



What Is the Appellate Practitioner's First Order of Business the Day of Oral Argument?

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Lawyers—especially appellate practitioners—are commonly instructed to “know their judge” before making or advancing certain arguments. There is great wisdom to be found in this succinct, yet perceptive, advice. But on the actual day of oral argument, what is the appellate practitioner’s first order of business? Finding the right building to argue in, of course. While this may seem a bit more fundamental, it can be just as important to be knowledgeable about *where* you will present your argument. This article provides an overview of some historic and unique appellate spaces.

Continue reading the article below or watch this short video for key points and takeaways.

For starters, the U.S. Court of Appeals for the Fourth Circuit—the federal appeals court whose jurisdiction spans across Maryland, North Carolina, South Carolina, Virginia, and West Virginia—takes up residence in the Lewis F. Powell, Jr. U.S. Courthouse, located in the heart of Richmond, VA. At first blush, the Powell courthouse is a remarkably august and impressive building designed in the Italianate style. But was it always home to the Fourth Circuit?

According to the Government Services Administration, the Powell courthouse was originally constructed as the U.S. Custom House, Post Office and Courthouse in 1858 by Ammi B. Young, the supervising architect of the U.S. Department of the Treasury.^[1] At the outbreak of the Civil War, Richmond was selected by the Confederate States of America as its capital. During that time, the Powell courthouse—which was one of only two buildings in Richmond’s “historic core” that survived an 1865 fire following the evacuation of Confederate forces—provided office space for Confederate President Jefferson Davis.^[2] Later on, in 1866, the grand jury of the U.S. District Court met in the now-Powell courthouse and indicted Davis for treason against the United States.^[3]

While the Fourth Circuit’s home is distinctive for these reasons, some federal courthouses are known for hosting significant historical events. For instance, the U.S. Court of Appeals for the Fifth Circuit resides in the John Minor Wisdom U.S. Court of Appeals Building in New Orleans, LA. In 1994, the courthouse was renamed after Fifth Circuit Judge John Minor Wisdom, who “strongly promoted civil rights and issued landmark decisions that supported school desegregation and voter rights.”^[4] The Elbert P. Tuttle U.S. Courthouse in Atlanta, GA, played a small role in the 2000 presidential election, when the Eleventh Circuit upheld the denial of a petition to stop manual recounts of ballots in Florida.^[5] Eventually, the case was resolved by the U.S. Supreme Court in its landmark *Bush v. Gore* decision.

In addition to history, some appellate spaces are known for their artistic qualities and contributions. For instance, the Byron White United States Courthouse in Denver, CO—which is the Tenth Circuit’s home—has significant artistic relevance, housing four prominent murals by the American artist Herman T. Schladermndt.^[6] The Potter Stewart U.S. Courthouse, in addition to hosting the Sixth Circuit, is known for featuring Art Deco and Art Moderne designs throughout the building.^[7]

Other federal courts of appeals occupy modern (and, in some instances, unique) spaces. Take, for example, the U. S. Court of Appeals for the First Circuit, which meets regularly in the John

Joseph Moakley United States Courthouse in Boston, MA. Constructed in 1999 at a cost of \$170 million, the 675,000 square-foot Moakley courthouse has won a plethora of design awards, including the National Endowment for the Arts' Presidential Design Award for Federal Design Achievement in 2000.^[8] Going from coast to coast, one of the Ninth Circuit's homes—the Richard H. Chambers U.S. Court of Appeals in Pasadena, California—was originally constructed as a Spanish Colonial Revival-style resort known as the Vista del Arroyo Hotel and Bungalows.^[9] Then, during World War II, the complex served as the McCornack General Hospital, later being repurposed as a federal office building and, ultimately, as a point of holding for the Ninth Circuit.

The ultimate appellate "space," however, is perhaps the permanent home of the U.S. Supreme Court, located in Washington, D.C. Designed by Cass Gilbert—a notable American architect who designed the likes of the Woolworth Building in New York City, the state capitols of Arkansas, Minnesota, and West Virginia, and the Detroit Public Library—the Supreme Court building was the brainchild of President William Howard Taft, who suggested a new permanent home for the Supreme Court in 1912.^[10] Prior to 1912, the Supreme Court convened in the U. S. Capitol in what is now called the Old Senate Chamber. When Taft became chief justice of the United States in 1921 after being appointed by President Warren G. Harding, Taft harkened back to his 1912 idea and successfully lobbied—despite opposition from the likes of former Chief Justice Edward Douglass White, who was nominated by Taft in 1910 and later succeeded by him in 1921—for the construction of a new home for the federal judiciary's high court.

Suffice it to say, while there is no question that "knowing your judge" is a cardinal piece of lawyerly advice, it is important to "know your courthouse" as well. Besides, if you want to put your best arguments before those judges, you need to first figure out what door to knock on. Please contact the authors of this article to learn more about Frost Brown Todd's [appellate advocacy experience and services](#).

^[1] See *Lewis F. Powell, Jr. U.S. Courthouse, Richmond, VA, U.S. General Services Admin.*, <https://www.gsa.gov/real-estate/historic->

preservation/explore-historic-buildings/find-a-building/all-historic-buildings/lewis-f-powell-jr-us-courthouse-richmond-va (last visited Apr. 3, 2024).

[2] *Id.*

[3] *Id.*

[4] See *John Minor Wisdom U.S. Court of Appeals Building*, New Orleans, LA, U.S. General Services Admin., <https://www.gsa.gov/real-estate/historic-preservation/explore-historic-buildings/find-a-building/all-historic-buildings/john-minor-wisdom-us-court-of-appeals-building-new-orleans-la> (last visited Apr. 3, 2024).

[5] See *Manual recounts continue as court refuses Republican request for a halt*, CNN (Nov. 18, 2000), <https://www.cnn.com/2000/ALLPOLITICS/stories/11/18/recount.wrap/index.html>

[6] See *Grand Hall*, U.S. Court of Appeals for the Tenth Circuit, <https://www.ca10.uscourts.gov/grand-hall> (last visited Apr. 3, 2024).

[7] See *Potter Stewart U.S. Courthouse*, Cincinnati, OH, U.S. General Services Admin., <https://www.gsa.gov/real-estate/historic-preservation/explore-historic-buildings/find-a-building/all-historic-buildings/potter-stewart-us-courthouse-cincinnati-oh> (last visited Apr. 3, 2024).

[8] See *Moakley United States Courthouse & Harborpark*, Pei Cobb Freed & Partners, <https://www.pcf-p.com/projects/moakley-united-states-courthouse-harborpark/> (last visited Apr. 3, 2024).

[9] See *Richard H. Chambers Courthouse*, City of Pasadena, Calif., <https://www.visitpasadena.com/directory/richard-h-chambers-courthouse/> (last visited Apr. 3, 2024).

[10] See *Building History*, Supreme Court of the United States, <https://www.supremecourt.gov/about/buildinghistory.aspx> (last visited Apr. 3, 2024).

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