

Court of Appeals of the State of Georgia

ATLANTA, June 10, 2022

The Court of Appeals hereby passes the following order:

It is hereby ordered that the following Court Rule is amended:

VIII. ARGUMENT

- Rule 28.** Oral Argument.
- (a) Request and Time.
 - ...
 - (5)
 - (b) Waiver
 - ...
 - (g) Courtroom Decorum
 - (1)
 - (2)
 - (h) Recording

The complete paragraphs are attached, with the added language underlined and the deleted language struck through. These rules of the Court of Appeals of Georgia are adopted effective July 1, 2022, and will be applied to all cases decided by the Court of Appeals on or after that date.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 10, 2022

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

_____, Clerk. *Stephen E. Castles*

Rule 28. Oral Argument.

(a) Request, Time, and Remote Participation.

(1) . . .

(2) . . .

(3) The request for oral argument must be a separate document, filed with the Clerk, certifying that opposing counsel has been notified of the request and that opposing counsel desires, or does not desire, to argue orally. The request shall identify the counsel who would argue. If any such counsel is a Registered Law Student or Registered Law School Graduate, the request shall identify them accordingly and their supervising attorney and follow the requirements of Rule 9 (h). Any change of counsel shall be communicated to the Clerk as soon as practicable. (Also see Rule 28 (a) (5).)

(4) . . .

(5) Oral argument will be in person unless the Court directs that it shall be conducted remotely or in a hybrid format. A party may file a request for remote appearance by filing a separate filing (“Request for Remote Appearance”). The request for remote appearance shall specify a reason for the request. Acceptable reasons include, but are not limited to, health concerns, budgetary constraints, and time constraints. The party requesting remote appearance shall contact the opposing party, inquire whether that party also desires to argue remotely, and report on the response in the request. Requests shall not exceed five pages and should be filed no later than seven days before the argument. Requests filed after that date shall state a reason for the delay.

(b) Waiver.

After either side has been granted oral argument, either side may waive argument, but waiver by either party does not remove the case from the oral argument calendar. If either counsel decides to waive oral argument after it has been granted, waiving counsel must notify opposing counsel and the Court of that fact.

Argument shall not be allowed on behalf of any party whose brief has not been timely filed, unless permission is granted by the Court. Counsel who have been granted an extension of time to file a brief after the term to which the case was docketed have waived oral argument.

Oral argument is waived if counsel is not inside the courtroom (whether appearing in person or remotely) when the case is formally called in its order for argument.

. . .

(g) Courtroom Decorum.

(1) Counsel appearing for oral argument shall check in with the Clerk in the courtroom (whether appearing in person or remotely) 30 minutes before the time scheduled for oral argument, shall specify who shall argue, and shall disclose if counsel is a Registered Law Student, Registered Law School Graduate, or supervising attorney for the foregoing pursuant to Rule 9 (h).

(2) Those present in the courtroom (whether appearing in person or remotely) shall maintain silence (when not presenting) and decorum, and avoid distracting behaviors. (The lawyers' lounge is available for those needing to talk or engage in potentially distracting activities.)

(3) All counsel appearing before the Court must be properly attired.

(4) Only counsel for the parties may be seated at counsel table.

(h) Recording.

Oral arguments may be recorded. Copies of recordings, if available, may be purchased for \$30.