergency relief.
3. The opposition caused unnecessary delay.
4. The delay exacerbated your daughter's dental emergency.

Documentation from dental professionals regarding the nature of the emergency and the impact of delay would be particularly valuable evidence.

Strategic Considerations

Documenting the Impact of Delay

Given the legal framework outlined above, it would be advisable to thoroughly document the timeline of events and the impact of any delay on your daughter's dental condition. This documentation should include:

1. Medical records showing the nature and severity of the dental emergency.
2. Expert opinions regarding the impact of delay on the condition.
3. Timeline of when emergency relief was sought and when it was ultimately obtained.
4. Any communications with the opposing party regarding the emergency situation.

This documentation could help establish that the opposing party's actions in blocking emergency relief were groundless and in bad faith, potentially leading to sanctions under [1 Tex. Admin. Code § 155.157](#).

Framing the Opposition as Bad Faith

When addressing the opposing party's actions, it would be strategic to frame their opposition as falling squarely within the types of conduct prohibited under Texas law. Specifically:

Emphasize that the opposition caused "unnecessary delay" in addressing a child's medical emergency, which is explicitly mentioned in [1 Tex. Admin. Code § 155.157](#) as potential grounds for sanctions.

Frame the opposition as lacking any legitimate purpose and therefore violating the certification requirements established in [Shilling v. Gough, 393 S.W.3d 555 \(Tex. App. 2013\)](#) and [Kramer v. Kramer, No. 13-04-00267-CV \(TX 8/30/2005\)](#).

Highlight the actual harm caused to your daughter as a direct result of the delay, establishing a clear connection between the improper conduct and real consequences.

Anticipating Counterarguments

It would be prudent to anticipate potential counterarguments from the opposing party, such as:

Good Faith Basis: They might argue that their opposition was based on legitimate concerns and therefore in good faith.

Lack of Knowledge: They might claim they were not fully informed about the urgency of the dental situation.

Alternative Remedies: They might argue that alternative remedies were available that did not require the specific emergency relief sought.

Causation Challenge: They might contest whether their opposition actually caused or exacerbated the dental emergency.

Preparing responses to these potential counterarguments, supported by documentation and reference to the legal authorities outlined above, would strengthen your position.

Conclusion

Texas law clearly establishes that parties in legal proceedings must act in good faith and not for improper purposes such as causing unnecessary delay, particularly in emergency situations. The blocking of emergency dental treatment for your daughter, if done groundlessly and in bad faith, could constitute sanctionable conduct under [1 Tex. Admin. Code § 155.157](#).

The presumption of good faith established in [Accurate Valve Serv., Inc. v. Gilmore, NUMBER 13-17-00440-CV \(Tex. App. Apr 04, 2019\)](#) can be overcome with evidence that the opposing party's actions were motivated by improper purposes rather than legitimate legal positions. The prohibition on actions taken to "cause unnecessary delay" in [Shilling v. Gough, 393 S.W.3d 555 \(Tex. App. 2013\)](#) and [Kramer v. Kramer, No. 13-04-00267-CV \(TX 8/30/2005\)](#) directly addresses the kind of obstruction alleged in your situation.

If you can establish that the opposing party's blocking of emergency relief was groundless, in bad faith, or for an improper purpose, and that this obstruction exacerbated your daughter's dental emergency, you may be able to seek appropriate sanctions. These could include limiting the opposing party's ability to seek relief or introduce evidence, as well as potentially broader remedies designed to address the harm caused and prevent similar obstruction in the future.

Given the serious nature of a dental emergency involving a child, courts would likely view any bad faith obstruction of necessary medical treatment with particular concern. Thorough documentation of the emergency situation, the opposition encountered, and the resulting harm would be essential in establishing grounds for sanctions or other remedies.

Legal Authorities

[Kramer v. Kramer, No. 13-04-00267-CV \(TX 8/30/2005\), No. 13-04-00267-CV. \(Tex. Aug 30, 2005\)](#)

Texas Supreme Court

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: (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;

Summary

The Texas Civil Practice and Remedies Code requires that pleadings or motions must not be presented for improper purposes, such as causing unnecessary delay. This supports the proposition that parties must act in good faith and not obstruct the opposing party's right to seek relief, especially in emergency situations. If the opposing party's actions in blocking emergency relief were intended to cause delay or were otherwise improper, they could be subject to sanctions under this code.

[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. See id. To be entitled to sanctions, the party seeking sanctions must overcome this presumption of good faith. See Harrison v. Harrison, 363 S.W.3d 859, 863 (Tex. App.—Houston [14th Dist.] 2012, no pet.). 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.

Summary

The passage emphasizes the presumption of good faith in legal filings and the requirement for parties to certify that their actions are not groundless or in bad faith. This supports the proposition that parties must act in good faith and not obstruct the opposing party's right to seek relief. If the opposing party's actions were in bad faith or intended to harass, this could be grounds for sanctions, especially if it led to harm, such as a sustained dental emergency.

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

Texas Court of Appeals

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: (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.

Summary

The Texas Civil Practice and Remedies Code requires that pleadings or motions must not be presented for improper purposes, such as causing unnecessary delay. This aligns with the proposition that parties must act in good faith and not obstruct the opposing party's right to seek relief, especially in emergency situations. If the opposing party's actions were intended to cause delay or were otherwise improper, they could be seen as violating this standard, thereby exacerbating the harm experienced by the daughter.

Extract

The judge has the authority to impose appropriate sanctions against a party or its representative for: filing a motion or pleading that is deemed by the judge to be groundless and brought: (A) in bad faith; (B) for the purpose of harassment; or (C) for any other improper purpose, such as to cause unnecessary delay or needless increase in the cost of the proceeding; ... Sanctions may include: ... disallowing in whole or in part requests for relief by the offending party and excluding evidence in support of those requests; or striking pleadings or testimony in whole or in part.

Summary

Judges in Texas have the authority to impose sanctions on parties or their representatives if they engage in actions such as filing groundless motions in bad faith or for improper purposes, including causing unnecessary delays. This authority is relevant to the proposition because it underscores the expectation that parties in legal proceedings must act in good faith and not obstruct the opposing party's right to seek relief, especially in emergency situations. The passage supports the idea that if the opposing party's actions were deemed to be in bad faith or for improper purposes, they could be sanctioned, which aligns with the proposition that their actions may have exacerbated the situation.

This memo was compiled by Vincent AI based on vLex materials available as of April 28, 2025. [View full answer on vLex](#)