

IN THE
Court of Appeal of the State of California
IN AND FOR THE
THIRD APPELLATE DISTRICT

PROCEDURES FOR ORAL ARGUMENT

COURTROOM LOCATION:

- **Stanley Mosk Library and Courts Building**
- **914 Capitol Mall, First Floor**
Sacramento, CA 95814

DRESS CODE:

- The dress code for those presenting oral argument is a formal dress code.
- Examples of acceptable formal attire are defined as follows:
 - Suit and tie, or sport jacket with dress slacks and a collared shirt and tie.
 - Pant suit, jacket with professional blouse and pants or skirt, or a dress paired with appropriate accessories.

COURTROOM CHECK-IN AND APPEARANCE PROCEDURE:

- Go directly to the courtroom and provide the courtroom clerk with a business card, **or** complete an appearance notice form (available from the courtroom clerk).
- On the back of the card or on the notice form indicate:
 - The case for which you are appearing, e.g., *Smith v. Jones*.
 - The party for whom you are arguing, e.g., *appellant Smith*, or
 - The party for whom you are appearing only, e.g., *appearing for Resp. Jones*.

COURTROOM TIMER AND LIGHTS:

- When oral argument begins, the light will turn GREEN. The clock counts down the time from the total allowed, so the digital display will show the time remaining.
- If the appellant elects to reserve time for rebuttal, counsel should inform the court at the beginning of oral argument. Counsel is responsible for tracking rebuttal time.
- The clock will turn YELLOW when there are two (2) minutes of oral argument time remaining for the side arguing.
- When you are out of time, the light will turn RED. Further arguments should not be made at this time.

CHANGE OF FIRM NAME, ASSOCIATED COUNSEL, SUBSTITUTED COUNSEL:

- California Rules of Court, rules 8.32 and 8.36(b) apply.
- Notice must be in writing with proof of prior service.
- Counsel appearing improperly before the court may be held in contempt of court and sanctioned.

CONTINUATIONS AND WAIVERS:

- Oral argument dates cannot be continued solely on stipulation of counsel.
- Requests to continue argument or waive an appearance must be in writing, have a proof of prior service, and be approved by the court.

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PROCEDURES FOR ORAL ARGUMENT, continued

ELECTRONIC DEVICES:

- Laptop computers and electronic tablets may be used in the courtroom by counsel or self-represented litigants under the following conditions:
 - They must be in “airplane mode” at all times.
 - They must only be used as an aid in presenting oral argument and cannot be used to display demonstrative evidence to the court or for any other purpose.
 - Cellular telephones and other electronic devices are not permitted.
 - No audio or video recording or photography is permitted except in compliance with California Rules of Court, rule 1.150.
 - Failure to comply with these policies will result in the violator being removed from the courtroom.

AMICUS CURIAE COUNSEL:

- California Rules of Court, rule 8.256(c).
- Must apply to participate at oral argument.

ADDITIONAL CITATION(S):

- Must be provided for any decisions rendered after preparation of the briefs, and which will be cited by counsel at oral argument.
- Submitter must include:
 - Case name.
 - Appellate case number.
 - Name of counsel submitting the additional cite(s).
 - Proof of prior service, unless personally served at oral argument.
- If presented at argument, hand original and copies to the courtroom clerk.

CONFERENCE SYSTEM:

- In conference the justices have familiarized themselves with the facts and issues of the case prior to oral argument.
- Do not spend time repeating facts and legal contentions.

EACH SIDE WILL BE LIMITED TO 15 MINUTES FOR ORAL ARGUMENT:

- Court of Appeal, Third District, Local Rules of Court, rule 3 (www.courts.ca.gov)
- More than two parties:
 - A “side” consists of all parties whose interests are not adverse.
- Application for additional time:
 - Must be in writing.
 - Must include a proof of prior service on all other parties.
 - Must specify the amount of time requested.
 - Must specify the issues to be addressed.
- When an application is granted, *the time allotted to the other side or sides will be similarly enlarged automatically. This includes consolidated cases.*
- All parties will be advised of the disposition of any such application prior to oral argument.