

# Oral Argument Guidelines

As of January 1, 2022

**(a) In General.** Oral argument must be allowed in every case unless the panel assigned to hear the appeal, after examining the briefs and the record, determines unanimously that oral argument is unnecessary because: (1) the appeal is frivolous; (2) the dispositive issue or issues have been authoritatively decided; or (3) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument. Fed. R. Bankr. P. 8019(b).

As part of their briefs, both the appellant and the appellee must include a statement explaining why oral argument should, or need not, be permitted. Fed. R. Bankr. P. 8019(a); 6th Cir. BAP LBR 8014-1(b). If counsel is satisfied that the party's position is fully presented in the brief and oral argument is not desired, it is not a dereliction of representation for counsel to so indicate in the statement regarding oral argument.

Oral argument affords the panel an opportunity to focus on any particular questions it may have about the case and to seek counsel's help in clarifying or expanding on the points made in the brief. Counsel should anticipate and welcome questions from the panel, since the answers to those questions will help the judges have a better understanding of the case.

Argument time will generally be limited to 15 minutes per side, and counsel must carefully plan how to use that limited time to discuss the most salient issues. The appellant may reserve part of that time for rebuttal. A party which has not filed a brief will not be allowed to present oral argument unless otherwise directed by the panel. 6th Cir. BAP LBR 8019-1(c)(1).

- (b) Place and Time of Arguments.** Arguments are generally scheduled the first or second Tuesday and Wednesday of February, May, August, and November, depending on the caseload. Arguments are typically held in Cincinnati, Ohio, in a courtroom of the United States Court of Appeals for the Sixth Circuit but may be scheduled in another location convenient to the panel members and the attorneys for the parties.
- (c) Instructions for Day of Oral Argument.** Attorneys/Pro Se Parties will receive notification of oral argument via CM/ECF and/or U.S. Mail approximately 4 weeks prior to the scheduled date. Additional instructions may be provided with the notification and will supersede any conflicting information contained herein. Attorneys/Pro Se Parties should check in with the clerk in the courtroom where oral argument has been scheduled 30 minutes prior to the start of the session. Check the Sixth Circuit website for current requirements relating to COVID-19 mitigation.
- (d) Recording of Oral Argument.** Each oral argument is recorded. Audio files of oral argument are usually available within one business day at [www.ca6.uscourts.gov/audio-files-completed-arguments](http://www.ca6.uscourts.gov/audio-files-completed-arguments).