

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Argument Protocols
(September 1, 2022)

This document sets forth protocols that will govern appearances for in-person hearings and other public meetings or events in Ninth Circuit courthouses pending further order of the Court.¹ These protocols reflect the Court’s concern for the health and safety of the Court, its staff, the bar, and the public. While the Court desires to return to presumptive in-person arguments, the Court understands that there will need to be a transition period. Because of the evolving public-health guidance concerning the COVID-19 pandemic, the Court may continue to modify these protocols as needed.

A. In-Person Appearances:

- Ninth Circuit courthouses in San Francisco, Pasadena, Seattle, and Portland will reopen to the general public as of September 1, 2022.
- Masks are encouraged but not generally required. Panels may require masks in the courtroom or for large group or high-density events.
- No one shall enter a Ninth Circuit Courthouse if they:
 - Have first tested positive for COVID-19 within the previous 5 days,
 - Are sick and currently awaiting the results of a COVID-19 test,
 - Have had a fever within the last 24 hours,
 - Have had symptoms consistent with COVID-19 (e.g. fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, diarrhea) that have not improved within the previous 5 days, or
 - Have been exposed to COVID-19 within the previous 10 days, do not wear a high-quality mask, and have not tested negative after the exposure within the previous 5 days.

¹ Any hearing, meeting, or event hosted by the Ninth Circuit in a courthouse or other federal building housing a district court or bankruptcy court will also be subject to any additional restrictions or requirements in place in that host courthouse or building, including mask requirements.

B. Notice of Intent to Appear Remotely

- Because the Court recognizes that there will be a period of transition back to in-person arguments and that an attorney's particular circumstances may make a remote appearance more practical, no motion to appear remotely will be required pending further order of the Court.
- Instead, counsel shall indicate in their *Acknowledgment of Hearing Notice* a preference for remote video argument. Until further notice, these requests will be honored.
- All counsel appearing remotely are encouraged to test their connections in advance of argument and will be contacted by court staff with further instructions.
- The Court widely disfavors telephonic appearances. They will not be allowed absent direct permission from the panel or as directed by court staff in the event of technological difficulties.

C. General Considerations

- The fact that one or more counsel may elect to appear remotely will not result in all counsel having to do the same; each counsel will be allowed to appear in-person or by video as they choose.
- Any counsel who initially indicated a preference for in-person argument but who becomes unable to do so for any reason shall notify the Court as soon as possible to arrange for remote participation.

D. Notification of Potential Exposure

- Counsel shall notify the Courtroom Deputy directly or the Clerk's Office at questions@ca9.uscourts.gov if counsel or any of counsel's attendees exhibit symptoms or test positive for COVID-19 within five days after an in-person argument.