

UNITED STATES COURT OF VETERANS APPEALS

MISC. NO. 4-91

IN RE:

RULES OF PRACTICE AND PROCEDURE

Before NEBEKER, Chief Judge, and KRAMER, FARLEY, MANKIN,
HOLDAWAY, IVERS, and STEINBERG, Associate Judges.

O R D E R

Pursuant to the authority of 38 U.S.C. § 4064(a) and consistent with 28 U.S.C. §2071(b), the United States Court of Veterans Appeals has adopted the attached Rules of Practice and Procedure. The Court has benefited from experience since December 18, 1989, under Interim General Rules which followed, with appropriate modification, the framework of the Federal Rules of Appellate Procedure; from invited public comment received from November 21, 1989, through March 1, 1990; from the diligent efforts and constructive views of the advisory committee appointed consistent with 28 U.S.C. § 2077(b); and from additional public comment from February 13 through March 15, 1991. Interim General Rule 46 is retained until October 1, 1991, pending the Court's consideration of comments on its proposed Rule 46. Accordingly, it is

ORDERED that the Rules of Practice and Procedure of this Court are hereby published to be effective May 1, 1991. It is further

ORDERED that these Rules shall be cited as "U.S. Vet. App. R."

DATED: APR 4 1991

BY THE COURT:



FRANK Q. NEBEKER
Chief Judge

TABLE OF CONTENTS

| | | |
|----------|---|----|
| Rule 1. | Scope of Rules..... | 3 |
| Rule 2. | Suspension of Rules..... | 3 |
| Rule 3. | How to Appeal..... | 3 |
| Rule 4. | When to Appeal..... | 4 |
| Rule 5. | Suspension of Appellate Proceedings..... | 4 |
| Rule 6. | Statement of Issues..... | 4 |
| Rule 7. | (Reserved)..... | 5 |
| Rule 8. | Stay or Injunction Pending Appeal..... | 5 |
| Rule 9. | (Reserved)..... | 5 |
| Rule 10. | Designation of the Record on Appeal..... | 5 |
| Rule 11. | Transmission of the Record on Appeal..... | 6 |
| Rule 12. | Docketing the Appeal; Filing the Record on Appeal..... | 7 |
| Rule 13. | (Reserved)..... | 7 |
| Rule 14. | (Reserved)..... | 7 |
| Rule 15. | Intervention..... | 7 |
| Rule 16. | (Reserved)..... | 7 |
| Rule 17. | (Reserved)..... | 7 |
| Rule 18. | (Reserved)..... | 7 |
| Rule 19. | (Reserved)..... | 7 |
| Rule 20. | (Reserved)..... | 8 |
| Rule 21. | Extraordinary Relief..... | 8 |
| Rule 22. | (Reserved)..... | 8 |
| Rule 23. | (Reserved)..... | 9 |
| Rule 24. | Proceedings Without Payment of Costs..... | 9 |
| Rule 25. | Filing and Service..... | 9 |
| Rule 26. | Computation and Extension of Time..... | 10 |
| Rule 27. | Motions..... | 10 |
| Rule 28. | Briefs..... | 11 |
| Rule 29. | Brief of an Amicus Curiae..... | 12 |
| Rule 30. | (Reserved)..... | 13 |
| Rule 31. | Filing and Service of Briefs..... | 13 |
| Rule 32. | Form of Briefs, Appendices, and Other Papers.... | 13 |
| Rule 33. | Prehearing Conference..... | 14 |
| Rule 34. | Oral Argument..... | 14 |
| Rule 35. | Motions for Reconsideration or Review of a Decision..... | 15 |
| Rule 36. | Publication of Opinion and Entry of Judgment.... | 16 |
| Rule 37. | (Reserved)..... | 16 |
| Rule 38. | Frivolous Appeals..... | 16 |
| Rule 39. | (Reserved)..... | 16 |
| Rule 40. | (Reserved)..... | 17 |
| Rule 41. | Issuance of Mandate; Stay of Mandate..... | 17 |
| Rule 42. | Voluntary Dismissal..... | 17 |
| Rule 43. | Substitution of Parties..... | 17 |
| Rule 44. | (Reserved)..... | 18 |
| Rule 45. | Duties of Clerk..... | 18 |
| Rule 46. | Representation..... | 19 |
| Rule 47. | Expedited Consideration..... | 21 |
| Rule 48. | Disclosure of Certain Protected Records..... | 21 |
| | Forms | |
| | Index | |