

The Second District Court of Appeal's Oral Argument Policy

February 27, 2006

Oral argument will be granted provisionally upon timely request in most final appeals.

Requests for oral argument in postconviction and unemployment compensation appeals, and appeals brought pursuant to Florida Rule of Appellate Procedure 9.130(a)(5), will not ordinarily be accommodated.

Parties and attorneys may apply for oral argument in those final appeals referenced in the foregoing paragraph, as well as in interlocutory appeals and original proceedings, by employing the procedure set forth in section 3 of the enclosed Notice to Attorneys and Parties. Applicants submitting an extraordinary motion for oral argument are required to file the motion consistent with the timeliness requirements of rule 9.320. Motions that simply recite that the court will benefit from oral argument will not fulfill the requirement that specific reasons be presented in support of that proposition.

If a timely request for oral argument is submitted in a final appeal for which argument is customarily approved, or if an extraordinary motion for oral argument is granted, the proceeding will be placed on an oral argument calendar and notice will be mailed to the parties or their attorneys approximately six weeks before the commencement of the month in which the argument is scheduled. Accompanying this calendar will be a notice that will advise the recipient that oral argument has been provisionally scheduled. These calendars issue before the assigned panel has had an opportunity to review the briefs. Should a panel unanimously determine that argument will not assist the court in its decision-making, the panel will instruct the clerk to advise the parties or their attorneys by order that argument has been cancelled and the matter will be considered without argument. Such orders cancelling an argument will issue no less than two weeks before the scheduled oral argument date.

James Birkhold
Clerk
District Court of Appeal of Florida,
Second District