

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

**INSTRUCTIONS for Form 32.  
Response to Notice of Case Being Considered for Oral Argument**

**Purpose of form:** Use Form 32 to advise the court of an irreconcilable conflict that would prevent counsel from appearing on one or more of the dates under consideration for oral argument. *To request affirmative relief or to request referral to mediation, counsel must file a separate motion.*

**Who should file:** An attorney or party who receives a Notice of Case Being Considered for Oral Argument and who will be arguing should fill out Form 32 *only* if you have an irreconcilable conflict.

**When to file:** File this response within ***three business days*** of the notice of consideration. Objections to responses or asserted conflicts are permitted, but please file those within one business day of the response.

**How to file:** File Form 32 using the electronic document filing type “Response to Case Being Considered for Oral Argument.”

**Instructions**

Review *all* sitting dates for the next two sitting months for the location stated in the court’s notice, keeping in mind that a single city might have more than one sitting week in a given month: [https://www.ca9.uscourts.gov/court\\_sessions/](https://www.ca9.uscourts.gov/court_sessions/).

Identify as conflicts only situations you cannot reasonably resolve. For example, you have a family wedding to attend out of town and you are a sole practitioner who does not have someone who can take your place at argument. Potential hearing dates in other cases do not qualify as irreconcilable conflicts. Make every effort to propose alternative sitting dates that would work for you and opposing counsel (list these in the section of the form where you provide the date and reason for each conflict).

We solicit input before setting argument dates precisely to minimize the need to remove a case from a calendar after judges have invested time in it.

Late Form 32 submissions will not be entertained.

You will receive notice of your hearing roughly 10 weeks before the argument date.

***Do not file this instruction page***

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**How to prepare fill-in forms for filing:**

- If you have Adobe Acrobat or another tool that lets you save completed forms:
  1. Complete the form.
  2. Print the completed form to your PDF printer (File > Print > select Adobe PDF or another PDF printer listed in the drop-down list).
  
- If you do not have Adobe Acrobat or another tool that lets you save completed forms:
  1. Complete the form.
  2. Print the completed form to your printer.
  3. Scan the completed form to a PDF file.

***Do not file this instruction page***