INFORMATION AND INSTRUCTIONS FOR THE PRESENTATION OF ORAL ARGUMENTS BY VIDEOCONFERENCE

In order to reduce the cost of litigation for attorneys and their clients, the United States Court of Appeals for the Tenth Circuit offers the option of presenting oral arguments by interactive videoconference.

The court may designate a certain number of criminal and prisoner appeals on an oral argument calendar for videoconferencing. Although, appeals designated by the court for videoconferencing will generally be appeals in which both sides are represented by government attorneys or private attorneys paid by the government, counsel in any civil or criminal appeal arising from a district that is able to support videoconferencing may request leave to present oral argument by videoconference.

Interactive videoconference is virtually equivalent to a personal appearance before the court; nevertheless, if your case is designated for videoconference and you believe there are compelling reasons why argument should not be presented by videoconference, you may file a motion under Fed. R. App. P. Rule 27.

If your case is one designated for the presentation of oral argument by videoconference, the clerk of the court of appeals will notify you and tell you when and where to report for argument. Generally, you will be told to report to the district court clerk's office. Reporting times will be adjusted to your local time. For example, if court is scheduled to convene at the Byron White U.S. Courthouse, Denver, Colorado at 9:00 a.m. Denver time (10:00 a.m. Central time) and you are arguing by videoconference from Oklahoma City, you will be directed to report to the district court clerks office no later than 9:30 a.m. local time. The district court clerk will direct you to a courtroom or another room in the courthouse where there is videoconference equipment.

When you get to the videoconference site, a court representative will greet you, provide further information and answer questions. You will see some things which are familiar to you, including a podium with a microphone for presenting arguments; however, you will also see a TV monitor and video camera some 10 to 15 feet in front of and facing the podium. When arguments are being video videoconferenced, attorneys can see the panel judges on the monitor and hear them through connected speakers. By means of similar equipment installed in the Denver courtroom, the panel judges can see and hear the arguing attorneys.

During your argument, you may detect a fractional second delay between the time words are spoken and the time they are heard at the remote conference site. This could cause you to continue speaking, thereby missing the first word or two of a question posed by a panel judge. The court is exploring enhanced technology which will eliminate this transmission delay. In the meantime, the problem can be minimized by some simple protocols. Judges will preface their questions by a warning remark, such as "counsel, I

have a question," whereupon you should immediately stop speaking and listen for the question. Thus you will hear the entire question and be able to formulate your response.

Here are some other tips that my help you in presenting your argument by interactive videoconference:

- Act Natural--The panel judges will be able to see and hear you just as if you were presenting your argument in person.
- Make Eye Contact--Since the camera is located on top of the monitor, by looking at the judges on the monitor, you will make eye contact with them.
- Use Your Normal Voice--The podium microphone and system speakers will pick up and transmit your voice as clearly as if you were arguing to the judges in person. There is no need to speak louder or slower than you would in a normal courtroom setting.
- Avoid Exaggerated and Unnecessary Gestures or Movement--Remain standing behind the podium. If you move away from the podium, you may be out of camera range and not visible to the panel judges. While normal gesturing can enhance your videoconferenced argument, extreme or exaggerated hand and arm movements can be even more distracting than when arguments are presented in person.
- Dress Conservatively--Remember you're a TV star. Just as on television, some colors are better than others (whenever practicable avoid white or vivid colors) and bold patterns may cause a strobe effect.
- Avoid Unnecessary Noise--Noise such as caused by tapping on the podium or shuffling papers may be transmitted through the system to the panel judges, thereby making it difficult for them to hear or concentrate on your argument.

The court of appeals is pleased, through the cooperative efforts of the district courts in the circuit, to be able to offer this technology and hopes that you will find it provides an effective and efficient way for you to represent the interests of your clients and, at the same time, reduce the burdensome costs of litigation.