



United States Court of Appeals Tenth Circuit

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Elisabeth A. Shumaker
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Chris Wolpert
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 at Washburn University School of Law, 1700 College Avenue, Topeka, KS 66621. Arguing counsel must complete and file the calendar acknowledgment form (and custody status form in criminal, habeas corpus, and immigration appeals) via Electronic Case Filing (ECF) within ten days from the receipt of notice. Counsel for Amicus Curiae may not argue without permission of the court. Therefore, those attorneys need not return an acknowledgment form unless granted this permission.

All motions, responses and supplemental authorities concerning calendared cases must be filed in accordance with the Federal Rules of Appellate Procedures and Tenth Circuit Rules. These documents must be filed expeditiously through the ECF system.

Any party who desires to waive oral argument and submit a case on the briefs may file a motion to that effect. *Please note* changes to 10th Circuit Local Rule 34.1(A)(3) took effect on May 9, 2016, and those changes provide that 1) except in an emergency any motion to postpone argument must be filed at least 20 days before the scheduled argument date, and 2) that any motion filed must include both opposing counsel's position and a statement regarding whether the appeal is suitable for submission on the briefs. Unless the court orders submission on the briefs or postponement, attendance at oral argument is required.

If parties are represented by more than one attorney, only one attorney is required to appear for oral argument. Other attorneys who are not participating in oral argument may acknowledge the notice of oral argument but do not need to file a formal motion to be excused from attendance.

The oral argument panels are posted on the court's website one week prior to the oral argument session. All counsel should visit our website to review important calendar

information, to review answers to frequently asked questions, and to download necessary forms that must be filed with the court prior to oral argument.

On the date of oral argument, counsel must report with the courtroom deputy 45 minutes before court convenes. This will allow everyone time to get through court security. Regardless of where your case falls on the docket, all arguing attorneys must check in with the courtroom deputy 45 minutes before the court session begins for the day, not 45 minutes before your particular argument begins.

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 make that division of time prior to appearance at oral argument. Please be aware oral arguments are recorded. These recordings are for the use of the court. Upon proper motion, after argument the court may allow a copy of the oral argument recording to be released to counsel. *See* 10th Cir. R. 34.1(E)(1).

Please note the Federal Rules of Appellate Procedure and local rules, as well as the 10th Circuit Practitioner's Guide, are available on our website at www.ca10.uscourts.gov. You may reach the 10th Circuit Calendar Team by phone at 303.335.2708, or by email at 10th_Circuit_Calteam@ca10.uscourts.gov. Please don't hesitate to contact us if you have any questions.

Very truly yours,



ELISABETH A. SHUMAKER, Clerk