

Oral Argument

An oral argument is a limited opportunity to talk directly with the Court of Appeal justices who will decide the appeal.

When is it? Oral argument happens after all the briefs are filed and the court has time to review the briefs and the record.

How much does it cost? There is no additional court cost to make an oral argument.

Can any party participate? If an appellant or respondent filed a brief and the Court of Appeal accepted the brief, then they can make an oral argument. If a respondent did not file a brief, then they cannot make an oral argument. If a party has a lawyer, then the lawyer will make an oral argument.

How do parties tell the court if they want to make an oral argument? The Court of Appeal sends each eligible party a notice about oral argument and asks if they want to participate. If a party wants to make an oral argument, they must reply in writing to the Court of Appeal by the deadline given in the notice.

Is it required? In most cases oral argument is optional. The court does not think differently about a party – or their issues in the appeal – if they choose not to make an oral argument.

What happens? Oral argument is a chance to make sure the court understands the key issues of the case. Each party has a limited amount of time to explain the arguments in their brief and answer questions from the justices.

Oral argument *is not* a time to discuss the facts of the case or to repeat what's in the briefs. No one can talk about new legal issues or new evidence.

Does every case have it? Many appeals do not have oral argument. If one or more parties say they want to participate, the court will have oral argument. If all the parties choose not to participate – or “waive oral argument” in legal terms – the appeal will be decided on the briefs and the record on appeal.

How long is it? Every case is different. The court sends each party advance notice with the date and amount of time for oral argument so they can plan ahead. Generally the court gives each party between 15 and 30 minutes for their oral argument.

How much does it cost? There is no additional court cost to make an oral argument.

What happens next? After oral arguments are made or waived, the Court of Appeal makes a decision.

[Learn more about what happens during oral argument, how to decide about oral argument, and how to prepare.](#)

RELATED ARTICLES

- [Oral Argument](#)
- [BROWSE ALL ARTICLES](#)

FORMS

Documents you will need for your case.