

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 before the
4 Supreme Court unless the ~~court~~Supreme Court determines that ~~it~~oral argument will not
5 aid the decisional process.

6 (2) ~~In cases before the Court of Appeals.~~ Oral argument will be allowed in all cases in
7 which the ~~court~~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, or by
10 videoconference.

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

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

24 (2) ~~Notice by Court of Appeals; waiver of argument; continuance.~~ Not later than ~~30~~
25 28 days ~~prior to~~before the date on which a case is calendared, the clerk shall give notice
26 to all parties that oral argument is to be permitted, the time and place of oral argument,
27 and the time to be allowed each side. Any party may waive oral argument by filing a
28 written waiver with the clerk not later than 15~~4~~ days from the date of the clerk's notice. If
29 one party waives oral argument and any other party does not, the party waiving oral

30 argument may nevertheless present oral argument. A request to continue oral argument or
31 for additional argument time must be made by motion. A motion to continue oral
32 argument must be supported by (1) a stipulation of all parties or a statement that the
33 movant was unable to obtain such a stipulation, and (2) an affidavit of counsel specifying
34 the grounds for the motion. A motion to continue filed not later than 15 days from the
35 date of the clerk's notice may be granted on a showing of good cause. A motion to
36 continue filed thereafter will be granted only on a showing of exceptional circumstances.

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

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

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

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

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