Surface Transportation Board, DOT

must also be identified at the time of
the initial appearance.

[47 FR 49549, Nov. 1, 1982, as amended at 74
FR 52906, Oct. 15, 2009]

§ 1103.5 Discipline.

(a) A member of the Board’s bar may
be subject to suspension, disbarment,
or other disciplinary action if it is
shown that the practitioner:

(1) Has been suspended or disbarred
from practice in any court of record;

(2) Violated any of the Board’s rules
including the Canons of Ethics set out
in §§1103.10 through 1103.35; or

(3) Engaged in conduct unbecoming a
member of the bar of the Board.

(b) The practitioner will be afforded
an opportunity to show why he should
not be suspended, disbarred, or other-
wise disciplined. Upon the practi-
tioner’s timely response to the show
cause order after any requested hear-
ing, or upon failure to make a timely
response to the show cause order, the
Board shall issue an appropriate deci-
sion.

Subpart B—Canons of Ethics

§ 1103.10 Introduction.

The following canons of ethics are
adopted as a general guide for those ad-
mitted to practice before the Surface
Transportation Board. The practi-
tioners before the Board include
(a) lawyers, who have been regularly ad-
mitted to practice law and (b) others
who have fulfilled the requirements set
forth in §1103.3. The former are bound
by a broad code of ethics and unwritten
rules of professional conduct which
apply to every activity of a lawyer.
The canons do not release the lawyer
from any of the duties or principles of
professional conduct by which lawyers
are bound. They apply similarly to all
practitioners before the Board, but do
not negate the applicability of other
ethical codes. The canons are organized
under three headings, The Practi-
tioner’s Duties and Responsibilities to
the Board, The Practitioner’s Duties
and Responsibilities to the Client, The
Practitioner’s Duties and Responsibil-
ities to Other Litigants, Witnesses and
the Public.

§ 1103.13 Attempts to exert political or
personal influence on the Board are
prohibited.

(a) It is unethical for a practitioner
to attempt to influence the judgment
of the Board by threats of political or
personal reprisal.

(b) Marked attention and unusual
hospitality on the part of a practi-
tioner to a Board Member, administra-
tive law judge, or other representative
of the Board, which is unwarranted by
the personal relationship of the par-
ties, is subject to misconception of
motive and should be avoided.

THE PRACTITIONER’S DUTIES AND
RESPONSIBILITIES TOWARD THE BOARD

§ 1103.11 Standards of ethical conduct
in courts of the United States to be
observed.

These canons further the purpose of
the Board’s Rules of Practice which di-
rect all persons appearing in pro-
ceedings before it to conform, as nearly
as possible, to the standards of ethical
conduct required of practice before the
courts of the United States. Such
standards are taken as the basis for
these specifications and are modified
as the nature of the practice before the
Board requires.

§ 1103.12 The practitioner’s duty to
and attitude toward the Board.

(a) It is the duty of the practitioner
to maintain a respectful attitude to-
ward the Board and for the importance
of the functions it administers. In
many respects the Board functions as a
Court, and practitioners should regard
themselves as officers of that Court
and uphold its honor and dignity.

(b) It is the right and duty of the
practitioner to submit grievances
about a member or employee of the
Board to the proper authorities when
proper grounds for complaint exists. In
such cases, charges should be encour-
gaged and the person making them
should be protected.

(c) It is the duty of the practitioner
to be punctual in attendance, and to be
concise and direct in the trial and dis-
position of causes.

§ 1103.13 Attempts to exert political or
personal influence on the Board are
prohibited.

(a) It is unethical for a practitioner
to attempt to influence the judgment
of the Board by threats of political or
personal reprisal.

(b) Marked attention and unusual
hospitality on the part of a practi-
tioner to a Board Member, administra-
tive law judge, or other representative
of the Board, which is unwarranted by
the personal relationship of the par-
ties, is subject to misconception of
motive and should be avoided.