

District of Columbia Court of Appeals

No. M-239-10

BEFORE: Washington, Chief Judge; Ruiz, Reid, Glickman, Kramer, Fisher, Blackburne-Rigsby, Thompson, and Oberly, Associate Judges.

O R D E R (FILED - December 22, 2010)

On consideration of this court's pilot project relating to oral argument, announced in an order (No. M-236-09) filed November 17, 2009, and extended until December 31, 2010, by an order (No. M-238-10) filed July 22, 2010, and of the numerous comments thereon received from counsel and institutional litigants, it is, this 22nd day of December, 2010,

ORDERED pursuant to Title I, Section 111, of the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91-358, D.C. Code § 11-743 (2001), that Rule 33 (c) of the Rules of the District of Columbia Court of Appeals is hereby amended to read as follows:

(c) *Summary Calendar.* Cases on the summary calendar will not be argued unless a request for argument is approved by the court or argument is ordered sua sponte. Motions for oral argument must demonstrate good cause and be served on all parties and filed with the Clerk within 10 days after notice of calendaring has been mailed by the Clerk.

it is FURTHER ORDERED pursuant to the same authority that Rule 34 (g)(1) of the Rules of the District of Columbia Court of Appeals is hereby amended to read as follows:

(g) *Time Allowed.* (1) *Specific Allotments.* Each side will be allowed time for argument in accordance with the court's Internal Operating Procedures.

and, it is FURTHER ORDERED that Sections VI. A, B, and C of the Internal Operating Procedures of the court are hereby amended to read as follows:

A. After the filing of the brief of appellee or respondent, all cases will be screened by a senior judge, or another judge assigned by the Chief Judge, to determine whether the case should be placed on the regular or summary calendar. A case will be placed on the regular or summary calendar based upon the criteria specified in Part VI. B. and C. Unless the court orders otherwise, each side will be allowed 15 minutes for argument in cases on the regular calendar and in cases on the summary calendar that are argued.

B. A case will be placed on the regular calendar if it appears that the decisional process will be significantly aided by oral argument. In making this determination, the court will consider the following factors, among others:

1. an issue of first impression may be raised;
2. a substantial issue as to the constitutionality of a statute may be raised;
3. an established rule of law may be applied to a novel fact situation;
4. the issues appear to be multiple or complex;
5. the decision may alter, modify, or significantly clarify a rule of law previously decided;
6. an existing rule of law may be criticized or questioned; or
7. a recommendation to discipline an attorney or to deny reinstatement of a disciplined attorney is contested by the attorney or any other party to the proceeding.

C. A case will be placed on the summary calendar if it appears that the decisional process will not be significantly aided by oral argument.

and it is FURTHER ORDERED that Section VI. E of the Internal Operating Procedures of the court is hereby amended to read as follows:

E. A case placed on the regular calendar will be argued on the scheduled date, unless the division to which the case is assigned orders *sua sponte*, or upon motion of one or more of the parties, that the case be submitted without oral argument. A case placed on the summary calendar will be deemed submitted to the court without oral argument unless the court orders argument *sua sponte* or a motion by one of the parties for oral argument has been granted by the court. The court will not grant requests for oral argument in summary calendar cases unless good cause has been shown.

and it is FURTHER ORDERED that a new Section XI. K., reading as follows, is added to the Internal Operating Procedures of the court:

K. When the court has voted to hear a case en banc, the court will issue an order establishing the time allowed for oral argument.

These amendments shall become effective January 1, 2011.

PER CURIAM.