

Rule 29. Oral Argument.

(a) Holding oral argument.

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

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

(3) **Argument format.** The court may hold oral argument in person, ~~by phone, or by videoconference~~ or remotely.

(b) Notice; ~~waiver; cancellation and waiver; appearing remotely; continuance; remote appearance;~~ additional argument time

(1) **Supreme Court.** Not later than 28 days before the date on which a case is calendared, the clerk will give notice of the time and place of oral argument, and the time to be allowed each side.

(A) Cancellation. If all parties to a case believe oral argument will not benefit the court, they may file a joint motion to cancel oral argument not later than 14 days from the date of the clerk's notice. The court will grant the motion only if it determines that oral argument will not aid the decisional process.

(B) Continuance. A motion to continue oral argument must be supported by (1) a stipulation of all parties or a statement that the movant was unable to obtain such a stipulation, and (2) an affidavit or declaration of counsel specifying the grounds for the motion. A motion to continue filed not later than ~~14~~seven days from the date of the clerk's notice may be granted on a showing of good cause. A motion to continue filed thereafter will be granted only on a showing of exceptional circumstances.

(C) Remote appearance. ~~A motion request to appear remotely will may be granted if filed not later than 21 days before oral argument. An emergency request or a~~

~~motion to appear remotely filed within 21 days of oral argument may will be granted in the court's discretion on a showing of good cause.~~ An attorney or a party appearing pro se may appear remotely if the person~~arty~~ provides timely notice to the court and, when practicable, the other parties. Notice is timely:

(i) if the person~~a-party~~ e-files or emails notice at least ~~21~~14 days before oral argument; or

(ii) if the person~~a-party~~ emails notice or contacts~~calls~~ the court clerk within a reasonable time under the circumstances.

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

(A) Waiver. Any party may waive oral argument by filing a written waiver with the clerk not later than 14 days from the date of the clerk's notice. If one party waives oral argument and any other party does not, the party waiving oral argument may nevertheless present oral argument.

(B) Continuance and additional argument time. A request to continue oral argument or for additional argument time must be made by motion. A motion to continue oral argument must be supported by (1) a stipulation of all parties or a statement that the movant was unable to obtain such a stipulation, and (2) an affidavit or declaration of counsel specifying the grounds for the motion. A motion to continue filed not later than ~~14~~seven days from the date of the clerk's notice may be granted on a showing of good cause. A motion to continue filed thereafter will be granted only on a showing of exceptional circumstances.

(C) Remote appearance. ~~A motion request to appear remotely will may be granted if filed not later than 21 days before oral argument. An emergency request or a motion to appear remotely filed within 21 days of oral argument may will be granted in the court's discretion on a showing of good cause.~~ The court prefers in-

54 person oral argument. ~~With the court's approval~~ Aa An attorney or a party
55 appearing pro se may appear remotely if the person demonstrates good cause and
56 provides timely notice to the court and, when practicable, the other parties. Notice
57 is timely:

58 (i) if the person e-files or emails notice at least ~~21~~14 days before oral argument;
59 or

60 (ii) if the person emails notice or contacts the court clerk within a reasonable
61 time under the circumstances.

62 (c) **Argument order.** The appellant argues first and the appellee responds. The appellant
63 may reply to the appellee's argument if appellant reserved part of appellant's time for
64 this purpose. The time reserved may not exceed five minutes, and such- argument in
65 reply is limited to responding to points made by appellee in appellee's oral argument and
66 answering any questions from the court.

67 (d) **Cross and separate appeals.** A cross or separate appeal is argued with the initial
68 appeal at a single argument, unless the court otherwise directs. If a case involves a
69 separate appeal, the plaintiff in the action below is deemed the appellant for the purpose
70 of this rule unless the parties otherwise agree or the court otherwise directs. If separate
71 appellants support the same argument, care must be taken to avoid duplicative
72 arguments. Unless otherwise agreed by the parties, in cases involving a cross-appeal the
73 appellant, as determined pursuant to Rule 24A, opens the argument and presents only
74 the issues raised in the appellant's opening brief. The cross-appellant then presents an
75 argument that answers the appellant's issues and addresses original issues raised by the
76 cross-appeal. The appellant then presents an argument that replies to the cross-
77 appellant's answer to the appellant's issues and answers the issues raised on the cross-
78 appeal. The cross-appellant may then present an argument that is confined to a reply to
79 the appellant's answer to the issues raised by the cross-appeal. The court will grant
80 reasonable requests, for good cause shown, for extended argument time.

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

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

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

Effective ~~November 1, 2024~~

Advisory Committee Note

“Declaration” refers to an unsworn declaration as described in Title 78B, Chapter 18a, Uniform Unsworn Declarations Act.

Note adopted November 1, 2022