Court of Appeals Remote Appearance at Oral Argument Policy

*Purpose*

The Court of Appeals strongly favors holding oral arguments at the Ralph L. Carr Colorado Judicial Center. However, the Court recognizes that this is not always possible and has implemented technology to allow hybrid oral arguments where one or more participants appear virtually, and the others appear in person.

The Court also recognizes that for counsel not located in the greater Denver-Boulder metropolitan area, travel to Denver for oral arguments increases costs to their clients. Additionally, travel to Denver may be hampered by adverse weather.

The Court further recognizes that other reasons may exist (or arise) that constitute good cause for a remote appearance by counsel at oral argument.

Therefore, to ensure that litigants statewide have access to oral argument before the Court of Appeals as provided for and subject to C.A.R. 34, counsel may move to appear remotely at oral arguments under the conditions that follow.

*Counsel Outside the Denver-Boulder Metropolitan Area (1st, 2nd, 17th, 18th, 20th, and 23rd)*

For counsel residing outside of the Denver-Boulder Metropolitan area (1st, 2nd, 17th, 18th, 20th, and 23rdjudicial districts), that counsel may file a motion to appear remotely at oral argument. A motion timely filed pursuant to this section will be granted without a separate showing of good cause and pursuant to the procedures below.

*Other Good Cause*

For all cases not covered by the above section, counsel, after conferring with all other counsel, may file a motion for a remote appearance at oral argument explaining why good cause exists for a remote appearance and setting forth the other side’s position on the motion. All motions for a remote appearance at oral argument filed pursuant to this paragraph, even if joint or unopposed, will be granted solely in the discretion of the Court. An opposed motion will be trailed for 3 business days for a response, and the Court will determine whether to grant the motion. No replies will be allowed.

*Procedures*

Any motion to appear remotely at oral argument must be filed in a separate motion within 7 days of a request for oral argument filed pursuant to C.A.R. 34. Failure to confer when required and to document that conferral in the motion will result in the motion being summarily denied. Untimely requests for a remote appearance at oral argument must include a showing of good cause both for the untimely motion as well as good cause as to whether a remote appearance should be granted.

For emergency situations occurring within 48 hours or less of oral argument, counsel should file a written motion and also immediately contact the clerk’s office at the Court.

If counsel is permitted to appear remotely at oral argument, that counsel will appear via Webex and the remaining participants (judges and other counsel) will appear in person. Counsel appearing remotely are responsible for installing Webex on their own device, ensuring an adequate internet connection for both video and audio, and securing an appropriate location to appear remotely. Counsel must review and comply with the Webex Best Practices on the Court’s website.