

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.~~