

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

MISC. NO. 07-15

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the Court has determined the need to revise Rule 30(a) of its Rules of Practice and Procedure regarding citation to nonprecedential authority. In reaching this determination, the Court has considered the views of its Rules Advisory Committee. Accordingly, it is

ORDERED that the attached proposed revision to the Court's Rule 30(a) Citation to Nonprecedential Authority is hereby published for public comment. Comments must be submitted by August 28, 2015, to the Clerk of the Court at comments@uscourts.cavc.gov or 625 Indiana Avenue, NW, Suite 900, Washington, DC 20004-2950.

DATED: July 28, 2015

FOR THE COURT:

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

Attachment

ATTACHMENT TO MISCELLANEOUS ORDER NO. 07-15
PROPOSED RULE CHANGE TO R. 30(a)
(added language underlined)

RULE 30. CITATION OF CERTAIN AUTHORITY

(a) Citation of Nonprecedential Authority. A party, intervenor, or amicus curiae may not cite as precedent any action designated as nonprecedential by the Court or any other court, or that was withdrawn after having been published in a reporter, except when the cited action has binding or preclusive effect in the case on appeal (such as via the application of the law-of-the-case doctrine). Actions designated as nonprecedential by this Court or any other court may be cited only for the persuasive value of their logic and reasoning, provided that the party states that no clear precedent exists on point and the party includes a discussion of the reasoning as applied to the instant case. With the exception of decisions of this Court available electronically, a copy of any unpublished action referred to shall be attached to the document containing the reference.