

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Misc. No. 4-01

In Re: RULES OF PRACTICE AND PROCEDURE

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), the Court has adopted changes to Rules 32(g), 35(a) and (d)(1), and 45(i) and (j) of its Rules of Practice and Procedure. The Court has benefitted from public comment and from the views of its Rules Advisory Committee. Accordingly, it is

ORDERED that the attached changes to Rules 32(g), 35(a) and (d)(1), and 45(i) and (j) are published and will be effective September 4, 2001.

DATED: August 24, 2001

BY THE COURT:

KENNETH B. KRAMER
Chief Judge

Attachment

RULE 32. FORM OF BRIEFS, APPENDICES, AND OTHER PAPERS

(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briefs may not exceed 15 pages, not counting the table of contents; the table of citations; any appendix containing superseded statutes, rules, and regulations, and unpublished authorities; and the certificate of service.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. MOTIONS FOR RECONSIDERATION, OR FOR
DECISION BY A PANEL OR BY THE FULL COURT**

(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.

* * * * *

(d) Time for Motion.

(1) A motion for Clerk reconsideration or single-judge decision, or both, and for single-judge reconsideration or a panel decision, or 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's decision.

RULE 45. DUTIES OF CLERK

(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.