

Wednesday 20th December, 2006.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective February 1, 2007.

Amend Rule 5:17 to read as follows:

Rule 5:17. Petition for Appeal.

* * *

(g) *Oral Argument*. - The appellant shall be entitled to state orally, in person or by conference telephone call, to a panel of this Court the reasons why the petition for appeal should be granted. The appellant may waive the right to oral argument on the petition for appeal before a panel by notifying the Clerk of this Court and opposing counsel in writing, or by filing a reply brief. Any lawyer not licensed in Virginia who seeks to appear pro hac vice to present oral argument to the Court must comply with the requirements of Rule 1A:4. If an appellant is not represented by counsel and is incarcerated, the petition for appeal may be considered by the Court without oral argument.

Amend Rule 5:35 to read as follows:

Rule 5:35. Oral Argument.

* * *

(c) *Appearance Pro Hac Vice*. - Any lawyer not licensed in

Virginia who seeks to appear pro hac vice to present oral argument to the Court must comply with the requirements of Rule 1A:4.

(d) *Amicus Curiae*. - No oral argument by amicus curiae is permitted except by leave of this Court. Leave may be granted upon the joint written request of amicus curiae and the party whose position amicus curiae supports. The request shall specify the amount of its allotted time the supported party is willing to yield to amicus curiae.

(e) *Reference to Parties*. - In oral argument, counsel should avoid reference to parties by such designations as "appellant" and "appellee." Clarity is promoted by the use of the name of the parties or descriptive terms such as "the employee," "the injured person," "the driver," "the wife," or the designations used in the lower court or commission.

(f) *Waiver*. - Any party may, without waiving the arguments made on brief, waive oral argument.

Amend Rule 5A:12 to read as follows:

Rule 5A:12. Petition for Appeal.

* * *

(e) *Oral Argument*. - When the appeal is not granted by the judge of the Court of Appeals to whom the petition for appeal is originally presented, the petitioner shall be entitled to state orally, in person or by conference telephone call, to a panel of the Court of Appeals the reasons the petition for appeal should be granted. The appellant may waive the right to oral argument on the

petition for appeal before a panel by notifying the clerk of the Court of Appeals and opposing counsel in writing, or by filing a reply brief. Any lawyer not licensed to practice in Virginia who seeks to appear pro hac vice to present oral argument to the Court of Appeals must comply with the requirements of Rule 1A:4.

Amend Rule 5A:28 to read as follows:

Rule 5A:28. Oral Argument.

* * *

(c) *Appearance Pro Hac Vice.* -- Any lawyer not licensed in Virginia who seeks to appear pro hac vice to present oral argument to the Court of Appeals must comply with the requirements of Rule 1A:4.

(d) *Amicus Curiae.* - No oral argument is permitted by amicus curiae except by leave of the Court of Appeals.

(e) *Waiver.* - Any party may waive oral argument. See Rules 5A:20(h) and 5A:21(g).

A Copy,

Teste:

Clerk