

**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

Misc. No. 3-03

In Re: RULES OF ADMISSION AND PRACTICE

Before KRAMER, *Chief Judge*, and FARLEY, 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 that there is an immediate need to amend Rule 7(b) and (c) of its Rules of Admission and Practice. It is

ORDERED that the attached amendments to Rules 7(b) and (c) are published and will be effective as of the date of this order.

Public comment on the amendments is invited. Such comment must be submitted to the Clerk of the Court at 625 Indiana Avenue, NW, Suite 900, Washington, DC 20004, by June 16, 2003.

DATED: May 16, 2003

BY THE COURT:



KENNETH B. KRAMER  
Chief Judge

Attachment

**RULE 7. PRACTITIONERS CONVICTED OF CRIMES OR DISCIPLINED  
BY OTHER COURTS OR GOVERNMENTAL ENTITIES**

\* \* \* \* \*

**(b) Conviction of a Serious Crime.**

- (1) After receiving evidence (as described in subsection (a) above) that a practitioner has been convicted of a serious crime, as defined in paragraph (3) below in any court of the United States, of the District of Columbia, or of any state, territory, commonwealth, or possession of the United States, the Clerk will (except as provided in the last sentence of this paragraph):
  - (A) Issue an order imposing on the practitioner concerned an immediate temporary nondisciplinary suspension from practice until proceedings under this Rule are concluded, regardless of the pendency of any case in the Court, and refer the matter to a Panel; and
  - (B) mail to the practitioner concerned a copy of the order and (unless the practitioner was the source of the evidence received by the Court) a copy of the evidence received, along with a copy of these rules; and
  - (C) send a copy of the order to any appellants represented by the practitioner concerned in the Court, and to any sponsoring attorney or organization (including an organization that arranged for pro bono representation by the practitioner concerned before the Court), as appropriate.

Notwithstanding the foregoing sentence, if the Clerk believes that immediate suspension is not appropriate under the particular circumstances of the conviction, the Clerk may refer the matter to the Chief Judge for ~~disposition~~action in accordance with the same process provided for in the second and third sentences of subsection (c)(1) below.

\* \* \* \* \*

**(c) Conviction of Any Other Crime.**

- (1) After receiving evidence (as described in subsection (a) above) that a practitioner has been convicted of a misdemeanor, the Clerk will refer the matter to the Chief Judge. If the Chief Judge determines that the misconduct may potentially affect the professional character of the practitioner concerned, the Chief Judge will direct the Clerk to refer the matter to a Panel for consideration ~~as in the case of a "serious crime."~~ Otherwise, the Chief Judge will direct the Clerk to close the matter and notify the practitioner concerned.
- (2) The Panel will:
  - (A) Issue an order directing the practitioner concerned to show cause why the Court should not consider disciplinary action for the misdemeanor conviction(s) concerned and, after receipt

of a show-cause response or the expiration of the time for filing such a response, proceed under subparagraph (B), (C), or (D) below, but, prior to taking any of these actions, the Panel may refer the matter to the Committee for action under Rule 2; or

- (B) proceed under subsection (b)(2) above as in the case of a "serious crime," but, prior to taking any action thereunder, the Panel may direct the Clerk to issue an order imposing an immediate nondisciplinary suspension in accordance with the same process provided for in subsection (b)(1)(A), (B), and (C) above; or
- (C) suspend action if there is reason to believe that another disciplinary authority is considering the imposition of discipline on the practitioner for the misdemeanors and, if another disciplinary authority imposes discipline on the practitioner for the misdemeanors, direct the Clerk to proceed under subsection (d) below, regarding reciprocal discipline; or
- (D) direct the Clerk to take no further action and close the case.