

OFFICE OF THE CLERK  
U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT  
95 SEVENTH STREET, P.O. BOX 193939  
SAN FRANCISCO

**NOTICE OF CASES SET FOR HEARING**

Your case has been set for hearing as indicated on the attached calendar. Please take special note of the time and place of hearing. In order that the court may make proper arrangements for oral argument, it is essential that you immediately complete the attached acknowledgment of hearing notice and return it to the Clerk's Office email OR street address provided. The acknowledgment of hearing notice may *not* be filed electronically via the ECF system.

In preparing for oral argument, the parties should be guided by Rule 34 of the Federal Rules of Appellate Procedure. The following information is provided to ensure the effectiveness of the hearing process:

**Possibility of Mootness or Settlement** - If your case has become moot or a settlement is imminent, immediately advise the Clerk's office in writing and **BY TELEPHONE**. For ECF-registered parties, this must be filed electronically as "Correspondence to Court."

**Notification of Related Cases** - If you are aware of other cases pending in this court which are related to and which should be calendared with your case(s) on the attached calendar, please notify this office.

**Admission for Oral Argument** - Any attorney who will be presenting oral argument must have been admitted to the bar of this court. **The forms necessary for admission may be obtained through the court's website [ [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov) ] under Forms. If you have not been admitted, or need to verify you have applied, please call the Attorney Admissions Inquiry line at (415) 355-7800 and leave the requested information.** While admission in open court on the day of hearing is discouraged, you may elect such an admission procedure. Candidates for admission in open court must appear in the Clerk's Office with a sponsor who has already been admitted to the bar of the circuit, and who can orally move the admission before the calendar is called.

**Submission Without Oral Argument** - A party who feels that oral argument would not be of assistance to the court may present a written motion asking the court to submit the case on the briefs for decision without oral argument. Such a motion must be served on all parties. For ECF-registered parties, this motion must be filed electronically. The court may, on its own motion, determine that oral argument would not be of assistance. In such cases, all parties will be advised by separate notice pursuant to Fed. R. App. P. 34(a).

**Appearing for Argument** - If oral argument is to be presented, please register with the courtroom deputy in the courtroom posted for your case 30 minutes before the time of the hearing. All parties for all cases must be registered and present at the time the session is convened.

**Hearing Order of Cases** - Cases are generally heard in the order in which they appear on the calendar. On the other hand, a panel may elect to poll the calendar prior to the commencement of argument and to rearrange the order of cases based on the projected length of the argument. Nevertheless, parties in the first case should be prepared to begin argument immediately after the court is convened in the event that the entire calendar is not polled.

**Time for Oral Argument** - Cases scheduled for oral argument will be assigned ten, fifteen, twenty, or occasionally thirty minutes per side. Check your Location of Hearing Notice to determine your time allotment.

**Subject of Oral Argument** - At the time of hearing, the judges of the panel will have studied the briefs and the excerpts of record and will be familiar with the facts and issues of the case. Argument should be devoted to clarifying issues as needed and to responding to questions raised by the judges of the panel.

**Presenting Additional Citations** - Additional citations of relevant decisions rendered since the filing of the party's last brief -or after oral argument but before decision- may be submitted by letter, showing proof of service on all counsel and parties not represented by counsel. For ECF-registered parties, this letter must be filed electronically, but if filed by paper, **only** the original must be submitted to the court. The letter must state the reasons for the citations, referring to either the page of the brief or to a point argued orally. The body of the letter must not exceed 350 words. Any response must be made promptly and similarly limited. [FRAP 28j, Cir. R. 28-6]

**Identity of Panel Members** - Not earlier than the week before the court week in which your case will be heard, the names of judges hearing the currently calendared cases will be announced. The names will be posted on the public bulletin board of the Clerk's Office of your local U.S. District Court and on this Court's web page. You may also determine the names of the judges by submitting with the enclosed acknowledgment form, a self-addressed, postage-paid envelope and a card listing the case number, date and time of hearing. We will write the names of the judges hearing your case on this card and mail it to you at the same time that the official calendars are mailed to the District Court Clerk's Offices for posting. [ [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov) ]

**Continuances** - After a case has been calendared, continuances are not granted except for a showing of extraordinarily good cause. If oral argument is essential but you find it impossible to be present, you must, immediately after receipt of this hearing notice, submit a formal motion and supporting affidavit for continuance. For ECF-registered parties, this motion must be filed electronically. Presentation of the motion does not ensure that the continuance is granted. The court will not consider the motion for continuance after the identity of the panel of judges has been divulged.

OFFICE OF THE CLERK  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Return Notice To:

U.S. Court of Appeals for the Ninth Circuit  
Pioneer Courthouse  
700 S.W. Sixth Avenue, Suite 226  
Portland, Oregon 97204  
(503) 833-5311

OR ➤ [email: [portlandnotice@ca9.uscourts.gov](mailto:portlandnotice@ca9.uscourts.gov) Subject: PO Hearing Notice]

ACKNOWLEDGMENT OF HEARING NOTICE

ATTENTION: Calendar Clerk

Date: \_\_\_\_\_

I acknowledge receipt of notice of assignment showing my case:

No. \_\_\_\_\_

Title: \_\_\_\_\_

assigned for hearing:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Counsel to Argue: Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Party(s) Represented: \_\_\_\_\_

Please indicate any special needs you may require in the courtroom:

\_\_\_\_\_

NOTE: In the event that argument is to be presented "in pro per", please place party's name, address and telephone number in the space provided for counsel.

- Please submit a separate Notice of Appearance to the Clerk's Office for all counsel who have not already entered an appearance in the above referenced case(s).

**ADMISSION STATUS**

(To Be Completed by Attorneys Only)

( ) I certify that I am admitted to practice before this Court

( ) I certify that I am generally qualified for admission to practice before the bar of the Ninth Circuit and that I will immediately apply for admission. ( forms available online )

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

[www.ca9.uscourts.gov](http://www.ca9.uscourts.gov)

REVISED NOTICE January 6, 2009

NOTICE TO COUNSEL APPOINTED UNDER THE CRIMINAL JUSTICE ACT

TRAVEL AUTHORIZATION ONLY: (415) 355-7993

Other CJA Voucher Information: (415) 355-7920 [for Central/Southern California  
- call Pasadena Clerk's Office (626) 229-7250]

*Effective immediately* counsel appointed under the Criminal Justice Act must purchase airline tickets through Omega World Travel or Travel Company of Montana (TRAVCO). Airfare ordinarily will not be reimbursable on CJA vouchers. An account has been set up to allow appointed counsel to use government rates for airline travel. The airline tickets are fully refundable and allow for flexibility in air travel at a lower cost. The Court will pay for the airline ticket directly with no initial outlay by counsel. Upon determining that air travel is required, please call the Clerk's Office IMMEDIATELY at (415) 355-7993 to receive your written travel authorization and further instructions.

Omega World Travel and Travel Company of Montana (TRAVCO) also offer government rates on hotels and car rentals, and you should call (415) 355-7993 for written authorization for these rates. You should bear in mind, of course, that only out-of-pocket expenses *reasonably incurred* will be reimbursed. Thus, car rental generally is reimbursed only when taxi or shuttle service is either unavailable or more expensive than car rental.

Although the Court has been requiring counsel to file appellate vouchers within seven days of oral argument or submission on the briefs, the Court has now delegated CJA certification authority to Appellate Commissioner Peter L. Shaw, and counsel will be allowed 45 days from the final disposition of the appeal within which to file vouchers.

You are encouraged to wait until you have completed all work on the appeal, including a petition for rehearing, suggestion for rehearing en banc, and petition for a writ of certiorari, and then file one voucher to cover all work on the appeal. This will allow the most accurate assessment of whether the appeal is "extended or complex" or whether the statutory maximum limits the compensation available. If you prefer, you may continue to follow the current practice and file your voucher shortly after oral argument or other submission. If you later file a petition for rehearing or a petition for a writ of certiorari, you may request a supplemental CJA voucher from the Operations Assistants by telephone or letter.

All appellate vouchers are certified by the Appellate Commissioner, and any vouchers certified in an amount greater than the statutory maxima are forwarded to the Chief Judge or active judge delegate for approval. If you have any questions concerning CJA procedures, please contact the Operations Assistants at (415) 355-7920. [Calls from Central & Southern California may be directed to the Pasadena Clerk's Office at (626) 229-7250.]

Omega World Travel: 1-866-450-0401

TRAVCO call 1-877-890-5474