

Prepping for the Panel (Or Not)

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When you have an appeal in a new jurisdiction, add to your checklist a note to look at the court's procedures for announcing oral argument panels. Courts vary in their approaches to announcing panel composition in advance of oral argument, with some publishing panels days, weeks, or even a month in advance, while others do not release panel assignments until the day of arguments. Of course, if you are new to a jurisdiction and unfamiliar with its jurists, having advance notice of the composition of the panel can relieve some anxiety by allowing you to read up on the judges and perhaps prepare for their unique questioning styles. If a member of the panel has participated in a prior case that is relevant to your argument, knowing this ahead of time gives you an opportunity to take a deeper dive into that case and equip yourself for a more nuanced discussion. On the other hand, not knowing the composition of the panel in advance can relieve stress in its own way by removing one variable of preparation. If you will not know the composition of your panel until the day of argument, all parties are in the same boat and all are best served by simply honing the substance of their arguments. As an illustration of the variance in panel announcement practices, below is a summary of the practices of the federal appellate courts:[\[1\] Panel announced in advance:](#)

- 1st Circuit (7 days before session)
- 2d Circuit (approximately 1 week before argument)
- 3d Circuit (18 days before first day of panel sitting)
- 5th Circuit (1 week before session)
- 6th Circuit (first business day of the week 2 weeks before argument)
- 8th Circuit (approximately 1 month before session)
- 9th Circuit (first working day of the week before argument)
- 10th Circuit (approximately 1 week before term)
- 11th Circuit (2 weeks before session)
- DC Circuit (30 days before argument)

Panel not announced in advance:

- 4th Circuit
- 7th Circuit
- Federal Circuit

So when you're getting your ducks in a row for an appeal in a new jurisdiction, make sure to check the court's procedures for announcing panels. It may help you maximize your preparation time down the road.

[1] 1st Cir. IOP VIII.B; 2d Cir. Court Calendar; 3d Cir. IOP Ch. 2.5; 5th Cir. IOP 34; 6th Cir. IOP 34(b)(4); 8th Cir. IOP I.D, III.L; 9th Cir. Gen. O. 3.5; 10th Cir. Oral Argument Calendar; 11th Cir. R. 34-4 IOP 7; D.C. Cir. IOP XI.A.

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