

SUPREME COURT OF PENNSYLVANIA

PROTOCOLS FOR ORAL ARGUMENT

1. The Court does not have a fixed amount of time reserved for each argument. Argument is at the discretion of the Court and is to the extent necessary to answer any questions the members of the Court may have on the issue(s).
2. Since the Court does not use a clock or the light system, counsel are advised to be alert to indications from the Chief Justice that the Court is satisfied that all questions have been addressed.
3. The Court does not ordinarily permit rebuttal. Counsel are advised not to request it either at the outset of their argument or at the conclusion of opposing counsel's argument. However, where necessary and appropriate, the Court may in its discretion request to hear further from any counsel.
4. The Court has had significant input in selecting the cases to be heard by way of an allocatur report for granted allocaturs and dispositional memoranda for direct appeals. The Court has read the briefs and will read them again. Accordingly, counsel should immediately address the issue(s) to be argued. Avoid a recitation of the facts and procedural history of the case.
5. Oral argument is only a part of appellate advocacy. Appellant's counsel are advised to be selective in the issues to be argued. Counsel may rely on his/her brief for the remainder of the issues. Nothing is waived by this process. Appellee's counsel should respond only to the issues presented by appellant's counsel.
6. In cases having multiple parties represented by separate counsel, it is the expectation of the Court that the attorneys will not be repetitive in the presentation of the issue(s).
7. Should your opponent fail to appear for argument due to some exigency, you might be asked to submit your case on briefs.
8. Counsel are advised not to use graphs and charts on easels. The appropriate procedure is to provide copies of such matters to the court crier for distribution to the Court. You must also provide copies to your opponent(s).