



ARKANSAS JUDICIARY

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## Inside an Oral Argument

Click through the presentation below for a closer look into the Courtroom and the oral argument process.

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### What is an "Oral Argument?"

When a party appeals the ruling of a lower court to the Court of Appeals or Supreme Court, that party has the option to request an oral argument. The Justices do not have to grant the party's request, but they will if an in-person oral argument will help them decide the case, or if the subject-matter of the case is likely to raise the interest of the public.

Unlike at the trial court level, when lawyers argue before the Court of Appeals or Supreme Court, they do not question witnesses or present evidence. Instead, they explain why they think the law is on their client's side and why they think the previous court erred. In most circumstances, the Court doesn't get to hear the facts of the underlying case; they are concerned chiefly with the law.

Each side has 20 minutes to present their argument. The side that is appealing the earlier decision, the appellant or petitioner, will go first. 20 minutes sounds like a lot of time, but the Justices frequently interrupt the attorneys to ask questions about certain aspects of the lawyer's argument which are of particular interest to that Justice. Lawyers arguing in front of the court must know their case, inside and out, to be able to anticipate and answer any questions which may arise. For this reason, attorneys spend days or even weeks preparing their cases for oral argument.

### All About the Brief

Before an oral argument is granted, the Parties are required to submit their arguments to the Court in writing. These documents are called "briefs," but they're not really that brief. They can be up to 25 pages long! The Court has very precise rules for the length and format of briefs—right down to the color of the cover page.

The parties to the case aren't the only ones who can submit briefs. Interested individuals, organizations, associations or corporations can submit *amicus curie* briefs which, in Latin, means "friend of the court."

# Watch an Oral Argument

The Supreme Court has been live-streaming and archiving its oral arguments since 2010. Click [here](#)<sup>[1]</sup> to view the archive and select a video to watch!

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**Source URL:** <https://www.arcourts.gov/administration/public-education/learn/oral-argument>

## Links

[1] <https://courts.arkansas.gov/courts/supreme-court/oral-argument-videos/sc>