**Rule 212**

**Proposed and approved**

**March 31, 2023**

**[REDLINE VERSION]**

**Rule 212. Pleadings and Motions Before Trial.**

…

**(b) ~~Oral or Written~~ Motions.**~~All~~ M~~m~~otions may ~~shall~~ be oral orwritten unless otherwise ordered by the court.

…

**(e) Time for Making Motion.** Motions shall be made before ~~a plea is entered~~ trial ~~but the court may permit it to be made within a reasonable time thereafter~~ or within such other time frame as is established by the court. The court may require a response within a time frame as is established by the court.

…

(No other proposed changes to this Rule)

**[CLEAN VERSION]**

**Rule 212. Pleadings and Motions Before Trial.**
…

**(b) Motions.**Motions may be oral or written unless otherwise ordered or permitted by the court.

…

**(e) Time for Making Motion.** Motions shall be made before trial or within such other time frame as is established by the court. The court may require a response within a time frame as is established by the court.

…

(No other proposed changes to this Rule)

**Notes of subcommittee on CMCR 212:**

The subcommittee recommends amending the Rule to require motions to be in writing unless otherwise ordered by the court and to impose a deadline for filing.

The subcommittee made the following considerations **in favor** of motions in writing and imposing a filing deadline:

* CMCR 202 regarding purpose and construction encourages simplicity in procedure. Arguably requiring written motions unless otherwise ordered by the court streamlines procedure, allows for better preparation by the attorneys and the judicial officer, encourages resolution with focus on the law prior to trial.
* CMCR 202 regarding purpose and construction the elimination of unjustifiable expense and delay. In many jurisdictions jury trials in particular are delayed or even continued unnecessarily on the day of trial due to oral motions that are sufficiently convoluted to have required briefing by both sides.

The subcommittee made the following considerations **against** motions in writing and imposing a filing deadline:

* CMCR 202 regarding purpose and construction encourages simplicity in procedure and such an amendment could be over burdensome, particularly for pro se defendants.
* Expense.