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IN THE SUPREME COURT OF GUAM

RE:) PROMULGATION ORDER NO.: 02-003
AMENDMENTS TO RULE 19)
OF THE GUAM RULES OF)
APPELLATE PROCEDURE)

The Supreme Court of Guam, *en banc*, adopts and promulgates the amendments to the attached Guam Rules of Appellate Procedure, effective immediately. Amendments have been made to the following rule:

Rule 19 - ORAL ARGUMENT

a) Application to Cases

Oral argument shall be had in all cases except those in which the Supreme Court enters an order providing for consideration of the case without oral argument.

b) Notice of Argument; Postponement

The Clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed reasonably in advance of the date fixed for hearing.

c) Time Allowed for Argument

Unless otherwise provided by rule for all cases or for classes of cases, counsel for each side will be allowed thirty (30) minutes for oral argument, which includes questions posed by the court. If counsel is of the opinion that additional time is necessary for the adequate presentation of his argument, he may

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1 request such additional time as he deems necessary. Requests may be made by letter addressed to the
2 Clerk of the Supreme Court within seven (7) days of the date fixed for the argument and shall only be
3 granted if good cause therefor is shown. If multiple parties who are represented by separate counsel or
4 counsel for amicus curiae request argument, the court may apportion or expand the time according to the
5 respective parties' interests. A party is not obliged to use all of the time allowed, and the court may
6 terminate the argument whenever in its judgment further argument is unnecessary.
7

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9 d) Cross and Separate Appeals

10 A cross or separate appeal shall be argued with the initial appeal at a single argument, unless the
11 court otherwise directs. If a case involves a cross appeal, the Plaintiff in the action below shall be deemed
12 the Appellant for the purposes of this rule unless the parties otherwise agree or the court otherwise directs.
13 If separate Appellants support the same argument, care shall be taken to avoid duplication of argument.
14 The time allowed for argument shall be the same as provided for in Rule 19(c).
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17 e) Order and Content of Argument

18 The Appellant is entitled to open and conclude the argument. The opening argument shall include
19 a fair statement of the case. Counsel will not be permitted to read at length from briefs, records or
20 authorities.
21

22 f) Number of Counsel

23 No more than one counsel may argue for each party who appeared separately in the court below,
24 unless the court orders otherwise.
25

26 g) Amicus

27
28 Upon written request, the court may grant or deny any amicus curiae the opportunity to argue. As

1 provided in Rule 14, the court will not grant such request unless extraordinary reasons therefor is shown.

2 h) Non-appearance of Parties

3
4 If the Appellee fails to appear to present argument, the court will hear argument on behalf of the
5 Appellant, if present. If the Appellant fails to appear in court, the court may hear argument on behalf of the
6 Appellee, if his counsel is present. If neither party appears, the case will be decided on the briefs unless the
7 court shall otherwise order. Parties are encouraged to inform the court at a date well in advance to that of
8 oral argument if they choose not to appear and submit the appeal on the basis of their appellate briefs.

9
10 i) Submission on the Briefs

11
12 The court may order a case to be submitted on the briefs. The parties may also agree to submit a
13 case on the briefs; however, the court may direct that the case be argued.

14
15 j) Use of Physical Exhibits at Arguments; Removal

16 If physical exhibits other than documents are to be used at the argument, counsel shall arrange to
17 have them placed in the courtroom before the court convenes on the date of the argument. After the
18 argument, counsel shall cause the exhibits to be removed from the courtroom unless the court otherwise
19 directs.
20

21 If exhibits are not reclaimed by counsel within a reasonable time after notice is given by the Clerk,
22 they shall be destroyed or otherwise disposed of as the Clerk sees fit.
23

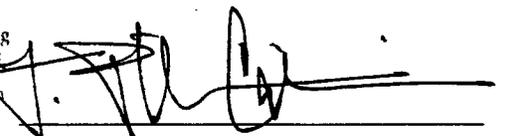
24 **SO ORDERED**, this 18 day of January, 2002.

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26 

27 PETER C. SIGUENZA, JR.
28 Chief Justice

I do hereby certify that the foregoing
is a full true and correct copy of the
original on file in the office of the
clerk of the Supreme Court of Guam
Dated at Hagatna, Guam

JAN 18 2002



F. PHILIP CARBULLIDO
Associate Justice

Imelda B. Duenas
Deputy Clerk, Supreme Court of Guam