ANSWERS TO
FREQUENTLY ASKED QUESTIONS

As of June 1, 2009, all calendar documents will be filed electronically by counsel in CM/ECF. These questions are most frequently asked by counsel when preparing to attend oral argument.

What forms need to be returned/filed before oral argument?

- The Calendar Team sends out a Calendar Acknowledgement Form. This form identifies the specific argument date and time for counsel and who will be presenting oral argument for the court. Preferably the court asks that counsel, even if there are multiple attorneys, fill out and file the acknowledgment form. If the court decides that a case will be submitted on the briefs, counsel need not return/file the acknowledgment form. Please note, it is not up to counsel to decide if their case will be submitted on the briefs. The court will make that determination after a proper motion has been filed. Counsel for Amici Curiae are not allowed to argue without permission of the court. Attorneys for these parties need not return/file an acknowledgement form unless they are granted permission to argue by the court.
- If you are counsel for the defendant in a direct criminal appeal, or a petitioner in a habeas corpus or immigration appeal, you must also complete the Custody Status Questionnaire. This form is found on our website, http://www.ca10.uscourts.gov and clicking on the Argument Calendar tab. If your case is submitted on the briefs, this Custody Status Form still needs to be filed.
- The Calendar Acknowledgment and Custody Status forms must be completed and returned within 10 days of receipt. These are separate filings and counsel must docket each of these forms individually. The court will only accept filings that are in a native .pdf format. These forms must also be returned in that format. Documents that are scanned or are in any other format will not be accepted and counsel will have to resubmit the document for filing.

Where are the calendar forms located online?

- Only the Calendar Acknowledgement Form (and Custody Status Forms in cases applicable) will be sent to counsel by email. The form(s) must be completed and returned in native .pdf format. Counsel must access the court's website http://www.ca10.uscourts.gov and click on the Argument Calendar tab to download other necessary documents and information prior to appearing for oral argument. No forms will be sent by U.S. Mail.

What if counsel who will argue did not get a form?

- Any counsel who is new to an appeal will need to download and file both an Entry of Appearance Form and a Calendar Acknowledgement Form, these forms are available on our website http://www.ca10.uscourts.gov under the Argument Calendar Tab. Once the entry of appearance has been received by the court, it will be reviewed. The court will docket the entry of appearance. Once counsel receives a notice of docket activity showing their entry of appearance has been filed, they will be allowed to file their calendar acknowledgment form in CM/ECF, and any other necessary filings.

In preparation for oral argument, what do I need to get into the Federal Courthouse?

- You will need a valid picture identification and be required to walk through security. All cell phones, and PDAs that have capabilities of taking pictures will be left at the entry station with your ID. No recording devices are allowed in the courtroom.

When and where do I need to check in?

- Attorneys will need to check in at the front desk of the Clerk's Office at the Byron White United States Courthouse 45 minutes before the court session convenes. If the court is traveling somewhere outside of Denver, check in will be with the courtroom clerk in the courtroom you are assigned.

When can I find out who my panel will be?

- The week before oral arguments, the three judge panels will be listed on our website, the panel members are not disclosed before this time. Please go to http://www.ca10.uscourts.gov and click on the Argument Calendar tab to find your panel.

Can I use exhibits in the courtroom?

- Counsel must file a motion to use exhibits during oral argument, and be granted permission before the argument date. *See* Fed. R. App. P. 34 and 10th Cir. R. 34 regarding Oral Argument.

I have a disability, how do I go about asking for assistance?

- Arrangements are made for persons with disabilities. The courthouse is ADA compliant. With notice, we will provide anything from auxiliary microphones, to assisted listening devices, or we can arrange to have an

interpreter present during oral argument. Arrangements can be made by contacting the Calendar Team or writing a letter to Douglas E. Cressler, Chief Deputy Clerk/Access Coordinator for the Court.

How much time do I get for oral argument?

- Fifteen minutes per side is allocated for oral argument. Appellant's attorney may reserve a portion of their fifteen minutes for rebuttal. If more than one attorney plans to present argument per side, they must decide how their time is divided prior to appearance before argument. Counsel does not need to notify the clerk in advance or argument as to how they will allocate their time.
- If two or more appeals are consolidated for oral argument, each side will still only have fifteen minutes to argue.

What happens if I have a conflict with the date set for oral argument?

- Counsel must be granted leave to continue argument due to any conflict with the setting. A motion must be filed in CM/ECF with the court stating the conflict, and also addressing opposing counsel's position. If counsel is willing to submit his or her argument on the briefs rather than continue the matter, this too should be addressed in the motion filed. The motion should be filed several weeks before the court date.
- Counsel can call the calendar team or check the court's website for future calendar session dates.
- The Court will issue an order after the panel assigned to the case determines whether or not the argument date should be vacated.

How do I contact the Calendar Team?

- You can reach the Calendar Team in the following manner:
- Telephone – 303.335.2708
- Email – 10th_Circuit_CalTeam@ca10.uscourts.gov
- Mail – United States Court of Appeals Tenth Circuit, 1823 Stout Street, Denver, CO 80257.