United States Court of Appeals
Tenth Circuit

Office of the Clerk
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Elisabeth A. Shumaker
Clerk of Court

Douglas E. Cressler
Chief Deputy Clerk

All Counsel Scheduled for Oral Argument

RE: Instructions for Calendared Cases

Dear Counsel:

The United States Court of Appeals for the Tenth Circuit will convene for the January 2013 calendar at the Byron White United States Courthouse, 1823 Stout Street, Denver, CO 80257. Within 10 days of the receipt of the calendar notice, all arguing counsel must complete and file via Electronic Case Filing (ECF) the calendar acknowledgment form (and custody status form in criminal, habeas corpus, and immigration appeals). Please note counsel appearing on behalf of amicus curiae parties may not argue without the permission of the court. Consequently, those attorneys need not return an acknowledgment form unless they are granted this permission.

All motions, responses and supplemental authorities concerning calendared cases should be filed in the normal course in accord with the Federal Rules of Appellate Procedures and Tenth Circuit Rules. Because the appeal is now calendared, however, we urge counsel to submit any pleadings expeditiously using the ECF system.

Any party who wishes to waive oral argument and submit a case on the briefs may file a motion to that effect. The motion should be filed no later than ten days before the scheduled date for argument, but the earlier the filing the better. Unless the court orders submission on the briefs, attendance at oral argument is required. If parties are represented by more than one attorney, counsel should note only one of those attorneys is required to appear for oral argument. Other counsel who have appeared but do not plan to argue may file the oral argument acknowledgment form, but they do not need to submit a formal motion to be excused from the scheduled arguments.

The oral argument panels are posted on the court's website one week prior to the oral argument session. Arguing counsel should visit our website (www.ca10.uscourts.gov) to view the argument calendar, for additional calendar information, answers to frequently asked questions, and to download any additional forms that must be filed with the court prior to argument.

On the date of the scheduled oral argument, all counsel must report to check in with the office of the clerk 45 minutes before the court session begins for the day. This will allow everyone to get through court security in a timely manner. Counsel should note the required check in is for all attorneys, regardless of where your case falls on the day's docket.

Each case is allotted 30 minutes of time for oral argument; 15 minutes per side. Related cases may be argued as one case. In cases where more than one attorney plans to argue for one of the sides, it is up to counsel to agree to that division of time prior to appearance at oral argument. Finally, please be aware the court records oral arguments. Upon proper motion after argument, the panel may allow a copy of the recording to be released to counsel. *See* 10th Cir. R. 34.1(E)(1).

Please do not hesitate to contact our calendar team if you have any questions. Our staff can be reached via phone at 303.335.2708, or by email at 10th_Circuit_Calteam@ca10.uscourts.gov.

Very truly yours,

ELISABETH A. SHUMAKER, Clerk