

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Misc. No. 1-01

In Re: RULES OF ADMISSION AND PRACTICE

Before KRAMER, *Chief Judge*, and FARLEY, HOLDAWAY,
IVERS, STEINBERG, and GREENE, *Judges*.

ORDER

Pursuant to the authority of 38 U.S.C. §§ 7263(b) and 7264(a) and consistent with 28 U.S.C. § 2071(b) and (e), the Court has determined the need to revise its Rules of Practice and Procedure. It is

ORDERED that the attached proposed revised Rules of Admission and Practice are hereby published. Public comment on this revision is invited. Such comment must be submitted to the Clerk of this Court at 625 Indiana Avenue, NW, Suite 900, Washington, DC 20004-2950, by July 2, 2001.

DATED: May 1, 2001

BY THE COURT:

KENNETH B. KRAMER
Chief Judge

Attachment

MISC. ORD. NO. 7-00 WAS THE LAST IN THE SERIES FOR 2000.

RULE 32(g)

Amend Rule 32(g) by increasing the page length of briefs to 30 pages:

(g) Page Limits and Number of Copies. Except by permission of the Court or as limited by Rule 47, principal briefs may not exceed 30 pages and reply briefs may not exceed 15 pages, not counting the table of contents; the table of citations; any appendix containing superseded statutes, rules, and regulations, and unpublished authorities; and the certificate of service. An original and three copies of all papers must be filed with the Clerk, but the Court may require that additional copies be furnished. But see Rule 25 concerning fax filings.

RULE 35(a) and 35(d)(1)

Amend Rule 35(a), and (d)(1) by inserting a new second sentence, so that Rule 35(a) would read as follows:

(a) Motion for Reconsideration. A party in a case decided by a single judge may move for reconsideration by the single judge. A party in a case dismissed by the Clerk pursuant to Rule 45(i) may move for reconsideration by the Clerk. A party in a case decided by a panel may move for reconsideration by the panel. A party in a case decided by the full Court may move for reconsideration by the full Court.

And add the following language to (d)(1):

(d)(1) A motion for Clerk reconsideration, single-judge reconsideration, for panel decision, or for both, must be filed within 21 days (51 days if the motion is filed by a person located outside a state, the District of Columbia, Puerto Rico, or the Virgin Islands) after the date of the Clerk's or single-judge decision.

RULE 45

Amend Rule 45 by redesignating subsection (i) as (j) and adding a new (i), so that Rule 45 would read in part as follows:

.....

(g) Motions. The Clerk may act on motions, if consented to or unopposed, that seek to:

- (1) dismiss an appeal or an application for extraordinary relief with or without prejudice to reinstate it;
- (2) remand a case;
- (3) reinstate a case that was dismissed for failure to comply with the rules;
- (4) extend the time for taking any action required or permitted by the rules or an order of the Court, unless the motion is made after the time limit has elapsed;
- (5) consolidate appeals;
- (6) withdraw or substitute an appearance; or
- (7) correct a brief or other paper.
- (a)

(i) Sua Sponte Dismissal of Cases. The Clerk may dismiss a case for the appellant's failure to pay the filing fee or to file a brief. If a party's motion for reconsideration by the Clerk of a case dismissed by the Clerk under this subsection is not granted by the Clerk, the matter must be referred for decision by a judge.

(j) Construction of Rules in Self-Representation Cases. The Clerk shall liberally construe the rules as they apply to appellants representing themselves.