

9800.1000 ORAL ARGUMENTS ON APPEAL.

Subpart 1. **Criteria considered in granting oral argument.** The court, in its discretion, may grant the parties permission to participate in oral argument. Factors considered in determining whether to grant oral argument include:

- A. whether the request for oral argument was timely under part 9800.0450, subpart 2;
- B. whether the resolution of the appealed issues would establish legal precedent; and
- C. whether oral argument would significantly aid the court in deciding the issues on appeal.

Subp. 2. **Continuances.** A continuance of an oral argument shall be granted only upon a showing of good cause. A request for a continuance must be made within five business days of service of the notice of oral argument. The court shall consider later requests only upon a showing that an earlier request could not have been made.

Subp. 3. **Time allotted for oral argument.** Unless otherwise authorized by the court, each party shall be allotted 15 minutes to make an argument to the court, including rebuttal and the use of any demonstrative aids.

Subp. 4. **Demonstrative aids.** The court and all other parties must be notified in writing of a party's intent to use a demonstrative aid at oral argument at least 30 days prior to the date set for oral argument. This notice must indicate the length of time necessary for the presentation. The party shall, in advance of oral argument, make arrangements for the setup, operation, and removal of any video projection, audio playback, or other equipment needed for the presentation of a demonstrative aid.

Subp. 5. **Nonappearance of counsel.** If counsel for a party fails to appear to present oral argument, the court may hear argument on behalf of a party whose counsel is present, and the case will be decided on the briefs and argument heard. If no counsel appear for any party, the case will be decided on the briefs unless the court otherwise orders.

Subp. 6. **Submission when member of court is not present.** Except in exigent circumstances, oral arguments shall be heard before the full panel to which the case has been assigned or before the entire court if the matter is of exceptional importance. When any member of the court is not present at oral argument, the case shall be deemed submitted to that member on the record and briefs. When there is a change of court personnel or a recusal, cases shall be deemed submitted to the new member, or to any other member of the court, as necessary to complete a panel, on the record and briefs.

Subp. 7. **Withdrawal of oral argument request.** Where a party has requested oral argument, that request may be withdrawn by written notice to the court, no later than the due date of the reply brief for that appeal.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 19 SR 1131; 49 SR 1107*

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