

PROTOCOLS FOR IN-PERSON AND HYBRID ORAL ARGUMENTS

(November 17, 2021)

Introduction

Starting December 1, 2021, the United States Court of Appeals for the District of Columbia Circuit intends to resume in-person arguments using the Protocols set forth in this document. The Protocols will be modified as necessary based on the latest public health guidance. If at any time the COVID-19 pandemic prevents the Court from conducting in-person oral arguments, oral arguments will be conducted remotely using Zoom for Government.

The Court has taken a number of precautions to reduce the risk of infection in the courtroom. The HVAC system has been tested and outfitted with the highest rated filters that can accommodate the system to reduce airborne contaminants. Auxiliary portable air purifiers with High Efficiency Particulate Air (HEPA) filters have been placed in the courtroom to augment the courthouse HVAC system. The courtroom has been smoke tested to ensure there is substantial air circulation. Tables, chairs, and the lectern have been moved to increase the distances between participants. The Court has implemented these measures and developed these Protocols in consultation with experts to help protect those attending arguments in the courtroom.

In General

- Other than arguing counsel when at the lectern (subject to the below testing requirement) and the judges, everyone in the courtroom must wear a KF94, KN95, or N95 mask. A judge or arguing counsel may choose to wear a mask for any reason. Masks will be provided if needed.
- Arguing counsel who would like to speak without wearing a mask must take a COVID-19 test the day before oral arguments and submit proof of a negative test result to the Court by that evening. Further details will be provided after counsel files a Form 72, *Notification to the Court from Counsel Intending to Present Oral Argument*.
- Courtroom seating will be limited in order to provide adequate physical distancing. Each arguing counsel may be accompanied by one guest.
- Members of the general public are not allowed in the courtroom at this time. The audio of the oral arguments will be live-streamed on the Court's YouTube channel, www.youtube.com/USCourtsCADDC, except when classified or sealed matters must be discussed.
- Members of the media who routinely cover the Court may attend oral arguments as space permits in the courtroom.
- After arriving at the courtroom, arguing counsel must check in with the Courtroom Deputy. Counsel and the attendees for the first case will be seated in designated areas in the courtroom. Counsel and attendees for subsequent cases will be seated in a waiting area until their case is called.

- All individuals are required to wear a mask and practice physical distancing while in public areas of the courthouse, such as public elevators, public corridors, public restrooms, and the cafeteria.
- Individuals who have been diagnosed with COVID-19 within the past 10 days, who have been asked to self-quarantine, or who are experiencing symptoms of COVID-19 (e.g., loss of taste or smell, fever, congestion, headache, cough, shortness of breath, or fatigue) should not enter the courthouse. A contactless temperature kiosk is located at the Third Street entrance to facilitate self-assessment.
- Arguing counsel must certify on Form 72, *Notification to the Court from Counsel Intending to Present Oral Argument*, that they and their attendees have read and will comply with these Protocols.

Requests to Appear Remotely

- During this period of transition back to in-person arguments, arguing counsel who wish to appear remotely may file a Notice of Intent to Participate Remotely by Videoconference. The notice must be filed as soon as possible but no later than 14 days before oral argument. Until further notice, timely filed requests will be granted by Clerk's order and the Court will conduct a hybrid oral argument (i.e., remote participants will use Zoom for Government and all other participants will be in the courtroom.)
- Any arguing counsel appearing remotely will be required to attend a Zoom for Government training session with Clerk's Office staff.

Intervening Events and Notification of Potential Exposure

- In the event that arguing counsel is unable to attend oral arguments in person due to a last-minute event, such as experiencing COVID-19-related symptoms, testing positive for COVID-19, or being required to quarantine, counsel must contact the Clerk's Office as soon as possible at 202-216-7302. Arrangements will be made for counsel to participate in the oral argument remotely if they are asymptomatic and it is consistent with their health circumstances to do so.
- If counsel or any of their attendees exhibit symptoms or test positive for COVID-19 within five days after being in the courthouse, counsel must contact the Clerk's Office as soon as possible at 202-216-7302.