

Rule 38. Frivolous Civil Appeals--Damages and Costs

If the Supreme Court or Court of Appeals determines that an appeal is frivolous, was brought or maintained without reasonable ground or solely for purposes of delay, or whenever the appellate processes of the court have otherwise been misused, the court may, after reasonable opportunity to respond to notice from the court or a separately filed motion, impose monetary sanctions and/or require the offending party to pay costs or such attorney's fees as it deems appropriate to discourage like conduct in the future.

Comment: Rule is substantively changed to remove appeal being occasioned by respondent's imposition on the court below as a basis for a sanction and to provide the alleged offending party an opportunity to respond prior to the court imposing any sanction.