

Rule 7.01

HEARING IN THE SUPREME COURT

- (a) **Sessions.** The Supreme Court hears cases on dates fixed by court order.
- (b) **Assignment of Cases.** Cases are assigned for hearing as nearly as practicable in the order docketed except cases entitled by law to preferential setting. The court on motion may advance other cases as justice or the public interest may require.
- (c) **Summary Calendar—General Calendar.**
 - (1) **Screening Procedures.** A case is subjected to screening procedures after an appeal is docketed in the court. When screening procedures have been completed, the chief justice will assign the case to the summary calendar or the general calendar.
 - (2) **Basis for Determining Summary Calendar Cases.** A case that fails to present a new question of law and in which oral argument is deemed neither helpful to the court nor essential to a fair hearing of the appeal may be placed on the summary calendar. All other cases must be placed on the general calendar. The clerk of the appellate courts must maintain separate calendars for this purpose.
 - (3) **Notice of Calendaring.** The clerk of the appellate courts must notify the parties when a case has been placed on the summary calendar.
 - (4) **Argument in Summary Calendar Cases.** When a case is placed on the summary calendar, it is deemed submitted to the court without oral argument unless a party's motion for oral argument is granted. The motion must be served on all parties, filed with the clerk of the appellate courts no later than 14 days after the clerk mails notice of calendaring, and state the reason why oral argument would be helpful to the court. If a motion for oral argument is granted, oral argument will be limited to 15 minutes on each side unless sufficient reason is given to grant 20, 25, or 30 minutes.
- (d) **Dockets; Notice of Hearing or Submission.** Not less than 30 days before each sitting of the court, the clerk of the appellate courts must prepare and submit to all parties in cases assigned for hearing during that sitting a docket showing the place and time at which the cases from the general and summary calendar will be argued and heard. The docket will contain a list of cases from the summary calendar submitted for decision without oral argument. The daily docket will be called in open court at the commencement of each day's session.

Failure of a party to be represented at the call of the day's docket constitutes a waiver of oral argument by the party.

(e) **Argument.**

- (1) **Generally.** If oral argument is scheduled, the court will designate on the oral argument calendar the amount of time granted. Unless more time is ordered, oral argument is limited to 15 minutes each for the appellant and the appellee. The appellant and the appellee will be granted the same amount of time. A party that does not have a brief on file will not be permitted oral argument.
- (2) **Requesting More Time.** The appellant or the appellee may request 20, 25, or 30 minutes for argument by printing "oral argument:" on the lower right portion of the front cover of the party's initial brief, followed by the desired amount of time.
- (3) **Reserving Rebuttal Time.** The appellant may reserve for rebuttal a portion of the time granted by making an oral request at the time of hearing.
- (4) **Court May Extend Time.** The court on its own during the hearing may extend the time for oral argument.
- (5) **Multiple Parties.** If on either side of a case there are multiple parties that are not united in interest in the issues of the appeal and are separately represented, the court on motion will allot time for the separate arguments. If multiple parties are united in interest in the issues on appeal, they must divide the allotted time among themselves by mutual agreement.

[History: Am. (c)(1) effective July 1, 1982; Am. (a) effective February 8, 1994; Am. effective August 1 and August 29, 1997; Am. (e) effective May 9, 2005 and July 1, 2005; Restyled rule and amended effective July 1, 2012; Am. (d) effective December 19, 2016.]