

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

MISC. NO. 16-17

IN RE: RULES OF PRACTICE AND PROCEDURE

ORDER

Pursuant to the authority of 38 U.S.C. §§ 7263 (b) and 7264 (a) and consistent with 28 U.S.C. § 2071(b), the Court has determined the need to revise Rule 46 (Practice Before the Court and Representation) of its Rules of Practice and Procedure to streamline procedures for withdrawal of representatives in cases where multiple representatives have filed a notice of appearance and a designated lead representative will remain. A proposed revision was published for public comment by Misc. Order No. 13-17 (November 17, 2017). No public comments were received. As noted in Misc. Order No. 13-17, the Court has benefitted from the views of its Rules Advisory Committee.

Further, the Court has adopted a clerical revision to Rule 29 (d), to add the reference that the form and content requirements of amicus briefs include Rule 28(a)(2) (Table of Authorities). Accordingly, it is

ORDERED that the attached revisions to Rule 46 (b) and (c) and corrected Rule 29(d) are hereby published and effective this date.

DATED: December 26, 2017

FOR THE COURT

/s/ Gregory O. Block
GREGORY O. BLOCK
Clerk of the Court

Attachments

Revised Rule 46 (b) and (c)
Corrected Rule 29(d)

ATTACHMENT TO MISCELLANEOUS ORDER NO. 16-17

REVISED RULE 46 (b)(1)(D) AND (c)

RULE 46: PRACTICE BEFORE THE COURT AND REPRESENTATION

(a) Practice Before the Court.

(b) Representation Requirements.

(1) *General appearance.*

(A) Appellants' Representatives.

(B) Secretary's Representatives.

(C) Appearance by a Non-Attorney Practitioner.

(D) Appearance by Multiple Representatives. In cases where multiple representatives submit for filing a notice of appearance, one representative must be designated as lead representative. When an additional representative for appellant or intervenor is not designated as lead representative, that representative may withdraw his or her appearance without obtaining the Court's permission as would otherwise be required by section (c) below (Withdrawal From Representation). The lead representative shall promptly file a notice in each case informing the Clerk's Office that the additional representative is no longer representing the appellant or intervenor, that notice of the withdrawal of the additional representative has been provided to the appellant or intervenor, and that the additional representative's name should be removed from the docket.

(c) Withdrawal From Representation. Except as noted in subsections (b)(1)(B) and (b)(1)(D) (General appearance), and in paragraph (2) of this section (Limited appearances), a practitioner may not withdraw from a case without obtaining the Court's permission.

ATTACHMENT TO MISCELLANEOUS ORDER NO. 16-17
CORRECTED RULE 29(d)

RULE 29: BRIEF OF AN AMICUS CURIAE

(a) When Permitted.

(b) Motion for Leave To File.

(c) Time.

(d) Form and Content. An amicus brief must comply with Rules 25 (Filing and Service), 28(a)(1), (2), (5), and (6), 28(h) and 28(i) (Briefs), 30 (Citation of Certain Authority), and 32 (Form of Briefs, Appendices, and Other Documents); state, at the outset of the brief, which party the amicus curiae supports, if any, and the interest of the amicus curiae; and provide a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file. The brief must avoid repeating the parties' briefs and should focus on the points not made or not emphasized in them.
