

United States Court of Appeals for the Federal Circuit



Notice to Counsel on Oral Argument

1. The name(s) of counsel who will argue on each side and the order in which they will argue must be given to the clerk by the date indicated in the Court order. Changes in counsel shall be promptly reported to the clerk. Last minute postponements due to the sudden unavailability of counsel, especially when counsel practices in a firm, will ordinarily not be permitted, resulting in the case being submitted without argument from that side.

2. The Court convenes at 10:00 a.m. for morning sessions and at 2:00 p.m. for afternoon sessions. Counsel scheduled to argue must register in the clerk's office (Room 401) between 9:00 and 9:30 a.m. for morning sessions and between 1:00 and 1:30 p.m. for afternoon sessions. Counsel entitled to open and close the argument will be asked if they wish to reserve a portion (usually five minutes) of their allotted time for rebuttal. If argument time is to be divided between co-counsel, the clerk must also be so advised at this time. If counsel will not need the entire time allotted, it should be surrendered to the clerk when registering. Time may also be surrendered during the argument.

3. Admissions to the bar are the first order of business. The applicant for admission with sponsor must report to the clerk's office not later than one hour before the session. Please alert the clerk to any special pronunciation of the applicant's or sponsor's name.

4. Cases are called in the order indicated on the calendar posted outside the courtroom. The names of the judges constituting the panel appear on the posted

calendar and on the bench. Counsel should remain in the courtroom or its immediate vicinity until their case is reached.

5. The digital clock on the podium provides the time remaining of your argument:

Green Light: You are within allotted time.

Yellow Light: You are in prearranged rebuttal time.

Red Light: You have used all available time.

When the red light illuminates, your time is finished and you are to stop. The time appearing on the clock now is how long you are continuing past your allotted time.

6. Inquiry should not be made of the Presiding Judge regarding the amount of time remaining.

7. The court will have read the briefs. Counsel should therefore get as promptly as possible to the issue(s) in the case.

8. Arguments are tape recorded, therefore, counsel should speak into the lectern microphone. Clip-on microphones are available at the counsel table. The courtroom deputy can answer questions about the microphone's operation. Use of the clip-on microphone is not normally necessary unless counsel expects to speak while away from the podium, such as when moving toward an exhibit. Identify exhibits, charts, etc., used in argument by name or number, so those listening to the tape may find them in the appendix.

9. Counsel must request permission to hand an item to the bench. Counsel should have already consulted with the opposing counsel and provided a copy of the item. Permission being granted, counsel will hand the item or items to the courtroom deputy.

10. The Rules of Practice before the United States Court of Appeals for the Federal Circuit contain more detailed information about oral argument (Rule 34), including the use of visual aids.

Notice of Posting of Digital Recordings of Oral Arguments

The Court is now posting digital recordings of oral arguments on the Court's Internet site at <http://www.cafc.uscourts.gov/oral-argument-recordings>. Counsel should exercise caution in discussing at oral argument sensitive personal data, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, national security information, and sensitive security information as described in 49 U.S.C. § 114. Counsel are urged not to discuss at oral argument any sensitive information they do not wish posted on the Internet.