

## Rule 6.09

### ADDITIONAL AUTHORITY

- (a) **Notification Letter; Timing.**
- (1) **Before Oral Argument or Before the First Day of the Docket on Which a No-Argument Case Is Set.** No later than 14 days before oral argument or 14 days before the first day of the docket on which a no-argument case is set, a party may advise the court, by letter, of citation to persuasive or controlling authority that has come to the party's attention after the party's last brief was filed. If a persuasive or controlling authority is published or filed less than 14 days before oral argument or less than 14 days before the first day of the docket on which a no-argument case is set, a party promptly may advise the court, by letter, of the citation.
  - (2) **After Oral Argument or After the First Day of the Docket on Which a No-Argument Case Was Set.** After oral argument or after the first day of the docket on which a no-argument case was set, but before decision, a party may advise the court, by letter, of citation to persuasive or controlling authority that was published or filed after the date of oral argument or after the first day of the docket on which a no-argument case was set.
  - (3) **After Petition for Review Is Filed.** After a petition for review is filed but before the petition has been ruled on, a party may advise the court, by letter, of citation to persuasive or controlling authority that was published or filed after the petition for review was filed. If a petition for review is granted, a party may notify the court of additional authority under subparagraphs (1) and (2).
- (b) **Contents of Notification Letter.** The letter must contain a reference either to the page(s) of the brief intended to be supplemented or to a point argued orally to which the citation pertains. A brief statement may be made concerning application of the citation, but the body of a letter submitted under this subsection must not exceed 350 words. The letter may not be split into multiple filings to avoid the word limitation.
- (c) **Service and Filing.** A copy of the letter must be served on all adverse parties united in interest. The letter, with proof of service, must be filed with the clerk of the appellate courts.
- (d) **Response.** A response, if any, must be:
- (1) filed with the clerk of the appellate courts no later than 7 days after service of the letter;

- (2) limited to the reference, brief statement, and number of words allowed under paragraph (b); and
- (3) served on all adverse parties united in interest.

**[History:** Am. effective September 16, 1992; Am. effective June 3, 1993; Am. effective February 8, 1994; Am. effective October 7, 2004; Am. (a) effective September 6, 2005; Restyled rule effective July 1, 2012; Am. (b) effective May 21, 2013; Am. (b) effective August 28, 2014; Am. effective December 19, 2016.]