

1 **Rule 29. Oral argument.**

2 (a) Holding oral argument.

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

6 (2) ~~In cases before the~~ Court of Appeals. Oral argument will be allowed in all
7 cases in which the ~~court~~ Court of Appeals determines that oral argument will
8 significantly aid the 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) ~~Notice by Supreme Court; request for cancellation or continuance.~~ Not later
13 than ~~30~~ 28 days ~~prior to~~ before the date on which a case is calendared, the clerk
14 ~~shall~~ will give notice of the time and place of oral argument, and the time to be
15 allowed each side. If all parties to a case believe oral argument will not benefit
16 the court, they may file a joint motion to cancel oral argument not later than ~~15~~ 4
17 days from the date of the clerk's notice. The court will grant the motion only if it
18 determines that oral argument will not aid the decisional process. A motion to
19 continue oral argument must be supported by (1) a stipulation of all parties or a
20 statement that the movant was unable to obtain such a stipulation, and (2) an
21 affidavit of counsel specifying the grounds for the motion. A motion to continue
22 filed not later than ~~15~~ 4 days from the date of the clerk's notice may be granted on
23 a showing of good cause. A motion to continue filed thereafter will be granted
24 only on a showing of exceptional circumstances.

25 (2) ~~Notice by Court of Appeals; waiver of argument; continuance.~~ Not later
26 than ~~30~~ 28 days ~~prior to~~ before the date on which a case is calendared, the clerk
27 shall give notice to all parties that oral argument is to be permitted, the time and

28 place of oral argument, and the time to be allowed each side. Any party may
29 waive oral argument by filing a written waiver with the clerk not later than 154
30 days from the date of the clerk's notice. If one party waives oral argument and
31 any other party does not, the party waiving oral argument may nevertheless
32 present oral argument. A request to continue oral argument or for additional
33 argument time must be made by motion. A motion to continue oral argument
34 must be supported by (1) a stipulation of all parties or a statement that the
35 movant was unable to obtain such a stipulation, and (2) an affidavit of counsel
36 specifying the grounds for the motion. A motion to continue filed not later than
37 15 days from the date of the clerk's notice may be granted on a showing of good
38 cause. A motion to continue filed thereafter will be granted only on a showing of
39 exceptional circumstances.

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

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

56 appellant's issues and answers the issues raised on the cross-appeal. The cross-
57 appellant may then present an argument ~~which~~ that is confined to a reply to the
58 appellant's answer to the issues raised by the cross-appeal. The court ~~shall~~ will grant
59 reasonable requests, for good cause shown, for extended argument time.

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

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

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

74 Effective July 8, 2020