

**AMENDMENTS TO THE RULES OF PRACTICE OF
THE SUPREME COURT OF OHIO**

The following amendments to the Rules of Practice of the Supreme Court of Ohio (S.Ct.Prac.R. 3.10, 3.11, 10.01, 15.04, and 17.07) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

August 29, 2017	Final adoption by conference
September 29, 2017	Effective date of amendments

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

RULES OF PRACTICE OF THE SUPREME COURT OF OHIO

S.Ct.Prac.R. 3.10. Number and Form of Copies.

(A) Applicability to filing through the E-Filing Portal

Generally, this rule does not apply to documents submitted through the E-Filing Portal or by e-mail. If, however, the Clerk deems it necessary, the Clerk may request that the filing party provide copies of documents filed through the E-Filing Portal. The copies shall be identical to the filed version and shall comply with the provisions of this rule.

(B) Number of copies

The original of a document filed in the Supreme Court shall be accompanied by an appropriate number of copies as follows, unless otherwise provided by S.Ct.Prac.R. 3.02(A)(3)(b) or 3.02(A)(4)(c):

Notice of appeal	1
Notice of cross-appeal	1
Praecipe filed in death-penalty appeal	1
<u>Petition to Transfer/Response to Petition to Transfer pursuant to S.Ct.Prac.R. 10.01</u>	<u>8</u>
Jurisdictional memorandum	8
Waiver of memorandum in response	0
Brief in an appeal or original action	16
List of additional authorities filed pursuant to S.Ct.Prac.R. 17.08	16
Supplement to a merit brief filed pursuant to S.Ct.Prac.R. 16.09	2
Complaint in an original action	10 plus an additional copy for each named respondent
Evidence in an original action	10
Request for extension of time	0
Stipulation to an agreed extension of time	0
Notices related to attorney representation under S.Ct.Prac.R. 2.01 through 2.03	0
Affidavits of compliance	1
Application for dismissal filed pursuant to S.Ct.Prac.R. 4.05	1
Any other document	10

[Existing language unaffected by the amendments is omitted to conserve space]

Effective Date: June 1, 1994

Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January 1, 2008; January 1, 2010; October 1, 2011; January 1, 2013; January 1, 2015; September 29, 2017

S.Ct.Prac.R. 3.11. Service of Documents; Notice When Documents Are Rejected for Filing.

[Existing language unaffected by the amendments is omitted to conserve space]

(C) Manner of service

(1) Except as otherwise provided by this rule, service may be personal or by delivery service, mail, e-mail, or facsimile transmission. Except as provided in division (B) of this rule, personal service includes delivery of the copy to counsel or to a responsible person at the office of counsel and is effected upon delivery. Service by delivery service is effected by depositing the copy with the delivery service. Service by mail is effected by depositing the copy with the United States Postal Service for mailing. Service by e-mail is effected upon the successful electronic transmission of the copy. Service by facsimile transmission is effected upon the successful electronic transmission of the copy by facsimile process.

(2) ~~In appeals from the Board of Tax Appeals under S.Ct.Prac.R. 10.01, service of a notice of appeal or cross appeal shall be made by certified mail.~~

(3) In expedited election cases under S.Ct.Prac.R. 12.08, service of all documents, except the complaint filed to institute the original action, shall be personal, by e-mail, or by facsimile transmission.

[Existing language unaffected by the amendments is omitted to conserve space]

Effective Date: June 1, 1994

Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; September 29, 2017

S.Ct.Prac.R. 10.01. Institution of Petition to Transfer an Appeal from a Board of Tax Appeals Decision Pending on Appeal before the Court of Appeals.

(A) Perfection Filing of a petition to transfer an appeal

(1) A ~~notice of petition to transfer an~~ appeal from a decision of the Board of Tax Appeals that is pending before a court of appeals shall be filed with the Supreme Court ~~and the Board~~ within thirty days ~~from~~ of the date filing of the entry last notice of appeal filed with the decision court of the Board appeals as provided for by R.C. 5717.04.

~~(2) The notice of petition to transfer an appeal shall be accompanied by a date-stamped copy of the decision being appealed, set forth the claimed errors, comply with the service requirements of S.Ct.Prac.R. 3.11(C)(2), and otherwise be in conformance with R.C. 5717.04 both of the following:~~

~~(a) A date-stamped copy of the notice of appeal from the decision of the Board of Tax Appeals filed with the court of appeals;~~

~~(b) A date-stamped copy of the decision of the Board of Tax Appeals that is being appealed.~~

~~(3) If a party timely files a notice of appeal in The Clerk of the Supreme Court, any other party may shall refuse to file a notice of appeal pursuant to R.C. 5717.04 petition to transfer that is untimely or that fails to comply with the requirements of division (A)(2) of this rule.~~

(B) Proceedings Contents and requirements

~~After the record in an appeal from the Board of Tax Appeals is filed by the Clerk of the Supreme Court, the parties shall brief the case in accordance with the applicable provisions of S.Ct.Prac.R. 16.01 through 16.10 (1) The petition to transfer shall comply with the requirements of R.C. 5717.04.~~

~~(2) The petition to transfer shall not exceed fifteen numbered pages, exclusive of the table of contents and the certificate of service.~~

~~(3) The petition to transfer shall contain all of the following:~~

~~(a) A table of contents, which shall include numbered propositions of law arranged in order;~~

~~(b) A thorough explanation of why a substantial constitutional question is involved or why the case is of great general or public interest;~~

~~(c) A statement of the case and facts;~~

~~(d) A brief and concise argument in support of each proposition of law;~~

~~(e) An assertion that the notice of appeal from the decision of the Board of Tax Appeals was filed with the appropriate court of appeals as required by R.C. 5717.04.~~

(C) Response to petition to transfer

~~(1) Within thirty days of the filing of the petition to transfer, any other party to the case pending before the court of appeals may file a response to the petition to transfer.~~

(2) The response to the petition to transfer shall not exceed fifteen numbered pages, exclusive of the table of contents and the certificate of service.

(3) The response to the petition to transfer shall include a statement as to whether a substantial constitutional question is involved or whether the case is of great general or public interest and shall include a brief and concise response to each of the propositions of law raised in the petition to transfer.

(D) Prohibition against supplemental and reply memoranda; no extensions of time

The prohibitions against supplemental and reply memoranda as specified in S.Ct.Prac.R. 7.04 and the general prohibition against extensions of time as specified in S.Ct.Prac.R. 3.03(B) shall apply to cases brought under this rule.

(E) Proceedings

(1) Notice to the court of appeals

Upon the filing of a petition to transfer, the Clerk of the Supreme Court shall send a copy of the petition to the clerk of the court of appeals where the appeal from the Board of Tax Appeals is pending.

(2) Jurisdiction of court of appeals after a petition to transfer is filed with the Supreme Court

The filing of a petition to transfer an appeal from the court of appeals to the Supreme Court of Ohio from an appeal of a decision of the Board of Tax Appeals shall stay all proceedings before the court of appeals in that appeal.

(3) Decision on petition to transfer

After the time for filing a response to the petition to transfer has passed, the Supreme Court will either approve the transfer and order that the appeal be taken directly to the Supreme Court, or disapprove the transfer and order that the appeal proceed before the court of appeals.

(a) If the Supreme Court grants the petition to transfer, then the appeal shall proceed before the Supreme Court as follows:

(i) The Supreme Court shall order that the record be transmitted from the court of appeals or the Board of Tax Appeals. Unless otherwise ordered by the Supreme Court, the record shall be transmitted within twenty days of the order.

(ii) After the record is filed, the parties shall brief the case in accordance with the applicable provisions of S.Ct.Prac.R. 16.01 through 16.10.

(b) If the Supreme Court denies the petition to transfer, then the stay of proceedings before the court of appeals shall be lifted and the appeal shall proceed before the court of appeals.

(c) The Clerk of the Supreme Court shall send a copy of the decision of the Supreme Court on the petition to transfer to the clerk of the court of appeals where the appeal from the Board of Tax Appeals is pending.

(4) Motions for Reconsideration

No motion for reconsideration of a Supreme Court decision on a petition to transfer shall be permitted. The Clerk of the Supreme Court shall refuse to file a motion for reconsideration of a decision on a petition to transfer.

Effective Date: June 1, 1994

Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; January 1, 2017; September 29, 2017

S.Ct.Prac.R. 15.04. Submission of Record from Court of Appeals or Board of Tax Appeals in Appeals from a Decision of the Board of Tax Appeals.

(A) General

~~Transmission of (1)~~ (a) If the Supreme Court grants a petition to transfer an appeal from a decision of the Board of Tax Appeals as provided for in S.Ct.Prac.R. 10.01, the record in an appeal of a decision from before the Supreme Court shall consist of the record of the Board of Tax Appeals pursuant to R.C. 5717.04 and the notices of appeal filed with the court of appeals. An order to certify and transfer the record shall be sent to both the court of appeals and the Board of Tax Appeals. The components of the record shall be transmitted to the Supreme Court within twenty days of the filing of the order to certify and transfer the record.

(b) If the record of the Board of Tax Appeals has not yet been transmitted to the court of appeals, then the Board of Tax Appeals shall transmit that record to the Supreme Court as prescribed by R.C. 5717.04, and the court of appeals shall transmit the notice of appeal that has been filed with the court of appeals.

(c) If the record of the Board of Tax Appeals has already been transmitted to the court of appeals, then the court of appeals shall transmit the record and the notice of appeal that has been filed with the court of appeals.

(2) For the purposes of filing the record with the Clerk of the Supreme Court, the Board may transmit a video or audio record of any hearing before the Board, and if a written transcript was created, it shall be included.

(B) Written transcript

If a written transcript of a hearing before the Board of Tax Appeals is not included, the appellant shall file a written transcript of the hearing with the Clerk of the Supreme Court when the appellant files its merit brief as provided by S.Ct.Prac.R. 16.02. The Supreme Court may dismiss an appeal where no written transcript has been provided, or sua sponte order the appellant to file a written transcript.

Effective Date: January 1, 2010

Amended: January 1, 2013; September 29, 2017

S.Ct.Prac.R. 17.07. Reference of Certain Cases to Master Commissioner for Oral Argument.

(A) Appeals from the Board of Tax Appeals filed with the Supreme Court before September 29, 2017

(1) Appeals from the Board of Tax Appeals filed with the Supreme Court before September 29, 2017, shall be referred to a regular or special master commissioner for oral argument unless the parties waive the argument or the Supreme Court, sua sponte or upon motion, decides to hear the argument itself.

(2) A motion for the Supreme Court to hear oral argument in an appeal from the Board of Tax Appeals filed with the Supreme Court before September 29, 2017, shall be filed within twenty days after the filing of the appellee's brief.

(B) Other matters

The Supreme Court may refer any ~~other~~ matter scheduled for oral argument to a regular or special master commissioner for argument.

Effective: June 1, 1994

Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; September 29, 2017