

1 **Rule 29. Oral argument.**

2 (a) **Holding oral argument.**

3 (1) **Supreme Court.** Oral argument will be held in cases before the Supreme
4 Court unless the court determines that oral argument will not aid the decisional
5 process.

6 (2) **Court of Appeals.** Oral argument will be allowed in all cases in which the
7 Court of Appeals determines that oral argument will significantly aid the
8 decisional process.

9 (3) **Alternative means.** The court may hold oral argument in person, by phone,
10 or by videoconference.

11 (b) **Notice; waiver; cancellation; continuance.**

12 (1) **Supreme Court.** Not later than 28 days before the date on which a case is
13 calendared, the clerk will give notice of the time and place of oral argument, and
14 the time to be allowed each side. If all parties to a case believe oral argument will
15 not benefit the court, they may file a joint motion to cancel oral argument not
16 later than 14 days from the date of the clerk's notice. The court will grant the
17 motion only if it determines that oral argument will not aid the decisional
18 process. A motion to continue oral argument must be supported by (1) a
19 stipulation of all parties or a statement that the movant was unable to obtain
20 such a stipulation, and (2) an affidavit [or declaration](#) of counsel specifying the
21 grounds for the motion. A motion to continue filed not later than 14 days from
22 the date of the clerk's notice may be granted on a showing of good cause. A
23 motion to continue filed thereafter will be granted only on a showing of
24 exceptional circumstances.

25 (2) **Court of Appeals.** Not later than 28 days before the date on which a case is
26 calendared, the clerk shall give notice to all parties that oral argument is to be
27 permitted, the time and place of oral argument, and the time to be allowed each

28 side. Any party may waive oral argument by filing a written waiver with the
29 clerk not later than 14 days from the date of the clerk's notice. If one party waives
30 oral argument and any other party does not, the party waiving oral argument
31 may nevertheless present oral argument. A request to continue oral argument or
32 for additional argument time must be made by motion. A motion to continue
33 oral argument must be supported by (1) a stipulation of all parties or a statement
34 that the movant was unable to obtain such a stipulation, and (2) an affidavit or
35 declaration of counsel specifying the grounds for the motion. A motion to
36 continue filed not later than 14 days from the date of the clerk's notice may be
37 granted on a showing of good cause. A motion to continue filed thereafter will be
38 granted only on a showing of exceptional circumstances.

39 (c) **Argument order.** The appellant argues first and the appellee responds. The
40 appellant may reply to the appellee's argument if appellant reserved part of appellant's
41 time for this purpose. Such argument in reply is limited to responding to points made
42 by appellee in appellee's oral argument and answering any questions from the court.

43 (d) **Cross and separate appeals.** A cross or separate appeal is argued with the initial
44 appeal at a single argument, unless the court otherwise directs. If a case involves a
45 separate appeal, the plaintiff in the action below is deemed the appellant for the
46 purpose of this rule unless the parties otherwise agree or the court otherwise directs. If
47 separate appellants support the same argument, care must be taken to avoid duplicative
48 arguments. Unless otherwise agreed by the parties, in cases involving a cross-appeal the
49 appellant, as determined pursuant to Rule 24A, opens the argument and presents only
50 the issues raised in the appellant's opening brief. The cross-appellant then presents an
51 argument that answers the appellant's issues and addresses original issues raised by the
52 cross-appeal. The appellant then presents an argument that replies to the cross-
53 appellant's answer to the appellant's issues and answers the issues raised on the cross-
54 appeal. The cross-appellant may then present an argument that is confined to a reply to

55 the appellant's answer to the issues raised by the cross-appeal. The court will grant
56 reasonable requests, for good cause shown, for extended argument time.

57 (e) **Nonappearance of parties.** If the appellee fails to appear to present argument, the
58 court will hear argument on behalf of the appellant, if present. If the appellant fails to
59 appear, the court may hear argument on behalf of the appellee, if present. If neither
60 party appears, the case may be decided on the briefs, or the court may direct that the
61 case be rescheduled for argument.

62 (f) **Submission on the briefs.** By agreement of the parties, a case may be submitted for
63 decision on the briefs, but the court may direct that the case be argued.

64 (g) **Use of physical exhibits at argument; removal.** If physical exhibits other than
65 documents are to be used at the argument, counsel must arrange to have them placed in
66 the courtroom before the court convenes on the date of the argument. After the
67 argument, counsel must remove the exhibits from the courtroom unless the court
68 otherwise directs. If exhibits are not reclaimed by counsel within a reasonable time after
69 notice is given by the clerk, they will be destroyed or otherwise disposed of.

70 *Effective September 23, 2020*

71 [**Advisory Committee Note**](#)

72 ["Declaration" refers to an unsworn declaration as described in Title 78B, Chapter 18a,](#)

73 [Uniform Unsworn Declarations Act.](#)