



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

June 22, 2021

Instructions for Arguing Counsel Participating in Remote Arguments

1. Counsel Orientation and Equipment Test

The Clerk's Office will schedule an orientation and equipment test with counsel at least one week before the argument. Arguing counsel must attend in order to participate in the remote argument.

Counsel must participate in the orientation and equipment test using the same equipment and internet connection they will be using on the day of the argument. Counsel must participate from the same location where they intend to present argument and using the same background.

The Clerk's Office has the discretion to disallow appearance by videoconference if court staff believe that counsel is not sufficiently able to appear by videoconferencing. In such a situation, counsel will be permitted to attend by teleconference in accordance with instructions that will be provided by the Clerk's Office.

2. Argument Connection Information

The Clerk's Office will provide counsel with argument connection information following the orientation and equipment test.

3. Connecting to Argument

On the day of argument, please use the link provided by the Clerk's Office to connect to the videoconference **one hour before the panel's designated start time** (the designated start time is usually 10:00 a.m. Eastern). A member of court staff will confirm your connection, test your audio and video quality, and provide additional pre-argument instructions. **Counsel must remain connected to the conference until dismissed by the court or the courtroom deputy.**

4. **Waiting for Argument**

Cases with remote participants are scheduled as the last case(s) to be heard before the assigned panel. While waiting for your case, you will be unable to see or hear the courtroom or proceedings. Instead, you are encouraged to listen to the court's audio streaming, available [here](#), to monitor the timing of your argument.

You will be able to communicate with the courtroom deputy by using the chat functionality in the videoconference. **The courtroom deputy will send you a message approximately five minutes before the end of the prior case's argument.** Please note that argument on individual cases may run long or end early, and, while the courtroom deputy will advise on general timing, it remains your responsibility to ensure you are prepared to proceed when your case is called.

5. **Presenting Your Argument**

At the start of your case, the courtroom deputy will connect you to the courtroom, ask you to unmute your audio, and confirm that you can see and hear both the courtroom deputy and the panel.

The courtroom deputy will mute you when opposing counsel is presenting. **Please do not unmute yourself until called on by the presiding judge.**

6. **Tracking Time During Your Argument**

The courtroom deputy will start the courtroom timer when you begin speaking ("green light"), which will be visible next to the presiding judge. The timer will display a yellow light once you have entered any authorized rebuttal time and a red light once your total allotted time has expired. Please refrain from using your own timekeeping device.

7. **Decorum During Argument**

Although you are appearing remotely, **the court is in session and ordinary rules of decorum apply, including the requirement that counsel appear in appropriate courtroom attire.**

You must keep yourself muted while not presenting your argument or answering a court question. Please refrain from using the videoconference chat feature while your case is being argued.

Counsel must present argument:

- from a location free from disruptions (i.e., a private room or office with the door closed);
- in front of a neutral, non-distracting background and no virtual background; and
- with arguing counsel as the only individual appearing in the video frame.

8. Handling Disruptions

In the event of a poor internet connection or should you disconnect from the conference during your case, the courtroom deputy will announce the disconnection and pause the proceeding and clock. The courtroom deputy will then reconnect you to the courtroom by telephonic conference, and the argument will continue with you participating by audio only. In order to facilitate this, you will be required to have a phone at the ready and to provide court staff with the phone number to reach you at.

If you experience technical difficulties and are not contacted by the court, please call the Clerk's Office at 202-275-8049. Note that the courtroom deputy will only attempt to reconnect you if you are not on the videoconference at the time your case is called or if you disconnect during argument on your case.

9. Recording Prohibited

Recording, photographing, broadcasting, or capturing any audio, video, or image from any aspect of your remote appearance is prohibited.

10. Public Access to Argument

Given the extraordinary public health emergencies in the National Capital Region and the resulting restrictions on public access to the courthouse, the U.S. Court of Appeals for the Federal Circuit is providing media and public access to the audio stream of each panel scheduled for argument during the court's monthly sessions. No video stream will be provided.

The streaming audio feeds begin approximately thirty minutes prior to the panel's designated start time (the designated start time is usually 10:00 a.m. Eastern), and the feeds are available [here](#) or may be accessed through the [Daily Schedule](#) on the court's website. Audio recordings of all arguments will be posted on the court's [website](#) after the conclusion of arguments each day.

If you have additional questions before your argument, please email attorneyservices@cafc.uscourts.gov or call 202-275-8035.