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Rule 5-1. Oral Arguments.

(a) Written request required. Any party may request oral argument by filing, contemporaneously with that party's brief, a letter, separate from the brief, stating the request with a copy to all parties. The request for oral argument may be filed contemporaneously with either the party's initial brief or reply brief. Oral argument will be allowed upon request unless it is determined that

- (1) the appeal is frivolous;
- (2) the dispositive issue or set of issues has been decided authoritatively; or
- (3) the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the decision-making process.

The court may at its discretion and on its own motion select any case for oral argument when it appears to the court that the matters presented for consideration are such that oral arguments are appropriate for a full presentation of the issues.

(b) Argument date fixed. The Clerk will notify counsel or the parties of the date oral argument is to be held or that the case will be submitted on briefs only. Thereafter, the date for argument may be changed only upon written motion to the court and upon a showing of good cause. If attempts to schedule oral argument may result in undue delay, the court may decide the case without oral argument. Counsel who have not requested oral argument are not required to appear at the argument but must, at least five days before the date the argument is to be heard, notify the Clerk in writing that they do not intend to appear. If counsel fails to provide notification and makes no appearance, he or she shall be subject to sanctions under Rule 11 of the Rules of Appellate Procedure?Civil.

(c) Counsel and time limitations. Only two attorneys will be heard for each side, and not more than 20 minutes will be allowed to each side for argument unless special leave of Court has been granted prior to the argument. Applications for additional time for argument must be by written motion, filed not less than one week before the case is scheduled for submission, and setting forth the reasons why additional time is necessary.

(d) Apportionment of time. The time allowed may be apportioned between the counsel on the same side at their discretion; provided, always, that a fair presentation of the case shall be made by the party having the opening and closing argument.

(e) Reading from books. Counsel are not permitted to read from books, briefs, or records, except those short extracts which they consider necessary to properly emphasize some point.

(f) Substance of authorities stated. Instead of reading authorities, counsel are expected to cite them in their briefs and to state the substance in argument.

(g) Interruptions not permitted. Counsel will not be permitted to interrupt opposing counsel with questions or otherwise, except by leave of the Court.

(h) Petitions for rehearing. Oral arguments are not permitted in support of or in opposition to petitions for rehearing.

(i) Amici curiae counsel. Amici Curiae counsel will not be permitted to participate in the oral argument.

(j) Citing cases outside the brief. If a case outside the brief is to be cited during oral argument, the citation must be furnished opposing counsel and the Court before the date of argument.

Associated Court Rules:

Rules of the Supreme Court and Court of Appeals of the State of Arkansas

Group Title:

Article V. Arguments and Opinions

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