

## Rule 7.02

### HEARING IN THE COURT OF APPEALS

- (a) **Hearing Panels.**
- (1) **Generally.** The chief judge of the Court of Appeals must designate panels of judges of the court to conduct hearings. An appeal or other proceeding will be before a panel of the Court of Appeals unless a majority of the judges order the appeal or other proceeding be heard or reheard en banc.
  - (2) **Assigned Judge's Participation At and After Oral Argument.** Except in exigent circumstances, oral argument will be heard by the full panel to which the case has been assigned. The chief judge may change the composition of a panel at any time before oral argument. When a member of a panel is not present at the oral argument, the case is deemed submitted to that member on the record and briefs. If a member of a panel is unable to participate after the case is submitted for decision, the chief judge must appoint a substitute judge and the case is deemed submitted to the new member on the record and briefs.
- (b) **Suggestion for Hearing or Rehearing En Banc.** A party may suggest the appropriateness of a hearing or rehearing en banc. A suggestion for hearing en banc must be filed no later than the time prescribed for filing appellee's brief. A suggestion for rehearing en banc must be filed no later than the time prescribed for filing a motion for rehearing.
- (c) **Summary Calendar—General Calendar.**
- (1) **Screening Procedures.** A case is subjected to screening procedures after an appeal is docketed in the court. When screening procedures have been completed, the chief judge will assign the case to the summary calendar or the general calendar.
  - (2) **Basis for Determining Summary Calendar Cases.** A case that fails to present a new question of law and in which oral argument is deemed neither helpful to the court nor essential to a fair hearing of the appeal may be placed on the summary calendar. All other cases must be placed on the general calendar. The clerk of the appellate courts must maintain separate calendars for this purpose.
  - (3) **Notice of Calendaring.** The clerk of the appellate courts must notify the parties when a case has been placed on the summary calendar.
  - (4) **Argument in Summary Calendar Cases.** When a case is placed on the summary calendar, it is deemed submitted to the court without oral argument unless a party's motion for oral

argument is granted. The motion must be served on all parties, be filed with the clerk of the appellate courts no later than 14 days after the clerk mails notice of calendaring, and state the reason why oral argument would be helpful to the court. If a motion for oral argument is granted, oral argument will be limited to 15 minutes on each side unless sufficient reason is given to grant 20, 25, or 30 minutes.

(d) **Sessions; Location of Hearings.**

- (1) A hearing before the court sitting en banc will be in Topeka, Kansas, unless otherwise ordered by the chief judge.
- (2) A hearing before a panel of the court may be held in any county in the state as provided in K.S.A. 20-3013.
- (3) To assist the court in determining the place of hearing, a party may suggest in writing a desired place of hearing. The suggestion must be filed no later than the time for filing appellee's brief.

(e) **Dockets; Notice of Hearing or Submission.** Not less than 30 days before each sitting of the court, the clerk of the appellate courts must prepare and submit to all attorneys of record in cases assigned for hearing during that sitting a docket showing the place and time at which cases from the general and summary calendar will be argued and heard. The docket will contain a list of cases from the summary calendar submitted for decision without oral argument.

(f) **Argument.**

- (1) **Generally.** If oral argument is scheduled, the court will designate on the oral argument calendar the amount of time granted. Unless more time is ordered, oral argument is limited to 15 minutes each for the appellant and the appellee. The appellant and the appellee will be granted the same amount of time. A party that does not have a brief on file will not be permitted oral argument.
- (2) **Requesting More Time.** The appellant or the appellee may request 20, 25, or 30 minutes for argument by printing "oral argument:" on the lower right portion of the front cover of the party's initial brief, followed by the desired amount of time.
- (3) **Reserving Rebuttal Time.** The appellant may reserve for rebuttal a portion of the time granted by making an oral request at the time of hearing.
- (4) **Court May Extend Time.** The court on its own during the hearing may extend the time for oral argument for either party.
- (5) **Multiple Parties.** If on either side of a case there are multiple parties that are not united in interest in the issues of the appeal and are separately represented, the court on motion will allot

time for the separate arguments. If multiple parties are united in interest in the issues on appeal, they must divide the allotted time among themselves by mutual agreement.

**[History:** New subsection (f) effective April 1, 1979; Am. (f)(1) effective July 1, 1982; Am. (f)(4) effective September 11, 1985; Am. (a), (e) effective June 14, 1988; Am. (e), (f) effective July 1, 1997; Am. (e) effective August 29, 1997; Am. (e) effective July 1, 2005; Restyled rule effective July 1, 2012; Am. (e) effective December 19, 2016.]