ANSWERS TO FREQUENTLY ASKED QUESTIONS REGARDING ORAL ARGUMENT

The following information is intended to supplement and explain the court's oral argument notice; the oral argument related materials on the court's website; Federal Rule of Appellate Procedure 34; and Tenth Circuit Rule 34. Additional questions or concerns should be directed to the Tenth Circuit Calendar Team at 303-335-2708; 10th_Circuit_CalTeam@ca10.uscourts.gov; or 1823 Stout Street, Denver, CO 80257.

Can the Public Attend Oral Arguments

- Oral arguments are open to the public.

What is Required to Enter the Courthouse?

- A valid government-issued ID, and security screening are required to enter the courthouse. There is often a line at the security-screening checkpoint; please be sure to arrive at the courthouse early enough to be screened and check in on time.

What Forms Need to be Returned/Filed Before Oral Argument?

- Only counsel presenting oral argument must complete and file a Calendar Acknowledgement Form. Non-arguing counsel need not complete and file the acknowledgement form.
- In addition to the Calendar Acknowledgement Form, a Custody Status Questionnaire must be completed and filed by counsel for a defendant in a direct criminal appeal (including interlocutory appeals, and regardless of which party filed the appeal); a petitioner in a habeas corpus or immigration appeal, or any appeal where the plaintiff, defendant or petitioner is in custody.
- The Calendar Acknowledgment and Custody Status Questionnaire (if applicable) must be completed and filed within 10 days of the issuance of the oral-argument notice.
- Even if your case is submitted on the briefs, the Custody Status Questionnaire (if applicable) must be filed.
- Oral argument forms are available on the court's website.
- **Counsel filing both forms must docket each of them individually, in separate ECF transactions.** Completed forms must be in either native .pdf format or scanned. This applies only to these two calendar documents, not to motions and other pleadings**.**
- When docketing the Calendar Acknowledgment Form in ECF, the attorney will be prompted to check a box if s/he is the arguing attorney. Only the arguing attorney should check that box. Please do not un-check that box for other counsel who have marked themselves as the arguing attorney previously.
- Counsel for amici curiae may not participate in oral argument without express permission of the court; such counsel need not file a Calendar Acknowledgement Form unless the court grants permission to argue.

How do I Notify the Court that I will Argue in Place of Another Attorney at Oral Arguments?

- You must file a calendar acknowledgment form for yourself. On that form there is a place to indicate you are substitute counsel.

What if Arguing Counsel Did Not Receive the Required Form(s)?

- An arguing attorney who is new to an appeal and/or has not previously filed an Entry of Appearance Form must do so before filing a Calendar Acknowledgement Form. Once the entry of appearance has been docketed by counsel, it will be reviewed and formally filed by Clerk's Office staff. Once counsel receives notice that the entry of appearance has been filed, s/he may file the Calendar Acknowledgment Form.

When Can I Find Out Which Judges Will Hear My Case?

- Approximately one week before oral arguments the argument calendar will be updated with the three-judge panels and posted to Oral Argument Calendar page of the court's website. Panel members are not disclosed before this time.
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Does the Byron White Courthouse Have Parking?

- While the courthouse does not have dedicated parking, there is metered street parking located all around the courthouse. There are also several paid parking garages nearby.

How Early Should I Arrive, and Where do I need to check In?

- All arguing attorneys must check-in 45 minutes before the argument session is scheduled to begin (e.g., at 8:15 a.m. for a 9:00 a.m. oral-argument calendar). Check-in at the Clerk's Office front desk on the main floor of the Byron White United States Courthouse. If the court is hearing arguments outside of Denver, check-in will be with the courtroom clerk in the courtroom. When the court is hearing arguments remotely via videoconference, arguing counsel must join the session 45 minutes before the scheduled start time. Non-arguing attorneys need not check in.

Where is the Disabled Access Ramp Entrance to the Courthouse?

- A wheelchair ramp for the Byron White U.S. Courthouse can be accessed by beginning at the northeast corner of the building near 19th Street and Stout Street and traveling along the upper sidewalk (closest to the building) toward the rear of the building. A brass sign at the end of the upper walkway will indicate the entrance to the ramp. Use the call box at the bottom of the ramp to call a court security officer who will ask for valid government issued identification and conduct a security check. Elevators are available inside the entrance and provide ready access to all public spaces.

Are Cellphones and Other Electronic Devices Permitted in the Courthouse/Courtroom?

- Cellphones may be brought into the courthouse but must be silenced before entering the courtroom. The use of audio or video recording devices in the courtrooms is also strictly prohibited. Laptops and tablets may be used in the courtroom, but only to refer to (or take) notes during argument.
- Photography and video recording is prohibited in the courthouse.
- Meta Glasses or similar recording-enabled smart eyewear are not permitted in the Byron White United States Courthouse.

When Will My Case be Argued?

- Cases are argued in the order they appear on the docket.

On What Side of the Courtroom Do I Sit?

- If you are counsel for appellant you sit on the right side as you face the bench; the left side if you are counsel for appellee, as you face the bench. If you forgot, don't worry, the tables are also labeled.

How Much Time do I Get for Oral Argument?

- Unless otherwise ordered by the court, oral arguments last thirty minutes, with the time allocated evenly between the two opposing sides. Counsel for the appellant(s) may reserve a portion of his/her fifteen minutes for rebuttal.
- If more than one attorney plans to argue for the appellant(s) or appellee(s), counsel must decide how the time will be divided prior to appearing at argument. While counsel splitting time need not notify the Clerk in advance, they must advise the courtroom deputy on the day of the argument. Arguing counsel is responsible for managing their time; the second lawyer's ability to sit down.
- If two or more appeals are consolidated for oral argument, each side will still only have fifteen minutes to argue unless the court orders otherwise.
- For initial hearing or rehearing en banc, sixty minutes are allotted for argument; each side is allocated thirty minutes.

May I use Exhibits During Oral Argument?

- The use of exhibits at oral argument is unusual. If arguing counsel feels strongly about using exhibits, a motion must be filed prior to the argument date. *See* Fed. R. App. P. 34(g). All motions must be timely filed and comply with 10th Cir. R. 27.1. A proposed order is not necessary.

May My Co-Counsel, Client, and/or Legal Assistant Accompany Me to Court?

- Yes, but only members of the Tenth Circuit Bar may sit at counsel table in the courtroom.
- Clients and visitors are welcome, but they must sit in the gallery of the courtroom to observe and listen to the proceedings.

Does the Byron White Courthouse Have Public WiFi?

- The courthouse does have public WiFi. Clerk's Office staff can provide you with credentials upon arrival.

I need to Bring my Suitcase with me to Court. Is There a Place to Store it?

- There is a small attorney lounge near the Clerk's Office front desk. Attorneys are welcome to leave coats and bags there if they do not want to take them in the courtroom. The attorney lounge is unattended and open to the public; leaving belongings unattended is always at your own risk.
- Attorneys may use the lounge area to read, relax and prepare for argument. Please note food and beverages are not available in the lounge or courthouse. There are several coffee shops within a block of the courthouse.

What Does it Mean When the Calendar States a Case has Been "Submitted on the Briefs"?

- Cases that are "Submitted on the Briefs" will not be argued during the oral argument session. The court decides these cases based solely on the written briefs submitted by the parties. During the oral argument session, cases that are submitted on the briefs will be passed over and the next case on the calendar will be called. The names of the judges assigned to cases submitted on the briefs can be found on the argument calendar approximately one week before arguments.

Does the Tenth Circuit Live-Stream Oral Arguments?

- The Tenth Circuit will live-stream audio (only) of oral arguments held at the Byron White United States Courthouse via YouTube. The court may stream several courtrooms at the same time, so it's important to review to the calendar to find the correct courtroom for which to listen.
- Oral arguments taking place outside the Denver courthouse are not streamed, but recordings are made available within a few days.

How do I Watch Arguments Held on Zoom

- Only the arguing attorneys are allowed to participate in Zoom arguments. Clients, co-counsel (not arguing) and the public may listen to the arguments via the courts YouTube channel. Links to the live stream on YouTube may be found on the court's website.

How do I get a Transcript of the Proceeding?

- We do not have court reporters in the courtroom; oral arguments are not transcribed. Instead, the proceedings are recorded electronically, and posted to the court's website usually within 48 hours. Recordings are available on our website for most cases argued since 2018. Counsel may move for permission to have a court reporter present at their own expense. Any such motion should be filed well in advance of the argument. *See* 10th Cir. R. 34.1(E)(2).

I have a Disability; How Do I Go About Asking for Assistance?

- The court invites attorneys or visitors with special needs to contact the Clerk's Office regarding accommodations. The courthouse is ADA compliant. With notice, the Clerk's Office can provide a variety of accommodations, including auxiliary microphones, assisted listening devices, and interpreters.

Do You have a Hearing Loop?

- Courtrooms I and IV of the Byron White United States Courthouse are equipped with a hearing loop. If you wear a hearing aid or cochlear implant with a "T-coil" (telecoil) setting, it may be compatible with these hearing loops. With many hearing aids and cochlear implants on the market, it is best to check with your audiologist to see if yours is compatible. Hearing aid and cochlear implant without a T-coil setting may not work with the hearing loops.

What Happens if I Have a Conflict with the Date Set for Oral Argument?

- If your case **has been scheduled** for oral argument, you should file a motion for your desired relief as soon as possible. Your motion should include the position of the other side, both sides' positions on the suitability of forgoing oral argument and submitting the matter on the briefs, and both sides' availability for the next oral argument session. When in doubt, consult the court's rules. Future oral argument session dates can be found on the Oral Argument Calendar page of the court's website. Counsel are also invited to call the Calendar Team with questions about the court's oral argument calendar.
- If your case has **not been scheduled** for oral argument, you should file a Notice of Unavailability via the ECF system. In that notice, you should detail which term of court you will not be available, and whether you are unavailable for the entire week or only unavailable for specific days.

When is the Next Oral Argument Session?

- Schedules for this year's and next year's oral argument sessions can be found on the court's website. In addition, Cases which are fully briefed and ready for oral argument may be scheduled for special sessions of oral argument. These special sessions could be scheduled at any time and are not listed on these schedules.