

COCA-COLA BOTTLING COMPANY of Memphis,
Tennessee v. Terry PRIDDY

96-657

940 S.W.2d 497

Supreme Court of Arkansas
Opinion delivered April 7, 1997

APPEAL & ERROR — CASES DECIDED WITHOUT ORAL ARGUMENT WHERE SCHEDULING WOULD CAUSE UNDUE DELAY — NO PROVISION FOR SCREENING CASES TO DETERMINE WHICH CASES PRESENT ISSUES FOR WHICH ORAL ARGUMENT SHOULD BE GRANTED — SCHEDULING FOR THIS ARGUMENT WOULD NOT CAUSE UNDUE DELAY. — Arkansas Supreme Court Rule 5-1(i) provides that if attempts to schedule oral argument may result in undue delay, the court may decide that case without oral argument; the court has not developed a process for screening cases to determine which cases present issues or circumstances for which oral argument should be called for or granted; here, the oral arguments could be scheduled within the next two months; this scheduling would not present undue delay, and appellee's motion for denial of oral argument was denied.

Motion for Denial of Oral Argument denied.

Friday, Eldredge & Clark, by: *Donald H. Bacon*, for appellant.

J.R. Nash, for appellee.

PER CURIAM. The appellee, seeking to advance the scheduling of this case for submission, moves that oral argument be waived and states that the issues to be presented are not complex

or new, that the issues have been briefed thoroughly by the parties, and that it is unlikely that oral argument can add to the information already provided to the court. Appellant responds by stating its belief that oral arguments will be beneficial to the court.

[1] Our rule provides that “[i]f it appears that attempts to schedule oral argument may result in undue delay, the Court may decide any case without oral argument.” Ark. Sup. Ct. R. 5-1(i). The practice of the court has been to schedule oral arguments upon written request by counsel, and the court has not heretofore developed a process for screening cases to determine which cases present issues or circumstances for which oral argument should be called for or granted. We will review this matter and consider whether it is appropriate to change our rules to establish criteria to determine which cases should be orally argued on appeal.

In the case before us, it appears that the oral arguments already noted can be scheduled within the next two months. We find that this scheduling will not present undue delay, and we deny appellee’s motion.
