

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Misc. No. 13-21

IN RE: RULES OF PRACTICE AND PROCEDURE

O R D E R

Pursuant to the authority of 38 U.S.C. § 7264(a) and consistent with 28 U.S.C. § 2071(b), the Court has determined that Rule 30 (CITATION OF CERTAIN AUTHORITY) of its Rules of Practice and Procedure (Rules) should be revised to bring it more closely in line with Rule 32.1(a) of the Federal Rules of Appellate Procedure and make it clearer that citing nonprecedential decisions is not prohibited or restricted.

Accordingly, it is

ORDERED that the attached revised Rule 30 (CITATION OF CERTAIN AUTHORITY) is hereby published and effective this date.

DATED: September 20, 2021

FOR THE COURT:

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

Attachments:

Revised Rule 30

Rule 30: Citation of Certain Authority

(a) Citation of Nonprecedential Authority. Parties, intervenors, and amicus curiae may cite nonprecedential dispositions by any court or agency. Parties, intervenors, and amicus curiae citing such a disposition shall identify any clear precedent on point (or state that none exists) and explain the nonprecedential disposition's relevance to the case before the court. With the exception of dispositions available in a publicly accessible electronic database, a copy of any cited unpublished disposition shall be attached to the document containing the citation.

(b) Citation of Supplemental Authority. When pertinent and significant authority comes to the attention of a party after the party's brief has been filed or after oral argument but before decision, a party shall promptly file notice with the Clerk and serve all other parties. In no case will supplemental authority - pertinent and significant or otherwise - be accepted by the Clerk for filing fewer than 7 days preceding a scheduled oral argument, without leave of the Court. The notice shall set forth the citation(s) to the authority or include a copy of the supplemental authority if it is not readily available in a reporter system. The notice shall refer to the page of the brief or to a point argued orally to which each citation pertains, and shall state without argument the reasons for the supplemental citation(s). Any response shall be made promptly and shall be similarly limited.