

prompt and expeditious resolution of claims and disputes. Some important changes have been introduced. Chief among these are procedures calling for a preliminary scheduling conference to be set following the filing of the Joint Preliminary Status Report, and a post-discovery conference following the completion of discovery. The expectation reflected in these conference procedures is that early and ongoing involvement of the court during the pretrial development of a case can contribute both to a prompt identification of the issues and to a narrowing of the scope of the dispute.

The promulgation of Appendix A as a synthesis of the views of the bench and the bar is intended to encourage standardization in pretrial practice procedures. Appendix A recognizes, however, that the pretrial procedures to be followed in any particular case ultimately depend upon the needs of that case. Hence, Appendix A permits modifications of its procedures, either at a judge's initiative (or at the parties' suggestion), when such modification will promote "the efficient administration of justice."

APPENDIX B

VACCINE RULES OF THE UNITED STATES COURT OF FEDERAL CLAIMS

I. SCOPE OF RULES; COMMENCEMENT OF PROCEEDINGS

Rule 1. Scope of Rules.

These rules govern all proceedings before the United States Court of Federal Claims pursuant to the National Vaccine Injury Compensation Program established by 42 U.S.C. §§300aa-10 et seq. (1994) (Vaccine Act). These rules govern both proceedings before the Office of Special Masters, as well as any subsequent proceedings before a judge of the Court of Federal Claims. These rules are to be cited as the Vaccine Rules. In all matters not specifically provided for by the Vaccine Rules, the special master or the court may regulate the applicable practice, consistent with these rules and with the purpose of the Vaccine Act, to decide cases promptly and efficiently. In proceedings before the Office of Special Masters, the Rules of the United States Court of Federal Claims (RCFC) apply only to the extent referenced in the Vaccine Rules. In proceedings before a judge, the RCFC will apply except to the extent that such rules are inconsistent with the Vaccine Rules.

Rule 2. Commencement of Proceedings.

(a) **Petition.** A proceeding for compensation under the Vaccine Act shall be commenced by the filing of a petition, accompanied by the documents required under 42 U.S.C. §300aa-11(c) and the Vaccine Rules, in the United States Court of Federal Claims. Petitioner shall forward an original and two copies of the petition, by mail or other delivery, to

Clerk
United States Court of Federal Claims
717 Madison Place, N.W.
Washington, D.C. 20005

(b) **Fee.** The petition shall be accompanied by a \$150 filing fee.

(c) Service upon Respondent.

(1) Petitioner shall serve one copy of the petition and accompanying documents upon the Secretary of Health and Human Services, by first class or certified mail, c/o Director, Bureau of Health Professionals 5600 Fishers Lane Suite 8-05 Rockville, Maryland 20857. An exe-

cuted certificate of such service shall accompany the petition filed with the clerk.

(2) The clerk shall serve one copy of the petition on the Attorney General.

(d) Content of the Petition.

(1) The petition shall set forth a short and plain statement of the grounds for an award of compensation. The petition shall set forth to whom, when, and where the vaccine in question was administered, and further shall describe specifically the alleged injury. If an injury within the Vaccine Act's Vaccine Injury Table, 42 U.S.C. §300aa-14(a), is claimed, the particular injury shall be set forth. The petition shall also contain a specific demand for relief to which petitioner asserts entitlement or a statement that such demand will be deferred pursuant to 42 U.S.C. §300aa-11(e).

(2) Only one petition may be filed with respect to each administration of a vaccine.

(e) Documents Required with the Petition.

(1) As required by 42 U.S.C. §300aa-11(c), every petition shall be accompanied by the following:

(A) Medical records and detailed affidavit(s) supporting all elements of the allegations made in the petition. If petitioner's claim does not rely on medical records alone, but is based in any part on the observations or testimony of any persons, the substance of each person's proposed testimony in the form of an affidavit executed by the affiant must accompany the petition.

(B) All available physician and hospital records relating to (A) the vaccination itself; (B) the injury or death, including, if applicable, any autopsy reports or death certificate; (C) any post-vaccination treatment of the injured person including all in-patient and out-patient records, provider notes, test results, and medication records; and, if the vaccinee was younger than five years old when vaccinated, (D) the mother's pregnancy and delivery and the infant's lifetime, including physicians' and nurses' notes and test results and all well baby visit records, as well as growth charts, until the date of vaccination.

(C) If any records required by the rules are not submitted, an affidavit detailing the efforts made to obtain such records and the reasons for their unavailability.

(2) If filed on behalf of a deceased person, or if filed by someone other than the injured person or a parent of an injured minor, the petition shall also be accompanied by documents establishing the authority to file the petition in a representative capacity or a statement explaining when such documentation will be available.

(3) All documents accompanying the petition shall be assembled into one or more bound volumes or three-ring notebooks. Each bound volume or notebook must contain the caption of the case and a table of contents, and all pages of all documents shall be numbered consecutively.

II. PROCEEDINGS BEFORE THE SPECIAL MASTER

Rule 3. Role of Special Master—Generally.