

## UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

LOCATION OF HEARING for SEPTEMBER CALENDARDate of Notice:

James R. Browning US Courthouse  
 United States Court of Appeals - 9th Circuit  
 95 Seventh Street  
 San Francisco, California 94103

July 31, 2012

 Picture ID required to enter Courthouse 

COUNSEL WILL PLEASE CHECK-IN WITH THE DEPUTY IN THE COURTROOM

All CJA Counsel call (415) 355-7993 for travel authorization

Monday, September 10, 2012 9:00 a.m. Courtroom 1, 3<sup>rd</sup> Floor

- ( ) \* 09-17121 Lopez v. Stainer
- ( ) \* 11-15891 Corey v. United States Postal Service
- ( ) \* 12-50042 United States v. Jones
- ( ) \*\* 10-16082 Moore v. Zeppa
- ( ) 11-17318 League to Save Lake Tahoe v. Tahoe Regional Planning Agcy <note new date

Tuesday, September 11, 2012 9:00 a.m. Courtroom 1, 3<sup>rd</sup> Floor

- ( ) \* 09-17007 United States v. Soto
- ( ) \* 11-10201 United States v. Johnson
- ( ) \* 11-10584 United States v. Davis
- ( ) \* 11-10405 United States v. PMB, Juvenile Male
- ( ) \*\* 11-15820 Fritz v. Astrue
- ( ) 12-35352 Microsoft Corp. v. Motorola <note added case

MAXIMUM ARGUMENT TIME 20 MINUTES PER SIDE

PLEASE RETURN ENCLOSED ACKNOWLEDGMENT  
 NOTICE to SAN FRANCISCO CLERK'S OFFICE  
 [see **FILING INSTRUCTIONS** on the Acknowledgment Form]

Wireless Internet Connectivity is now available in the  
 James R. Browning U.S. Courthouse

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

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 form and return it to the Clerk's Office via the Appellate ECF system [ or by hardcopy for those granted an exemption from using the Appellate 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.

REVISED NOTICE January 6, 2009

NOTICE TO COUNSEL APPOINTED UNDER THE CRIMINAL JUSTICE ACT

TELEPHONE Nos: **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 @ (626) 229-7250.]

Omega World Travel call 1-866-450-0401

TRAVCO call 1- 877-890-5474.

## **U.S. Court of Appeals for the Ninth Circuit Electronic Devices Policy**

**This policy pertains to the use of electronic devices by the bar, media and the public in the courthouses and other dedicated spaces housing the United States Court of Appeals for the Ninth Circuit. These are the William K. Nakamura U.S. Courthouse in Seattle, the Pioneer U.S. Courthouse in Portland, the James R. Browning U.S. Courthouse in San Francisco, the Richard H. Chambers U.S. Courthouse in Pasadena, and the U.S. Court of Appeals for the Ninth Circuit in Honolulu. The policy also applies to other places in which the court holds session for special sittings. These include courtrooms in the district courthouses and spaces in law schools and other locations.**

**Visitors to any of the Ninth Circuit courthouses and dedicated spaces are allowed to carry and make use of various electronic devices as set out by this policy. Different rules may apply when the court meets in another venue, such as a district courthouse. Where conflicts between this policy and that of a district court become known, the chief circuit judge and chief district judge, or their designees, will confer to resolve such conflicts.**

### **General Rules:**

- 1. Anyone may bring electronic devices, such as a Blackberry, smart phone, laptop computer or a similar functioning device having wireless communications capability into the courthouse.**
- 2. Except for courtrooms, persons may use such devices in public areas of the courthouse to make telephone calls and to transmit and receive data communications, such as email or text messages, or to access the Internet. For reasons of privacy, safety, and security, use of these devices to take photographs or for audio or video recording or transmission is prohibited in the courthouse (exceptions for court staff, authorized vendors or for educational or ceremonial events).**
- 3. In courtrooms, persons may use such devices to take notes, transmit and receive data communications, and access the Internet. This includes media members who are transmitting written accounts of the proceeding to a wider audience using various means. Persons may not use these devices for telephone calls, photographs or audio or video recording or transmission. Telephone ring tones and other functional sounds produced by devices must be disabled while in the courtroom. Only quiet keyboards may be used in the courtrooms.**
- 4. The presiding judge of a judicial panel may prohibit or further restrict use of such devices by all persons prior to or during a proceeding when necessary to protect the rights of the parties or to assure the orderly conduct of the proceedings.**
- 5. This policy will be prominently displayed wherever the court holds session and posted on the court's website. Failure to adhere to the policy may result in removal from the courtroom or other sanction.**

**Adopted June 23, 2010.**