

## SPECIAL NOTICE TO COUNSEL WHO WILL PRESENT ORAL ARGUMENT

1. The Clerk's office will contact counsel for all parties via email to confirm oral argument. This confirmation will occur approximately 7 days before the scheduled argument date. **Counsel must respond to this email within two days** to verify that he or she will be appearing to present oral argument. Counsel for **appellants** must also advise the calendar clerk how much of your allotted time is to be reserved for rebuttal.

Because the clerk must provide this information in advance to the panel of three judges who will hear oral arguments, failure to notify the calendar clerk of the time to be reserved will result in **no** officially reserved time for rebuttal. Counsel for the appellee does not receive the opportunity for rebuttal. Whenever more than one attorney will share the total time allotted for oral argument by a "side" the sequence of argument and the amount of time each attorney is to speak (to be arrived at by the consensus between or among counsel) must also be provided to the calendar clerk.

2. Every attorney who will present oral argument must be admitted to practice in this court. Lead counsel must be admitted to the Bar of this court within 30 days of the appeal's docketing. Circuit Rule 46(a). Government attorneys are exempted from this requirement by Circuit Rule 46(c).

3. Counsel presenting oral argument to the court must be seated at the appropriate counsel table when the case is called for oral argument. When facing the bench, appellant's counsel is seated to the left, appellee's counsel to the right. Counsel should remain seated at counsel table during their opponent's entire argument.

4. Because oral arguments occasionally end before their allotted time expires, counsel are expected to be in the courtroom during the argument of the case immediately preceding theirs. To allow a prompt transition between arguments, counsel for the next scheduled case should be seated in the front row of the public gallery, if possible. Please be prepared to move to the appropriate counsel table for the commencement of your argument.

5. Please be advised that the judges have read the briefs, and proceed accordingly in planning your oral argument. Lengthy expositions of the facts should be avoided, unless requested by the court.

6. The podium is equipped with three lights: white, yellow and red. The courtroom deputy clerk will activate the white light when an appellant is entering the time reserved for rebuttal or when an appellee has five minutes remaining. The yellow light will indicate when one minute of an attorney's entire allotted time remains. The red light indicates that all of the time allocated to a side has expired or when an individual attorney's time has expired in an instance where more than one attorney is presenting oral argument for a

"side". When time expires, counsel should quickly finish their thought, but not continue argument beyond the allotted time unless instructed to do so by the court. Please do not use the court's time and your own by initiating your argument with a recitation of who will be splitting time with whom and/or how much time you have decided to reserve for rebuttal. The judges will already have this information.

7. Counsel presenting oral argument must sign in at the clerk's office at least 15 minutes prior to their scheduled time. Please read the bulletin board located in the hallway by the entrance to the main courtroom for additional information regarding oral arguments. The panel of judges and the order of cases to be argued that day are posted by 9:00 a.m. each morning the court is in session.

8. Appropriate attire for counsel is conservative business dress in traditional dark colors (e.g., navy blue or charcoal gray).

9. All cellular telephones and pagers must be set to silent mode. Cameras in phones, personal digital assistants, and portable computers must be turned off. Counsel may use portable computers and smartphones in the courtroom and lawyers' room but must ensure that they do not make any noise. The wi-fi network in the courtroom is not available to counsel, but data connections over cellular networks are allowed.

10. The Court is handicapped accessible. Anyone needing special accommodations should call the clerk's office.

Thank you for your cooperation.

Gino J. Agnello, Clerk of the Court

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It is important that you arrive EARLY to the courthouse, due to security screening. You will be required to present photoidentification to court security personnel upon entering the lobby of the building.

Thank you,  
U.S. Court of Appeals