



In the Matter of:

**DAVID W. PICKETT,**

**ARB CASE NO. 00-076**

**COMPLAINANT,**

**ALJ CASE NOS. 99-CAA-25  
00-CAA-9**

**v.**

**DATE: November 16, 2000**

**TENNESSEE VALLEY AUTHORITY (TVA),  
OFFICE OF INSPECTOR GENERAL (OIG),  
GEORGE PROSSER & DONALD DRUMM,**

**RESPONDENTS.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

*For the Complainant:*

Edward A. Slavin, Jr., Esq., *St. Augustine, Florida*

*For the Respondent:*

Edward S. Christenbury, Esq., Thomas F. Fine, Esq., Brent R. Marquand, Esq., Dillis D. Freeman, Jr., Esq., *Tennessee Valley Authority, Knoxville, Tennessee*

**ORDER DENYING COMPLAINANT'S MOTION TO RECONSIDER  
AND VACATE (OR CLARIFY) ORDER AND MOTION TO  
HOLD HEARING ON MOTION**

On November 2, 2000, the Administrative Review Board issued an Order striking the Complainant's opening brief and permitting the Complainant to refile a brief consistent with the Board's order postmarked no later than November 16, 2000. Complainant subsequently filed a Motion to Reconsider and Vacate (or Clarify) Order and Motion to Hold Hearing on Motion.

The Motion is **DENIED**. Counsel for Complainant argues that our order violates *Complainant's* right to free expression. Counsel misapprehends our order, in which we stated,

While counsel for Pickett has the right to criticize rulings of the ALJ with which his client disagrees, he has no right to engage in disrespectful and offensive personal attacks upon the ability and integrity of the ALJ; such attacks violate counsel's "professional obligation to demonstrate respect for the courts." *Id.* at 6. *Accord* ABA Model Rules of Professional Conduct, Preamble, Rules 3.5 and 8.2 (1999).

Although Complainant has not requested additional time in which to resubmit his brief as provided in our November 2nd Order, we extend the date on which the brief must be postmarked until November 17, 2000.<sup>1/</sup>

**SO ORDERED.**

**PAUL GREENBERG**

Chair

**E. COOPER BROWN**

Member

**CYNTHIA L. ATTWOOD**

Member

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<sup>1/</sup> This order will be served on Complainant's counsel by facsimile to the facsimile number listed on documents filed with the Board in this case.