

## NOTICE TO THE BAR

### ORAL ARGUMENT IN THE APPELLATE DIVISION

This notice updates the prior notice to the Bar dated November 9, 2016, regarding oral argument in the Appellate Division.

Rule 2:11-1(b) provides that appeals in the Appellate Division shall be submitted without oral argument unless argument is requested within 14 days after service of the respondent's brief or is so ordered by the court. Timely requests must be made by way of a separate captioned paper filed with the Clerk's office, either through the eCourts-Appellate system, or on paper, as appropriate. If one of the parties has filed a timely request for oral argument, the other parties may rely upon that request and need not file their own requests for oral argument. A party may withdraw its request for oral argument only if it has the consent to do so from all other parties participating in the appeal.

In scheduling appeals for oral argument, the Clerk's office considers attorneys' vacation plans and other conflicts which the Clerk's office has been apprised of prior to scheduling. It is important that attorneys inform and update the Clerk's office of any such plans or conflicts in any appeal in which oral argument has been requested.

The court has observed an increase in requests for postponement of oral argument. Unless the Clerk's office has been kept apprised of an attorney's vacation plans or other conflict, the court will not adjourn an appeal scheduled for oral argument for such reason. In the event of such a conflict, the court will consider, on notice to all parties, an application to have the case submitted for determination on the briefs.

The court reminds litigants and the bar of the obligation to immediately advise the court when a settlement has been reached or is believed imminent. Sessner v. Merck Sharp & Dohme Corp., 435 N.J. Super. 347 (App. Div. 2014).

/s/ Joseph H. Orlando

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Joseph H. Orlando  
Clerk of the Appellate Division

Dated: August 30, 2023