

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Misc. No. 13-17

IN RE: RULES OF PRACTICE AND PROCEDURE

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 determined the need to revise its Rules of Practice and Procedure (Rules) to streamline procedures for withdrawal of representatives in cases where multiple representatives have filed a notice of appearance and a designated lead representative will remain. Therefore the Court proposes to revise Rule 46. In reaching this determination, the Court has considered and benefitted from the views of its Rules Advisory Committee. Accordingly, it is

ORDERED that the attached proposed revision to the Court's Rules is hereby published for public comment for a period of 30 days. Comments must be submitted by December 18, 2017, to the Clerk of the Court at comments@uscourts.cavc.gov or 625 Indiana Avenue, NW, Suite 900, Washington, DC 20004-2950

DATED: November 17, 2017

FOR THE COURT:

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

Attachments

Proposed Revised Rule
Proposed Revised Rule with Changes Shown

ATTACHMENT TO MISCELLANEOUS ORDER NO. 13-17

PROPOSED REVISED RULE 46 (b)(1)(D)

(D) Appearance by Multiple Representatives. In cases where multiple representatives submit for filing a notice of appearance, one representative must be designated as lead representative. When an additional representative for appellant or intervenor is not designated as lead representative, that representative may withdraw his or her appearance without obtaining the Court's permission as would otherwise be required by subsection 46(c). The lead representative shall promptly file a notice in each case informing the Clerk's Office that the additional representative is no longer representing the appellant or intervenor, that notice of the withdrawal of the additional representative has been provided to the appellant or intervenor, and that the additional representative's name should be removed from the docket.

PROPOSED REVISED RULE 46 (c)

(c) Withdrawal From Representation. Except as noted in subsection (b)(1)(B), (b)(1)(D), and in subparagraph (2), . . .

ATTACHMENT TO MISC. ORDER NO. 13-17

PROPOSED REVISIONS TO RULE 46 (b)(1)(D) (*with changes shown*)

(D) Appearance by Multiple Representatives. In cases where multiple representatives submit for filing a notice of appearance, one representative must be designated as lead representative. When an additional representative for appellant or intervenor is not designated as lead representative, that representative may withdraw his or her appearance without obtaining the Court's permission as would otherwise be required by subsection 46(c). The lead representative shall promptly file a notice in each case informing the Clerk's Office that the additional representative is no longer representing the appellant or intervenor, that notice of the withdrawal of the additional representative has been provided to the appellant or intervenor, and that the additional representative's name should be removed from the docket.

PROPOSED REVISION TO RULE 46 (c) (*with changes shown*)

(c) Withdrawal From Representation. Except as noted in subsection (b)(1)(B), ~~(b)(1)(D)~~, and in subparagraph (2), . . .