

SUPREME COURT OF PENNSYLVANIA PROTOCOLS FOR ORAL ARGUMENT

After a case is called by the Court Crier, counsel for the appellant should approach the podium and pause before speaking. The Chief Justice will then say a few words of introduction, framing the background and issue in the case. After the Chief Justice completes this introduction, counsel should introduce himself or herself and begin the argument.

1. Guidelines for Oral Argument.

a. No fixed amount of time is reserved for each argument. Oral argument is at the discretion of the Court and proceeds to the extent necessary to answer any questions the Justices may have on the issue(s).

b. Since the Court does not use a clock or light system, counsel should be alert to indications from the Chief Justice that the Court is satisfied that all questions have been addressed.

c. The Court does not ordinarily permit rebuttal. Counsel are advised not to request rebuttal. However, when necessary and appropriate, the Court may in its discretion request to hear further from counsel.

d. The Court is familiar with the cases to be heard at oral argument. Accordingly, counsel should avoid a recitation of the facts and procedural history and focus on the issue(s) to be argued.

e. The Court recognizes that oral argument is only one part of appellate advocacy. Counsel for the appellant should be selective in the issues to be argued and may rely on their briefs for the remainder of the issues. Nothing is waived by this process. The appellee's counsel should generally respond only to the issues argued by the appellant's counsel.

f. In cases involving multiple parties represented by separate counsel, counsel should strive to avoid repetitive presentations.

g. If a party's counsel fails to appear for argument, opposing counsel may be asked to submit the case on the briefs.

h. Counsel are advised not to use graphs and charts on easels. Instead, copies of such matters should be provided to the Court Crier for distribution to the Court. Counsel must also provide advance copies to opposing counsel.

2. Requests by *Amicus Curiae*. In cases where *amicus curiae* has filed a brief, requests by *amicus* to present oral argument shall be made by application and will be granted only in extraordinary circumstances.