

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
POWELL COURTHOUSE ENTRY AND ORAL ARGUMENT PROTOCOL**

- **Vaccination or Negative Test:** Effective December 1, 2021, all persons entering the Powell Courthouse Complex must either be fully vaccinated against COVID-19 or present proof of a negative COVID-19 test taken no more than 72 hours before entry. Persons are considered fully vaccinated against COVID-19 two weeks after the second dose of a Pfizer or Moderna vaccination series, or after one dose of the Johnson & Johnson vaccine.
 - **Court Staff:** Court staff must submit proof of vaccination in accordance with instructions from their appointing judge or unit head. Staff members who do not submit proof of vaccination may not enter unless they submit proof of a negative COVID-19 test to their appointing judge or unit head. The test may not be self-administered, must be taken no more than 72 hours before entry, and must be repeated on a weekly basis for continued entry to the Complex. Any request for reasonable accommodation based on medical condition or religious beliefs must be submitted in writing to the appointing judge or unit head and provide sufficient detail to permit full consideration of the request.
 - **Attorneys and Visitors:** Attorneys and visitors must submit proof of vaccination in accordance with instructions from the clerk's office. Attorneys and visitors who do not submit proof of vaccination may not enter unless they submit proof of a negative COVID-19 test in accordance with instructions from the clerk's office. The test may not be self-administered and must be taken no more than 72 hours before entry.
 - **Deliveries:** Items may be delivered to the Complex without presenting proof of vaccination or a negative test. The Clerk's Office Drop Box is located near the Annex Entrance Lobby and is available for delivery of filings between 8:30 a.m. and 5:00 p.m., Monday – Friday. Persons delivering items to the Complex must conduct a temperature and symptom self-screening at the entrance, must wear a mask that covers their nose and mouth, and must maintain six feet of social distance.
- **Self-Certification:** All persons must conduct a temperature self-screening at the building entrance. By entering the building, all persons certify that:
 - They do not have symptoms of COVID-19: temperature of 100.4 degrees or more, chills, cough, difficulty breathing, unusual fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion, nausea, vomiting, or diarrhea.
 - They are not subject to isolation under CDC (Centers for Disease Control and Prevention) guidelines following a diagnosis of COVID-19 or probable COVID-19.
 - They are not subject to quarantine under CDC guidelines following close contact with someone with COVID-19 or following international travel.
- **Masking and Social Distancing:** All persons, regardless of vaccination status, must wear a mask covering their nose and mouth and practice social distancing by maintaining six feet of distance whenever possible in all public and shared common areas.
 - **Courtrooms:** All persons shall remain masked in the courtrooms except that counsel may, at their option, remove their masks while presenting argument at the lectern, and the panel may remove their masks while listening to oral argument and questioning counsel.
 - **Chambers:** Judges will establish the masking and distancing requirements within their chambers.

- Limited Attendance by Counsel at Oral Argument: No more than two people may appear for argument on behalf of each side, including in consolidated civil and criminal cases. Arguing counsel must provide the name and contact information for any second person attending the argument, and all attendees will be required to submit proof of either vaccination or a negative COVID-19 test in accordance with instructions from the clerk's office. Persons not in compliance with these requirements will not be permitted to enter the courtroom. Any request for an exception to attendance limits must be made by written motion filed with the clerk at least 14 days in advance of argument.
- Remote Public and Press Access to Oral Argument: To preserve social distancing in the courtrooms, interested members of the public and press will access oral arguments through a live audio stream available from the **Listen** link on the court's argument calendar, [Oral Argument Calendar \(uscourts.gov\)](#). A digital audio recording will also be available following argument at [Listen to Oral Arguments \(uscourts.gov\)](#). Any other request must be submitted in writing to the clerk at least 14 days in advance of argument.
- Oral Argument Arrival and Departure: Arrival times will be staggered for each case to promote social distancing. Attorneys and attendees should:
 - Enter at 1000 East Main Street and proceed to Room 101(Library) to check in.
 - Arrive promptly, comply with Courthouse signage and instructions from clerk's office and security staff, and depart when argument in their case is over.
- Motions for Oral Argument by Videoconference: Although the court's expectation is that cases will be argued in-person, rather than by videoconference, the court recognizes that some videoconference arguments may be necessary because of COVID-19 related risks to arguing counsel or members of their households. Attorneys seeking permission to appear remotely must file a motion for oral argument by videoconference, setting forth good cause related to COVID-19 and stating whether opposing counsel would appear in-person or by videoconference if the motion is granted. The motion must be filed as soon as possible after tentative calendaring of the case but no later than 14 days in advance of oral argument, unless events occur thereafter that require a later motion. If necessary to protect confidential information, counsel may, without further leave of court, file sealed and public versions of the motion for oral argument by videoconference. If the motion is granted, counsel appearing by videoconference must participate in a Zoom test session with court staff in advance of the argument date.
- Intervening Events that Prevent In-Person Appearance for Oral Argument: If intervening events occur that would prevent arguing counsel from appearing in-person on the day of argument for COVID-19-related reasons, counsel should notify the clerk ((804) 916-2764) and promptly file a motion for oral argument by videoconference or other appropriate motion.
- Notification of Potential Exposure: Any attorney or visitor who tests positive for COVID-19 within 5 days after his or her presence in the Courthouse Complex must promptly notify the clerk ((804) 916-2764). For court staff, notice must be given to the appointing judge or unit head.