

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

Comments Requested: The Supreme Court of Ohio will accept public comments until June 7, 2024, on the following proposed amendments to the Rules of Practice of the Supreme Court of Ohio.

Comments on the proposed amendments should be submitted in writing to Clerk of the Court Robert Vaughn, Supreme Court of Ohio, 65 South Front Street, 8th Floor, Columbus, Ohio 43215-3431 or CLK@sc.ohio.gov not later than June 7, 2024. Please include your full name and mailing address in any comments submitted by e-mail.

Key to draft amendment:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

RULES OF PRACTICE OF THE SUPREME COURT OF OHIO

SECTION 1. GENERAL RULES.

~~S.Ct.Prac.R.~~ **Rule 1.01. Title.**

These rules shall be known as the “Rules of Practice of the Supreme Court of Ohio.”

Effective Date: January 1, 2013

Amended: _____

~~S.Ct.Prac.R.~~ **Rule 1.02. Purpose.**

The purpose of the Rules of Practice of the Supreme Court of Ohio is to promote the efficient administration of justice in cases filed with the Supreme Court.

Effective Date: January 1, 2013

Amended: _____

~~S.Ct.Prac.R.~~ **Rule 1.03. Authority.**

The Rules of Practice of the Supreme Court of Ohio are promulgated pursuant to Article IV, Section 5 of the Ohio Constitution.

Effective Date: January 1, 2013

Amended: _____

~~S.Ct.Prac.R.~~ **Rule 1.04. Applicability.**

The Rules of Practice of the Supreme Court of Ohio shall apply to all documents filed with the Supreme Court.

Effective Date: January 1, 2013

Amended: January 1, 2017; _____

~~S.Ct.Prac.R.~~ **Rule 1.05. Citation.**

The Rules of Practice of the Supreme Court of Ohio shall be cited as "~~S.Ct.Prac.R.~~ Rule _____."

Effective Date: January 1, 2013

Amended: _____

46 ~~S.Ct.Prac.R.~~ **Rule 1.06. Construction.**

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(A) Shall, may, and should

“Shall” is mandatory. “May” is permissive. “Should” is suggested or recommended.

(B) And

If the sense requires it, "and" may be read "or" and "or" may be read "and.”

(C) Common and technical use of words and phrases

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by definition by rule or otherwise, shall be construed accordingly.

(D) Singular and plural

The singular includes the plural, and the plural includes the singular.

(E) Gender

Words of one gender include the other genders.

(F) Tense

Words in the present tense include the future.

(G) Rule presumed prospective

A rule shall be presumed to be prospective in its operation unless expressly made retrospective.

(H) Specific rule prevails over general

If a general rule conflicts with a specific rule, it shall be construed, if possible, so that effect is given to both. If the conflict between the rules is irreconcilable, the specific rule prevails as an exception to the general rule, unless the general rule is the later adoption and the manifest intent is that the general rule prevails.

Effective Date: January 1, 2013

Amended: _____

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(a) File a notice of appearance identifying the party on whose behalf the attorney is appearing;

(b) Specify on the document being filed that this is the attorney's first appearance in the case;

(c) If the document is filed through the E-Filing Portal, add the attorney and identify the party the attorney represents.

(3) Any attorney who has made an appearance in a case and later withdraws from representation of a party shall file a notice of withdrawal.

(4) For an attorney not registered for active status with the Office of Attorney Services of the Supreme Court of Ohio, to make an appearance the attorney shall comply with ~~S.Ct.Prac.R.~~ Rule 2.02.

(C) Striking of documents

The Supreme Court may strike documents filed by attorneys who do not comply with this rule, may strike from the docket the names of attorneys who are not in compliance with this rule, or may take any other action as the Supreme Court deems appropriate.

Effective Date: June 1, 1994

Amended: April 1, 1996; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; July 22, 2015; January 1, 2017; _____

~~S.Ct.Prac.R.~~ Rule 2.02. Pro Hac Vice Admission.

(A) General

(1) The Supreme Court may permit an attorney who is not registered for active status with the Office of Attorney Services of the Supreme Court of Ohio to appear pro hac vice and to file documents or participate in oral argument in a case before the Supreme Court of Ohio if the attorney has complied with the requirements of Gov.Bar R. XII and this rule.

(2) The Supreme Court may withdraw pro hac vice admission at any time.

(B) Motion

(1) Pro hac vice admission will be allowed only on motion of an attorney who has complied with all the requirements of Gov.Bar R. XII. The motion shall succinctly state the qualifications of the attorney seeking admission and shall contain all information required by Gov.Bar R. XII(2)(A)(3)(a) through (e), including the affidavit. A copy of the certificate of registration furnished by the Office of Attorney Services of the Supreme Court as required by Gov.Bar R. XII(2)(A)(3) shall also be attached.

183
184 (2) If the Supreme Court grants a motion for pro hac vice admission then the attorney
185 shall be deemed to have made an appearance in the case and a notice of appearance under
186 ~~S.Ct.Prae.R. Rule~~ 2.01(B)(2) is not required.

187
188 (3) If an attorney required by ~~S.Ct.Prae.R. Rule~~ 2.01 to be admitted pro hac vice has
189 perfected an appeal without filing a motion for pro hac vice admission, the attorney shall
190 file the motion no later than thirty days after the filing of the appeal.

191
192 (4) If an attorney seeks to participate pro hac vice in oral argument and has not already
193 been admitted in the case, the motion for pro hac vice admission shall be filed at least thirty
194 days before oral argument.

195
196 **(C) Refusal to file**

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198 The Clerk of the Supreme Court shall refuse to file motions for pro hac vice admission that
199 are not timely submitted or that fail to comply with these rules.

200
201 **(D) Notification and renewal**

202
203 (1) Within thirty days of being admitted pro hac vice before the Supreme Court, the
204 attorney shall file a notice of permission to appear pro hac vice with the Office of Attorney
205 Services of the Supreme Court as required by Gov.Bar R. XII.

206
207 (2) In any case that is pending as of the first day of a new calendar year, the attorney
208 admitted pro hac vice shall comply with the registration renewal requirements of Gov.Bar
209 R. XII within thirty days of the start of that calendar year.

210
211 Effective Date: June 1, 1994

212 Amended: April 1, 1996; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2011;
213 October 1, 2011; January 1, 2013; January 1, 2017; _____

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216 **~~S.Ct.Prae.R. Rule~~ 2.03. Designation of Counsel of Record.**

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218 **(A) General**

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220 The attorney representing a party shall be designated as counsel of record for that party.
221 When two or more attorneys represent a party, only one attorney shall be designated as
222 counsel of record to receive notices and service on behalf of that party. The designation
223 shall be made on the cover page of the first document filed by the party in the Supreme
224 Court. If no attorney is designated counsel of record, the first attorney listed for the party
225 on the cover page of the first document filed shall be considered the counsel of record. To
226 change a party's designation of its counsel of record, the party shall file a new designation
227 of counsel of record.
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230 **(B) Notification**

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(1) The Clerk of the Supreme Court shall send notices and orders in a case to counsel of record at the office address that counsel has registered with the Office of Attorney Services of the Supreme Court under Gov.Bar R. VI. If no office address is registered, the Clerk will send notices and orders to the residence address that counsel has registered with the Office of Attorney Services. If counsel of record changes the address that counsel has registered with the Office of Attorney Services, counsel shall file a notice of change of address with the Clerk.

(2) Counsel of record may request that the Clerk send notices and orders in a case to an address other than one registered with the Office of Attorney Services by filing a notice with the Clerk designating the address to be used in that case.

Effective Date: June 1, 1994
Amended: April 1, 1996; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;
January 1, 2023; _____

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SECTION 3. FILING REQUIREMENTS.

~~S.Ct.Prac.R.~~ **Rule 3.01. Citation, Style, and Format.**

Parties ~~may~~ should refer to the Supreme Court’s *Writing Manual: A Guide to Citations, Style, and Judicial Opinion Writing* for guidance on the style of documents filed with the Supreme Court.

Effective Date: January 1, 2013
Amended: _____

~~S.Ct.Prac.R.~~ **Rule 3.02. Filing with the Supreme Court.**

(A) Filing

(1) Definition and filings treated as public records

(a) Filing is effectuated when the Clerk’s Office file-stamps a document and docket it in a case.

(b) Documents filed with the Supreme Court shall be available for public access pursuant to Sup.R. 44 through 47. A document that has been sealed pursuant to a court order, administrative agency order, or board order, or is the subject of a motion to seal pending in the Supreme Court, shall remain under seal and not be made available for public access unless ordered by the Supreme Court.

(c) The electronic version of documents, whether filed through the E-Filing Portal in the first instance or received by the Clerk’s Office in paper format and subsequently scanned into electronic format, constitutes the official record in the case.

(2) Filing paper documents

(a) Filing paper documents with the Supreme Court shall be made by submitting the documents to the Clerk of the Supreme Court during the regular business hours of the Clerk’s Office. Only documents that are timely received and in compliance with these rules shall be filed by the Clerk.

(b) Paper documents may be submitted for filing in person; by delivery service; or by mail addressed to the Clerk, The Supreme Court of Ohio, 65 S. Front St., 8th Floor, Columbus, Ohio 43215-3431.

(c) Paper documents received in the Clerk’s Office after 5:00:00 p.m. local observed time in Columbus, Ohio will not be reviewed by the Clerk’s Office until the next business day. They will be considered timely if the documents comply with these rules and were received on or before the date they were due.

295 **(3) Filing electronic documents through the E-Filing Portal**
296

297 (a) Filing of electronic documents shall be made by submitting the documents
298 through the E-Filing Portal. Confirmation of receipt by the E-Filing Portal is only
299 a confirmation of receipt of the documents, not a confirmation that the documents
300 were accepted for filing.

301
302 (b) Any document filed through the E-Filing Portal pursuant to division (A)(3)
303 of this rule shall meet all requirements of these rules, except that multiple copies of
304 a document are not required unless requested by the Clerk pursuant to ~~S.Ct.Prac.R.~~
305 Rule 3.10.

306
307 (c) A document filed through the E-Filing Portal pursuant to division (A)(3) of
308 this rule shall be submitted as a Portable Document Format (“PDF”) file.

309
310 (d) Filing documents through the E-Filing Portal does not alter any filing
311 deadlines imposed by the Rules of Practice of the Supreme Court of Ohio.

312
313 (e) (i) Documents received after 11:59:59 p.m. local observed time in
314 Columbus, Ohio through the E-Filing Portal shall not be considered for
315 filing until the next business day. The time of receipt of a document is the
316 time-stamp provided by the Supreme Court’s E-Filing Portal, and the time-
317 stamp provided by any other computer system shall not alter the time of
318 receipt and effect of this rule.

319
320 (ii) Documents submitted through the E-Filing Portal after 5:00:00 p.m.
321 local observed time in Columbus, Ohio will not be reviewed by the Clerk’s
322 Office until the next business day. They will be considered timely if the
323 documents comply with these rules and were received on or before the date
324 they were due in accordance with division (A)(3)(e)(i) of this rule.

325
326 (f) ~~After review by the The Clerk’s Office; will review each document and send~~
327 ~~a separate communication that indicates~~ indicating whether the ~~documents were~~
328 document was accepted for filing ~~will be sent~~ to the e-mail address registered with
329 the account of the person who submitted the documents through the E-Filing Portal.

330
331 **(4) Audio and video exhibits and files that cannot be converted into PDF format**
332

333 (a) Audio and video exhibits and files that cannot be converted into Portable
334 Document Format (“PDF”) shall be submitted by mail, delivery service, or in-
335 person. The exhibits and files shall be presented for filing on a compact disc, DVD,
336 or USB drive and attached to a paper “Notice of ~~filing~~ Filing.”

337
338 (b) If the Clerk deems it necessary, the Clerk may request that the filing party
339 provide copies. The copies shall be identical to the filed version and shall comply
340 with the provisions of this rule.

341 (5) **Consideration for filing**

342 Documents submitted by mail, delivery service, or through the E-Filing Portal shall
343 not be considered for filing until received by the Clerk’s Office.
344

345 (6) **Confirmation of delivery and filing deadlines**

346 (a) Confirmation of delivery by any source other than the Clerk’s Office or the
347 E-Filing Portal does not verify actual receipt by the Clerk’s Office.
348

349 (b) The alteration of hours or procedures by any delivery service, including but
350 not limited to the United States Postal Service, shall not affect the filing deadlines
351 and requirements imposed by these rules.
352

353 (B) **Prohibition against untimely filings**

354 No document may be filed after the filing deadlines imposed by these rules, set by Supreme
355 Court order, or as extended in accordance with ~~S.Ct.Prac.R. Rule 3.03(B)(2)~~ or 11.04(C).
356 The Clerk shall refuse to file a document that is not timely received in accordance with
357 division (A) of this rule. Except as provided in ~~S.Ct.Prac.R. Rule 3.13~~, ~~S.Ct.Prac.R. Rule~~
358 12.06, or ~~S.Ct.Prac.R. Rule 12.08~~, motions to waive this rule are prohibited and shall not
359 be filed.
360

361 (C) **Rejection of noncomplying documents**

362 The Clerk may reject documents that are not clearly legible or that fail to comply with the
363 requirements of these rules.
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365 Effective Date: June 1, 1994
366 Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010;
367 January 1, 2013; January 1, 2015; April 14, 2015; July 22, 2015; January 1, 2017; March 1, 2019; January
368 1, 2021; January 1, 2023; _____
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370 ~~S.Ct.Prac.R. Rule 3.03.~~ **Computation and Extension of Time.**

371 (A) **Computation of time**

372 (1) In computing any period of time prescribed or allowed by these rules or by an order
373 of the Supreme Court, the day of the act from which the designated period of time begins
374 to run shall not be included, and the last day of the period shall be included. If the last day
375 of the period is a Saturday, Sunday, or legal holiday, the period runs until 11:59:59 p.m.
376 local observed time in Columbus, Ohio on the next day that is not a Saturday, Sunday, or
377 legal holiday.
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386 (2) Notwithstanding Civ.R. 6(A), when the period of time prescribed or allowed is less
387 than seven days, as in expedited election cases under ~~S.Ct.Prac.R. Rule~~ 12.08, intermediate
388 Saturdays, Sundays, and legal holidays shall be included in the computation.
389

390 (3) When the Clerk's Office of the Supreme Court is closed to the public for the entire
391 day that constitutes the last day for doing an act, or is closed before the usual closing time
392 on that day, then that act may be performed on the next day that is not a Saturday, Sunday,
393 or legal holiday.
394

395 **(B) Extension of time**
396

397 **(1) General prohibition against extensions of time**
398

399 Except as provided in division (B)(2) of this rule, the Supreme Court will not extend
400 the time for filing a document as prescribed by these rules or by court order, and
401 the Clerk of the Supreme Court shall refuse to file requests for extension of time.
402

403 **(2) Extension of time to file certain documents**
404

405 (a) (i) Except in expedited election cases under ~~S.Ct.Prac.R. Rule~~ 12.08,
406 parties may stipulate to extensions of time to file merit briefs, including
407 reply briefs, under ~~S.Ct.Prac.R. Rules~~ 16.02 through 16.05; merit briefs,
408 including reply briefs, under ~~S.Ct.Prac.R. Rule~~ 11.05; or the response to a
409 complaint under ~~S.Ct.Prac.R. Rule~~ 12.04. A stipulated extension of time
410 shall be effective only if it is filed with the Clerk within the time prescribed
411 by these rules for filing the brief or other document that is the subject of the
412 stipulation. The stipulation shall state the new date for filing agreed to by
413 the parties.
414

415 (ii) ~~Each~~ Except in briefs filed under Rule 11.05(B), each party may
416 obtain in a case only one stipulated extension of time not to exceed twenty
417 days, provided the party has not previously obtained an extension of time
418 from the Supreme Court under division B(2)(b) of this rule. The Clerk shall
419 refuse to file a stipulation to an extension of time that is not tendered timely
420 in accordance with this rule, or if a request for extension of time has already
421 been granted to the party filing the stipulation under division (B)(2)(b) of
422 this rule.
423

424 (b) (i) In an expedited election case or any other case where a stipulation
425 to an extension of time cannot be obtained, a party may file a request for
426 extension of time to file a merit brief, including a reply brief, and the
427 response to a complaint. The Supreme Court will grant a party only one
428 extension of time, not to exceed ten days, provided the request for extension
429 of time states good cause for an extension and is filed with the Clerk within
430 the time prescribed by the rules for filing the brief or other document that is
431 the subject of the request.

432
433 (ii) The Clerk shall refuse to file a request for extension of time that is
434 not tendered timely in accordance with this rule or if a stipulation to an
435 agreed extension of time has already been filed under division (B)(2)(a) of
436 this rule by the party filing the request.

437
438 (iii) The filing of a request for extension of time automatically extends
439 the time for filing the document for which the extension is sought until the
440 Supreme Court rules on the request.

441
442 **(3) Effect of extension of time upon other parties on the same side**

443
444 When one party receives an extension of time under division (B)(2) of this rule, the
445 extension shall apply to all other parties on that side, and no other party on that side
446 may file to obtain another extension of time. The Clerk shall refuse to file a request
447 or stipulation for extension of time by a party when another party on the same side
448 has already obtained an extension of time.

449
450 Effective Date: June 1, 1994

451 Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010;
452 January 1, 2013; March 1, 2019; March 1, 2020; January 1, 2021; _____

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454
455 **~~S.Ct.Prac.R.~~ Rule 3.04. Filing Fees to Institute a Case.**

456
457 The following filing fees are imposed by R.C. 2503.17 and shall be paid before a case is filed:

458
459 For filing a notice of appeal \$100
460 For filing a notice of cross-appeal \$100
461 For filing an order of a court of appeals certifying a conflict \$100
462 For instituting an original action \$100

463
464 Effective Date: June 1, 1994

465 Amended: April 1, 1996; July 1, 2004; January 1, 2008; October 16, 2009; January 1, 2010; January 1,
466 2013; _____

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469 **~~S.Ct.Prac.R.~~ Rule 3.05. Security Deposits in Original Actions.**

470
471 Except for original actions in habeas corpus, original actions also require a deposit in the amount
472 of one hundred dollars as security for costs. The security deposit shall be paid before the case is
473 filed. ~~In extraordinary circumstances~~ If the costs associated with the original action will exceed
474 one hundred dollars, the Clerk may request, or the Supreme Court may require an order, additional
475 ~~security deposit at any time during~~ funds deposited after the action is filed.

476
477 Effective Date: June 1, 1994

478 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1,
479 2021; _____

480 **S.Ct.Prac.R. Rule 3.06. Affidavit of Indigence or Entry of Appointment of Counsel in Lieu**
481 **of Fees.**

482
483 *[See Appendix A following these rules for an affidavit-of-indigence form.]*

484
485 **(A) Affidavit of indigence**

486
487 An affidavit of indigence may be filed in lieu of filing fees or security deposits. The
488 affidavit shall be notarized and executed within six months prior to being filed in the
489 Supreme Court by the party on whose behalf it is filed. The affidavit shall state the specific
490 reasons the party does not have sufficient funds to pay the filing fee or the security deposit.

491
492 **(B) Entry appointing counsel**

493
494 Where counsel has been appointed by a trial or appellate court to represent an indigent
495 party, a copy of the entry of appointment may be filed in lieu of an affidavit of indigence.

496
497 Effective Date: June 1, 1994

498 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1,
499 2021;_____

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502 **S.Ct.Prac.R. Rule 3.07. Cover Page.**

503
504 Each document filed in the Supreme Court shall contain a cover page, which shall be white.
505 The cover page shall contain only the following information:

506
507 (A) The case name and the case number assigned when the case was filed in the
508 Supreme Court;

509
510 (B) The nature of the proceeding in the Supreme Court (e.g., appeal, original
511 action in mandamus);

512
513 (C) If the proceeding is an appeal, the name of the court or the administrative
514 agency from which the appeal is taken;

515
516 (D) The title of the document (e.g., notice of appeal, appellant's merit brief,
517 memorandum in support of jurisdiction);

518
519 (E) The volume number if the document is split into multiple volumes;

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521 (F) An identification of the party on whose behalf the document is filed;

522
523 (G) The name, attorney-registration number, address, telephone number,
524 ~~facsimile number~~, and e-mail address, if available, of each attorney who has filed
525 an appearance in the case; an indication as to which party each attorney represents;
526 and, where two or more attorneys represent a party, designation of counsel of record

527 in accordance with ~~S.Ct.Prac.R.~~ Rule 2.03. A party who is not represented by an
528 attorney shall indicate the party's name, address, and telephone number.

529
530 Effective Date: June 1, 1994
531 Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January 1, 2008;
532 January 1, 2010; January 1, 2013; January 1, 2017; March 1, 2019; _____
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534 ~~S.Ct.Prac.R.~~ **Rule 3.08. Signature.**

535
536 **(A) Paper documents**

537
538 The original of every paper document filed in the Supreme Court shall be signed by an
539 attorney representing the party on whose behalf the document is filed. A party who is not
540 represented by an attorney shall sign the document being filed.
541

542 **(B) Electronic documents**

543
544 A document that is filed through the E-Filing Portal pursuant to ~~S.Ct.Prac.R.~~ Rule 3.02
545 shall include a scanned version of the person's original signature or a signature line with a
546 forward slash followed by an "s" followed by the person's name in print (e.g., /s "John T.
547 Smith").
548

549 Effective Date: June 1, 1994
550 Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January 1, 2008;
551 January 1, 2010; January 1, 2013; January 1, 2015; March 1, 2019; _____
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553
554 ~~S.Ct.Prac.R.~~ **Rule 3.09. Mechanical Requirements.**

555
556 **(A) Applicability to paper and electronic documents**

557
558 The requirements of this rule apply to both paper documents and electronic documents
559 submitted through the E-Filing Portal, unless a provision is clearly inapplicable to
560 electronically filed documents.
561

562 **(B) General**

563
564 **(1) Typeface; single-sided**

565
566 (a) Every original document filed with the Supreme Court shall be single-sided,
567 shall be typewritten or prepared by computer, word processor, or other standard
568 typographic process, and shall comply with the requirements of this rule. ~~Only The~~
569 Clerk of the Supreme Court shall scan and make part of the record only the single-
570 sided portions pages of a document ~~will be scanned and made part of the official~~
571 ~~record in the case.~~
572

573 (b) The text of all documents shall be at least 12-point type and in one of the
574 following typefaces:

575
576 (i) Times New Roman;

577
578 (ii) Cambria;

579
580 (iii) Calibri;

581
582 (iv) Arial Standard (i.e., not Black, Rounded, Unicode, or Narrow);

583
584 (v) Palatino Linotype;

585
586 (vi) Century Schoolbook.

587
588 (c) If one of the typefaces specified by division (B)(1)(b) of this rule is not
589 available, the filing party shall use a typeface that is substantially equivalent to the
590 typefaces listed in that division and that has no more than eighty characters to a line
591 of text.

592
593 (d) Italic type may be used only for case citations and emphasis.

594
595 (e) The Clerk of the Supreme Court may accept a handwritten document for
596 filing only in an emergency, provided the document is legible.

597
598 (f) The text of all documents must be sufficiently dark to be legible when
599 scanned.

600
601 **(2) Paper**

602
603 (a) All documents shall be on opaque, unglazed, 20 to 22-pound weight white
604 paper, 8 1/2 by 11 inches in size.

605
606 (b) The original shall not be stapled or otherwise bound and shall not contain
607 dividers or tabs.

608
609 (c) All margins shall be at least one inch, and the left margin shall be justified.

610
611 (d) Documents shall not be enclosed in notebooks or binders and shall not have
612 plastic cover pages.

613
614 **(3) Spacing and footnotes**

615
616 The text of all documents shall be double-spaced. Footnotes and quotations may
617 be single-spaced; however, they shall also be in 12-point type.

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619 (C) **Copy of an opinion or decision**

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(1) When these rules require that a copy of a court or agency opinion or decision be attached to a document filed with the Supreme Court, the copy shall be either of the following:

(a) A photocopy of the opinion or decision issued directly by the court or agency;

(b) An electronically generated copy that meets the requirements of division (B)(3) of this rule, except that an electronically generated copy of an opinion may be single-spaced.

(2) Unless otherwise required by these rules or the Supreme Court Rules for the Reporting of Opinions, parties are discouraged from attaching to briefs any legal decision generally accessible through online legal-research databases.

(D) **Supplements to briefs**

Any supplement to the briefs filed pursuant to ~~S.Ct.Prac.R.~~ Rule 16.09 may be prepared and reproduced by photocopying the relevant documents in the record, even if those documents do not comply with the mechanical requirements of division (B) of this rule, provided that the requirements as to paper size and paper type are met and each page of the supplement is clearly legible. Both sides of the paper may be used in preparing a supplement.

(E) **Volumes**

(1) **Paper documents**

Any paper document filed with the Supreme Court that exceeds two inches in thickness shall be ~~bound and~~ numbered in two or more parts, with each part containing a cover page and a certificate of service.

(2) **Electronic documents**

Any electronic document filed with the Supreme Court that exceeds three-hundred pages shall be submitted as two or more Portable Document Format (“PDF”) files, with each PDF file containing a cover page and a certificate of service.

(3) **Cover page**

When a document is submitted in multiple volumes, all volumes shall contain a cover page as required by ~~S.Ct.Prac.R.~~ Rule 3.07.

665 **(F) Failure to comply**

666
667 Documents that fail to comply with the requirements of this rule may be stricken by the
668 Supreme Court.

669
670 Effective Date: June 1, 1994

671 Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January
672 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; March 1, 2019; January 1, 2021;

673 _____

674

675

676 ~~S.Ct.Prac.R.~~ **Rule 3.10. Number and Form of Copies.**

677

678 **(A) Requirements for copies**

679

680 (1) If the Clerk deems it necessary, the Clerk may request that the filing party provide
681 copies of documents . The copies shall be identical to the filed version and shall comply
682 with the provisions of this rule.

683

684 (2) Copies of documents shall be on opaque, unglazed, 20 to 22-pound weight white
685 paper, 8 1/2 by 11 inches in size.

686

687 (3) Copies shall be secured firmly by a single staple in the upper-left-hand corner of
688 the document or shall be spiral bound.

689

690 (4) With the exception of jurisdictional memoranda and merit briefs, which shall be
691 single-sided, both sides of the paper may be used as long as the document is clearly legible.

692

693 (5) Copies shall not be enclosed in notebooks or binders and shall not have plastic
694 cover pages.

695

696 **(B) Date-stamped copy**

697

698 Any party wishing to receive a date-stamped copy of a document submitted for filing with
699 the Clerk of the Supreme Court shall provide the Clerk with a copy of the document and
700 an appropriately sized, self-addressed, postage-paid envelope.

701

702 Effective Date: April 1, 1994

703 Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007;

704 January 1, 2008; January 1, 2010; October 1, 2011; January 1, 2013; January 1, 2015; September

705 29, 2017; September 18, 2018; March 1, 2019; January 1, 2023; _____

706

707

708

709 ~~S.Ct.Prac.R.~~ **Rule 3.11. Service of Documents; Notice When Documents Are Rejected for**
710 **Filing.**

711
712 **(A) Applicability to paper and electronic documents**
713

714 The requirements of this rule apply to both paper documents and electronic documents
715 submitted through the E-Filing Portal or by e-mail. The E-Filing Portal does not provide
716 service of documents, and all parties submitting documents through the E-Filing Portal
717 shall still comply with all the requirements imposed by this rule.
718

719 **(B) Service requirement**
720

721 (1) (a) Except as provided by division (B)(1)(b) of this rule, when a party or ~~an~~
722 ~~amicus curiae~~ a friend of the court files any document with the Clerk of the Supreme
723 Court, that party or ~~amicus curiae~~ friend of the court shall also serve a copy of the
724 document on all parties to the case. Service on a party represented by counsel shall
725 be made on counsel of record.
726

727 (b) A party is not required to serve a copy of a complaint filed to institute an
728 original action, any documents that are submitted with a complaint filed to institute
729 an original action, a form containing omitted personal identifiers as required by
730 Sup.R. 45(D), or an affidavit of indigency or entry appointing counsel submitted in
731 lieu of a filing fee. This division shall not apply to an amended complaint filed
732 under ~~S.Ct.Prac.R.~~ Rule 3.13 and Civ.R. 15(A) in an original action.
733

734 (2) Service of a copy of a notice of appeal from a decision of the Public Utilities
735 Commission or the Power Siting Board shall be made pursuant to R.C. 4903.13. In an
736 appeal or a cross-appeal from the Public Utilities Commission or the Power Siting Board,
737 a copy of the notice of appeal or cross-appeal shall also be served upon all parties to the
738 proceeding before the Public Utilities Commission or the Power Siting Board that is the
739 subject of the appeal or cross-appeal.
740

741 (3) In a case involving a felony, when a county prosecutor files a notice of appeal under
742 ~~S.Ct.Prac.R.~~ Rule 7.01 or an order certifying a conflict under ~~S.Ct.Prac.R.~~ Rule 8.01, the
743 county prosecutor shall also serve a copy of the notice or order on the Ohio Public
744 Defender.
745

746 **(C) Manner of service**
747

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

754 upon the successful electronic transmission of the copy. ~~Service by facsimile transmission~~
755 ~~is effected upon the successful electronic transmission of the copy by facsimile process.~~

756
757 (2) In appeals from decisions of the Board of Tax Appeals under ~~S.Ct.Prac.R.~~ Rule
758 10.01, service of a notice of appeal or cross-appeal shall be made by certified mail.

759
760 (3) In expedited election cases under ~~S.Ct.Prac.R.~~ Rule 12.08, service of all documents,
761 except the complaint filed to institute the original action, shall be personal, by e-mail, or
762 by facsimile transmission.

763
764 **(D) Certificate of service; certificate of filing**

765
766 (1) Unless a document is filed jointly and is signed by all parties to the case, or is not
767 required to be served pursuant to division (B)(1)(b) of this rule, all documents presented
768 for filing with the Clerk shall contain a certificate of service. The certificate of service
769 shall state the date and manner of service and identify the names of the persons served and
770 shall be signed by the party or the ~~amicus curiae~~ friend of the court who files the document.

771
772 (2) In an appeal from the Public Utilities Commission or the Power Siting Board, the
773 notice of appeal shall also contain a certificate of filing to demonstrate that the appellant
774 filed a notice of appeal with the docketing division of the Public Utilities Commission in
775 accordance with Ohio Adm. Code 4901-1-02(A) and 4901-1-36.

776
777 **(E) Failure to provide service**

778
779 (1) When a party or ~~amicus curiae~~ friend of the court fails to serve a party or parties to
780 the case in accordance with division (B) of this rule, any party adversely affected may file
781 a motion to strike the document that was not served. Within ten days after a motion to
782 strike is filed, the party or ~~amicus curiae~~ friend of the court against whom the motion is
783 filed may file a memorandum in response.

784
785 (2) If the Supreme Court determines that service was not made as required by this rule,
786 it may strike the document or, if the interests of justice warrant, order that the document be
787 served and impose a new deadline for filing any responsive document. If the Supreme
788 Court determines that service was made as required by this rule or that service was not
789 made but the movant was not adversely affected, it may deny the motion to strike.

790
791 **(F) Notice to other parties when document is rejected for filing**

792
793 If a document presented for filing is rejected by the Clerk under these rules, the party or
794 ~~amicus curiae~~ friend of the court who presented the document for filing shall promptly
795 notify all of the parties served with a copy of the document that the document was not filed
796 in the case.

797
798 Effective Date: June 1, 1994

799 Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010;
800 January 1, 2013; January 1, 2015; September 29, 2017; September 13, 2018; March 1, 2019; January 1,
801 2021; January 1, 2023;_____

802
803

804 **~~S.Ct.Prac.R.~~ Rule 3.12. Maintaining Privacy of Personal Identifying Information.**

805

806 *[See Appendix B for a sample personal-identifier form.]*

807

808 **(A) Presumption of public access**

809

810 Pursuant to Sup.R. 44 through 47 and as indicated in ~~S.Ct.Prac.R.~~ Rule 3.02(A)(1)(b),
811 documents filed with the Supreme Court are public records.

812

813 **(B) Redaction of personal identifiers**

814

815 (1) To protect legitimate personal privacy interests, social security numbers and other
816 personal identifying information shall be redacted from documents before the documents
817 are filed with the Supreme Court in accordance with Sup.R. 45(D). The responsibility for
818 redacting personal identifying information rests solely with the attorneys and parties who
819 file the documents. The Clerk of the Supreme Court will not review the documents to
820 confirm that personal identifying information has been excluded.

821

822 (2) If personal identifying information is redacted or omitted from a document, the
823 information shall be provided to the Supreme Court on a separate form that indicates what
824 information has been redacted or omitted, and provides the location of the redacted or
825 omitted information.

826

827 **(C) Motion for leave to redact**

828

829 Notwithstanding ~~S.Ct.Prac.R.~~ Rule 3.13, a party may file a motion for leave to redact the
830 original of a previously filed document if personal identifying information was not omitted
831 or redacted when the document was initially filed.

832

833 Effective Date: June 1, 1994

834 Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January 1, 2008;
835 January 1, 2010; January 1, 2013;_____

836

837

838 **~~S.Ct.Prac.R.~~ Rule 3.13. Corrections or Additions to Previously Filed Documents.**

839

840 **(A) General**

841

842 A party who wishes to make corrections or additions to a previously filed document shall
843 file a revised document and copies that completely incorporate the corrections or additions.

844

845

846

847 **(B) Time to file**

848

849 (1) The revised document shall be filed within the time permitted by these rules for
850 filing the original document, except that corrections or additions shall not be made to a
851 motion if a memorandum opposing the motion has already been filed. Except as provided
852 in division (B)(3) of this rule, the Clerk of the Supreme Court shall refuse to file an
853 untimely revised document.

854

855 (2) Time permitted by these rules for filing any responsive document shall begin to run
856 when the revised document is filed.

857

858 (3) When the time permitted by these rules to file the original document has expired, a
859 party may file a motion for leave to file a revised document. The revised document shall
860 be attached to the motion for leave. The Clerk shall refuse to file a motion for leave that
861 is not accompanied by the revised document, and motions to waive this rule are prohibited
862 and shall not be filed.

863

864 **(C) Revised document supersedes original**

865

866 A revised document that is properly filed under this rule will supersede the original
867 document, and the Supreme Court will not consider the original document that was filed.

868

869 Effective Date: June 1, 1994

870 Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January 1, 2008;
871 January 1, 2010; January 1, 2013; January 1, 2015; January 1, 2021; January 1, 2023;_____

872

873

874 ~~S.Ct.Prac.R.~~ **Rule 3.14. Name of Case.**

875

876 **(A) Appeals, certified conflicts, and certified questions of state law**

877

878 Unless rule, statute, or the discretion of the Clerk of the Supreme Court requires otherwise,
879 an appeal, certified conflict, or certified question of state law shall be docketed under the
880 case name assigned to the action by the court or agency whose decision is being appealed
881 or certified.

882

883 **(B) Original actions, petition challenges, election contests, and redistricting cases**

884

885 Unless rule, statute, or the discretion of the Clerk requires otherwise, an original action,
886 petition challenge, election contest, or redistricting case shall be docketed as provided on
887 the initial document that is filed to institute the case.

888

889 **(C) Practice-of-law cases**

890

891 Unless the discretion of the Clerk requires otherwise, a practice-of-law case shall be
892 docketed as provided on the board report that is filed to institute the case.

893

894 Effective Date: June 1, 1994

895 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1, 2008;
896 January 1, 2010; January 1, 2013; January 1, 2023;_____

897

898

899 ~~S.Ct.Prac.R.~~ **Rule 3.15. Filing of Joint Notice of Appeal.**

900

901 When multiple parties appeal from the same decision of a court of appeals or an administrative
902 agency, they may join as appellants in the filing of a single notice of appeal.

903

904 Effective Date: June 1, 1994

905 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1, 2008;
906 January 1, 2010; January 1, 2013;_____

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SECTION 4. GENERAL MOTIONS AND APPLICATIONS.

~~S.Ct.Prac.R.~~ **Rule 4.01. Motions; Responses.**

(A) Motion for order or relief

(1) Unless otherwise addressed by these rules, an application for an order or other relief shall be made by filing a motion ~~for the order or relief~~. The motion shall state with particularity the grounds on which it is based.

(2) A motion to stay a lower court’s decision pending appeal shall include relevant information regarding bond. A copy of the lower court’s decision and any applicable opinion shall be attached to the motion.

(B) Response to a motion

(1) ~~If a party files a motion with the Supreme Court, any other~~ Any party may file a response to ~~the~~ a motion within ten days from the date the motion is filed, unless otherwise provided in these rules or by order of the Supreme Court.

(2) ~~A moving party is prohibited from filing a reply to a response to a motion shall not be filed by the moving party and is prohibited from filing a motion to waive this rule.~~ The Clerk of the Supreme Court shall refuse to file a any such reply to a response to a or motion; ~~and motions to waive this rule are prohibited and shall not be filed.~~

(C) Supreme Court action

The Supreme Court may act upon a motion before the deadline for filing a response to the motion, if the interests of justice warrant immediate consideration by the Supreme Court.

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; _____

~~S.Ct.Prac.R.~~ **Rule 4.02. Request for Mediation.**

Except in a criminal appeal or a case related to the practice of law, a party may file a motion to refer the case to mediation pursuant to ~~S.Ct.Prac.R.~~ Rule 19.01. The Clerk of the Supreme Court shall refuse to file a motion to refer a criminal appeal or a case related to the practice of law to mediation.

Effective Date: January 1, 2010
Amended: January 1, 2013; _____

956 ~~S.Ct.Prae.R.~~ **Rule 4.03. Frivolous Actions; Sanctions; Vexatious Litigators.**

957

958 (A) **Supreme Court sanction**

959

960 ~~A filing is frivolous if it is not reasonably grounded in fact or warranted by existing law or~~
961 ~~a good-faith argument for the extension, modification, or reversal of existing law. If the~~
962 ~~Supreme Court, sua sponte of its own initiative or on motion by a party, determines that an~~
963 ~~appeal or other action a filing is frivolous or is prosecuted for delay, harassment, or any~~
964 ~~other improper purpose, it the Court may impose appropriate sanctions on sanction the~~
965 ~~person who signed or submitted the appeal or action filing in his or her name, a the~~
966 ~~represented party, or both. The sanctions Sanctions may include any sanction the Supreme~~
967 ~~Court considers just, including an award to the an opposing party of reasonable expenses,~~
968 ~~reasonable attorney fees, costs or double costs, or any other sanction the Supreme Court~~
969 ~~considers just and other litigation expenses. An appeal or other action shall be considered~~
970 ~~frivolous if it is not reasonably well grounded in fact or warranted by existing law or a~~
971 ~~good faith argument for the extension, modification, or reversal of existing law.~~

972

973 (B) **Vexatious litigator**

974

975 ~~If a The Supreme Court, of its own initiative or on motion by a party, may declare a party~~
976 ~~or person who signed a filing to be a vexatious litigator if the party or person who signed~~
977 ~~a filing habitually, or persistently, and without reasonable cause engages engaged in~~
978 ~~frivolous conduct under division (A) of this rule, the Supreme Court may, sua sponte or on~~
979 ~~motion by a party, find the party to be a vexatious litigator warranting sanctions under Rule~~
980 ~~3.04(A) whether or not the Court exercised its discretion to impose such sanctions. If the~~
981 ~~Supreme The Court determines that a party is a vexatious litigator under division (A) of~~
982 ~~this rule, the court in any pending or future case may impose filing restrictions on the party~~
983 ~~upon a vexatious litigator any restriction on filing with the Court that the Court considers~~
984 ~~just. The Such restrictions may include prohibiting the party from continuing or instituting~~
985 ~~legal proceedings in the Supreme Court without first obtaining leave, requiring leave of~~
986 ~~Court to fill a document and prohibiting the filing of actions in the Supreme Court without~~
987 ~~the filing fee or security for costs required by S.Ct.Prae.R. Rules 3.04 and 3.05, or any~~
988 ~~other restriction the Supreme Court considers just.~~

989

990 Effective Date: June 1, 1994

991 Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010;

992 January 1, 2013; _____

993

994

995 ~~S.Ct.Prae.R.~~ **Rule 4.04. Recusal or Disqualification of a Justice.**

996

997 (A) **Definition**

998

999 As used in this rule, “justice” means the Chief Justice or any justice of the Supreme Court
1000 or any judge of the court of appeals assigned to sit in place of the Chief Justice or a justice
1001 pursuant to Article IV, Section 2 of the Ohio Constitution.

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(B) Request to recuse

(1) A party to a case pending before the Supreme Court or the counsel for a party may request the recusal of a justice by filing a request with the Clerk of the Supreme Court. The request shall be in the form of a letter addressed to the Clerk that includes the name and number of the case and the name of the justice whose recusal is being requested. The letter shall be accompanied by an affidavit, signed by the party or party’s counsel, that includes the specific basis for the recusal request and facts in support of the request. ~~Notwithstanding the requirements of S.Ct.Prac.R.~~ The filing party shall serve the letter and affidavit as required by Rule 3.11(D), the party or counsel filing the request shall provide a copy of the letter and affidavit to all parties to the case.

(2) The request for recusal shall be filed promptly when a party or party’s counsel becomes aware of the existence of a basis for recusal. In a case in which oral argument is scheduled, the request for recusal shall be ~~submitted to the Clerk~~ filed no later than fifteen days before the date of oral argument, except with leave of court.

(3) ~~An amicus curiae~~ A friend of the court shall not file a request for recusal.

(4) The Clerk shall refuse to file a request for recusal if it is illegible or fails to comply with the requirements of this rule.

(C) Response to request

The justice named in the request shall submit a written response to the Clerk indicating whether the justice will recuse from the case. The response of the justice shall be provided to the Clerk as soon as practicable. The Clerk shall file the response of the justice and serve a copy ~~by certified mail~~ on all parties to the case.

(D) Disclosure to parties of a potential basis for disqualification; waiver

(1) A justice who believes there may be a basis for disqualification under Jud.Cond.R. 2.11 may disclose the basis for the disqualification and may ask the parties ~~and their counsel~~, exclusive of ~~an amicus curiae~~ a friend of the court, to consider whether to waive disqualification. The disclosure and request shall be made in writing and submitted to the Clerk. The Clerk shall file the disclosure and request and serve a copy ~~by certified mail~~ on all parties to the case.

(2) The parties ~~and their counsel~~ shall file ~~a response~~ responses with the Clerk within fifteen days ~~of receipt of~~ after the disclosure and request are filed. The failure of a party or counsel to respond timely to a disclosure and request shall be considered a waiver of disqualification.

Effective Date: April 1, 2011
Amended: January 1, 2013; January 1, 2023; _____

1050 ~~S.Ct.Prac.R.~~ **Rule 4.05. Application for Dismissal of a Case.**

1051
1052 In any case filed with the Supreme Court, a party who filed the case may at any time file an
1053 application for dismissal of the case. The application shall briefly state the reasons requesting
1054 dismissal of the case and shall comply with the service requirements of ~~S.Ct.Prac.R.~~ **Rule 3.11(C)**.

1055
1056 Effective Date: January 1, 2013
1057 Amended: _____

1058

1059

1060 ~~S.Ct.Prac.R.~~ **Rule 4.06. Substitution of Parties**

1061

1062 **(A) ~~General~~ Generally**

1063

1064 **(1) ~~Original actions~~**

1065

1066 ~~In original actions, except as provided for in division (B) of this rule, substitution~~
1067 ~~of a party shall be governed by the applicable provisions of the Ohio Rules of Civil~~
1068 ~~Procedure.~~

1069

1070 **(2) ~~Other case types~~**

1071

1072 ~~In all other cases, except as provided for in division (B) of this rule, if substitution~~
1073 ~~of a party is necessary, a motion shall be filed that designates the person to be~~
1074 ~~substituted and states the reasons the substitution is required. The Supreme Court in~~
1075 ~~any case may order substitution of a party of its own initiative or upon motion. Any~~
1076 ~~misnomer not affecting the substantial rights of the parties shall be disregarded.~~

1077

1078 **(B) ~~Public officers; death or separation from office~~**

1079

1080 ~~Unless otherwise provided for by this rule, when~~ When a public officer in the officer's
1081 official capacity is a party to an appeal or other proceeding in the Supreme Court of Ohio
1082 and ceases to hold office while the matter is pending, the action does not abate, and the
1083 successor officer is automatically substituted as a party, without need for a court order.
1084 Proceedings following the substitution shall be in the name of the substituted party. Any
1085 misnomer not affecting the substantial rights of the parties shall be disregarded. An order
1086 of substitution may be entered at any time. The omission to enter such an order shall not
1087 affect the substitution.

1088

1089 Effective: January 1, 2017
1090 Amended: _____

1091

1092

1093 SECTION 5. CASE TYPES.

1094
1095 ~~S.Ct.Prae.R.~~ Rule 5.01. Appeals of Right.

1096
1097 (A) Definition

1098
1099 As used in these rules, an “appeal of right” is one of the following:

- 1100
1101 (1) An appeal from a decision of a court of appeals in a case in which the death
1102 penalty has been affirmed for an offense committed prior to January 1, 1995;
1103
1104 (2) An appeal from the decision of a court of appeals under App.R. 26(B) in a
1105 capital case;
1106
1107 (3) An appeal from a decision of a court of appeals in a case that originated in
1108 the court of appeals and that invokes the appellate jurisdiction of the Supreme
1109 Court;
1110
1111 (4) An appeal from a decision of a court of common pleas in a case in which
1112 the death penalty has been imposed for an offense committed on or after January 1,
1113 1995;
1114
1115 (5) An appeal from a decision of a court of common pleas in a case contesting
1116 an election under R.C. 3515.15;
1117
1118 (6) An appeal from a decision of a court of common pleas that denies an
1119 application for DNA testing pursuant to R.C. 2953.73 for a person who has been
1120 sentenced to death.

1121
1122 (B) Instituting a case

- 1123
1124 (1) An appeal of right as designated in ~~S.Ct.Prae.R.~~ Rule 5.01(A)(1), (2), and (4) shall
1125 be filed as provided for in ~~S.Ct.Prae.R.~~ Rule 11.01.
1126
1127 (2) An appeal of right as designated in ~~S.Ct.Prae.R.~~ Rule 5.01(A)(3), (5), and (6) shall
1128 be filed as provided for in ~~S.Ct.Prae.R.~~ Rule 6.01.
1129

1130 Effective Date: June 1, 1994

1131 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1, 2008;
1132 January 1, 2010; January 1, 2013; June 1, 2017; _____

1133
1134
1135 ~~S.Ct.Prae.R.~~ Rule 5.02. Jurisdictional Appeals.

1136
1137 (A) Definition

1138
1139 As used in these rules, a “jurisdictional appeal” is an appeal from a decision of a court of
1140 appeals that asserts one or more of the following:

- 1141 (1) The case involves a substantial constitutional question, including an appeal
1142 from the decision of a court of appeals under App.R. 26(B) in a noncapital case,
1143 pursuant to Article IV, Section 2(B)(2)(a)(ii) of the Ohio Constitution;
1144
1145 (2) The case involves a felony pursuant to Article IV, Section 2(B)(2)(b) of the
1146 Ohio Constitution;
1147
1148 (3) The case involves a question of public or great general interest pursuant to
1149 Article IV, Section 2(B)(2)(e) of the Ohio Constitution.
1150

1151 **(B) Instituting a case**

1152
1153 A jurisdictional appeal shall be filed as provided for in ~~S.Ct.Prac.R.~~ Rule 7.01 and shall
1154 proceed in accordance with ~~S.Ct.Prac.R.~~ Rule 7.08.
1155

1156 Effective Date: January 1, 2013

1157 Amended: _____
1158
1159

1160 ~~S.Ct.Prac.R.~~ **Rule 5.03. Certified-Conflict Cases.**

1161
1162 **(A) Definition**

1163
1164 As used in these rules, a “certified-conflict” case is a case in which the court of appeals has
1165 issued an order certifying a conflict pursuant to Article IV, Section 3(B)(4) of the Ohio
1166 Constitution.
1167

1168 **(B) Procedure**

1169
1170 A certified-conflict case shall be filed as provided for in ~~S.Ct.Prac.R.~~ Rule 8.01.
1171

1172 Effective Date: January 1, 2013

1173 Amended: _____
1174
1175

1176 ~~S.Ct.Prac.R.~~ **Rule 5.04. Certification of Questions of State Law from Federal Courts.**

1177
1178 **(A) Definition**

1179
1180 As used in these rules, a “certified question of state law” case is a case in which the
1181 3Supreme Court may answer a question of state law certified to it by a court of the United
1182 States.
1183

1184 **(B) Instituting a case**

1185
1186 A certified-question-of-state-law case shall be filed as provided for in ~~S.Ct.Prac.R.~~ Rule
1187 9.01 and shall proceed in accordance with ~~S.Ct.Prac.R.~~ Rules 9.05 through 9.08.
1188

1189 Effective Date: January 1, 2013

1190 ~~S.Ct.Prac.R.~~ **Rule 5.05.** **Administrative-Agency Appeals.**

1191
1192 **(A) Definition**
1193
1194 As used in these rules, an “administrative agency” appeal is an appeal that involves review
1195 of the action of the Board of Tax Appeals, the Public Utilities Commission, or the Power
1196 Siting Board.

1197
1198 **(B) Instituting a case**
1199
1200 An administrative-agency appeal shall be filed as provided for in ~~S.Ct.Prac.R.~~ **Rules** 10.01
1201 through 10.03.

1202
1203 Effective Date: January 1, 2013
1204 Amended: _____

1205
1206
1207 ~~S.Ct.Prac.R.~~ **Rule 5.06.** **Original Actions.**

1208
1209 **(A) Definition**
1210
1211 As used in these rules, an “original action” is a case that invokes the original jurisdiction
1212 of the Supreme Court pursuant to Article IV, Section 2(B)(1)(a) through (e) of the Ohio
1213 Constitution.

1214
1215 **(B) Instituting a case**
1216
1217 An original action shall be filed as provided for in ~~S.Ct.Prac.R.~~ **Rule** 12.02.

1218
1219 Effective Date: January 1, 2013
1220 Amended: _____

1221
1222
1223 ~~S.Ct.Prac.R.~~ **Rule 5.07.** **Practice-of-Law Cases.**

1224
1225 **(A) Definition**
1226
1227 As used in these rules, a “practice of law” case is a case that involves admission to the
1228 practice of law, the discipline of persons so admitted, and all other matters relating to the
1229 practice of law as provided for in Article IV, Section 2(B)(1)(g) of the Ohio Constitution.

1230
1231 **(B) Instituting a case**
1232
1233 A practice-of-law case shall be filed as provided for in ~~S.Ct.Prac.R.~~ **Rule** 13.01.

1234
1235 Effective Date: January 1, 2013
1236 Amended: _____

1237

1238 ~~S.Ct.Prac.R.~~ **Rule 5.08. Petition Challenges, Election Contests, and Redistricting Cases.**

1239

1240 **(A) Definitions**

1241

1242 As used in these rules:

1243

1244 (1) A “petition challenge” case is a case that invokes the jurisdiction of the
1245 Supreme Court as provided for in Article II, Section 1g of the Ohio Constitution.

1246

1247 (2) An “election contest” case is a case filed pursuant to R.C. 3515.08(B).

1248

1249 (3) A “redistricting” case is a case that invokes the jurisdiction of the Supreme
1250 Court as provided for in Article XI, Section 9 or Article XIX, Section 3 of the Ohio
1251 Constitution.

1252

1253 **(B) Procedure**

1254

1255 (1) A petition-challenge case shall be filed as provided in ~~S.Ct.Prac.R.~~ Rule 14.01.

1256

1257 (2) An election-contest case shall be filed as provided in ~~S.Ct.Prac.R.~~ Rule 14.02.

1258

1259 (3) A redistricting case shall be filed as provided in ~~S.Ct.Prac.R.~~ Rule 14.03.

1260

1261 Effective Date: January 1, 2013

1262 Amended: September 24, 2021; January 1, 2023; _____

1263

1264 SECTION 6. APPEALS OF RIGHT.
1265

1266 ~~S.Ct.Prae.R.~~ Rule 6.01. Institution of an Appeal of Right.
1267

1268 (A) Perfection of appeal
1269

1270 (1) To perfect an appeal of right as defined by ~~S.Ct.Prae.R.~~ Rule 5.01(A)(3) or (6), the
1271 appellant shall file a notice of appeal in the Supreme Court within forty-five days from the
1272 entry of the judgment being appealed.
1273

1274 (2) To perfect an appeal of right as defined by ~~S.Ct.Prae.R.~~ Rule 5.01(A)(5), the
1275 appellant shall file a notice of appeal in the Supreme Court within twenty days from the
1276 entry of the judgment being appealed.
1277

1278 (3) The time period designated in this rule for filing a notice of appeal is mandatory,
1279 ~~and the appellant's failure to file within this time period shall divest the Supreme Court of~~
1280 ~~jurisdiction to hear the appeal.~~ The Clerk of the Supreme Court shall refuse to file a notice
1281 of appeal that is received for filing after this time period has passed.
1282

1283 (B) Notice of appeal
1284

1285 (1) The notice of appeal for an appeal of right shall state all of the following:
1286

1287 (a) The name of the court whose judgment is being appealed;
1288

1289 (b) The case name and number assigned to the case by the court;
1290

1291 (c) The date of the entry of the judgment being appealed;
1292

1293 (d) That one of the following is applicable:
1294

1295 (i) The case originated in the court of appeals;
1296

1297 (ii) The case originated in the court of common pleas and is an appeal
1298 of a contest of an election under R.C. 3515.15;
1299

1300 (iii) The decision being appealed is from the denial of an application for
1301 DNA testing pursuant to R.C. 2953.73 by a person who has been sentenced
1302 to death.
1303

1304 (2) (a) A date-stamped copy of the court's judgment entry that is being appealed
1305 shall accompany the notice of appeal. For purposes of this rule, a date-stamped
1306 copy of the court's judgment entry shall mean a copy bearing the file stamp of the
1307 clerk of the court and reflecting the date the court filed its judgment entry for
1308 journalization with its clerk.
1309

1310 (b) In an appeal from a case that originated in the court of appeals, if the opinion
1311 of the court of appeals serves as its judgment entry, a date-stamped copy of the
1312 opinion shall be attached.

1313
1314 **(C) Subsequent notices of appeal and cross-appeal**

1315
1316 (1) If a party timely files a notice of appeal in the Supreme Court, any other party may
1317 file a notice of appeal or cross-appeal in the Supreme Court within the time prescribed by
1318 division (A)(1) or (2) of this rule or ten days after the first notice of appeal was filed,
1319 whichever is later.

1320
1321 (2) A notice of appeal shall be designated and treated as a notice of cross-appeal if both
1322 of the following requirements are met:

1323
1324 (a) It is filed after the original notice of appeal was filed in the case;

1325
1326 (b) It is filed by a party against whom the original notice of appeal was filed.

1327
1328 Effective Date: January 1, 2013
1329 Amended: January 1, 2015; June 1, 2017; _____

1330
1331
1332 **~~S.Ct.Prac.R.~~ Rule 6.02. Ordering of the Record and Briefing.**

1333
1334 **(A) The record**

1335
1336 Upon the filing of an appeal of right pursuant to ~~S.Ct.Prac.R.~~ Rule 6.01, the Clerk of the
1337 Supreme Court shall issue an order for the transmittal of the record from the clerk of the
1338 court where the judgment on appeal was rendered. The record shall be transmitted as
1339 provided for by ~~S.Ct.Prac.R.~~ Rule 15.03.

1340
1341 **(B) Briefing**

1342
1343 After the record is filed by the Clerk of the Supreme Court, briefing in an appeal of right
1344 shall proceed as provided for by ~~S.Ct.Prac.R. 16.01 through 16.09~~ Section 16.

1345
1346 Effective Date: January 1, 2013
1347 Amended: March 1, 2019; _____

1348

1349 SECTION 7. JURISDICTIONAL APPEALS.
1350

1351 ~~S.Ct.Prae.R.~~ Rule 7.01. Institution of Jurisdictional Appeal.
1352

1353 (A) Perfection of appeal
1354

1355 (1) Time to file and documents required
1356

1357 (a) (i) To perfect a jurisdictional appeal from a court of appeals to the
1358 Supreme Court as defined by ~~S.Ct.Prae.R.~~ Rule 5.02(A), the appellant shall
1359 file a notice of appeal in the Supreme Court within forty-five days from the
1360 entry of the judgment being appealed. The date the court of appeals filed
1361 its judgment entry ~~for journalization~~ with its clerk, in accordance with
1362 App.R. 22, shall be considered the date of entry of the judgment being
1363 appealed.
1364

1365 (ii) Except as provided by ~~S.Ct.Prae.R.~~ Rule 7.01(A)(3), the appellant
1366 shall also file a memorandum in support of jurisdiction, in accordance with
1367 ~~S.Ct.Prae.R.~~ Rule 7.02, at the time the notice of appeal is filed.
1368

1369 (b) Except as provided in divisions (A)(2), (3), (4), (5), and (6) of this rule, the
1370 time period designated in this rule for filing a notice of appeal and memorandum in
1371 support of jurisdiction is mandatory, ~~and the appellant's failure to file within this~~
1372 ~~time period shall divest the Supreme Court of jurisdiction to hear the appeal.~~ The
1373 Clerk of the Supreme Court shall refuse to file a notice of appeal or a memorandum
1374 in support of jurisdiction that is received for filing after this time period has passed.
1375

1376 (2) Subsequent notices of appeal and cross-appeal
1377

1378 (a) If a party timely files a notice of appeal in the Supreme Court, any other
1379 party may file a notice of appeal or cross-appeal in the Supreme Court within the
1380 time prescribed by division (A)(1) of this rule or ten days after the first notice of
1381 appeal was filed, whichever is later.
1382

1383 (b) A notice of appeal shall be designated and treated as a notice of cross-appeal
1384 if both of the following requirements are met:
1385

1386 (i) It is filed after the original notice of appeal was filed in the case;
1387

1388 (ii) It is filed by a party against whom the original notice of appeal was
1389 filed.
1390

1391 (c) If a notice of cross-appeal is filed, a combined memorandum both in
1392 response to appellant/cross-appellee's memorandum and in support of jurisdiction
1393 for the cross-appeal shall be filed by the deadline imposed in ~~S.Ct.Prae.R.~~ Rule
1394 7.05.

1395 **(3) Motion for stay in advance of filing a memorandum in support of jurisdiction**
1396

1397 (a) In a jurisdictional appeal, if the appellant seeks from the Supreme Court an
1398 immediate stay of the court of appeals' judgment that is being appealed, the
1399 appellant may file a notice of appeal in the Supreme Court without an
1400 accompanying memorandum in support of jurisdiction, provided both of the
1401 following conditions are satisfied:

1402
1403 (i) A motion for stay of the court of appeals' judgment is filed with the
1404 notice of appeal;

1405
1406 (ii) A date-stamped copy of the court of appeals' opinion and judgment
1407 entry being appealed is attached to the motion for stay.

1408
1409 (b) If pursuant to ~~S.Ct.Prac.R.~~ Rule 7.01(A)(3)(a) a memorandum in support of
1410 jurisdiction is not filed with the notice of appeal, then a memorandum in support of
1411 jurisdiction shall be filed no later than forty-five days from the date of the entry of
1412 the court of appeals' judgment being appealed. The Supreme Court ~~will~~ shall
1413 dismiss the appeal if the memorandum in support of jurisdiction is not timely filed
1414 pursuant to this provision.

1415
1416 **(4) Motion for a delayed appeal in felony cases**
1417

1418 (a) In a felony case, when the time has expired for filing a notice of appeal in
1419 the Supreme Court, the appellant may file a delayed appeal by filing a notice of
1420 appeal and a motion for delayed appeal that complies with the following
1421 requirements:

1422
1423 (i) The motion shall state the date of entry of the judgment being
1424 appealed and the reasons for the delay;

1425
1426 (ii) Facts supporting the motion shall be set forth in an affidavit;

1427
1428 (iii) A date-stamped copy of the court of appeals' opinion and the
1429 judgment entry being appealed shall be attached to the motion.

1430
1431 (b) A memorandum in support of jurisdiction shall not be filed at the time a
1432 motion for delayed appeal is filed. If the Supreme Court grants a motion for delayed
1433 appeal, the appellant shall file a memorandum in support of jurisdiction within
1434 thirty days after the motion for delayed appeal is granted. If a memorandum in
1435 support of jurisdiction is not timely filed after a motion for delayed appeal has been
1436 granted, the Supreme Court ~~will~~ shall dismiss the appeal.

1437
1438 (c) The provision for delayed appeal does not apply to appeals involving
1439 postconviction relief or appeals brought pursuant to App.R. 26(B). The Clerk shall

1440 refuse to file motions for delayed appeal involving postconviction relief or App.R.
1441 26(B).

1442
1443 **(5) Effect of a timely filed application for reconsideration with court of appeals**
1444

1445 (a) ~~When a party timely files an application for reconsideration in the court of~~
1446 ~~appeals pursuant to App.R. 26(A)(1), the time for filing a notice of appeal from the~~
1447 ~~court of appeals' entry of judgment shall be tolled.~~

1448
1449 ~~(b)~~ If a timely application for reconsideration is filed in the court of appeals
1450 ~~pursuant to App.R. 26(A)(1), and the appellant seeks to~~ pursuant to App.R. 26(A)(1), the deadline for filing a
1451 notice of appeal from the court of appeals' entry of judgment, ~~the appellant shall~~
1452 ~~file a notice of appeal within~~ be forty-five days ~~of~~ after the court of appeals'
1453 decision denying the application for reconsideration, or if reconsideration is
1454 granted, from the subsequent entry of judgment.

1455
1456 ~~(c)~~ ~~To file an (b)~~ A notice of appeal from the a court of appeals' opinion and
1457 judgment entry after the court of appeals has ruled on an application for
1458 reconsideration, ~~the appellant shall comply with the time frame imposed by~~
1459 ~~S.Ct.Prac.R. 7.01(A)(5)(b) and shall include both of the following:~~

1460
1461 (i) A notice of appeal that complies with the requirements of
1462 ~~S.Ct.Prac.R. Rule~~ Rule 7.01(B) and that indicates the date of the filing of the
1463 application for reconsideration, the date of the court of appeals' decision on
1464 the application for reconsideration, and the date of the court of appeals'
1465 opinion and judgment entry that is being appealed;

1466
1467 (ii) A memorandum in support of jurisdiction that complies with the
1468 requirements of ~~S.Ct.Prac.R. Rule~~ Rule 7.02 and that also has attached a date-
1469 stamped copy of the court of appeals' decision denying the application for
1470 reconsideration, or if reconsideration is granted, the subsequent entry of
1471 judgment.

1472
1473 **(6) Effect of en banc consideration by the court of appeals**
1474

1475 (a) ~~When a party timely files an application for en banc consideration in the~~
1476 ~~court of appeals pursuant to App.R. 26(A)(2), the time for filing a notice of appeal~~
1477 ~~from the court of appeals' entry of judgment shall be tolled.~~

1478
1479 ~~(b)~~ If a timely application for en banc consideration is filed in the court of
1480 appeals ~~and the appellant seeks to~~ pursuant to App.R. 26(A)(2), the deadline for
1481 filing a notice of appeal from the court of appeals' entry of judgment, ~~the appellant~~
1482 ~~shall file a notice of appeal within~~ be forty-five days ~~of~~ after the court of appeals'
1483 decision denying the application for en banc consideration, or if en banc
1484 consideration is granted, the subsequent entry of judgment.

1485

1486 ~~(e)~~ ~~To file an~~ (b) A notice of appeal from the a court of appeals' opinion and
1487 judgment entry after the court of appeals has ruled on an application for en banc
1488 consideration, the appellant shall comply with the time frame imposed by
1489 S.Ct.Prac.R. 7.01(A)(6)(b) and shall include both of the following:

1490
1491 (i) A notice of appeal that complies with the requirements of
1492 ~~S.Ct.Prac.R. Rule~~ Rule 7.01(B), and that indicates the date of the filing of the
1493 application for en banc consideration, the date of the court of appeals'
1494 decision on the application for en banc consideration, and the date of the
1495 court of appeals' opinion and judgment entry that is being appealed;

1496
1497 (ii) A memorandum in support of jurisdiction that complies with the
1498 requirements of ~~S.Ct.Prac.R. Rule~~ Rule 7.02, and that also has attached a date-
1499 stamped copy of the court of appeals' decision denying the application for
1500 en banc consideration, or if en banc consideration is granted, the subsequent
1501 entry of judgment.

1502
1503 ~~(d)~~(c) If a timely sua sponte of its own initiative en banc consideration is initiated
1504 by the court of appeals but an appeal to the Supreme Court has not been perfected,
1505 the appellant may file a notice of appeal within forty-five days of the court of
1506 appeals' final en banc decision.

1507
1508 ~~(e)~~ ~~To file an~~ A notice of appeal from ~~the a~~ court of appeals' opinion and
1509 judgment entry after the court of appeals completes the ~~sua sponte of its own~~
1510 initiative en banc consideration process, ~~the appellant shall comply with the time~~
1511 frame imposed by S.Ct.Prac.R. Rule 7.01(A)(6)(d) and shall include both of the
1512 following:

1513
1514 (i) A notice of appeal that complies with the requirements of
1515 ~~S.Ct.Prac.R. Rule~~ Rule 7.01(B) and that indicates the date of the decision of the
1516 court of appeals initiating the ~~sua sponte of its own initiative~~ en banc
1517 consideration, the date of the court of appeals' final decision on the ~~sua~~
1518 sponte of its own initiative en banc consideration, and the date of the court
1519 of appeals' opinion and judgment entry that is being appealed;

1520
1521 (ii) A memorandum in support of jurisdiction that complies with the
1522 requirements of ~~S.Ct.Prac.R. Rule~~ Rule 7.02 and that also has attached a date-
1523 stamped copy of the court of appeals' decision initiating the ~~sua sponte en~~
1524 of its own initiative en banc consideration process and a date-stamped copy
1525 of the court of appeals' final en banc consideration decision.

1526
1527 ~~(f)~~(e) If a party perfected a jurisdictional appeal with the Supreme Court in
1528 accordance with ~~S.Ct.Prac.R. Rule~~ Rule 7.01(A), and the court of appeals subsequently
1529 initiates ~~timely sua sponte of its own initiative~~ en banc consideration, the party shall
1530 file a notice with the Supreme Court ~~that an en banc decision is forthcoming from~~

1531 ~~the court of appeals.~~ The Supreme Court ~~will~~ shall stay consideration of the
1532 jurisdictional memoranda until after the court of appeals' en banc decision.
1533

1534 **(B) Contents of notice of appeal**
1535

1536 *[See Appendix F for a sample notice of appeal from a court of appeals.]*
1537

1538 (1) The notice of appeal for a jurisdictional appeal shall contain all of the following:
1539

1540 (a) The name of the court of appeals whose judgment is being appealed;
1541

1542 (b) The case name and number assigned to the case by the court of appeals;
1543

1544 (c) The date of the entry of the judgment being appealed;
1545

1546 (d) A statement that one or more of the following are applicable:
1547

1548 (i) The case raises a substantial constitutional question;
1549

1550 (ii) The case involves a felony;
1551

1552 (iii) The case is one of public or great general interest;
1553

1554 (iv) The case involves termination of parental rights or adoption of a
1555 minor child, or both;
1556

1557 (v) The case is an appeal of a court of appeals' determination under
1558 App.R. 26(B);
1559

1560 (vi) The case involves death-penalty postconviction proceedings;
1561

1562 (vii) The case involves the setting or denial of bail.
1563

1564 (2) In a jurisdictional appeal, if a party has timely moved the court of appeals to certify
1565 a conflict under App.R. 25, the notice of appeal shall be accompanied by a notice of
1566 pending motion to certify a conflict, in accordance with ~~S.Ct.Prac.R.~~ Rule 7.07(A), stating
1567 that a motion to certify a conflict is pending with the court of appeals.
1568

1569 **(C) Notice to the court of appeals**
1570

1571 The Clerk of the Supreme Court shall send a copy of any notice of appeal or cross-appeal
1572 to the clerk of the court of appeals whose judgment is being appealed.
1573
1574
1575
1576

1577 **(D) Jurisdiction of court of appeals after appeal to Supreme Court is perfected**

1578
1579 (1) After an appeal is perfected from a court of appeals to the Supreme Court, the court
1580 of appeals is divested of jurisdiction, except to take action in aid of the appeal, to rule on
1581 an application timely filed with the court of appeals pursuant to App.R. 26, or to rule on a
1582 motion to certify a conflict pursuant to Article IV, Section 3(B)(4) of the Ohio Constitution.

1583
1584 (2) In all appeals from a court of appeals, the court of appeals retains jurisdiction to
1585 appoint counsel to represent indigent parties before the Supreme Court when a judgment
1586 of the court of appeals is being defended by a defendant or when the Supreme Court has
1587 ordered that counsel be appointed in a particular case.

1588
1589 Effective Date: June 1, 1994
1590 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1, 2008;
1591 January 1, 2010; July 1, 2010; October 1, 2011; January 1, 2013; January 1, 2017; _____
1592

1593

1594 ~~S.Ct.Prac.R.~~ **Rule 7.02. Memorandum in Support of Jurisdiction.**

1595
1596 *[See Appendix G following these rules for a sample memorandum.]*
1597

1598 **(A) Filing**
1599
1600 In a jurisdictional appeal, unless otherwise provided in ~~S.Ct.Prac.R.~~ Rule 7.01, the
1601 appellant shall file a memorandum in support of jurisdiction with the notice of appeal.

1602
1603 **(B) Page limitation**
1604
1605 (1) Except in postconviction death-penalty cases, a memorandum in support of
1606 jurisdiction shall not exceed fifteen numbered pages, exclusive of the table of contents and
1607 the certificate of service.

1608
1609 (2) In a postconviction death-penalty case there is no page limit for the memorandum
1610 in support of jurisdiction.
1611

1612 **(C) Parts of the memorandum**
1613
1614 A memorandum in support of jurisdiction shall contain all of the following:

1615
1616 (1) A table of contents, which shall include numbered propositions of law
1617 arranged in order;

1618
1619 (2) A thorough explanation of why a substantial constitutional question is
1620 involved, why the case is of public or great general interest, or, in a felony case,
1621 why leave to appeal should be granted;

1622
1623 (3) A statement of the case and facts;

1624
1625 (4) A brief and concise argument in support of each proposition of law.
1626

1627 **(D) Required Attachments**
1628

1629 (1) A date-stamped copy of the court of appeals' opinion and judgment entry being
1630 appealed shall accompany the memorandum in support of jurisdiction. ~~If~~ However, if a
1631 delayed appeal ~~was~~ has been granted or if a copy of the court of appeals' opinion and
1632 judgment entry ~~was previously~~ has been attached to a motion for stay, then a date-stamped
1633 copy of the court of appeals' opinion and judgment entry is not required to accompany the
1634 memorandum in support of jurisdiction. For purposes of this rule, a date-stamped copy of
1635 the court of appeals' judgment entry shall mean a copy bearing the file stamp of the clerk
1636 of the court of appeals and reflecting the date on which the court of appeals filed its
1637 judgment entry ~~for journalization~~ with its clerk under App.R. 22.
1638

1639 (2) In postconviction death-penalty cases, the appellant shall also attach the findings of
1640 fact and conclusions of law issued by the trial court or a notice that no findings of fact or
1641 conclusions of law were issued by the trial court.
1642

1643 (3) The appellant may also attach any other judgment entries or opinions issued in the
1644 case, if relevant to the appeal. The memorandum shall not include any other attachments.
1645

1646 **(E) Refusal to file**
1647

1648 Except as otherwise provided in ~~S.Ct.Prac.R.~~ Rule 7.01(A), if the appellant does not tender
1649 a memorandum in support of jurisdiction for timely filing along with the notice of appeal,
1650 the Clerk of the Supreme Court shall refuse to file the notice of appeal.
1651

1652 Effective Date: June 1, 1994

1653 Amended: April 1, 1996; April 1, 2000; April 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;
1654 January 1, 2013; January 1, 2015; March 1, 2019; _____
1655

1656
1657 **~~S.Ct.Prac.R.~~ Rule 7.03. Memorandum in Response to Memorandum in Support of**
1658 **Jurisdiction.**
1659

1660 **(A) Deadline for filing**
1661

1662 (1) ~~Within~~ Subject to divisions (A)(2) and (A)(3) of this rule, an appellee may file a
1663 memorandum in response to a memorandum in support of jurisdiction within thirty days
1664 after the an appellant's memorandum in support of jurisdiction is filed, ~~the appellee may~~
1665 ~~file a memorandum in response.~~
1666

1667 (2) If the appeal involves termination of parental rights or adoption of a minor child,
1668 or both, or the setting or denial of bail, any memorandum in response shall be filed within
1669 twenty days after the memorandum in support of jurisdiction is filed.
1670

1671 (3) If more than one memorandum in support of jurisdiction is timely filed, the time
1672 period for filing any memorandum in response specified in this rule commences the day
1673 the last memorandum in support of jurisdiction was timely filed.
1674

1675 **(B) Page limitation and contents of memorandum**
1676

1677 (1) Except in postconviction death-penalty cases, ~~the a~~ a memorandum in response to a
1678 memorandum in support of jurisdiction shall not exceed fifteen numbered pages, exclusive
1679 of the table of contents, the signature block, and the certificate of service; shall not include
1680 any attachments; and shall contain both of the following:
1681

1682 (a) A statement of the appellee's position as to whether a substantial
1683 constitutional question is involved, whether leave to appeal in a felony case should
1684 be granted, or whether the case is of public or great general interest;
1685

1686 (b) A brief and concise argument in support of the appellee's position regarding
1687 each proposition of law raised in the memorandum in support of jurisdiction. An
1688 appellee shall not submit additional or contrary propositions of law, but shall only
1689 respond to the propositions of law contained in the appellant's memorandum in
1690 support of jurisdiction.
1691

1692 (2) In a postconviction death-penalty case, there is no page limit, and there is no
1693 requirement as to contents for the a memorandum in response to a memorandum in support
1694 of jurisdiction.
1695

1696 (3) An appellee shall file a single memorandum in response to multiple memoranda in
1697 support of jurisdiction. But any single memorandum is subject to the requirements of
1698 division (B) of this rule.
1699

1700 **(C) ~~Case Number~~**
1701

1702 ~~The appellee shall include the Supreme Court case number on the cover page of the~~
1703 ~~memorandum in response.~~
1704

1705 **~~(D)~~ Multiple memoranda and time for response**
1706

1707 If two or more memoranda in support of jurisdiction are filed in a case, the appellee shall
1708 file only one memorandum in response. The time specified in division (A) of this rule for
1709 filing the memorandum in response shall be calculated from the date the last memorandum
1710 in support of jurisdiction was filed in the case.
1711

1712 **~~(E)~~ Waiver of memorandum in response**
1713

1714 ~~The appellee may waive the filing of a memorandum in response. A waiver shall be on a~~
1715 ~~form prescribed by the Clerk of the Supreme Court and shall be filed within twenty days~~
1716 ~~after the memorandum in support of jurisdiction is filed.~~
1717

[See Appendix E following these rules for the prescribed waiver form.]

Effective Date: June 1, 1994

Amended: April 1, 1996; April 1, 2000; April 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; _____

S.Ct.Prae.R. Rule 7.04. Prohibition Against Supplemental and Reply Memoranda.

(A) Supplemental memoranda

(1) Except as provided in S.Ct.Prae.R. Rule 3.13, jurisdictional memoranda shall not be supplemented.

(2) If a relevant authority is issued after the deadline has passed for filing a party's jurisdictional memorandum, that party may file a citation to the relevant authority ~~but shall not file~~. The citation may include a parenthetical clause of no more than 25 words describing the authority's relevance. Any such filing shall specify the pages of the jurisdictional memorandum to which the authority relates. No additional argument is permitted.

(B) Reply memoranda

The appellant shall not file a reply to the memorandum in response filed by the appellee under S.Ct.Prae.R. Rule 7.03.

(C) Refusal to file

The Clerk of the Supreme Court shall refuse to file supplemental or reply memoranda ~~received for filing in violation of that violate this rule and motions.~~ Motions to waive the provisions of this rule are prohibited and shall not be filed.

Effective Date: June 1, 1994

Amended: April 1, 1996; April 1, 2000; April 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____

S.Ct.Prae.R. Rule 7.05. Jurisdictional Memoranda in Case Involving Cross-Appeal.

(A) General

(1) In a case involving a cross-appeal, the appellee/cross-appellant shall file a ~~combined single memorandum both in that combines a memorandum in support of jurisdiction and any response to the appellant/cross-appellee's memorandum and in support of jurisdiction for the cross-appeal.~~ The memorandum shall be filed within thirty days of the filing of appellant/cross-appellee's memorandum in support of jurisdiction.

1765 (2) Except as otherwise provided by this rule, the combined memorandum shall comply
1766 with all of the requirements contained in ~~S.Ct.Prac.R. Rules~~ 7.02 and 7.03; ~~however, except~~
1767 ~~that the page limit is 30 pages and that a date-stamped copy of the court of appeals opinion~~
1768 ~~and judgment entry being appealed need not be attached to the combined memorandum.~~

1770 (3) Within thirty days after the filing of appellee/cross-appellant's combined
1771 memorandum, the appellant/cross-appellee shall file the last memorandum, which shall be
1772 limited to a response to appellee/cross-appellant's arguments in support of jurisdiction for
1773 the cross-appeal.

1774
1775 **(B) Termination of parental rights ~~or~~, adoption, or the setting or denial of bail**

1776
1777 If Notwithstanding division (A) of this rule, if the appeal or the cross-appeal involves
1778 termination of parental rights or adoption of a minor child, or both, or the setting or denial
1779 of bail, any combined memorandum of the appellee/cross-appellant shall be filed within
1780 twenty days after the filing of the appellant/cross-appellee's memorandum in support of
1781 jurisdiction, and the last any memorandum of appellant/cross-appellee shall be filed within
1782 twenty days after the filing of appellee/cross-appellant's combined memorandum.

1783
1784 **~~(C)~~ Page limitation**

1785
1786 ~~Except in postconviction death penalty cases, a memorandum filed under this rule by the~~
1787 ~~appellant/cross-appellee shall not exceed fifteen numbered pages, and the memorandum~~
1788 ~~filed by the appellee/cross-appellant shall not exceed thirty numbered pages.~~

1789 Effective Date: June 1, 1994

1791 Amended: April 1, 1996; April 1, 2000; April 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;

1792 January 1, 2013; _____

1793
1794
1795 **~~S.Ct.Prac.R. Rule~~ 7.06. Jurisdictional Memorandum of Amicus Curiae Friend of the Court.**

1796
1797 **(A) General**

1798
1799 ~~An amicus curiae~~ A friend of the court may file a jurisdictional memorandum
1800 urging the Supreme Court to accept or decline to accept a jurisdictional appeal. Leave to
1801 file an amicus memorandum is not required.

1802
1803 (2) An amicus memorandum shall conform to the requirements of ~~this rule~~ Section 7,
1804 except that a copy of the court of appeals opinion and judgment entry is not required to be
1805 attached to the amicus memorandum.

1806
1807 (3) An friend of the court shall not submit additional or contrary propositions of law,
1808 but shall only address the propositions of law contained in the appellant's memorandum in
1809 support of jurisdiction.

1810
1811

1812 **(B) Deadline for filing**

1813
1814 (1) An amicus memorandum in support of jurisdiction shall be filed no later than one
1815 day after the appellant’s deadline for perfecting an appeal to the Supreme Court or ~~no later~~
1816 ~~than~~ one day after the appellant’s deadline for filing a memorandum in support of
1817 jurisdiction, whichever is later.

1818
1819 (2) An amicus memorandum in response ~~shall~~ to a memorandum in support of
1820 jurisdiction may be filed by no later than the appellee’s deadline for filing a memorandum
1821 in response.

1822
1823 (3) The Clerk of the Supreme Court shall refuse to file an amicus memorandum that is
1824 not timely received.

1825
1826 Effective Date: June 1, 1994
1827 Amended: April 1, 1996; April 1, 2000; April 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;
1828 January 1, 2013; January 1, 2023; _____

1829
1830
1831 **~~S.Ct.Prac.R.~~ Rule 7.07. Effect of Pending Motion to Certify a Conflict upon a Jurisdictional**
1832 **Appeal.**

1833
1834 **(A) General**

1835
1836 (1) If a party has perfected a jurisdictional appeal with the Supreme Court in
1837 accordance with ~~S.Ct.Prac.R.~~ Rule 7.01(A), but also has timely moved the court of appeals
1838 to certify a conflict in the case, that party shall file a notice with the Supreme Court that a
1839 motion to certify a conflict is pending in the court of appeals.

1840
1841 (2) The Supreme Court ~~will~~ may stay consideration of the jurisdictional memoranda
1842 filed in the jurisdictional appeal until the court of appeals has determined whether to certify
1843 a conflict in the case.

1844
1845 **(B) Determination of no conflict by the court of appeals**

1846
1847 (1) If the court of appeals determines that a conflict does not exist, the party that moved
1848 the court of appeals to certify a conflict shall immediately file a notice of that determination
1849 with the Supreme Court.

1850
1851 (2) In accordance with ~~S.Ct.Prac.R.~~ Rule 7.08, the Supreme Court will consider the
1852 jurisdictional memoranda filed in the jurisdictional appeal.

1853
1854 **(C) Determination of conflict by the court of appeals**

1855
1856 (1) If both a certified conflict and jurisdictional appeal are perfected, the Supreme
1857 Court will review the court of appeals order certifying a conflict when it reviews the
1858 jurisdictional memoranda filed by the parties.

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(2) In accordance with ~~S.Ct.Prac.R.~~ Rules 7.08 and 8.02, the Supreme Court will issue an order determining both whether a conflict exists and whether to accept the jurisdictional appeal, and consolidating the cases if necessary.

Effective Date: June 1, 1994

Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____

~~S.Ct.Prac.R.~~ **Rule 7.08. Determination of Jurisdiction.**

(A) Time to review

(1) (a) After the time for filing jurisdictional memoranda has passed, the Supreme Court will review the jurisdictional memoranda filed and determine whether to accept the appeal and decide the case on the merits.

(b) If the appeal involves termination of parental rights or adoption of a minor child, or both, or the setting or denial of bail, the Supreme Court will expedite its review and determination.

(2) (a) If the appellee has filed a waiver in lieu of a memorandum in response, the Supreme Court may review the memorandum in support of jurisdiction and determine whether to accept the appeal before the deadline for filing the memorandum in response.

(b) Upon review of the memorandum in support of jurisdiction and notwithstanding the appellee's filing of a waiver, the Supreme Court may direct the appellee to file a memorandum in response before it decides whether to accept the appeal.

(3) The Supreme Court may hold its determination of whether to accept a jurisdictional appeal pending the outcome of any other case before the Supreme Court that may involve a dispositive issue.

(B) Decision on jurisdiction

Upon review of the jurisdictional memoranda, the Supreme Court ~~will~~ shall do one of the following:

(1) Accept the appeal and order that the case be briefed in accordance with ~~the applicable provisions of S.Ct.Prac.R. 16.01 through 16.08~~ Section 16;

(2) Accept the appeal and ~~hold the decision in the appeal for~~ postpone or deny briefing on the merits due to another case that is pending before the Supreme Court;

- 1906 (3) Accept the appeal and enter judgment summarily;
1907
1908 (4) Decline to accept the appeal. ~~In declining to accept an appeal the Supreme~~
1909 ~~Court has determined that one or more of the following are applicable after review~~
1910 ~~of the jurisdictional memoranda:~~
1911
1912 (a) ~~The appeal does not involve a substantial constitutional question and~~
1913 ~~should be dismissed;~~
1914
1915 (b) ~~The appeal does not involve a question of great general or public~~
1916 ~~interest;~~
1917
1918 (c) ~~The appeal does not involve a felony;~~
1919
1920 (d) ~~The appeal does involve a felony, but leave to appeal is not~~
1921 ~~warranted.~~
1922
1923 (5) Take any other action the Supreme Court deems appropriate.
1924

1925 **(C) Jurisdictional memorandum from state solicitor**
1926

1927 In any jurisdictional appeal in which the state is not a party but nevertheless may have an
1928 interest, the Supreme Court may invite the state solicitor to file a jurisdictional
1929 memorandum expressing the views of the state before making its determination of
1930 jurisdiction.
1931

1932 Effective Date: June 1, 1994

1933 Amended: April 1, 1996; April 1, 2000; April 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;
1934 January 1, 2013; _____
1935

1936
1937 **~~S.Ct.Prac.R.~~ Rule 7.09. Appointment of Counsel in Felony Cases.**
1938

1939 If the Supreme Court accepts a jurisdictional appeal or a certified-conflict case involving a felony
1940 and an unrepresented party to the appeal is indigent, the Supreme Court will appoint the Ohio
1941 Public Defender or other counsel to represent the indigent party or order the court of appeals to
1942 appoint counsel as provided in ~~S.Ct.Prac.R.~~ Rule 7.01(D)(2).
1943

1944 Effective Date: June 1, 1994

1945 Amended: April 1, 1996; April 1, 2000; April 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;
1946 January 1, 2013; January 1, 2015; _____
1947

1948
1949 **~~S.Ct.Prac.R.~~ Rule 7.10. Improvidently Accepted Jurisdictional Appeals.**
1950

1951 When a case has been accepted for determination on the merits pursuant to ~~S.Ct.Prac.R.~~ Rule 7.08,
1952 the Supreme Court may later find that there is no substantial constitutional question or question of

1953 public or great general interest, that leave to appeal in a felony case was not warranted, or that the
1954 same question has been raised and passed upon in a prior appeal. Accordingly, the Supreme Court
1955 may ~~sua sponte~~ of its own initiative dismiss the case as having been improvidently accepted or
1956 summarily reverse or affirm on the basis of precedent.

1957

1958 Effective Date: June 1, 1994

1959 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____

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SECTION 8. CERTIFIED-CONFLICT CASES.

~~S.Ct.Prac.R.~~ **Rule 8.01. Institution of a Certified-Conflict Case.**

(A) General

When a court of appeals issues an order certifying a conflict pursuant to Article IV, Section 3(B)(4) of the Ohio Constitution, any interested party to the proceeding may institute a certified-conflict case by filing a notice of certified conflict in the Supreme Court.

(B) Procedure

The notice of certified conflict shall have attached or be accompanied by all of the following:

- (1) A date-stamped copy of the court of appeals order certifying a conflict;
- (2) A copy of the certifying court’s opinion;
- (3) Copies of the conflicting court of appeals’ opinions.

(C) Party status

The party who files the order certifying a conflict shall be considered the appellant.

(D) Jurisdiction and refusal to file

~~Failure to file the~~ The court of appeals order certifying a conflict shall be filed within ~~thirty~~ forty-five days after the date of such order shall ~~divest the Supreme Court of jurisdiction to consider the order certifying a conflict.~~ The Clerk of the Supreme Court shall refuse to file a notice of certified conflict that is received for filing after this time period has passed.

Effective Date: June 1, 1994

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

~~S.Ct.Prac.R.~~ **Rule 8.02. Review of Court of Appeals Order Certifying a Conflict.**

(A) General

The Supreme Court will review the court of appeals’ order certifying a conflict. If the case involves termination of parental rights or adoption of a minor child, or both, or the setting or denial of bail, the Supreme Court will expedite its review.

2008 (B) **Clarity of order**

2009
2010 If the rule of law upon which the alleged conflict exists is not clearly set forth in the order
2011 certifying a conflict, the Supreme Court may dismiss the case or remand it to the court of
2012 appeals with an order that the court of appeals clarify the issue presented.
2013

2014 (C) **Determination of no conflict**

2015
2016 If the Supreme Court determines that a conflict does not exist, it will issue an order
2017 dismissing the case.
2018

2019 (D) **Determination of conflict**

2020
2021 If the Supreme Court determines that a conflict exists, it will issue an order finding a
2022 conflict, identifying those issues raised in the case that will be considered by the Supreme
2023 Court, and ordering those issues to be briefed.
2024

2025 Effective Date: June 1, 1994

2026 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010;
2027 January 1, 2013; _____
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2030

2031 ~~S.Ct.Prac.R.~~ **Rule 8.03. Briefing of Certified-Conflict Cases.**

2032

2033 (A) **Briefs**

2034 If the Supreme Court determines that a conflict exists, the parties shall file their merit briefs
2035 in conformance with ~~S.Ct.Prac.R. 16.01 through 16.10~~ Section 16.
2036

2037

2038 (B) **Scope**

2039

2040 The parties shall brief only the issues identified in the order of the Supreme Court as issues
2041 to be considered, and those issues shall be clearly identified in the table of contents, in
2042 accordance with ~~S.Ct.Prac.R. Rule 16.02(B)(1)~~.

2043

2044 (C) **When a certified-conflict case is consolidated with a jurisdictional appeal**

2045

2046 In cases where a certified-conflict case has been consolidated with an appeal under
2047 ~~S.Ct.Prac.R. Rule 7.07(C)~~, the brief shall identify the issues that have been found by the
2048 Supreme Court to be in conflict and shall distinguish those issues from any other issues
2049 being briefed in the consolidated appeal.

2050

2051 Effective Date: June 1, 1994

2052 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010;
2053 January 1, 2013; _____

2054 **~~S.Ct.Prac.R.~~ Rule 8.04. Improvidently Certified Conflicts.**

2055

2056 When the Supreme Court finds a conflict pursuant to ~~S.Ct.Prac.R.~~ Rule 8.02, it may later find that

2057 there is no conflict or that the same question has been raised and passed upon in a prior appeal.

2058 Accordingly, the Supreme Court may ~~sua sponte~~ of its own initiative dismiss the case as having

2059 been improvidently certified or summarily reverse or affirm on the basis of precedent.

2060

2061 Effective Date: June 1, 1994

2062 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____

2063

2110 **S.Ct.Prae.R. Rule 9.03. Preparation of Certification Order; Notice of Filing.**

2111

2112 **(A) Certification order**

2113

2114 The certification order shall be signed by any justice or judge presiding over the cause or
2115 by a magistrate judge presiding over the cause pursuant to 28 U.S.C. 636(c). The clerk of
2116 the certifying court shall serve copies of the certification order upon all parties or their
2117 counsel of record and file with the Clerk of the Supreme Court the certification order under
2118 seal of the certifying court.

2119

2120 **(B) Notice of filing**

2121

2122 Upon the filing of a certification order with the Supreme Court, the Clerk of the Supreme
2123 Court shall issue a notice of filing to all parties or their counsel of record at the address
2124 provided on the certification order. The notice shall inform the parties of the case number
2125 assigned by the Clerk, the date of the filing of the case, and the requirement to file
2126 preliminary memoranda in the case pursuant to ~~S.Ct.Prae.R.~~ Rule 9.05.

2127

2128 Effective Date: June 1, 1994

2129 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; October 1, 2011; January 1,
2130 2013; _____

2131

2132

2133 **~~S.Ct.Prae.R.~~ Rule 9.04. Parties.**

2134

2135 The party designated by the certifying court as the moving party shall be referred to as the
2136 petitioner. The party adverse to the petitioner shall be referred to as the respondent.

2137

2138 Effective Date: June 1, 1994

2139 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____

2140

2141

2142 **~~S.Ct.Prae.R.~~ Rule 9.05. Preliminary Memoranda Briefing; Court Determination of
2143 Whether to Answer Question Certified.**

2144

2145 **(A) Preliminary memoranda Brief**

2146

2147 (1) ~~Within twenty days after~~ The parties shall brief the merits of the issue certified in
2148 accordance with Section 16. The petitioner shall proceed under the provisions of Section
2149 16 that are applicable to an appellant and the respondent shall proceed under the provisions
2150 applicable to an appellee, except that petitioner shall file a merit brief within forty days
2151 after a certification order is filed with the Supreme Court, each party shall file a
2152 memorandum, not to exceed fifteen pages in length, addressing all questions of law
2153 certified to the Supreme Court.

2154

2155 (2) ~~An amicus curiae~~ A friend of the court may file a memorandum conforming to the
2156 requirements of this rule and supporting either party within twenty days after a certification
2157 order is filed with the Supreme Court brief in accordance with Rule 16.06.
2158

2159 **(B) Court determination**
2160

2161 The Supreme Court will review ~~the memoranda~~ briefs and issue an order identifying the
2162 question or questions it will answer or decline to answer and setting the date for oral
2163 argument. The Clerk of the Supreme Court shall send a copy of the order to the certifying
2164 court and to all parties or their counsel.
2165

2166 Effective Date: June 1, 1994
2167 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____
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2169

2170 ~~S.Ct.Prac.R.~~ **Rule 9.06. Record.**
2171

2172 The Supreme Court ~~sua sponte~~ of its own initiative or on motion of a party may request that copies
2173 of all or any portion of the record before the certifying court be transmitted to the Clerk of the
2174 Supreme Court.
2175

2176 Effective Date: June 1, 1994
2177 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____
2178
2179

2180 ~~S.Ct.Prac.R.~~ **Rule 9.07. Briefing and Oral Argument.**
2181

2182 **(A) Briefing**
2183

2184 If the Supreme Court decides to answer any of the questions certified to it, ~~the parties shall~~
2185 ~~brief the merits of the issue certified in accordance with S.Ct.Prac.R. 16.01 through 16.10.~~
2186 ~~The petitioner shall proceed under the provisions of S.Ct.Prac.R. 16.01 through 16.10 that~~
2187 ~~are applicable to an appellant and the respondent shall proceed under the provisions~~
2188 ~~applicable to an appellee.~~
2189

2190 **(B) Oral argument**
2191

2192 ~~After a case is briefed in accordance with S.Ct.Prac.R. 16.01 through 16.10, oral argument~~
2193 ~~will~~ shall be scheduled pursuant to ~~S.Ct.Prac.R.~~ Rule 17.01(C).
2194

2195 Effective Date: June 1, 1994
2196 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____
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2202 ~~S.Ct.Prac.R.~~ **Rule 9.08. Opinion.**

2203

2204 If the Supreme Court decides to answer a question or questions certified to it, it will issue a written
2205 opinion stating the law governing the question or questions certified. The Clerk of the Supreme
2206 Court shall send a copy of the opinion to the certifying court and to the parties or their counsel.

2207

2208 Effective Date: June 1, 1994

2209 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____

2210

2211 **SECTION 10. ADMINISTRATIVE-AGENCY APPEALS.**

2212
2213 ~~S.Ct.Prac.R.~~ **Rule 10.01. Institution of an Appeal from a Decision of the Board of Tax**
2214 **Appeals.**

2215
2216 **(A) Perfection of an appeal**

2217
2218 (1) As provided by R.C. 5717.04, an appeal may be taken to the Supreme Court from
2219 either of the following:

2220
2221 (a) A decision of the Board of Tax Appeals determining an appeal from a final
2222 determination by the tax commissioner of any preliminary, amended, or final tax
2223 assessment, reassessment, valuation, determination, finding, computation, or order
2224 made by the commissioner;

2225
2226 (b) A decision of the Board of Tax Appeals determining an appeal from a final
2227 determination of a local board of tax review created under R.C. 718.11.

2228
2229 (2) Appeals from decisions of the Board of Tax Appeals upon all other appeals or
2230 applications filed with and determined by the Board shall be taken to the court of appeals
2231 as provided for by R.C. 5717.04.

2232
2233 (3) A notice of appeal from a decision of the Board of Tax Appeals shall be filed both
2234 with the Supreme Court and with the Board within thirty days from the date of the entry of
2235 the decision of the Board.

2236
2237 (4) A notice of appeal from a decision of the Board of Tax Appeals shall be
2238 accompanied by a date-stamped copy of the decision of the Board that is being appealed,
2239 set forth the claimed errors, comply with the service requirements of ~~S.Ct.Prac.R.~~ Rule
2240 3.11(C)(2), and otherwise be in conformance with R.C. 5717.04.

2241
2242 (5) If a party timely files a notice of appeal from a decision of the Board of Tax Appeals
2243 in the Supreme Court, any other party may file a notice of appeal pursuant to R.C. 5717.04.

2244
2245 **(B) Proceedings**

2246
2247 After the record in an appeal from the decision of the Board of Tax Appeals is filed by the
2248 Clerk of the Supreme Court, the parties shall brief the case in accordance with the
2249 applicable provisions of ~~S.Ct.Prac.R. 16.01 through 16.10~~ Section 16.

2250
2251 Effective Date: June 1, 1994

2252 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1, 2008;
2253 January 1, 2010; January 1, 2013; January 1, 2015; January 1, 2017; September 29, 2017; September 13,
2254 2018; _____

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2258

2259 ~~S.Ct.Prae.R.~~ **Rule 10.02. Institution of an Appeal from the Public Utilities Commission.**

2260

2261 **(A) Perfection of an appeal**

2262

2263 (1) A notice of appeal from the Public Utilities Commission shall be filed with the
2264 Supreme Court and with the commission within the time specified in and in conformance
2265 with R.C. 4903.11 and 4903.13 and Ohio Adm. Code 4901-1-02(A) and 4901-1-36.

2266

2267 (2) (a) The notice of appeal shall be accompanied by a date-stamped copy of the
2268 decision being appealed, comply with the service requirements of ~~S.Ct.Prae.R.~~ Rule
2269 3.11(B)(2), and contain a certificate of filing pursuant to ~~S.Ct.Prae.R.~~ Rule
2270 3.11(D)(2).

2271

2272 (b) The notice of appeal shall identify where in the application for rehearing
2273 that was filed pursuant to R.C. 4903.10 the issues to be raised on appeal were
2274 preserved.

2275

2276 (3) If a party files a notice of appeal in the Supreme Court, any other party may file a
2277 notice of cross-appeal pursuant to R.C. 4903.13. The notice of cross-appeal shall be filed
2278 within the later of the time prescribed by R.C. 4903.11 or ten days after the first notice of
2279 appeal was filed.

2280

2281 **(B) Proceedings**

2282

2283 After the record in an appeal from the Public Utilities Commission is filed by the Clerk of
2284 the Supreme Court, the parties shall brief the case in accordance with the applicable
2285 provisions of ~~S.Ct.Prae.R. 16.01 through 16.10~~ Section 16.

2286

2287 Effective Date: June 1, 1994

2288 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1, 2008;

2289 January 1, 2010; January 1, 2013; January 1, 2015; January 1, 2017; _____

2290

2291

2292 ~~S.Ct.Prae.R.~~ **Rule 10.03. Institution of an Appeal from the Power Siting Board.**

2293

2294 **(A) Perfection of an appeal**

2295

2296 A notice of appeal or cross-appeal from the Power Siting Board shall be filed with the
2297 Supreme Court and the board in accordance with ~~S.Ct.Prae.R.~~ Rule 10.02(A) and pursuant
2298 to R.C. 4906.12.

2299

2300 **(B) Proceedings**

2301

2302 After the record in an appeal from the Power Siting Board is filed by the Clerk of the
2303 Supreme Court, the parties shall brief the case in accordance with the applicable provisions
2304 of ~~S.Ct.Prae.R. 16.01 through 16.10~~ Section 16.

2305

2306 Effective Date: June 1, 1994

2307 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1, 2008;
2308 January 1, 2010; January 1, 2013; _____
2309

2310 SECTION 11. DEATH-PENALTY APPEALS.
2311

2312 ~~S.Ct.Prae.R.~~ Rule 11.01. Institution of Death-Penalty Appeal of Right.
2313

2314 (A) Perfection of an appeal from the court of appeals
2315

2316 (1) To perfect an appeal of right pursuant to ~~S.Ct.Prae.R.~~ Rule 5.01(A)(1) from a court
2317 of appeals for a case in which the death penalty has been imposed for an offense committed
2318 prior to January 1, 1995, the appellant shall file a notice of appeal, accompanied by the
2319 court of appeals' opinion and judgment entry, in the Supreme Court within forty-five days
2320 from the ~~journalization~~ filing of the entry of the judgment being appealed.
2321

2322 (2) To perfect an appeal of right pursuant to ~~S.Ct.Prae.R.~~ Rule 5.01(A)(2) from a court
2323 of appeals' decision under App.R. 26(B) in a capital case, the appellant shall file a notice
2324 of appeal, accompanied by the court of appeals' opinion and judgment entry, in the
2325 Supreme Court within forty-five days from the journalization of the entry of the judgment
2326 being appealed.
2327

2328 (B) Perfection of an appeal from the court of common pleas
2329

2330 (1) To perfect an appeal of right pursuant to ~~S.Ct.Prae.R.~~ Rule 5.01(A)(4) for a case in
2331 which the death penalty has been imposed for an offense committed on or after January 1,
2332 1995, the appellant shall file a notice of appeal, accompanied by the court of common
2333 pleas' judgment entry, in the Supreme Court within forty-five days from the journalization
2334 of the entry of the judgment being appealed or the filing of the trial court opinion pursuant
2335 to R.C. 2929.03(F), whichever is later.
2336

2337 (2) If the appellant timely files in the trial court a motion for a new trial, or for arrest of
2338 judgment, the time for filing a notice of appeal begins to run after the order denying the
2339 motion is entered. However, a motion for a new trial on the ground of newly discovered
2340 evidence extends the time for filing the notice of appeal only if the motion is made before
2341 the expiration of the time for filing a motion for a new trial on grounds other than newly
2342 discovered evidence.
2343

2344 (3) When the time has expired for filing a notice of appeal in the Supreme Court, the
2345 appellant may seek to file a delayed appeal by filing a motion for delayed appeal and a
2346 notice of appeal. The motion shall state the date of the journalization of the entry of the
2347 judgment being appealed, the date of the filing of the trial court opinion pursuant to R.C.
2348 2929.03(F), and adequate reasons for the delay. Facts supporting the motion shall be set
2349 forth in an affidavit.
2350

2351 (C) Copy of the praecipe to court reporter
2352

2353 A notice of appeal filed pursuant to ~~S.Ct.Prae.R.~~ Rule 11.01(B)(1) shall be accompanied
2354 by a copy of the praecipe that was served by the appellant on the court reporter pursuant to

2355 ~~S.Ct.Prae.R.~~ Rule 11.03(C)(2). The appellant shall certify on this copy the date the
2356 praecipe was served on the reporter.

2357
2358 **(D) Notice to lower court**

2359
2360 The Clerk of the Supreme Court shall send a date-stamped copy of the notice of appeal to
2361 the clerk of the court of common pleas or of the court of appeals whose judgment is being
2362 appealed.

2363
2364 **(E) Jurisdiction of common pleas court and court of appeals after appeal to Supreme**
2365 **Court is perfected**

2366
2367 After a death-penalty appeal of right is perfected from a court of common pleas or court of
2368 appeals to the Supreme Court, the court of common pleas or court of appeals is divested of
2369 jurisdiction, except to take action in aid of the appeal, to grant a stay of execution if the
2370 Supreme Court has not set an execution date, to consider postconviction petitions, or to
2371 appoint counsel.

2372
2373 Effective: June 1, 1994

2374 Amended: April 1, 1996; June 1, 1998; June 1, 2000; July 1, 2004; October 1, 2005; January 1, 2008;
2375 January 1, 2010; January 1, 2013; January 1, 2015; _____

2376
2377
2378 ~~S.Ct.Prae.R.~~ Rule 11.02. **Appointment of Counsel.**

2379
2380 If a capital appellant is unrepresented and is indigent, the Supreme Court will appoint the Ohio
2381 Public Defender or other counsel qualified pursuant to ~~Sup.R. 20 through 20.05~~ the Rules for
2382 Appointment of Counsel in Capital Cases to represent the appellant or order the trial court or court
2383 of appeals to appoint qualified counsel.

2384
2385 Effective: June 1, 1994

2386 Amended: April 1, 1996; June 1, 1998; June 1, 2000; July 1, 2004; October 1, 2005; January 1, 2008;
2387 January 1, 2010; January 1, 2013; _____

2388
2389
2390 ~~S.Ct.Prae.R.~~ Rule 11.03. **Record on Appeal.**

2391
2392 **(A) Composition of record to be transmitted in an appeal from the court of appeals**

2393
2394 In an appeal of right from the court of appeals filed pursuant to ~~S.Ct.Prae.R.~~ Rule
2395 5.01(A)(1) or (2), the record shall be transmitted in accordance with the applicable
2396 provisions of ~~S.Ct.Prae.R. 15.01 through 15.09~~ Section 15.

2397
2398
2399
2400

2401 **(B) Composition of the record to be transmitted in an appeal from the court of common**
2402 **pleas**

2403
2404 (1) In an appeal of right from the court of common pleas filed pursuant to ~~S.Ct.Prae.R.~~
2405 Rule 5.01(A)(4), the record shall be transmitted in accordance with ~~S.Ct.Prae.R.~~ Rules
2406 11.03(B) through (E) and 11.04.

2407
2408 (2) Unless otherwise ordered by the Supreme Court, the record to be transmitted on
2409 appeal shall consist of the original papers filed in the trial court; the transcript of
2410 proceedings, an electronic version of the transcript, if available; and a certified copy of the
2411 docket and journal entries prepared by the clerk of the trial court.

2412
2413 (3) The custodian of the record shall not transmit any physical exhibits unless directed
2414 to do so by the Clerk of the Supreme Court or as provided by ~~S.Ct.Prae.R.~~ Rule
2415 11.03(B)(4).

2416
2417 (4) The custodian shall transmit the jury questionnaires and any audio exhibits, video
2418 exhibits, and documents such as papers, maps, or photographs.

2419
2420 (5) If exhibits are not transmitted pursuant to division (B)(3) of this rule, the custodian
2421 who certifies the record shall designate in the index the exhibits not being transmitted and
2422 identify the custodian of those exhibits.

2423
2424 **(C) The transcript of proceedings; duty of appellant to order**

2425
2426 (1) The transcript of proceedings shall be prepared by the court reporter appointed by
2427 the trial court to transcribe the proceedings for the trial court. The reporter shall transcribe
2428 into written form all of the trial court proceedings, including pretrial, trial, hearing, and
2429 other proceedings.

2430
2431 (2) Before filing a notice of appeal pursuant to ~~S.Ct.Prae.R.~~ Rule 11.01(B)(1) in the
2432 Supreme Court, the appellant shall, by written praecipe, order from the reporter a complete
2433 transcript of the proceedings.

2434
2435 (3) A transcript prepared by a reporter under this rule shall be in the following form:

2436
2437 (a) The transcript shall include a front and back cover; the front cover shall bear
2438 the case name and number and the name of the court in which the proceedings
2439 occurred;

2440
2441 (b) The transcript shall be firmly bound on the left side;

2442
2443 (c) The first page inside the front cover shall set forth the nature of the
2444 proceedings, the date or dates of the proceedings, and the judge or judges who
2445 presided;

2446

2447 (d) The transcript shall be prepared on white paper, 8 1/2 by 11 inches in size,
2448 with the lines of each page numbered and the pages sequentially numbered;
2449

2450 (e) An index of witnesses shall be included in the front of each volume of the
2451 transcript and shall contain page and line references to direct, cross, re-direct, and
2452 re-cross examination;
2453

2454 (f) An index to exhibits, whether admitted or rejected, briefly identifying each
2455 exhibit, shall be included in each volume following the index of witnesses and shall
2456 reflect page and line references where each exhibit was identified and offered into
2457 evidence, was admitted or rejected, and if any objection was interposed;
2458

2459 (g) No volume of a transcript shall exceed two hundred fifty pages in length,
2460 except it may be enlarged to three hundred pages, if necessary, to complete a part
2461 of the voir dire, opening statements, closing arguments, or jury instructions. When
2462 it is necessary to prepare more than one volume, each volume shall contain the
2463 number and name of the case and be numbered sequentially and consecutively from
2464 the previous volume, and the separate volumes shall be approximately equal in
2465 length.
2466

2467 (4) The reporter shall certify that the transcript is correct and complete.
2468

2469 **(D) Statement of the evidence or proceedings when no report was made or when the**
2470 **transcript is unavailable**
2471

2472 If no report of the evidence or proceedings at a hearing or trial was made, or if a transcript
2473 is unavailable, the appellant may prepare a statement of the evidence or proceedings from
2474 the best available means, including the appellant's recollection. The statement shall be
2475 served on the appellee no later than twenty days prior to the time for transmission of the
2476 record pursuant to ~~S.Ct.Prac.R.~~ Rule 11.04. The appellee may serve objections or proposed
2477 amendments to the statement within ten days after service. The statement and any
2478 objections or proposed amendments shall be forthwith submitted to the trial court for
2479 settlement and approval. The trial court shall act prior to the time for transmission of the
2480 record pursuant to ~~S.Ct.Prac.R.~~ Rule 11.04, and, as settled and approved, the statement
2481 shall be included by the clerk of the trial court in the record on appeal.
2482

2483 **(E) Correction or modification of the record**
2484

2485 If any difference arises as to whether the record truly discloses what occurred in the trial
2486 court, the difference shall be submitted to and settled by that court and the record made to
2487 conform to the truth. If anything material to either party is omitted from the record by error
2488 or accident or is misstated in the record, the parties by stipulation, or the trial court, either
2489 before or after the record is transmitted to the Supreme Court, or the Supreme Court, sua
2490 sponte or upon motion, may direct that the omission or misstatement be corrected, and if
2491 necessary that a supplemental record be certified and transmitted. All other questions as
2492 to the form and content of the record shall be presented to the Supreme Court.

2493
2494 Effective: June 1, 1994
2495 Amended: April 1, 1996; June 1, 1998; June 1, 2000; July 1, 2004; October 1, 2005; January 1, 2008;
2496 January 1, 2010; January 1, 2013; _____
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2498
2499 **S.Ct.Prac.R. Rule 11.04. **Transmission of the Record.****

2500
2501 **(A) Time for transmission; duty of appellant**

2502
2503 (1) The clerk of the trial court shall prepare a certified copy of the docket and journal
2504 entries, assemble the original papers, and transmit the record on appeal to the Clerk of the
2505 Supreme Court within ~~ninety~~ one hundred twenty days after the date the notice of appeal
2506 is filed in the Supreme Court, unless an extension of time is granted under division (C) of
2507 this rule.

2508
2509 (2) The appellant shall take any action necessary to enable the Clerk to assemble and
2510 transmit the record, including, if required, filing a motion for an extension of time for
2511 transmission of the record under division (C) of this rule. ~~Before the record is transmitted,~~
2512 ~~the appellant shall verify with the clerk of the trial court that the record is complete and~~
2513 ~~accurate and shall provide notice of the verification to the clerk of the trial court for~~
2514 ~~transmission with the record.~~

2515
2516 **(B) Duty of trial court and Supreme Court clerks**

2517
2518 (1) (a) Before transmitting the record to the Supreme Court, the clerk of the trial
2519 court shall number the documents, transcripts, and exhibits comprising the record.
2520 The clerk of the trial court shall prepare an index of the documents, transcripts, and
2521 exhibits, correspondingly numbered and identified. All exhibits listed in the index
2522 shall be briefly described. If applicable, a separate index shall be prepared
2523 identifying any exhibits that are part of the record, but which have not been
2524 transmitted under division (B)(3) of this rule.

2525
2526 (b) ~~At least ten days before the clerk of the trial court transmits the record, the~~
2527 ~~clerk shall send a copy of each index to all counsel of record in the case.~~

2528
2529 (c) When the clerk of the trial court transmits the record, it shall transmit the
2530 index with the record to the Clerk of the Supreme Court and shall send a copy of
2531 each index to all counsel of record in the case.

2532
2533 (2) Documentary exhibits offered at trial whose admission was denied shall be included
2534 with the record and transmitted in a separate envelope with a notation that they were not
2535 admitted.

2536
2537 (3) Transmission of the record is effected when the Clerk of the Supreme Court files
2538 the record. The Clerk shall notify counsel of record and the clerk of the trial court when
2539 the record is filed in the Supreme Court.

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(C) Extension of time for transmission of the record

(1) The Supreme Court may extend the time for transmitting the record or, notwithstanding the provisions of ~~S.Ct.Prac.R. Rule~~ Rule 3.02, may permit the record to be transmitted after the expiration of the time prescribed by this rule or set by order of the Supreme Court.

(2) A request for extension of time to transmit the record shall be made by motion, stating good cause for the extension and accompanied by one or more affidavits setting forth facts to demonstrate good cause. The motion shall be filed within the time originally prescribed for transmission of the record or within the time permitted by a previously granted extension.

(3) A request for extension of time to transmit the record shall be accompanied by an affidavit of the court reporter if the extension is necessitated by the court reporter's inability to transcribe the proceedings in a timely manner.

(D) Retention of copy of the record in the trial court

(1) Before transmitting the record to the Clerk of the Supreme Court, the clerk of the trial court shall make a copy of the record. A copy of the original papers, transcript of proceedings, and any documentary exhibits shall be made by photocopying the original papers, transcript of proceedings, and documentary exhibits. A copy of any physical exhibits may be made by either photographing or videotaping the physical exhibits. A copy of a video, audio, or other electronic recording that is part of the record shall be made by making a duplicate recording.

(2) The clerk of the trial court shall retain the copy of the record for use in any postconviction proceeding authorized by R.C. 2953.21 or for any other proceeding authorized by these rules.

Effective: June 1, 1994

Amended: April 1, 1996; June 1, 1998; June 1, 2000; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010; January 1, 2013; _____

~~S.Ct.Prac.R. Rule~~ **Rule 11.05. Briefing.**

(A) Briefs in an appeal from the court of appeals

In an appeal of right from the court of appeals filed pursuant to ~~S.Ct.Prac.R. Rule~~ Rule 11.01(A)(1) or (2), the parties shall brief the case in accordance with the applicable provisions of ~~S.Ct.Prac.R. 16.01 through 16.10~~ Section 16.

2587 **(B) Briefs in an appeal from the court of common pleas**

2588

2589 In an appeal of right from the court of common pleas filed pursuant to ~~S.Ct.Prae.R.~~ Rule
2590 11.01(B)(1), the parties shall brief the case as follows:

2591

2592 (1) The appellant shall file a merit brief with the Supreme Court within one
2593 hundred eighty days from the date the Clerk of the Supreme Court files the record
2594 from the trial court;

2595

2596 (2) Within one hundred twenty days after the filing of the appellant's brief, the
2597 appellee shall file a merit brief;

2598

2599 (3) The appellant may file a reply brief within forty-five days after the filing of
2600 appellee's brief;

2601

2602 (4) The form of the briefs shall comply with the provisions of ~~S.Ct.Prae.R.~~
2603 ~~16.01 through 16.10~~ Section 16;

2604

2605 (5) A party may obtain one forty-five day extension of time to file a merit brief
2606 in accordance with the provisions of ~~S.Ct.Prae.R.~~ Rule 3.03(B)(2).

2607

2608 Effective: June 1, 1994

2609 Amended: April 1, 1996; June 1, 1998; June 1, 2000; July 1, 2004; October 1, 2005; January 1, 2008;

2610 January 1, 2010; January 1, 2013; _____

2611

2612

2613 ~~S.Ct.Prae.R.~~ Rule 11.06. **Application for Reopening.**

2614

2615 **(A) General**

2616

2617 An appellant in a death-penalty case involving an offense committed on or after January 1,
2618 1995, may apply for reopening of the appeal from the judgment of conviction and sentence,
2619 based on a claim of ineffective assistance of appellate counsel in the Supreme Court. An
2620 application for reopening shall be filed within ~~ninety~~ one hundred twenty days from the
2621 issuance of the mandate of the Supreme Court, unless the appellant shows good cause for
2622 filing at a later time.

2623

2624 **(B) Requirements**

2625

2626 An application for reopening shall contain all of the following:

2627

2628 (1) The Supreme Court case number in which reopening is sought and the trial
2629 court case number or numbers from which the appeal was taken;

2630

2631 (2) A showing of good cause for untimely filing if the application is filed more
2632 than ~~ninety~~ one hundred twenty days after entry of the judgment of the Supreme
2633 Court;

2634
2635 (3) One or more propositions of law or arguments in support of propositions of
2636 law that previously were not considered on the merits in the case or that were
2637 considered on an incomplete record because of the claimed ineffective
2638 representation of appellate counsel;

2639
2640 (4) An affidavit stating the basis for the claim that appellate counsel's
2641 representation was ineffective with respect to the propositions of law or arguments
2642 raised pursuant to ~~S.Ct.Prac.R.~~ Rule 11.06(B)(3) and the manner in which the
2643 claimed deficiency prejudicially affected the outcome of the appeal, which affidavit
2644 may include citations to applicable authorities and references to the record;

2645
2646 (5) If the application is filed more than ~~ninety~~ one hundred twenty days after
2647 the issuance of the mandate of the Supreme Court, any relevant parts of the record
2648 available to the applicant;

2649
2650 (6) All supplemental affidavits upon which the applicant relies;

2651
2652 (7) Specific citations to the record, as necessary to support the claims raised in
2653 the application.
2654

2655 **(C) Response to an application for reopening**

2656
2657 Within thirty days from the filing of the application, the attorney for the prosecution may
2658 file and serve affidavits, parts of the record, and a memorandum of law in response to the
2659 application. Any memorandum in response shall include specific citations to the record,
2660 as necessary to respond to the claims raised in the application.
2661

2662 **(D) Page limitation**

2663
2664 An application for reopening and a response to an application for reopening shall not
2665 exceed ~~fifteen~~ fifty pages, exclusive of affidavits and parts of the record.
2666

2667 **(E) Grounds for granting application**

2668
2669 An application for reopening shall be granted if there is a genuine issue as to whether the
2670 applicant was deprived of the effective assistance of counsel on appeal.
2671

2672 **(F) Notice and appointment of counsel**

2673
2674 If the Supreme Court grants the application, the Clerk of the Supreme Court shall serve
2675 notice on the clerk of the trial court, and the Supreme Court will do both of the following:
2676

2677 (1) Appoint counsel to represent the applicant if the applicant is indigent and
2678 not currently represented;
2679

2680 (2) Impose conditions, if any, necessary to preserve the status quo during the
2681 pendency of the reopened appeal.

2682
2683 **(G) Procedure after granting an application**
2684

2685 (1) If the application is granted, the case shall proceed as on an initial appeal in
2686 accordance with these rules except that the Supreme Court may limit its review to those
2687 propositions of law and arguments not previously considered.

2688
2689 (2) The time limits for preparation and transmission of the record pursuant to
2690 ~~S.Ct.Prac.R.~~ Rule 11.04 shall run from entry of the order granting the application. The
2691 parties shall address in their briefs the claim that representation by prior appellate counsel
2692 was deficient and that the applicant was prejudiced by that deficiency.

2693
2694 **(H) Evidentiary hearing**
2695

2696 If the Supreme Court determines that an evidentiary hearing is necessary, the evidentiary
2697 hearing may be conducted by the Supreme Court or referred to a master commissioner.
2698

2699 **(I) Supreme Court decision**
2700

2701 If the Supreme Court finds that the performance of appellate counsel was deficient and the
2702 applicant was prejudiced by that deficiency, the Supreme Court shall vacate its prior
2703 judgment and enter the appropriate judgment. If the Supreme Court does not so find, it
2704 shall issue an order confirming its prior judgment.

2705
2706 Effective Date: June 1, 1994
2707 Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;
2708 January 1, 2017; _____

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SECTION 12. ORIGINAL ACTIONS.

~~S.Ct.Prac.R.~~ Rule 12.01. Application of Rules.

(A) General

(1) ~~S.Ct.Prac.R. 12.01 through 12.10 apply~~ This section applies only to actions, other than habeas corpus, within the original jurisdiction of the Supreme Court under Article IV, Section 2 of the Ohio Constitution. The following Revised Code chapters also are applicable: Mandamus, R.C. Chapter 2731; Quo Warranto, R.C. Chapter 2733.

(2) (a) In all original actions filed in the Supreme Court, except as provided in Rule 12.01(B), these rules shall govern the procedure and the form of documents filed in the actions.

(b) The Ohio Rules of Civil Procedure shall supplement these rules unless clearly inapplicable. Where these rules conflict with the Ohio Rules of Civil Procedure, these rules shall control.

(B) Habeas corpus

Habeas corpus actions shall be brought and proceed in accordance with R.C. Chapter 2725. These rules shall govern the form of documents filed in habeas corpus actions.

Effective Date: June 1, 1994

Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____

~~S.Ct.Prac.R.~~ Rule 12.02. Institution of an Original Action.

(A) General

(1) An original action shall be instituted by the filing of a complaint. The cover page of the complaint shall contain the nature of the proceeding and the name, title, and address of the respondent.

(2) The Clerk of the Supreme Court shall issue a summons and serve the summons and a copy of the complaint filed to institute the proceeding by certified mail sent to the address of the respondent as indicated on the cover page of the complaint. The summons shall inform the respondent of the time permitted to respond to the complaint pursuant to ~~S.Ct.Prac.R.~~ Rule 12.04, 12.08, or 12.09.

(3) If an amended complaint is filed, relator shall serve the amended complaint in accordance with ~~S.Ct.Prac.R.~~ Rule 3.11.

2757 **(B) Complaint requirements**

2758
2759 (1) All complaints shall contain a specific statement of facts upon which the claim for
2760 relief is based, shall be supported by an affidavit specifying the details of the claim, and
2761 may be accompanied by a memorandum in support of the writ.

2762
2763 (2) The affidavit required by this division shall be made on personal knowledge, setting
2764 forth facts admissible in evidence, and showing affirmatively that the affiant is competent
2765 to testify to all matters stated in the affidavit.

2766
2767 (3) All relief sought, including the issuance of an alternative writ, shall be set forth in
2768 the complaint.

2769
2770 Effective Date: June 1, 1994
2771 Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;
2772 January 1, 2013; January 1, 2023; _____

2773
2774
2775 ~~S.Ct.Prac.R.~~ **Rule 12.03. Parties.**

2776
2777 The party filing an action in mandamus, prohibition, procedendo, or quo warranto shall be referred
2778 to as the relator. The party named in an original action shall be referred to as the respondent.

2779
2780 Effective Date: June 1, 1994
2781 Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;
2782 January 1, 2013; _____

2783
2784
2785 ~~S.Ct.Prac.R.~~ **Rule 12.04. Response to Complaint; Court Action.**

2786
2787 **(A) Time to file response to complaint**

2788
2789 (1) Except as provided by ~~S.Ct.Prac.R.~~ Rules 12.08 and 12.09, the respondent shall file
2790 an answer to the complaint or a motion to dismiss within twenty-one days of service of the
2791 summons and complaint.

2792
2793 (2) If an amended complaint is filed under ~~S.Ct.Prac.R.~~ Rule 3.13, and Civ.R. 15(A),
2794 the respondent shall file an answer to the amended complaint or a motion to dismiss
2795 within twenty-one days of the filing of the amended complaint.

2796
2797 **(B) Responses**

2798
2799 (1) The respondent may file a motion for judgment on the pleadings at the same time
2800 an answer is filed, except when an alternative writ is issued under Rule 12.05. The relator
2801 may not file a motion for judgment on the pleadings or a response to an answer.

2802

2803 (2) The relator may file a memorandum in response to a motion to dismiss or a
2804 memorandum in response to a motion for judgment on the pleadings within ten days of the
2805 filing of the motion.

2806
2807 (3) Neither party may file a motion for summary judgment.

2808
2809 (4) The Clerk of the Supreme Court shall refuse to file a response that is untimely or
2810 prohibited by this rule.

2811
2812 **(C) Supreme Court action**

2813
2814 After the time for filing an answer to the complaint or a motion to dismiss, the Supreme
2815 Court will dismiss the case; issue an alternative or a peremptory writ, if a writ has not
2816 already been issued; or deny the request for the writ.

2817
2818 Effective Date: June 1, 1994

2819 Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;
2820 January 1, 2013; January 1, 2017; _____

2821
2822
2823 **~~S.Ct.Prae.R.~~ Rule 12.05. Alternative Writs.**

2824
2825 If an alternative writ is issued, the Supreme Court will issue a schedule for the presentation of
2826 evidence and the filing and service of briefs or other pleadings. If the Supreme Court orders an
2827 answer to the complaint, no motion for judgment on the pleadings shall be filed. Unless the
2828 Supreme Court orders otherwise, issuance of an alternative writ in a prohibition case stays
2829 proceedings in the action sought to be prohibited until final determination of the Supreme Court.

2830
2831 Effective Date: June 1, 1994

2832 Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;
2833 January 1, 2013; _____

2834
2835
2836 **~~S.Ct.Prae.R.~~ Rule 12.06. Presentation of Evidence.**

2837
2838 **(A) General**

2839
2840 To facilitate the consideration and disposition of original actions, counsel should submit,
2841 when possible, an agreed statement of facts to the Supreme Court. All other evidence shall
2842 be submitted by affidavits, stipulations, depositions, and exhibits. Affidavits shall be made
2843 on personal knowledge, setting forth facts admissible in evidence, and showing
2844 affirmatively that the affiant is competent to testify to all matters stated in the affidavit.
2845 Sworn or certified copies of all papers or parts of papers referred to in an affidavit shall be
2846 attached.

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(B) Rebuttal evidence

Relator may file a motion for leave to file rebuttal evidence within the time permitted for the filing of relator’s reply brief. Relator’s rebuttal evidence shall be attached to the motion for leave.

Effective Date: June 1, 1994
Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2023;_____

~~S.Ct.Prac.R.~~ Rule 12.07. Briefing.

(A) General

All merit briefs shall conform to the requirements set forth in ~~S.Ct.Prac.R. 16.01 through 16.10~~ Section 16.

(B) Consequence of failure to file briefs

- (1) If the relator fails to file a merit brief within the time provided by these rules or as ordered by the Supreme Court, the original action shall be dismissed for want of prosecution.
- (2) Unless otherwise ordered by the Supreme Court, a dismissal under this rule operates as an adjudication on the merits.
- (3) If the respondent fails to file a merit brief within the time provided by this rule or as ordered by the Supreme Court, the Supreme Court may accept the relator’s statement of facts and issues as correct and grant the writ if the relator’s brief reasonably appears to sustain the writ.

Effective Date: June 1, 1994
Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;_____

~~S.Ct.Prac.R.~~ Rule 12.08. Expedited Election Cases.

(A) Procedure

(1) Because of the necessity of a prompt disposition of an original action relating to a pending election, and in order to give the Supreme Court adequate time for full consideration of the case, if the action is filed within ninety days prior to the election, the respondent shall file an answer to the complaint within three days after service of the summons or within three days of filing of the amended complaint.

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(2) Unless otherwise ordered by the Supreme Court, and pursuant to the provisions of ~~S.Ct.Prac.R.~~ Rule 12.07, original actions governed by this rule shall proceed as follows:

(a) Relator shall file any evidence and a merit brief in support of the complaint within three days after the filing of the answer or, if no answer is filed, within three days after the answer was due;

(b) Respondent shall file any evidence and a merit brief within three days after the filing of relator's merit brief;

(c) Relator may file a reply brief within three days after the filing of respondent's merit brief;

(d) Relator may file a motion for leave to file rebuttal evidence within three days after the filing of respondent's merit brief. Relator's rebuttal evidence shall be attached to the motion for leave.

(3) Motions to dismiss and for judgment on the pleadings shall not be filed in expedited elections cases.

(4) If any motion is filed in an expedited elections case under this rule, any other party to the case shall have three days from the date of the filing of the motion to file a response.

(B) Reconsideration

A motion for reconsideration may be filed in an expedited election case. Any motion for reconsideration shall be filed within three days after the Supreme Court's judgment entry or order is filed with the Clerk of the Supreme Court. A memorandum in response may be filed within three days of the filing of the motion for reconsideration.

(C) Service of documents

All documents in expedited election cases, except those filed to initiate a case under this rule, shall be served on the date submitted for filing by personal service, facsimile transmission, or e-mail.

Effective Date: June 1, 1994
Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2017; January 1, 2021; January 1, 2023; _____

2943 ~~S.Ct.Prac.R.~~ **Rule 12.09.** Expedited Adoption/Termination of Parental Rights / Bail
2944 **Cases.**

2945
2946 **(A) General**

2947
2948 In order to invoke expedited procedures in a case that involves the termination of parental
2949 rights or adoption of a minor child, or both, or the setting or denial of bail, the relator shall
2950 designate on the cover page of the complaint that the original action involves termination
2951 of parental rights or adoption of a minor child, or both, or the setting or denial of bail.

2952
2953 **(B) Response**

2954
2955 If the original action involves termination of parental rights or adoption of a minor child,
2956 or both, or the setting or denial of bail, the respondent shall file an answer to the complaint
2957 or a motion to dismiss within fifteen days after service of the summons.

2958
2959 **(C) Supreme Court action**

2960
2961 After the time for filing a response to the complaint, the Supreme Court will decide on an
2962 expedited basis whether to dismiss the case or issue an alternative or a peremptory writ, if
2963 a writ has not already been issued.

2964
2965 Effective Date: June 1, 1994
2966 Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;
2967 January 1, 2013; _____

2968
2969
2970 ~~S.Ct.Prac.R.~~ **Rule 12.10.** Reference to a Master Commissioner.

2971
2972 The Supreme Court may refer original actions to a master commissioner for the presentation of
2973 evidence, hearings, and oral argument.

2974
2975 Effective Date: June 1, 1994
2976 Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;
2977 January 1, 2013; _____

2978

2979 **SECTION 13. MATTERS RELATED TO THE PRACTICE OF LAW.**

2980

2981 ~~S.Ct.Prac.R.~~ **Rule 13.01. Application of Rules.**

2982

2983 **(A) General**

2984

2985 ~~S.Ct.Prac.R. 13.01 through 13.05~~ This section shall apply to cases that involve the
2986 admission to the practice of law, the discipline of persons so admitted, and all other matters
2987 relating to the practice of law as provided for in Article IV, Section 2(B)(1)(g) of the Ohio
2988 Constitution.

2989

2990 **(B) Applicable rules**

2991

2992 These rules shall govern the procedure and form of documents filed in matters related to
2993 the practice of law, except where express provision is made to the contrary in the Rules for
2994 the Government of the Bar or the Rules for the Government of the Judiciary or where the
2995 application of a particular rule would be clearly inapplicable.

2996

2997 Effective Date: January 1, 2013

2998 Amended: _____

2999

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3001 ~~S.Ct.Prac.R.~~ **Rule 13.02. Consideration and Disposition of Matters Related to the**
3002 **Practice of Law.**

3003

3004 The Rules for the Government of the Bar and the Rules for the Government of the Judiciary govern
3005 when a matter related to the practice of law may be considered by the Supreme Court.

3006

3007 Effective Date: January 1, 2013

3008 Amended: _____

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3010

3011 ~~S.Ct.Prac.R.~~ **Rule 13.03. Briefing.**

3012

3013 **(A) Time to file**

3014

3015 The filing of objections or an answer along with the accompanying brief required by the
3016 Rules for the Government of the Bar or the Rules for the Government of the Judiciary shall
3017 proceed as ordered by the Supreme Court.

3018

3019 **(B) Form**

3020

3021 All briefs filed in support of objections or an answer shall conform to the requirements set
3022 forth in ~~S.Ct.Prac.R. Rules~~ Rules 3.07 through 3.12 and the page limitations for briefs imposed
3023 by ~~S.Ct.Prac.R. Rules~~ Rules 16.02 and 16.03.

3024

3025 Effective Date: January 1, 2013

3026 Amended: January 1, 2021: _____

3027 ~~S.Ct.Prac.R.~~ **Rule 13.04. Oral Argument.**

3028

3029 **(A) Scheduling**

3030

3031 (1) Oral argument will be scheduled and heard after the filing of objections and briefs
3032 to a final certified report filed by the Board of Commissioners on Character and Fitness,
3033 the Board of Professional Conduct, or the Board on the Unauthorized Practice of Law.

3034

3035 (2) Division (A)(1) of this rule notwithstanding, in cases in which a party files
3036 objections to a certified report filed by the Board of Professional Conduct regarding a
3037 petition for reinstatement, a petition for revocation of probation, or in reciprocal discipline
3038 cases, oral argument will not be scheduled; however, the Supreme Court may order oral
3039 argument on the merits either sua sponte or in response to a request by either party. A
3040 request for oral argument shall be by motion and filed no later than twenty days after the
3041 objections and brief of petitioner or relator.

3042

3043 **(B) Waiver of oral argument**

3044

3045 (1) Any party may waive oral argument as provided for in ~~S.Ct.Prac.R.~~ Rule 17.03.

3046

3047 (2) Any party who fails to file objections or an answer and the accompanying brief as
3048 required by the Supreme Court Rules for the Government of the Bar of Ohio or the Supreme
3049 Court Rules for the Government of the Judiciary of Ohio shall be deemed to have waived
3050 oral argument.

3051

3052 Effective Date: January 1, 2013

3053 Amended: January 1, 2015; January 1, 2017; _____

3054

3055

3056 ~~S.Ct.Prac.R.~~ **Rule 13.05. Costs.**

3057

3058 **(A) General**

3059

3060 (1) Costs shall be paid by order of the Supreme Court at the conclusion of the case.

3061

3062 (2) Costs shall be payable to the Supreme Court by cashier's check or money order.

3063

3064 **(B) Definition of costs**

3065

3066 As used in this rule, "costs" includes both of the following:

3067

3068 (1) The costs and expenses incurred by the Board of Commissioners on Character and
3069 Fitness or their panel, the Board of Professional Conduct or their panel, or the Board on
3070 the Unauthorized Practice of Law or their panel;

3071

3072 (2) The cost of publication.

3073

3074 (C) **Interest**

3075

3076 If costs are not paid within the time provided by the Supreme Court's order, interest at a
3077 rate of ten percent per annum shall accrue from the date payment was due.

3078

3079 (D) **Collection**

3080

3081 If costs are not paid within the time provided by the Supreme Court's order, the matter may
3082 be referred to the Office of the Ohio Attorney General for collection.

3083

3084 Effective Date: January 1, 2013

3085 Amended: January 1, 2015; _____

3086

3133 (E) **Reference to a master commissioner; oral argument**

3134
3135 (1) The Supreme Court may refer challenge actions to a master commissioner for any
3136 purpose, including ~~resolution of~~ resolving discovery disputes, and ~~to conduct a hearing~~
3137 conducting hearings for the presentation of evidence.

3138
3139 (2) The Supreme Court may also order oral argument before the court.

3140
3141 (F) **Power of Supreme Court**

3142
3143 In a challenge to an initiative, supplementary, or referendum petition brought under Article
3144 II, Section 1g of the Ohio Constitution, the Supreme Court may do all things necessary for
3145 an efficient and timely ruling on the challenge. The Supreme Court may sua sponte, or on
3146 motion by a party, issue a procedural order to govern the receipt of evidence, filing of
3147 briefs, conduct of hearings, and manner for ruling on any challenges.

3148
3149 (G) **Service**

3150
3151 All documents filed under this rule, except those filed to institute a case, shall be served by
3152 personal service, ~~facsimile transmission~~, or e-mail on the date of the documents'
3153 submission for filing.

3154
3155 Effective Date: January 1, 2010
3156 Amended: January 1, 2013; September 24, 2021; January 1, 2023; _____

3157
3158
3159 ~~S.Ct.Prac.R.~~ **Rule 14.02. Contest of an Election.**

3160
3161 Contests of an election brought pursuant to R.C. 3515.08 shall proceed in accordance with the
3162 applicable provisions of R.C. Chapter 3515.

3163
3164 Effective Date: January 1, 2010
3165 Amended: January 1, 2013; _____

3166
3167
3168 ~~S.Ct.Prac.R.~~ **Rule 14.03. Redistricting Cases.**

3169
3170 (A) **General**

3171
3172 To invoke the original jurisdiction of the Supreme Court pursuant to Article XI, Section 9
3173 or Article XIX, Section 3 of the Ohio Constitution, a party shall file a complaint with the
3174 Clerk of the Supreme Court. The complaint shall clearly identify that the case involves a
3175 challenge to redistricting or a plan of redistricting promulgated pursuant to Article XI or
3176 Article XIX.

3177
3178
3179

3180 **(B) Procedure**

3181
3182 (1) The Clerk shall issue a summons and serve a copy of the complaint by certified
3183 mail sent to the address of the respondent as indicated on the cover page of the complaint.
3184 The summons shall inform the respondent of the time to respond to the complaint.

3185
3186 (2) After a complaint is filed pursuant to division (A) of this rule, the Supreme Court
3187 shall issue an order setting a schedule for the filing of answers or motions to dismiss, briefs,
3188 and evidence in the case.

3189
3190 **(C) Service**

3191
3192 All documents filed under this rule, except those filed to institute a case, shall be served by
3193 the parties by personal service, ~~facsimile transmission~~, or e-mail on the date of the
3194 documents' submission for filing.

3195
3196 **(D) Reference to a master commissioner; oral argument**

3197
3198 (1) The Supreme Court may refer redistricting cases to a master commissioner for any
3199 purpose, including ~~resolution of~~ resolving discovery disputes, and ~~to conduct a hearing~~
3200 conducting hearings for the presentation of evidence.

3201
3202 (2) The Supreme Court may also order oral argument before the court.

3203 Effective Date: January 1, 2013
3204 Amended: September 24, 2021; January 1, 2023; _____
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SECTION 15. RECORD ON APPEAL.

~~S.Ct.Prac.R.~~ **Rule 15.01. Composition of the Record on Appeal.**

(A) General

- (1) In all appeals, the record on appeal shall consist of the following:
 - (a) The original papers and exhibits to those papers;
 - (b) The transcript of proceedings and exhibits, along with an electronic version of the transcript, if available;
 - (c) Either the original journal entries, or certified copies, and the docket prepared by the clerk of the court or other custodian of the original papers.
- (2) Where applicable, the record on appeal shall consist of all the above items from both the court of appeals and the trial court.

(B) Audio and video exhibits and other documents

The custodian shall transmit any audio exhibits, video exhibits, and documents such as papers, maps, or photographs.

Effective Date: June 1, 1994
Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; _____

~~S.Ct.Prac.R.~~ **Rule 15.02. When Record is to be Transmitted to Supreme Court from Court of Appeals.**

In every case on appeal to the Supreme Court from a court of appeals, the clerk of the court of appeals or other custodian having possession of the record shall not transmit the record to the Clerk of the Supreme Court unless and until the Supreme Court issues an order to the custodian to transmit the record pursuant to ~~S.Ct.Prac.R.~~ Rule 15.03.

Effective Date: June 1, 1994
Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____

3252 ~~S.Ct.Prac.R.~~ **Rule 15.03. Certification and Transmission of Record from Court of**
3253 **Appeals.**

3254
3255 **(A) General**
3256

3257 (1) Upon order of the Supreme Court, the clerk of the court of appeals or other
3258 custodian having possession of the record shall certify and transmit the record to the Clerk
3259 of the Supreme Court. Unless otherwise ordered by the Supreme Court, the record shall
3260 be transmitted within twenty days of the order.

3261
3262 (2) If the case involves termination of parental rights or adoption of a minor child, or
3263 both, or the setting or denial of bail, preparation and transmission of the record shall be
3264 expedited and given priority over preparation and transmission of the records in other
3265 cases.

3266
3267 **(B) Index**
3268

3269 The clerk of the court of appeals shall number the documents, transcripts, and exhibits
3270 comprising the record. The record shall be transmitted along with an index that is
3271 numbered and that lists all items included in the record. All items and exhibits listed in the
3272 index, regardless of whether they are transmitted, shall be briefly described. The clerk of
3273 the court of appeals or other custodian transmitting the record shall send a copy of the index
3274 to all counsel of record in the case. The Clerk of the Supreme Court shall notify counsel
3275 of record when the record is filed in the Supreme Court.

3276
3277 Effective Date: June 1, 1994

3278 Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;
3279 March 1, 2019; _____

3280

3281

3282 ~~S.Ct.Prac.R.~~ **Rule 15.04. Submission of Record from Board of Tax Appeals.**

3283
3284 **(A) General**
3285

3286 Transmission of the record in an appeal from a decision of the Board of Tax Appeals shall
3287 be as prescribed by R.C. 5717.04. For the purposes of filing the record with the Clerk of
3288 the Supreme Court, the Board may transmit a video or audio record of any hearing before
3289 the Board, and if a written transcript was created, it shall be included.

3290
3291 **(B) Written transcript**
3292

3293 If a written transcript of a hearing before the Board of Tax Appeals is not included, the
3294 appellant shall file a written transcript of the hearing with the Clerk of the Supreme Court
3295 when the appellant files its merit brief as provided by ~~S.Ct.Prac.R.~~ **Rule 16.02**. The
3296 Supreme Court may dismiss an appeal where no written transcript has been provided, or
3297 sua sponte order the appellant to file a written transcript.

3298

3299 Effective Date: January 1, 2010
3300 Amended: January 1, 2013; September 29, 2017; September 13, 2018; _____
3301

3302
3303 **~~S.Ct.Prae.R.~~ Rule 15.05. **Submission of Record from Public Utilities Commission.****
3304

3305 The word “forthwith” as used in R.C. 4903.21, providing that upon service or waiver of service of
3306 the notice of appeal the Public Utilities Commission shall forthwith transmit to the Clerk of the
3307 Supreme Court a complete transcript of the proceeding, shall mean a period of thirty days. If at
3308 the expiration of thirty days the transcript has not been filed, the appellant shall have an additional
3309 three days in which to file a complaint in the Supreme Court for a writ of mandamus to compel
3310 the Commission to file the transcript. The appeal shall be dismissed if, at the expiration of thirty-
3311 three days, neither the transcript nor a complaint for a writ of mandamus has been filed.

3312
3313 Effective Date: June 1, 1994
3314 Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;
3315 _____
3316

3317
3318 **~~S.Ct.Prae.R.~~ Rule 15.06. **Items Not to Be Transmitted with the Record.****
3319

3320 **(A) Physical exhibits**

3321
3322 The custodian of the record shall not transmit any physical exhibits unless directed to do
3323 so by the Clerk of the Supreme Court or as required by ~~S.Ct.Prae.R.~~ Rule 15.01(B).
3324

3325 **(B) Index of exhibits not transmitted**

3326
3327 If exhibits are not transmitted pursuant to division (A) of this rule the custodian who
3328 certifies the record shall designate in the index the exhibits not being transmitted and
3329 identify the custodian of those exhibits.

3330
3331 Effective Date: June 1, 1994
3332 Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;
3333 _____
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3335
3336 **~~S.Ct.Prae.R.~~ Rule 15.07. **Transmission of Record in Death-Penalty Appeals.****
3337

3338 **(A) Offenses committed before January 1, 1995**

3339
3340 In cases in which the death penalty has been imposed by the court of common pleas for an
3341 offense committed before January 1, 1995, the creation, transmission, supplementation,
3342 and correction of the record shall be governed by ~~S.Ct.Prae.R. 15.01 through 15.09~~ this
3343 section.
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(B) Offenses committed on or after January 1, 1995

In cases in which the death penalty has been imposed by the court of common pleas for an offense committed on or after January 1, 1995, the creation, transmission, supplementation, and correction of the record shall be governed by ~~S.Ct.Prac.R.~~ Rules 11.03 and 11.04.

Effective Date: June 1, 1994
Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;

~~S.Ct.Prac.R.~~ **Rule 15.08. Supplementation of the Record.**

If any part of the record is not transmitted to the Supreme Court but is necessary to the Supreme Court's consideration of the questions presented on appeal, the Supreme Court, sua sponte or on motion of a party, may direct that a supplemental record be certified and transmitted to the Clerk of the Supreme Court in accordance with ~~S.Ct.Prac.R.~~ Rule 15.03(B).

Effective Date: June 1, 1994
Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;

~~S.Ct.Prac.R.~~ **Rule 15.09. Return of Record.**

After the mandate has been issued in a case on appeal, the Clerk of the Supreme Court shall return the record to the clerk or custodian that transmitted the record.

Effective Date: January 1, 2010
Amended: January 1, 2013; _____

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SECTION 16. BRIEFS ON THE MERITS.

~~S.Ct.Prae.R.~~ Rule 16.01. Limitation on Application of Briefing Rules.

The filing deadlines imposed by ~~S.Ct.Prae.R.~~ Rules 16.02 through 16.07 do not apply to appeals involving the imposition of the death penalty for an offense committed on or after January 1, 1995, and instituted under ~~S.Ct.Prae.R.~~ Rule 11.01(B)(1). Filing deadlines for briefs in those appeals are governed by ~~S.Ct.Prae.R.~~ Rule 11.05(B).

Effective Date: June 1, 1994
Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____

~~S.Ct.Prae.R.~~ Rule 16.02. Appellant’s Brief.

[See Appendix F following these rules for a sample brief.]

(A) Time to file

(1) In every appeal involving termination of parental rights or adoption of a minor child, or both, or the setting or denial of bail, the appellant shall file a merit brief with the Supreme Court within twenty days from the date the Clerk of the Supreme Court files the record from the court of appeals.

(2) In every other appeal, the appellant shall file a merit brief within forty days from the date the clerk files the record from the court of appeals or the administrative agency. In any case, the appellant shall not file a merit brief prior to the filing of the record by the clerk.

(3) Extension of time to file merit briefs are permitted in accordance with Rule 3.03(B).

(B) Contents

The appellant’s brief shall contain all of the following:

- (1) A table of contents listing with references to the pages of the brief where each of the following appears:
 - (a) The table of authorities cited;
 - (b) The statement of facts;
 - (c) The argument with numbered propositions of law;
 - (d) The appendix.

3427 (2) A table of the authorities cited, listing the citations for all cases or other
3428 authorities, arranged alphabetically; constitutional provisions; statutes; ordinances;
3429 and administrative rules or regulations upon which appellant relies, with references
3430 to the pages of the brief where each citation appears;

3431
3432 (3) A statement of the facts with page references, in parentheses, to supporting
3433 portions of both the original transcript of testimony and any supplement filed in the
3434 case pursuant to ~~S.Ct.Prac.R.~~ Rules 16.09 through 16.10;

3435
3436 (4) An argument, headed by the proposition of law that ~~appellant contends is~~
3437 ~~applicable to the facts of the case~~ was accepted by the Supreme Court and that could
3438 serve as a syllabus for the case if the appellant prevails. If several propositions of
3439 law are presented, the argument shall be divided with each proposition set forth as
3440 a subheading;

3441
3442 (5) An appendix, numbered separately from the body of the brief, containing
3443 copies of all of the following:

3444
3445 (a) The judgment or order from which the appeal is taken;

3446
3447 (b) The opinion, if any, relating to the judgment or order being
3448 appealed;

3449
3450 (c) All judgments, orders, and opinions rendered by any court or agency
3451 in the case, if relevant to the issues on appeal;

3452
3453 (d) Any relevant rules or regulations of any department, board, commission,
3454 or any other agency, upon which the appellant relies;

3455
3456 (e) Any constitutional provision, statute, or ordinance upon which the
3457 appellant relies, to be construed, or otherwise involved in the case;

3458
3459 (f) In appeals from the Public Utilities Commission, the appellant's
3460 application for rehearing.

3461
3462 **(C) Page limit**

3463
3464 (1) Except in death-penalty appeals of right and in postconviction death-penalty
3465 appeals, the appellant's brief shall not exceed fifty numbered pages, exclusive of the table
3466 of contents, the table of authorities cited, the certificate of service, and the appendix.

3467
3468 (2) In death-penalty appeals of right filed pursuant to ~~S.Ct.Prac.R.~~ Rule 5.01(A)(1),
3469 (2), (4), or (6) and in postconviction death-penalty appeals filed pursuant to ~~S.Ct.Prac.R.~~
3470 Rule 7, the appellant's brief has no page limitation.

3471
3472 Effective Date: June 1, 1994

3473 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010;
3474 January 1, 2013; June 1, 2017; March 1, 2019; January 1, 2023;_____

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3477 **~~S.Ct.Prae.R.~~ Rule 16.03. Appellee's Brief.**

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3479

(A) Time to file

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3481

(1) In every appeal involving termination of parental rights or adoption of a minor child, or both, or the setting or denial of bail, within twenty days after the filing of the appellant's brief the appellee shall file a merit brief.

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(2) In every other appeal, the appellee shall file a merit brief within thirty days after the filing of the appellant's brief.

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(3) If the case involves multiple appellants who file separate merit briefs, the appellee shall file only one merit brief responding to all of the appellants' merit briefs. The time for filing the appellee's brief shall be calculated from the date the last brief in support of the appellant is filed, including an amicus brief in support of the appellants.

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(B) Contents

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(1) The appellee's brief shall comply with the provisions in ~~S.Ct.Prae.R.~~ Rule 16.02(B), answer the appellant's contentions, and make any other appropriate contentions as reasons for affirmance of the order or judgment from which the appeal is taken. An appellee shall not submit additional or contrary propositions of law, but shall only respond to the propositions of law contained in the appellant's brief.

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(2) A statement of facts may be omitted from the appellee's brief if the appellee agrees with the statement of facts given in the appellant's merit brief.

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(3) The appendix need not duplicate any materials provided in the appendix of the appellant's brief.

3501
3502
3503

(C) Page limit

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3506

(1) Except in death-penalty appeals of right and in postconviction death-penalty appeals, the appellee's brief shall not exceed fifty numbered pages, exclusive of the table of contents, the table of authorities cited, the certificate of service, the signature block, and the appendix.

3507
3508
3509

(2) In death-penalty appeals of right filed pursuant to ~~S.Ct.Prae.R.~~ Rule 5.01(A)(1), (2), (4), or (6) and in postconviction death-penalty appeals filed pursuant to ~~S.Ct.Prae.R.~~ Rule 7, the appellee's brief has no page limitation.

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Effective Date: June 1, 1994

3519 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010;
3520 January 1, 2013; June 1, 2017; January 1, 2023;_____

3521
3522

3523 **~~S.Ct.Prae.R.~~ Rule 16.04. Appellant’s Reply Brief.**

3524
3525

(A) Time to file

3526
3527

(1) In every appeal involving termination of parental rights or adoption of a minor child, or both, the appellant may file a reply brief within fifteen days after the filing of the appellee’s brief.

3528
3529
3530

(2) In every other appeal, the appellant may file a reply brief within twenty days after the filing of the appellee’s brief.

3531
3532
3533

(3) If the case involves multiple appellees who file separate merit briefs, the appellant shall file only one reply brief, if any, responding to all of the appellees’ merit briefs. The time for filing the appellant’s reply brief, if any, shall be calculated from the date the last brief in support of the appellee is filed, including an amicus brief in support of the appellees.

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(B) Page limit

3540
3541

(1) Except in death-penalty appeals of right and in postconviction death-penalty appeals, the reply brief shall not exceed twenty numbered pages, exclusive of the table of contents, the table of authorities cited, the certificate of service, and the appendix.

3542
3543
3544
3545

(2) In death-penalty appeals of right filed pursuant to ~~S.Ct.Prae.R.~~ Rule 5.01(A)(1), (2), (4), or (6) and in postconviction death-penalty appeals filed pursuant to ~~S.Ct.Prae.R.~~ Rule 7, the reply brief has no page limitation.

3546
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3549

Effective Date: June 1, 1994

3550 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010;
3551 January 1, 2013; June 1, 2017; January 1, 2023;_____

3552
3553
3554

3555 **~~S.Ct.Prae.R.~~ Rule 16.05. Merit Briefs in Case Involving Cross-Appeal.**

3556
3557

(A) Requirements

3558
3559

In a case involving a cross-appeal, each of the parties shall be permitted to file two briefs, and each brief shall conform to the requirements of ~~S.Ct.Prae.R.~~ Rule 16.02(B).

3560
3561

(B) First brief

3562
3563

(1) (a) In every appeal involving termination of parental rights or adoption of a minor child, or both, or the setting or denial of bail, the appellant/cross-appellee

3564
3565

3566 shall file the first merit brief within twenty days from the date the clerk files the
3567 record from the court of appeals.

3568
3569 (b) In every other appeal, the appellant/cross-appellee shall file the first merit
3570 brief within forty days from the date the clerk files the record from the court of
3571 appeals or the administrative agency.

3572
3573 (2) (a) Except in death-penalty appeals of right and in postconviction death-penalty
3574 appeals, the first brief shall not exceed fifty numbered pages, exclusive of the table
3575 of contents, the table of authorities cited, the certificate of service, and the appendix.

3576
3577 (b) In death-penalty appeals of right filed pursuant to ~~S.Ct.Prac.R.~~ Rule
3578 5.01(A)(1), (2), (4), or (6) and in postconviction death-penalty appeals filed
3579 pursuant to ~~S.Ct.Prac.R.~~ Rule 7, the first brief has no page limitation.

3580
3581 **(C) Second brief**

3582
3583 (1) (a) In every appeal involving termination of parental rights or adoption of a
3584 minor child, or both, or the setting or denial of bail, the appellee/cross-appellant
3585 shall file the second merit brief within twenty days after the filing of the first brief.

3586
3587 (b) In every other appeal, the appellee/cross-appellant shall file the second
3588 merit brief within thirty days after the filing of the first brief. The second brief shall
3589 be a combined brief containing both a response to the appellant/cross-appellee's
3590 brief and the propositions of law and arguments in support of the cross-appeal.

3591
3592 (2) (a) Except in death-penalty appeals of right and in postconviction death-penalty
3593 appeals, the second brief shall not exceed fifty numbered pages, exclusive of the
3594 table of contents, the table of authorities cited, the certificate of service, and the
3595 appendix.

3596
3597 (b) In death-penalty appeals of right filed pursuant to ~~S.Ct.Prac.R.~~ Rule
3598 5.01(A)(1), (2), (4), or (6) and in postconviction death-penalty appeals filed
3599 pursuant to ~~S.Ct.Prac.R.~~ Rule 7, the second brief has no page limitation.

3600
3601 **(D) Third brief**

3602
3603 (1) (a) In every appeal involving termination of parental rights or adoption of a
3604 minor child, or both, or the setting or denial of bail, the appellant/cross-appellee
3605 shall file the third merit brief within twenty days after the filing of the second brief.

3606
3607 (b) In every other appeal, the appellant/cross-appellee shall file the third merit
3608 brief within thirty days after the filing of the second brief. If the appellant/cross-
3609 appellee elects to file a reply brief in that party's appeal, the third brief shall be a
3610 combined brief containing both a reply and a response to the arguments in the cross-

3611 appeal. Otherwise, the third brief shall include only a response in opposition to the
3612 cross-appeal.

- 3613
3614 (2) (a) Except in death-penalty appeals of right and in postconviction death-penalty
3615 appeals, the third brief shall not exceed fifty numbered pages, exclusive of the table
3616 of contents, the table of authorities cited, the certificate of service, and the appendix.
3617
3618 (b) In death-penalty appeals of right filed pursuant to ~~S.Ct.Prac.R.~~ Rule
3619 5.01(A)(1), (2), (4), or (6) and in postconviction death-penalty appeals filed
3620 pursuant to ~~S.Ct.Prac.R.~~ Rule 7, the third brief has no page limitation.
3621

3622 **(E) Fourth brief**

3623
3624 (1) The fourth brief may be filed by the appellee/cross-appellant only as a reply brief
3625 in the cross-appeal.

3626
3627 (a) In every appeal involving termination of parental rights or adoption of a
3628 minor child, or both, or the setting or denial of bail, if a fourth brief is filed, it shall
3629 be filed within fifteen days after the filing of the third brief.

3630
3631 (b) In every other appeal, if a fourth brief is filed, it shall be filed within twenty
3632 days after the filing of the third brief.
3633

3634 (2) (a) Except in death-penalty appeals of right and in postconviction death-penalty
3635 appeals, the fourth brief shall not exceed twenty numbered pages, exclusive of the
3636 table of contents, the table of authorities cited, the certificate of service, and the
3637 appendix.
3638

3639 (b) In death-penalty appeals of right filed pursuant to ~~S.Ct.Prac.R.~~ Rule
3640 5.01(A)(1), (2), (4), or (6) and in postconviction death-penalty appeals filed
3641 pursuant to ~~S.Ct.Prac.R.~~ Rule 7, the fourth brief has no page limitation.
3642

3643 Effective Date: June 1, 1994
3644 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010;
3645 January 1, 2013; June 1, 2017; January 1, 2023; _____
3646
3647

3648 ~~S.Ct.Prac.R.~~ Rule 16.06. **Brief of Amicus Curiae Friend of the Court.**

3649
3650 **(A) General**

3651
3652 ~~An amicus curiae~~ A friend of the court may file a brief urging affirmance or reversal, and
3653 leave to file an amicus brief is not required. The brief shall conform to the requirements
3654 of ~~S.Ct.Prac.R.~~ Rules 16.02 through 16.05, except that an amicus filing a brief in support
3655 of an appellant need not include the appendix required by ~~S.Ct.Prac.R.~~ Rule 16.02(B)(5).
3656
3657

3658 (B) Time to file

3659

3660 (1) The cover page of an amicus brief shall identify the party on whose behalf the brief
3661 is being submitted or indicate that the brief does not expressly support the position of any
3662 parties to the appeal.

3663

3664 (2) If the amicus brief is in support of an appellant, the brief shall be filed within the
3665 time for filing allowed to the appellant to file a merit brief, the ~~amicus curiae~~ friend of the
3666 court may file a reply brief within the time allowed to the appellant to file a reply brief.

3667

3668 (3) If the amicus brief is in support of an appellee or does not expressly support the
3669 position of any party, then the brief shall be filed within the time for filing allowed to the
3670 appellee to file a merit brief.

3671

3672 (C) Refusal to file

3673

3674 The Clerk of the Supreme Court shall refuse to file an amicus brief that is not submitted
3675 timely and that does not comply with the requirements of this rule.

3676

3677 Effective Date: June 1, 1994

3678 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010;

3679 January 1, 2013; _____

3680

3681

3682 ~~S.Ct.Prac.R.~~ Rule 16.07. Consequence of Failure to File Briefs.

3683

3684 (A) Dismissal of appeal

3685

3686 If the appellant fails to file a merit brief within the time provided by ~~S.Ct.Prac.R.~~ Rule
3687 16.02 or as extended in accordance with ~~S.Ct.Prac.R.~~ Rule 3.03, the Supreme Court may
3688 dismiss the appeal.

3689

3690 (B) Reversal of judgment

3691

3692 If the appellee fails to file a merit brief within the time provided by ~~S.Ct.Prac.R.~~ Rule 16.03
3693 or as extended in accordance with ~~S.Ct.Prac.R.~~ Rule 3.03, the Supreme Court may accept
3694 the appellant's statement of facts and issues as correct and reverse the judgment if the
3695 appellant's brief reasonably appears to sustain reversal.

3696

3697 (C) Failure to brief proposition of law

3698

3699 (1) If the appellant's merit brief fails to address a proposition of law which was
3700 accepted for review, the appellee may choose to brief the proposition of law, and the
3701 Supreme Court may dismiss the proposition of law or may reach the merits of the
3702 proposition of law.

3703

3704 (2) If appellant substantially alters a proposition of law accepted by the Supreme Court,
3705 the Supreme Court may strike that brief.

3706
3707 Effective Date: June 1, 1994

3708 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010;
3709 January 1, 2013; _____

3710
3711
3712 **~~S.Ct.Prac.R.~~ Rule 16.08. Prohibition Against Supplemental Briefing.**

3713
3714 Except as provided in ~~S.Ct.Prac.R.~~ Rules 3.13, 17.08, and 17.09, merit briefs shall not be
3715 supplemented. If a relevant authority is issued after the deadline has passed for filing a party's
3716 merit brief, that party may file a citation to the relevant authority but shall not file additional
3717 argument. In cases scheduled for oral argument, citations to additional authority may be filed
3718 pursuant to ~~S.Ct.Prac.R.~~ Rule 17.08.

3719
3720 Effective Date: June 1, 1994

3721 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010;
3722 January 1, 2013; January 1, 2017; _____

3723
3724
3725 **~~S.Ct.Prac.R.~~ Rule 16.09. Supplements to the Briefs.**

3726
3727 **(A) Appellant's supplement**

3728
3729 In every civil case on appeal to the Supreme Court from a court of appeals or an
3730 administrative agency, the appellant may prepare and file a supplement to the briefs that
3731 contains those portions of the record necessary to enable the Supreme Court to determine
3732 the questions presented. Parties to an appeal are encouraged to consult and agree on the
3733 contents of the supplement to minimize the appellee's need for filing a supplement.
3734 Documents not necessary to determine the questions presented shall not be included in the
3735 supplement. The fact that parts of the record are not included in the supplement shall not
3736 prevent the parties or the Supreme Court from relying on those parts of the record.

3737
3738 **(B) Appellant's time to file**

3739
3740 The appellant shall file the supplement with the appellant's merit brief.

3741
3742 **(C) Appellee's supplement**

3743
3744 The appellee may file a supplement to the merit briefs in the manner required by division
3745 (A) of this rule. The appellee's supplement shall not unnecessarily duplicate documents
3746 contained in the appellant's supplement.

3747
3748 **(D) Appellee's time to file**

3749
3750 The appellee's supplement shall be filed with the appellee's merit brief.

3751

3752 Effective Date: June 1, 1994
3753 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____
3754

3755

3756 ~~S.Ct.Prac.R.~~ **Rule 16.10.** **Pagination and Indexing of Supplements.**

3757
3758 **(A) **Pagination****

3759
3760 The pages of the supplement shall be consecutively numbered in the bottom right-hand
3761 corner.

3762
3763 **(B) **Transcripts****

3764
3765 If any portion of a transcript is included in the supplement, the original page numbering of
3766 the transcript shall be placed in parentheses.

3767
3768 **(C) **Index****

3769
3770 The supplement shall include an index that lists all items included in the supplement and
3771 references the page numbers at which each item can be located.

3772
3773 Effective Date: June 1, 1994
3774 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; _____
3775

3776 SECTION 17. ORAL ARGUMENT.
3777

3778 ~~S.Ct.Prac.R.~~ Rule 17.01. Cases in which Oral Argument Will Be Scheduled.
3779

3780 (A) Cases from other courts
3781

3782 Oral argument in the following cases will be scheduled and heard after the case has been
3783 briefed on the merits in accordance with ~~S.Ct.Prac.R. Rule 11.05, or 16.01 through 16.08~~
3784 Section 16:
3785

3786 (1) If the case is an appeal of the affirmance of the death penalty by the court
3787 of appeals or the imposition of the death penalty by a court of common pleas
3788 pursuant to Rule 11;
3789

3790 (2) If the case is a jurisdictional appeal that is accepted by the Supreme Court
3791 pursuant to ~~S.Ct.Prac.R. Rule 7.08~~;
3792

3793 (3) If the case is filed pursuant to ~~S.Ct.Prac.R. Rule 8.01~~ and the Supreme Court
3794 determined the existence of a conflict certified to it by a court of appeals in
3795 accordance with that rule-;
3796

3797 (B) Appeals from administrative agencies
3798

3799 (4) In an appeal from the Board of Tax Appeals, the Public Utilities
3800 Commission, or the Power Siting Board, oral argument will be scheduled and heard
3801 after the case has been briefed on the merits in accordance with ~~S.Ct.Prac.R. 16.01~~
3802 ~~through 16.08.~~ Section 16;
3803

3804 (C) ~~State law questions~~
3805

3806 (5) In a certified state law case under ~~S.Ct.Prac.R. Rule 9.01~~, oral argument will
3807 be scheduled and heard after the case has been briefed on the merits in accordance
3808 with ~~S.Ct.Prac.R. 9.07 and 16.01 through 16.10~~ Section 16.
3809

3810 (D)(E) Precedence of oral argument
3811

3812 An oral-argument assignment before the Supreme Court takes precedence over
3813 assignments in other courts of this state.
3814

3815 Effective: June 1, 1994

3816 Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008;
3817 January 1, 2010; January 1, 2013; _____
3818

3819
3820
3821
3822

3823 **S.Ct.Prac.R. Rule 17.02. Oral Argument in Other Cases.**

3824

3825 **(A) General**

3826

3827 In an original action, or in an appeal that is not scheduled for oral argument pursuant to
3828 ~~S.Ct.Prac.R. Rule~~ Rule 17.01, the Supreme Court may order oral argument on the merits either
3829 sua sponte or in response to a request by any party.

3830

3831 **(B) Motion for oral argument**

3832

3833 A request for oral argument on the merits shall be by motion and filed no later than twenty
3834 days after the filing of the appellee's or the respondent's merit brief.

3835

3836 Effective: June 1, 1994

3837 Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008;

3838 January 1, 2010; January 1, 2013; _____

3839

3840

3841 **S.Ct.Prac.R. Rule 17.03. Waiver of Oral Argument.**

3842

3843 **(A) General**

3844

3845 Any party may waive oral argument and submit the case to the Supreme Court on the briefs.
3846 A waiver of oral argument shall be in writing. It shall be filed at least seven days before
3847 the date scheduled for the oral argument; however, if a party files a waiver on the seventh
3848 day before oral argument, any other party shall have until the day before oral argument to
3849 file a waiver.

3850

3851 **(B) Failure to file merit brief**

3852

3853 Any party who fails to file a merit brief pursuant to ~~S.Ct.Prac.R. 16.02, 16.03, or 11.06~~
3854 Section 16 shall be deemed to have waived oral argument.

3855

3856 **(C) Parties not waiving oral argument**

3857

3858 ~~If not all parties to a case waive oral argument oral~~ Oral argument shall be heard ~~and the~~
3859 ~~from~~ party or parties who have not waiving shall be permitted to argue waived oral
3860 argument.

3861

3862 **(D) Failure to appear**

3863

3864 If an appellant neither waives oral argument pursuant to this rule nor appears at the
3865 argument, the Supreme Court may dismiss the case for lack of prosecution.

3866

3867 Effective: June 1, 1994

3868 Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008;

3869 January 1, 2010; January 1, 2013; _____

3870

3871 **S.Ct.Prae.R. Rule 17.04. Scheduling of Oral Argument in Cases Involving Termination**
3872 **of Parental Rights or Adoption, or the Setting or Denial of Bail.**

3873
3874 If a case that involves termination of parental rights or adoption of a minor child, or both, or the
3875 setting or denial of bail is scheduled for oral argument, it shall be scheduled at the earliest
3876 practicable time.

3877
3878 Effective: June 1, 1994
3879 Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008;
3880 January 1, 2010; January 1, 2013; _____

3881
3882
3883 **S.Ct.Prae.R. Rule 17.05. Time and Procedures for Oral Argument.**

3884
3885 **(A) Time for oral argument**

3886
3887 (1) In death-penalty appeals of right filed pursuant to S.Ct.Prae.R. Rule 11.01, thirty
3888 minutes shall be allotted to each side for oral argument.

3889
3890 (2) In all other cases scheduled for oral argument, fifteen minutes shall be allotted to
3891 each side for argument on the merits. In cases where there are multiple parties per side,
3892 the parties shall share the time allotted to each side.

3893
3894 **(B) Variation of time**

3895
3896 Either sua sponte or upon motion, the Supreme Court may vary the time for oral argument
3897 permitted by this rule. Motions to vary the time for oral argument shall be filed at least
3898 seven days before the date scheduled for oral argument.

3899
3900 **(C) Reservation of time**

3901
3902 The appellant shall open oral argument and may conclude oral argument by reserving time
3903 for rebuttal. In a case involving a cross-appeal, the appellee/cross-appellant may reserve
3904 time for rebuttal of the appellant/cross-appellee's argument in response to the cross-appeal.

3905
3906 Effective: June 1, 1994
3907 Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008;
3908 January 1, 2010; January 1, 2013; _____

3909
3910
3911 **S.Ct.Prae.R. Rule 17.06. Oral Argument by ~~Amicus Curiae~~ Friend of the Court.**

3912
3913 **(A) General**

3914
3915 (1) No time for oral argument shall be allotted to counsel who have filed ~~amicus curiae~~
3916 friend of the court briefs; however, with leave of the Supreme Court and the consent of
3917 counsel for the side whose position the ~~amicus curiae~~ friend of the court supports, counsel

3918 for the ~~amicus curiae~~ friend of the court may present oral argument within the time allotted
3919 to that side.

3920
3921 (2) If an ~~amicus curiae~~ a friend of the court wishes to participate in oral argument but
3922 either does not receive the consent of counsel for the side whose position the ~~amicus curiae~~
3923 friend of the court supports or does not expressly support the position of any parties to the
3924 case, the ~~amicus curiae~~ friend of the court may seek leave from the Supreme Court to
3925 participate in oral argument, but such leave will be granted only in the most extraordinary
3926 circumstances.

3927
3928 **(B) Motion for leave**

3929
3930 A motion of ~~amicus curiae~~ friend of the court for leave to participate in oral argument shall
3931 be filed at least fifteen days before the date scheduled for oral argument.

3932 Effective: June 1, 1994
3933 Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008;
3934 January 1, 2010; January 1, 2013; _____

3935
3936
3937
3938 **~~S.Ct.Prac.R.~~ Rule 17.07. Reference of Certain Cases to Master Commissioner for Oral**
3939 **Argument.**

3940
3941 **(A) Appeals from the Board of Tax Appeals Filed with the Supreme Court before**
3942 **September 29, 2017, or after September 12, 2018**

3943
3944 (1) Appeals from decisions of the Board of Tax Appeals filed with the Supreme Court
3945 before September 29, 2017, or after September 12, 2018, shall be referred to a regular or
3946 special master commissioner for oral argument unless the parties waive the argument or
3947 the Supreme Court, sua sponte or upon motion, decides to hear the argument itself.

3948
3949 (2) A motion for the Supreme Court to hear oral argument in an appeal from a decision
3950 of the Board of Tax Appeals filed with the Supreme Court before September 29, 2017, or
3951 after September 12, 2018, shall be filed within twenty days after the filing of the appellee's
3952 brief.

3953
3954 **(B) Other matters**

3955
3956 The Supreme Court may refer any matter scheduled for oral argument to a regular or special
3957 master commissioner for argument.

3958
3959 Effective: June 1, 1994
3960 Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008;
3961 January 1, 2010; January 1, 2013; September 29, 2017; September 13, 2018; _____

3962

3963 **S.Ct.Prac.R. Rule 17.08. List of Additional Authorities Relied Upon During Oral**
3964 **Argument.**

3965
3966 **(A) General**

3967
3968 A party who intends to rely during oral argument on authorities not cited in the merit briefs
3969 shall file a list of citations to those authorities, and shall include the page number of the
3970 brief or briefs to which the authority relates, no later than seven days before the date of the
3971 oral argument. The party shall not file additional argument but may describe the relevant
3972 holding of the case in a parenthetical not to exceed twenty-five words.

3973
3974 **(B) Exception**

3975
3976 If relevant authority is issued less than seven days before the date of oral argument, a party
3977 may file a citation to the relevant authority, and shall include the page number of the brief
3978 or briefs to which the authority relates, but shall not cite to any other authority that was
3979 issued more than seven days before oral argument. ~~The party shall not file additional~~
3980 ~~argument.~~

3981
3982 Effective: June 1, 1994

3983 Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008;
3984 January 1, 2010; January 1, 2013; January 1, 2015; January 1, 2017; _____

3985
3986
3987 **S.Ct.Prac.R. Rule 17.09. Supplemental Filings After Oral Argument.**

3988
3989 **(A) Prohibition of supplemental briefing**

3990
3991 Unless ordered by the Supreme Court, the parties shall not tender for filing and the Clerk
3992 of the Supreme Court shall not file any additional briefs or other materials relating to the
3993 merits of the case after the case has been orally argued.

3994
3995 **(B) Citation to relevant authority**

3996
3997 If a relevant authority is issued after oral argument, a party may file a citation to the relevant
3998 authority ~~but shall not file additional argument,~~ and shall include the page number of the
3999 brief or briefs to which the authority relates.

4000
4001 Effective: June 1, 1994

4002 Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008;
4003 January 1, 2010; January 1, 2013; _____

4004

4052 motion for reconsideration within the time permitted for filing a motion for
4053 reconsideration.

4054
4055 ~~(D)~~

4056
4057 **(4) Refusal to file**

4058
4059 The Clerk shall refuse to file a motion for reconsideration that is not expressly
4060 permitted by this rule or that is not timely.

4061
4062 **(B) Memorandum opposing reconsideration**

4063
4064 Except as provided in Rule 12.08(B), any party or friend of the court who filed a merit brief
4065 may file a memorandum opposing a motion for reconsideration within ten days of the filing
4066 of the motion.

4067
4068 Effective Date: June 1, 1994

4069 Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;
4070

4071
4072
4073 **S.Ct.Prac.R. Rule 18.03. Memorandum in Response to Motion for Reconsideration Stay**
4074 **of Execution of Supreme Court's Judgment.**

4075
4076 **(A) Time to file Stay of execution of judgment**

4077
4078 ~~Except as provided in S.Ct.Prac.R. 12.08(B), a party opposing reconsideration may file a~~
4079 ~~memorandum in response to a motion for reconsideration within ten days of the filing of~~
4080 ~~the motion~~ The Supreme Court may stay execution of its judgment, either upon the Court's
4081 own initiative or upon motion of a party.

4082
4083 **(B) Amicus curiae Motion to stay execution of judgment**

4084
4085 ~~An amicus curiae may file a memorandum in response to a motion for reconsideration~~
4086 ~~within ten days of the filing of the motion~~ Any party may file a motion to stay execution
4087 of the Supreme Court's judgment within seven days after the filing of the judgment entry.
4088 A party's filing of a motion to stay execution of the Supreme Court's judgment
4089 automatically stays execution of the judgment until the Supreme Court rules upon such
4090 motion. The Supreme Court may rule upon such motion at any time. Any response by a
4091 party to such motion shall be filed within ten days of the filing of the motion. No friend of
4092 the court is permitted to file a motion or memorandum with respect to staying execution of
4093 the Supreme Court's judgment.

4094
4095 Effective Date: June 1, 1994

4096 Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;
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4099 **S.Ct.Prac.R. Rule 18.04. Issuance of Mandate.**

4100

4101 **(A) General Generally**

4102

4103 The Supreme Court's mandate is a certified copy of the Supreme Court's judgment. After
4104 the Supreme Court has decided an appeal on the merits, the Clerk of the Supreme Court
4105 shall issue a mandate. The Clerk shall issue the mandate ~~shall be issued~~ ten days after entry
4106 of the judgment entry is filed, unless within that time a party files a motion for
4107 reconsideration is filed within that time in accordance with S.Ct.Prac.R. 12.08(B) or 18.02
4108 or a motion to stay execution of the Supreme Court's judgment.

4109

4110 (1) ~~If a motion for reconsideration is denied, the mandate shall be issued when~~
4111 ~~the order denying the motion for reconsideration is filed with the Clerk.~~

4112

4113 (2) ~~If a motion for reconsideration is granted, the mandate shall be issued ten~~
4114 ~~days after the entry of the judgment is filed with the Clerk.~~

4115

4116 **(B) After motion for reconsideration**

4117

4118 (1) If the Supreme Court denies a motion for reconsideration, the Clerk shall issue the
4119 mandate within one day after the Supreme Court files the judgment entry denying the
4120 motion.

4121

4122 (2) If the Supreme Court grants a motion for reconsideration, the Clerk shall issue the
4123 mandate ten days after the Supreme Court files the subsequent judgment entry on the merits
4124 of the appeal.

4125

4126 **(C) After stay of execution of judgment**

4127

4128 If the judgment of the Supreme Court is stayed for any reason, the Clerk shall issue the
4129 mandate within one day after the Supreme Court files an order terminating the stay.

4130

4131 **When (D) No mandate is not issued for refusal to accept jurisdiction**

4132

4133 No mandate shall be issued on the Supreme Court's refusal to accept a jurisdictional appeal.

4134

4135 **(E) Mandate**

4136

4137 ~~A certified copy of the judgment entry shall constitute the mandate.~~

4138

4139 Effective Date: June 1, 1994

4140 Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;

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4145 ~~S.Ct.Prac.R.~~ **Rule 18.05.** **Assessment of Costs.**

4146

4147 **(A) General**

4148

4149 **(1) Appeals**

4150

4151 Unless otherwise ordered by the Supreme Court, costs in an appeal shall be assessed
4152 as follows at the conclusion of the case:

4153

4154 (a) If an appeal is dismissed, to the appellant;

4155

4156 (b) If the judgment or order being appealed is affirmed, to the appellant;

4157

4158 (c) If the judgment or order being appealed is reversed, to the appellee;

4159

4160 (d) If the judgment or order being appealed is affirmed or reversed in
4161 part or is vacated, the parties shall bear their respective costs.

4162

4163 **(2) Original actions**

4164

4165 Unless otherwise ordered by the Supreme Court, costs in an original action shall be
4166 assessed as follows at the conclusion of the case:

4167

4168 (a) If an original action is dismissed, to the relator;

4169

4170 (b) If the request for a writ is denied, to the relator;

4171

4172 (c) If the request for a writ is granted and a writ is issued, to the
4173 respondent;

4174

4175 (d) If a limited writ is granted or a writ is granted in part, the parties
4176 shall bear their respective costs.

4177

4178 **(B) Definition of “costs”**

4179

4180 As used in this rule, “costs” includes the filing fee paid to initiate an appeal or original
4181 action, the postage costs in an original action, and any additional costs assessed by the
4182 court.

4183

4184 Effective Date: June 1, 1994

4185 Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013;

4186 January 1, 2015; _____

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4188 SECTION 19. MEDIATION PROCEEDINGS.
4189

4190 ~~S.Ct.Prae.R.~~ Rule 19.01. Referral of Cases for Mediation.
4191

4192 (A) Referral
4193

4194 (1) The Supreme Court may, sua sponte or on motion by a party, refer to its mediator
4195 for mediation any case that originated in the court of appeals, any appeal from an
4196 administrative agency, any original action, or, pursuant to ~~S.Ct.Prae.R.~~ Rule 4.02 any civil
4197 case that the Supreme Court deems appropriate. The mediator may conduct mediation
4198 conferences at which the parties shall explore settling the case, simplifying the issues, and
4199 expediting the procedure, and may consider any other matter that might aid in resolving
4200 the case.
4201

4202 (2) Unless otherwise provided by court order, referral of a case for mediation-stays all
4203 filing deadlines in a case until further notice. The Clerk of the Supreme Court shall not
4204 accept for filing any documents while a case is in mediation unless expressly permitted by
4205 ~~S.Ct.Prae.R.~~ Rule 19.01(A)(3) or by court order.
4206

4207 (3) Only the following documents may be filed while a case is in mediation:
4208

- 4209 (a) A motion to lift the mediation stay;
4210
4211 (b) A response to a motion to lift the mediation stay;
4212
4213 (c) A second notice of appeal or notice of cross-appeal;
4214
4215 (d) An application to dismiss the case pursuant to ~~S.Ct.Prae.R.~~ Rule 4.05;
4216
4217 (e) A notice related to counsel;
4218
4219 (f) A motion for leave to redact personal identifiers as defined by Sup.R. 44(H);
4220
4221 (g) A motion to remand.
4222

4223 (B) Statements
4224

4225 (1) Any party seeking a monetary settlement shall prepare a statement setting forth the
4226 amount of the demand and a detailed explanation for it. Such party shall submit this
4227 statement to the opposing parties and to the mediator ten days prior to the scheduled
4228 mediation. This statement will not be filed in the case.
4229

4230 (2) Parties may submit to the mediator a confidential statement analyzing the
4231 settlement potential of the case. The ~~mediation-counsel~~ mediator will not disclose this
4232 statement to the other parties, unless the submitting party consents to disclosure. This
4233 statement will not be filed in the case.

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(C) Attendance

(1) If a case is referred for mediation, each party to the case, or the representative of each party who has full settlement authority, and the attorney for each party shall attend the mediation conferences, unless excused by the mediator. If a party or its representative is excused from a conference, the party or its representative must provide its attorney authority beyond initial mediation positions, and the party or its representative must be available for consultation during the course of the mediation.

(2) If a party or an attorney fails to attend the mediation conference without being excused, the Supreme Court may assess the party or the attorney reasonable expenses caused by the failure, including reasonable attorney fees or all or a part of the expenses of the other party. The Supreme Court may also dismiss the action, strike documents filed by the offending party, or impose any other appropriate penalty.

(D) Extension of time to file briefs or other documents

Notwithstanding ~~S.Ct.Prac.R. Rule~~ Rule 3.03(B), the Supreme Court, sua sponte or upon motion by a party, may extend filing deadlines or stay the case referred under this rule, if the extension or stay will facilitate mediation. A request for an extension of time shall be filed with the Clerk of the Supreme Court within the time prescribed by the rules for filing the brief or other document that is the subject of the request.

(E) Supreme Court orders

The Supreme Court may issue orders to supervise mediation. At the conclusion of the mediation, the Supreme Court will enter an appropriate order.

Effective Date: January 1, 2010
Amended: January 1, 2013; January 1, 2015; _____

~~S.Ct.Prac.R. Rule~~ **Rule 19.02. Privileges and Confidentiality.**

(A) General

The definitions contained in R.C. 2710.01 apply to Supreme Court mediation. The privileges contained in R.C. 2710.03 and the exceptions contained in R.C. 2710.05 apply to mediation communications. The privileges may be waived under R.C. 2710.04. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure or they fall within the permitted disclosures under R.C. 2710.06. The Supreme Court may impose penalties for any improper disclosures made in violation of this rule.

4281 **(B) Exceptions**

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All mediation communications are confidential with the following exceptions:

- (1) Parties may share all mediation communications with their attorneys,
- (2) The mediator may inform the Supreme Court or report to the proper authorities certain information, including the following:
 - (a) Allegations of abuse or neglect of a child;
 - (b) Certain threats of harm to other people or oneself;
 - (c) Statements made during the mediation process to plan or hide an ongoing crime;
 - (d) Statements made during the mediation process that reveal a felony.

Effective Date: January 1, 2010
Amended: January 1, 2013; _____

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SECTION 20. PRESERVATION OF RECORDS AND FILES.

~~S.Ct.Prac.R.~~ **Rule 20.01. Custodian of Documents.**

The Clerk of the Supreme Court is the custodian of all documents and other items filed in Supreme Court cases, and they shall not be taken from the Clerk's custody unless by order of the Supreme Court. The Supreme Court may direct that any records may be reproduced as set forth in R.C. 9.01.

Effective Date: June 1, 1994

Amended: April 1, 1996; January 1, 2010; January 1, 2013; _____

4313 **SECTION 21. AFFIDAVITS OF DISQUALIFICATION PROCEDURES.**

4314

4315 ~~S.Ct.Prac.R.~~ **Rule 21.01. Affidavits of Disqualification.**

4316

4317 **(A) Definition**

4318

4319 As used in these rules, an “affidavit of disqualification” is an affidavit filed with
4320 the Clerk of the Supreme Court seeking to disqualify a judge of the common pleas
4321 court (R.C. 2701.03), a judge of the probate court (R.C. 2101.39), a judge of the
4322 court of appeals (R.C. 2501.13), a judge of a municipal or county court (R.C.
4323 2701.031), or a judge of the court of claims (R.C. 2743.041).

4324

4325 **(B) Filing**

4326

4327 Filing documents pursuant to ~~S.Ct.Prac.R. 21.01 through 21.04~~ this section shall be
4328 made either by submitting for filing in person; by delivery service; or by mail
4329 addressed to the Clerk, The Supreme Court of Ohio, 65 S. Front St., 8th Floor,
4330 Columbus, Ohio 43215-3431, or by email to AOD_Filing@sc.ohio.gov.

4331

4332 **(~~B~~) Definition**

4333

4334 ~~(1) — As used in these rules, an “affidavit of disqualification” is an affidavit filed~~
4335 ~~with the Clerk of the Supreme Court seeking to disqualify a judge of the common~~
4336 ~~pleas court (R.C. 2701.03), a judge of the probate court (R.C. 2101.39), a judge of~~
4337 ~~the court of appeals (R.C. 2501.13), a judge of a municipal or county court (R.C.~~
4338 ~~2701.031), or a judge of the court of claims (R.C. 2743.041).~~

4339

4340 **(C) Judgment**

4341

4342 ~~(2)~~ Pursuant to Article IV, Section 5(C) of the Ohio Constitution ~~and R.C.~~
4343 ~~2701.03~~, the Chief Justice of the Supreme Court, or any Justice designated by the
4344 Chief Justice, shall render judgment on the affidavit of disqualification.

4345

4346 **~~(C)~~(D) Filing Requirements for an Affidavit of Disqualification**

4347

4348 (1) An affidavit of disqualification shall be filed with the Clerk of the Supreme
4349 Court and comply with the requirements of R.C. 2701.03.

4350

4351 (2) An affidavit of disqualification shall state specific allegations on which the
4352 claim of interest, bias, prejudice, or disqualification is based and the facts to support
4353 each of those allegations.

4354

4355 (3) All facts stated to support the allegations made in the affidavit of
4356 disqualification shall be made on personal knowledge of the affiant.

4357

4358 (4) Pursuant to R.C. 2701.03(B), an affidavit of disqualification shall include
4359 the following:

4360
4361 (a) The jurat of a notary public or another person authorized to
4362 administer oaths or affirmations;

4363
4364 (b) A certificate of service that indicates a copy of the affidavit has been
4365 served upon the judge against whom the affidavit is filed;

4366
4367 (c) A certificate of service that indicates a copy of the affidavit has been
4368 served on all other parties, or their counsel, to the underlying case; and

4369
4370 (d) The date of the next scheduled hearing in the underlying case, or a
4371 statement that there is no hearing scheduled.

4372
4373 ~~(4)~~(5) Pursuant to R.C. 2701.03, an affidavit of disqualification shall be filed not
4374 less than seven calendar days before the date of the next scheduled hearing in the
4375 underlying case.

4376
4377 ~~(5)~~(6) The Clerk of the Supreme Court shall refuse to file an affidavit of
4378 disqualification that is not timely presented under ~~S.Ct.Prae.R.~~ Rule 21.01(C)(4)
4379 and R.C. 2701.03(B), or that fails to comply with the requirements of ~~S.Ct.Prae.R.~~
4380 Rule 21.01(C)(3) and R.C. 2701.03(B)(2), (3), or (4).

4381
4382 **(D) Mechanical Requirements**

4383
4384 (1) In addition to the requirements imposed by R.C. 2701.03 and ~~S.Ct.Prae.R.~~ Rule
4385 21.01(C), the affidavit of disqualification shall include the following:

4386
4387 (a) The case caption, case number, and court for the underlying case in which
4388 the affiant is seeking disqualification of a judge;

4389
4390 (b) The affiant's full name and address;

4391
4392 (c) If the affiant is represented by counsel, the name of the affiant's attorney;

4393
4394 (d) If the affiant is an attorney, the name and party status of the affiant's client;
4395 and

4396
4397 (e) The name(s) and address(es) of all other parties to the underlying case.

4398
4399 (2) When an affidavit is presented for filing in person, by delivery service, or by mail,
4400 the affiant shall file an original and three copies of the affidavit of disqualification with the
4401 Clerk of the Supreme Court.

4402
4403 (3) When an affidavit is presented for filing by email, the affiant shall present the
4404 affidavit as a Portable Document Format ("PDF") file.

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(4) An affidavit of disqualification shall not exceed fifteen numbered pages, exclusive of the certificate of service and any exhibits. Any pages over the limitation will be stricken.

(E) Filing Fee

There is no filing fee for filing an affidavit of disqualification.

Effective Date: March 1, 2019

Amended: January 1, 2023; _____

~~S.Ct.Prac.R.~~ **Rule 21.02. Proceedings after an Affidavit of Disqualification is Filed.**

(A) General

(1) Except as provided in R.C. 2701.03(D)(2) through (4), if the Clerk of Supreme Court accepts an affidavit of disqualification for filing, the affidavit deprives the judge against whom the affidavit was filed of any authority to preside in the case(s) identified in the affidavit until the Chief Justice, or a Justice designated by the Chief Justice, rules on the affidavit.

(2) Upon review of the affidavit, the Chief Justice, or a Justice designated by the Chief Justice, may request that the judge file a written response to the affidavit.

(B) Response of Judge

(1) If requested, the judge shall file the response with the Clerk of the Supreme Court in the form and within the time frame established by the Chief Justice, or a Justice designated by the Chief Justice.

(2) A judge may file a request for extension of time to submit a response, and the Chief Justice, or a Justice designated by the Chief Justice, may grant an extension of time, provided the request states good cause for an extension ~~and is filed with the Clerk within the time prescribed by the Chief Justice, or a Justice designated by the Chief Justice, for filing the response.~~

(3) The judge shall serve a copy of the response on the affiant and all parties, or their counsel, in the underlying case as provided for by ~~S.Ct.Prac.R.~~ Rule 21.03.

(4) The response to the affidavit shall not exceed fifteen numbered pages, exclusive of the certificate of service and any exhibits. Any pages over the limitation will be stricken.

4452 (C) Reply to Response

4453
4454 No reply to a response from the judge shall be permitted and the Clerk of the Supreme
4455 Court shall refuse to file a reply to a response from the judge.

4456
4457 (D) Additional or Supplemental Affidavits of Disqualification

4458
4459 The Clerk of the Supreme Court may accept supplemental or additional affidavits of
4460 disqualification regarding a pending case, provided that the supplemental or additional
4461 affidavits meet the filing requirements set forth in ~~S.Ct.Prac.R.~~ Rule 21.01(C) and R.C.
4462 2701.03.

4463
4464 (E) Motion for Reconsideration

4465
4466 No motion for reconsideration may be filed and the Clerk of the Supreme Court shall refuse
4467 to file a motion for reconsideration regarding an affidavit of disqualification.

4468
4469 Effective Date: March 1, 2019
4470 Amended: _____

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4472
4473 ~~S.Ct.Prac.R.~~ Rule 21.03. Service of Documents Filed Relating to Affidavits of
4474 Disqualification.

4475
4476 All documents filed under these rules shall be served by the affiant or by the judge against whom
4477 the affidavit was filed by personal service, U.S. mail, facsimile transmission, or e-mail.

4478
4479 Effective Date: March 1, 2019
4480 Amended: _____

4481
4482
4483 Rule 21.04. Sealed or Redacted Documents.

4484
4485 Any document filed in an affidavit of disqualification proceeding that has been sealed or redacted,
4486 or is the subject of a motion to seal or redact, shall remain under seal and not be made available
4487 for public access unless ordered by the Chief Justice or a Justice designated by the Chief Justice.

4488
4489 Effective Date: _____

4490
4491
4492 ~~S.Ct.Prac.R. 21.04~~ Rule 21.05. Application of Other Supreme Court Rules of Practice.

4493
4494 Unless clearly inapplicable, ~~S.Ct.Prac.R. 3.01 through 3.14~~ Sections 3 and ~~S.Ct.Prac.R. 4.01~~
4495 through 4.06 shall apply and supplement these rules as necessary.

4496
4497 Effective Date: March 1, 2019
4498 Amended: _____