I.A.R. 37. Oral Argument

Idaho Appellate Rule 37. Oral Argument.

(a) When Appeal Submitted on Briefs. There shall be oral argument in all appeals at such time and place scheduled by the Supreme Court, unless

(1) all parties stipulate to submit the appeal upon the briefs and such stipulation is approved by order of the Supreme Court, or

(2) the Supreme Court orders that the appeal will be submitted upon the briefs without oral argument, in which case any party may file a written objection to the order for submission on the briefs within twenty-one (21) days of the date of the order, setting forth the reasons for which the party desires oral argument. Any such objection to submission on the briefs shall be determined without oral argument.

(b) Time Allotted for Argument. Each side will be allowed 30 minutes for argument; provided, that for good cause shown the Supreme Court may extend or shorten the time. If argument is allowed on a preliminary motion, one counsel on a side will be heard and each will be allowed ten (10) minutes. The Court may alter the procedure and shorten the time for oral argument of appeals and petitions placed upon the expedited calendar in order to provide a system of prompt and speedy hearing of all expedited appeals. If there are multiple parties, the parties on each side shall allocate the time for argument between and among themselves prior to the commencement of oral argument. In the absence of such agreement, on the request of any party at least 14 days before oral argument, an allocation of time will be made by the Supreme Court at least seven (7) days before argument. The Court may allocate the time for argument between and among co-parties or in its discretion allocate equal or unequal time for argument to each of the co-parties, or the Court may allot the full time for argument to each of the co-parties.

(c) Order of Argument. The appellant or the petitioner shall be entitled to open and close the argument; provided, in the event there are multiple parties or third parties, the Supreme Court shall determine the sequence and order of argument.

(d) Non-Appearance of Parties. If any party fails to appear for oral argument, the Court may hear the argument of any party appearing, may vacate the hearing, or may decide the appeal on the briefs. If no party appears, the case will be decided upon the briefs unless the Court orders otherwise. If counsel for a party fails to appear to present oral argument, the Supreme Court may assess penalties and sanctions including reasonable attorneys fees.

(e) Non-Filing of Brief. If no respondent's brief is filed, the appeal shall be submitted on the appellant's brief without oral argument, unless the appellant requests oral argument. Any party who has failed to file a brief shall not be permitted to present oral argument.

(Adopted March 25, 1977, effective July 1, 1977; amended March 28, 1986, effective July 1, 1986; amended March 1, 2000, effective July 1, 2000.)

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