

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866
Internet: www.cadc.uscourts.gov

Clifton B. Cislak
Clerk

General Information
(202) 216-7000

MEMORANDUM FOR COUNSEL: INFORMATION ON ORAL ARGUMENT

SCHEDULING

IDENTITY OF THE PANEL: The Court has entered an order setting the date and time for oral argument in a case in which you are counsel of record. The composition of the argument panel will usually be posted on the Court's internet site 30 days before the date of oral argument and will not be disclosed before that time. In the event the Court determines that argument is not necessary, an order to that effect will be entered. See D.C. Cir. Rule 34(j).

COURT SESSIONS: During its formal sitting periods, the Court generally hears arguments in up to three cases each day beginning at 9:30 a.m. For all cases calendared on a particular day, the scheduling order will indicate the starting time – either 9:30 a.m. or 2:00 p.m. if the case has been set for an afternoon session.

POSTPONEMENT: Now that the argument schedule has been set, the Clerk cannot make changes, nor may argument be postponed by stipulation of the parties. The Court disfavors motions to postpone oral argument and will grant such a motion only upon a showing of “extraordinary cause.” See D.C. Cir. Rule 34(g). Any motion for a change in the date or time of argument should be submitted immediately upon receipt of the calendaring order.

TIME ALLOTMENT: Approximately 2 weeks before the argument date, you will be notified by separate order of the allocation of time for argument. In cases allotted 15 minutes or less per side, ordinarily only one counsel may argue for each side. In cases allotted more than 15 minutes per side, there is generally a limit of two counsel for each side; the order allotting time may, however, limit the number to only one counsel per side. For information concerning counsel's participation in oral argument and the apportionment of time, see D.C. Circuit Rule 34. Consolidated cases are considered to be one case for purposes of argument time.

PRE-ARGUMENT REQUIREMENTS FOR COUNSEL

MEMBERSHIP IN THE BAR: This Court maintains a bar separate from the United States District Court for the District of Columbia and the District of Columbia Court of Appeals. An attorney intending to present argument must be a member in good standing of the Bar of this Court. The application for admission is available on the Court's internet site. Arrangements for admission to the Bar should be made at least 7 days before oral argument. A pending application for admission in proper form will satisfy this requirement.

In some instances, an attorney who is not a member of the Bar may be admitted *pro hac vice* for purposes of argument only. A written *pro hac vice* motion must be filed at least 7 days before oral argument. **The name of an attorney who is not a member of the Bar or has not argued a case *pro hac vice* will not appear on any opinion issued by the Court.**

NOTICE BY COUNSEL: Counsel for the principal parties, and other counsel who intend to argue, must complete and file Form 72, notifying the Court of the names of counsel who will argue. An electronic link to the form and the deadline for submission will be contained in the Court's order establishing the amount of time per side for oral argument. If two counsel are permitted to present argument for one side, each attorney must file a separate Form 72 indicating the names of the attorneys and the agreed amount of time for each attorney.

EXHIBITS: Counsel should advise the Clerk by letter at least one week before the argument if counsel intends to use exhibits, setting forth the justification. See D.C. Cir. Rule 34(i).

CLOSED ORAL ARGUMENTS: Counsel should advise the Clerk at least one week before the argument if counsel intends to discuss sealed or classified materials at oral argument, to permit the Clerk to make necessary arrangements in the courtroom. It is the decision of the panel whether to close the courtroom for all or part of an argument.

SPECIAL ARRANGEMENTS: Counsel are encouraged to contact the Chief Deputy Clerk if a case is expected to attract a large crowd or media attention, to allow the Court to make necessary accommodations. Requests for reserved seating should be directed to the Chief Deputy Clerk.

BRIEFS AND OTHER FILINGS: All submissions in cases scheduled for oral argument must state at the top of the first page in capital letters – the case is scheduled for oral argument on [date] or the case was argued on [date]. See D.C. Cir. Rules 27(a)(3) and 28(a)(8).

NOTICE OF SETTLEMENT: Counsel must notify the Court as soon as settlement negotiations begin, when settlement of the case becomes likely, and when settlement is reached. This notice allows for more efficient allocation of judicial resources. Additionally, counsel should promptly notify the Court if settlement negotiations are terminated. Notice must be given in an appropriate motion or by letter to the Clerk at the earliest possible moment.

THE DAY OF THE ARGUMENT

TIMING: The oral argument calendar is posted on the Court’s website. The order in which the cases are listed on the calendar is not necessarily the order in which they will be argued and is subject to change at any time. Regardless of the case’s position on the calendar, all counsel presenting oral argument must report to the courtroom and check in with the Courtroom Deputy by 9:10 a.m. for the morning session and 1:40 p.m. for the afternoon session. **Counsel must call the Clerk’s Office at (202) 216-7280 or (202) 216-7300 in the event counsel is delayed unexpectedly.**

INCLEMENT WEATHER OR EMERGENCY CLOSINGS: If a determination is made that the Court will be closed or the court schedule will be changed due to inclement weather or an emergency situation, the Court will make every effort to contact counsel who are scheduled to argue. **Counsel are advised that even if the Court is closed, oral argument may still take place.** Accordingly, counsel should not rely upon any public broadcast announcements concerning government closures. Counsel may call the Court at (202) 216-7000 for the Special Announcement recording to confirm whether oral argument will proceed. Announcements regarding court closures will also be posted on the Court’s internet site.

PERSONAL COMPUTERS: Personal computers are not to be used in the courtroom **except** at counsel tables. No technical support of any kind will be provided. Recording or transmitting oral arguments is strictly prohibited.

AUDIO RECORDINGS: Audio recordings of oral arguments will be available on the Court’s internet site free of charge, usually by 3:00 p.m. on the same day of the oral argument.

ALL COUNSEL ARE EXPECTED TO BE FAMILIAR WITH THE RULES OF THIS COURT. THE RULES ARE AVAILABLE ON THE COURT’S INTERNET SITE.

CLIFTON B. CISLAK, Clerk