RAP RULE 11.4
TIME ALLOWED, ORDER, AND CONDUCT OF ARGUMENT

(a) Time Allowed to a Party. The Supreme Court and each division of the Court of Appeals will define by general order the amount of time each side is allowed for oral argument. If there is more than one party to a side in a single review or in a consolidated review, the parties on that side will share the allotted time equally, unless the parties on that side agree to some other allocation. The appellate court may grant additional time for oral argument upon motion of a party.

(b) Time Allowed to Amicus Curiae. Amicus curiae may present oral argument with the consent of a party and within a portion of the time for oral argument allocated to that party, or within the time allowed by the court.

(c) Order of Argument. The appellant or petitioner is entitled to open and conclude oral argument. The party first filing a notice of appeal or a notice for discretionary review is deemed the appellant or petitioner for the purpose of this rule.

(d) Cross Review. The argument on any cross review must be made at the same time as the argument on the initial review.

(e) Failure To Appear. The appellate court will hear argument on behalf of a party who has filed a brief who appears at the time of oral argument. If none of the parties to the review appears for oral argument, the court may order oral argument at a later time or may decide the case on the briefs.

(f) Scope of Argument. The court ordinarily encourages oral argument. The opening argument may include a fair and concise statement of the facts of the case. Counsel need not argue all issues raised and argued in the briefs.

(g) Reading at Length. Counsel should avoid reading at length from briefs, records, or authorities.

(h) Duplication of Argument. Counsel should avoid duplication of argument, particularly if there are multiple parties arguing in support of the same issue.

(i) Use of Exhibits. Counsel may, to promote clarity of argument, use exhibits brought up as a part of the record and demonstrative or illustrative exhibits not a part of the record. Counsel should arrange, before court convenes, for the placement in the courtroom of exhibits and equipment to be used in oral argument.

(j) Submitting Case without Oral Argument. The appellate court may, on its own initiative or on motion of a party, decide a case without oral argument. If the appellate court decides that the case will be decided without oral argument, the clerk will advise the parties and others who have filed briefs of the date the case is set for consideration on the merits.

[Amended December 5, 2002; September 1, 2006.]