

Coast Guard, DHS

§ 148.275

issues listed in the notice of formal hearing.

(b) If a petition is granted, the ruling delineates the evidence that may be presented at the formal hearing.

§ 148.267 Appearance and practice.

(a) Each party to a formal hearing, except an individual, must appear by his attorney. Each attorney must file a notice of appearance that states his name, address, telephone number, and the name of the person he represents. With his notice of appearance, each attorney must file a written authorization from his client.

(b) Each attorney representing a person in a proceeding must be admitted, and be in good standing, to practice before a court of the United States or the highest court of any State, territory or possession of the United States.

(c) The administrative law judge assigned to the formal hearing may suspend or bar an attorney from representing a person in the proceeding if he finds that the attorney has failed to conform to the standards of conduct required for attorneys in the Courts of the United States.

(d) The administrative law judge may exclude any person from a formal hearing or a conference if the person is contumacious at the hearing or conference.

§ 148.269 Requirements for documents.

(a) Each document, except an application, filed in a proceeding or submitted to the administrative law judge must:

(1) List the docket number of the proceeding; and

(2) Be signed in ink by the person filing or submitting the document and show the capacity of the person signing, his address, and the date of signing.

(b) Each document filed in a proceeding, except an application, must:

(1) Be accompanied by ten copies of the document;

(2) Show the name and address of each person upon whom a copy of the document has been served;

(3) Be accompanied by an affidavit showing proof of service if the person serving the process is not an attorney; and

(4) Contain the following certificate of service if the person serving the process is an attorney:

I hereby certify that I have this day served the foregoing document upon _____ in accordance with 33 CFR 148.275.

Dated at _____ this _____ day of _____, 19____.

Signature

For _____

Name of Party or Petitioner

§ 148.271 Subscription.

The signature on a document filed, served, or submitted to the administrative law judge in a proceeding is certification by the person signing that he has full authority to sign the document, that he has read it and knows its contents, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay.

§ 148.273 Filing.

(a) A document is filed in a proceeding when it meets the requirements in §148.269 and is deposited in the mail or, if not mailed, is received by the clerk.

(b) If the clerk receives a document that does not comply with §148.269 he returns it to the person who submitted it with a statement of reasons for the return.

(c) Filing by mail must be by certified mail.

§ 148.275 Service of document: other transmittal.

(a) The clerk serves each order, ruling, decision, and notice upon all parties to a formal hearing when issued, except a document issued at the formal hearing or a prehearing conference.

(b) Each document before it is filed in a proceeding must be served upon:

(1) All parties, except the person filing the document; and

(2) The administrative law judge or if no administrative law judge has jurisdiction, the Commandant.

(c) Service of a document upon a party must be made upon the attorney representing the party or, for a party not represented by an attorney, upon the party.