

LOCAL RULES OF THE COURT OF APPEAL FIRST APPELLATE DISTRICT

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Local Rule 13:

Oral Argument

a) **[Option to Waive Argument]** After a case has been briefed and assigned to a judicial panel for resolution, the parties will be notified that they may elect to waive oral argument. The court attaches no significance to waiving argument, and it understands that oral argument may be unnecessary when the parties' positions have been fully briefed.

(b) **[Notice and Procedure]** An election to present oral argument must be made in writing and must contain the following information: (1) the number and title of the case; (2) the name of the person who will present oral argument; (3) if that person is an attorney, the name of the party whom he or she is representing; and (4) whether the oral argument will be presented in person or remotely. If a party wishes to change from in person to remote argument, or vice versa, he or she must promptly inform the divisional deputy clerk and the opposing parties. If any party timely elects to proceed with oral argument, the court will notify the parties of the time and date of the argument. The oral argument will be conducted in accordance with the California Rules of Court.

(c) [Time] The amount of time allocated for each side to present oral argument may vary. Normally, the parties should plan on being allocated 15 minutes per side, although the court may expand or shorten this time before or at the oral argument.

(d) [Sharing Argument Time] In cases in which two or more parties have interests that are aligned, i.e., are on the same side, those parties shall confer before the oral argument on how they prefer to share their side's time during the oral argument. Multiple attorneys who share time should avoid repeating arguments made by other attorneys.

(e) [Oral Argument Dates] The court maintains a list of the currently scheduled oral argument dates for each division. The list is available on the court's web site at <http://www.courts.ca.gov/11245.htm>. The dates on the list are tentative and parties and their counsel should always verify them with the clerk of the division to which a case is assigned.

(f) [Recording and Streaming of Oral Argument] The court records and streams all oral arguments, including oral arguments presented remotely by video or by telephone conference call. A request for oral argument ~~by telephone~~ will be deemed consent to such recording and streaming.

(g) [Continuances] Any party who wishes to continue oral argument to a later date must submit a request, in writing, that includes: (1) an explanation as to why the request for continuance is being made; (2) confirmation that there was a meet and confer with all opposing parties (or an explanation why it was impracticable to meet and confer) in an attempt to select a mutually agreeable date and whether there is opposition to a continuance; and (3) a proposed new date no more than 45 days after the currently assigned date and that is on the list of already scheduled oral argument dates for the division in question. If the proposed new date

is more than 45 days after the currently assigned date, the request for continuance must set forth, in detail, why argument on an earlier date is not possible. The court retains the discretion to deny any and all requests for a continuance.

(Adopted, eff. August 23, 2019; amended, eff. June 5, 2023.)

Local Rule 14:

~~Oral Argument by Teleconference:~~

~~(a) [Teleconference Availability] Counsel or self-represented litigants may elect to present oral argument by telephone instead of personally appearing in court. Oral arguments by telephone will be heard by the justices while they are in public session in the courtroom.~~

~~(b) [Option of Counsel or Party Without Counsel] The decision whether to present oral argument by telephone or in person is within the discretion of counsel or self-represented litigants, except that the court may direct counsel or self-represented litigants to appear in person.~~

~~(c) [Election] Counsel or self-represented litigants shall indicate any election to present oral argument by telephone when oral argument is requested. If one party elects to argue by telephone and the other elects to appear in person, the party who elected to argue by telephone may change his or her mind and appear in person, but he or she must promptly inform the divisional deputy clerk and the opposing parties.~~

~~(d) [Necessary Information] An election to present oral argument by telephone shall be made in writing and shall contain the following information: (1) the number and title of the case; (2) the name of the person who will present oral argument by telephone; (3) if that person is an attorney, the name of the party whom he or she is representing; and~~

~~(4) the telephone number to be used for the telephone conference call.~~

~~(e) [Fees] No fee shall be charged for an election to present oral argument by telephone that is made by appointed counsel, the Attorney General, counsel representing the state, a county, a municipality or other government agency, or a party whose fees have been waived under California Rules of Court, rule 8.26. In all other cases, a fee of \$20 shall be paid by each party who elects to present oral argument by telephone. A check in that amount, payable to the “Clerk, Court of Appeal,” shall accompany the party’s request for oral argument.~~

~~(f) [Notice of Time of Oral Argument] When counsel or parties elect to present oral argument by telephone, the divisional deputy clerk shall provide notice of the date, the approximate time of oral argument, and may indicate the maximum amount of time the court will allow for argument. The deputy clerk will arrange the conference call when the court calls the case for argument. If counsel or a self-represented litigant fails to be available when the case is called, the court may deem oral argument waived.~~

Repealed, effective June 5, 2023.

Local Rule 17:

Electronic Devices in the Courtroom

Counsel and self-represented litigants may use laptop computers and electronic tablets to aid them in taking notes and presenting oral argument, but they may not use them for any other purpose, including displaying demonstrative evidence. Electronic devices must be silenced and placed in “airplane mode” at all times. No cellular telephones or other electronic devices are permitted in the courtroom, except for use as assisted-listening devices. No audio or video recording or photography is permitted in the courtroom, except in

compliance with California Rule of Court, rule 1.150. Failure to comply with these restrictions may result in the violator being removed from the courtroom.

(Adopted, eff. August 23, 2019; amended, eff. June 5, 2023.)