

1 **Rule 29. Oral ~~argument.~~Argument.**

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

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

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

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

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

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

22 (2) **Court of Appeals.** Not later than 28 days before the date on which a case is
23 calendared, the clerk ~~shall~~will give notice to all parties that oral argument is to be
24 permitted, the time and place of oral argument, and the time to be allowed each side.
25 Any party may waive oral argument by filing a written waiver with the clerk not later
26 than 14 days from the date of the clerk's notice. If one party waives oral argument and
27 any other party does not, the party waiving oral argument may nevertheless present

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

35 (c) **Argument order.** The appellant argues first and the appellee responds. The appellant
36 may reply to the appellee's argument if appellant reserved part of appellant's time for
37 this purpose. ~~Such~~The time reserved may not exceed five minutes; and such argument
38 in reply is limited to responding to points made by appellee in appellee's oral argument
39 and answering any questions from the court.

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

54 (e) **Nonappearance of parties.** If the appellee fails to appear to present argument, the
55 court will hear argument on behalf of the appellant, if present. If the appellant fails to

56 appear, the court may hear argument on behalf of the appellee, if present. If neither party
57 appears, the case may be decided on the briefs, or the court may direct that the case be
58 rescheduled for argument.

59 (f) **Submission on the briefs.** By agreement of the parties, a case may be submitted for
60 decision 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
62 documents are to be used at the argument, counsel must arrange to have them placed in
63 the courtroom before the court convenes on the date of the argument. After the argument,
64 counsel must remove the exhibits from the courtroom unless the court otherwise directs.
65 If exhibits are not reclaimed by counsel within a reasonable time after notice is given by
66 the clerk, they will be destroyed or otherwise disposed of.

67 *Effective ~~November 1, 2022~~*

68 **Advisory Committee Note**

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

71 *Adopted 2022*