

**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 August 24, 2022, 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 Christina Madriguera, Supreme Court of Ohio, 65 South Front Street, 8th Floor, Columbus, Ohio 43215-3431 or christina.madriguera@sc.ohio.gov not later than August 24, 2022. Please include your full name and mailing address in any comments submitted by e-mail.

Key to draft amendment:

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

# RULES OF PRACTICE OF THE SUPREME COURT OF OHIO

## INTRODUCTION

The Supreme Court is the highest court in the State of Ohio. The court consists of a Chief Justice and six Justices who are elected by the citizens of the state of Ohio to six-year terms. A majority of the Supreme Court is necessary to constitute a quorum or to render a judgment.

The jurisdiction of the Supreme Court is ~~outlined~~ established in Article II, Section 1g; Article IV, Section 2(B); Article XI, Section 9; and Article XIX, Section 3 of the Ohio Constitution as summarized below.

The Supreme Court has original jurisdiction in the following types of cases:

- (1) Quo warranto;
- (2) Mandamus;
- (3) Habeas corpus;
- (4) Prohibition;
- (5) Procedendo;
- (6) Initiative, supplementary, or referendum petition challenges;
- (7) General assembly and congressional redistricting;
- (8) Any cause on review as may be necessary to its complete determination;
- ~~(7)~~(9) Admission to the practice of law, the discipline of persons admitted to the practice of law, and all other matters relating to the practice of law.

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

### S.Ct.Prac.R. 2.03. Designation of Counsel of Record.

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

#### (B) Notification

(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

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

**(A) Filing**

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

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

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

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

**(5) Consideration for filing**

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

**~~(5)~~(6) Confirmation of delivery and filing deadlines**

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

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

**(B) Prohibition against untimely filings**

No document may be filed after the filing deadlines imposed by these rules, set by Supreme Court order, or as extended in accordance with S.Ct.Prac.R. 3.03(B)(2) or 11.04(C). The Clerk shall refuse to file a document that is not timely received in accordance with S.Ct.Prac.R. 3.02(A) division (A) of this rule. ~~Motions~~ Except as provided in S.Ct.Prac.R. 3.13, S.Ct.Prac.R. 12.06, or S.Ct.Prac.R. 12.08, motions to waive this rule are prohibited and shall not be filed.

**(C) Rejection of noncomplying documents**

The Clerk may reject documents that are not clearly legible or that fail to comply with the

93 requirements of these rules.

94  
95 Effective Date: June 1, 1994

96 Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010;  
97 January 1, 2013; January 1, 2015; April 14, 2015; July 22, 2015; January 1, 2017; March 1, 2019; January  
98 1, 2021;\_\_\_\_\_

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

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103 **(A) ~~Applicability to filing through the E-Filing Portal~~ Requirements for copies**

104  
105 ~~Generally, this rule does not apply to documents submitted through the E-filing Portal. (1)~~  
106 ~~If, however, the Clerk deems it necessary, the Clerk may request that the filing party~~  
107 ~~provide copies of documents filed through the E-Filing Portal. The copies shall be identical~~  
108 ~~to the filed version and shall comply with the provisions of this rule.~~

109  
110 (2) Copies of documents shall be on opaque, unglazed, 20 to 22-pound weight white  
111 paper, 8 1/2 by 11 inches in size.

112  
113 (3) Copies shall be secured firmly by a single staple in the upper-left hand corner of  
114 the document or shall be spiral bound.

115  
116 (4) With the exception of jurisdictional memoranda and merit briefs, which shall be  
117 single-sided, both sides of the paper may be used as long as the document is clearly legible.

118  
119 (5) Copies shall not be enclosed in notebooks or binders and shall not have plastic  
120 cover pages.

121  
122 **(B) ~~Number of copies~~**

123  
124 ~~The original of a document filed in the Supreme Court shall be accompanied by an~~  
125 ~~appropriate number of copies as follows, unless otherwise provided by S.Ct.Prac.R.~~  
126 ~~3.02(A)(3)(b) or 3.02(A)(4)(c):~~

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Notice of appeal	1
Notice of cross appeal	1
<del>Præcipe filed in death penalty appeal</del>	1
Jurisdictional memorandum	5
Waiver of memorandum in response	0
Brief in an appeal or original action	9
List of additional authorities filed pursuant to S.Ct.PracR. 17.08	9
Supplement to a merit brief filed pursuant to S.Ct.Prac.R. 16.09	0
Complaint in an original action	4 plus an additional copy for each named respondent

Evidence in an original action	5
Request for extension of time	0
Stipulation to an agreed extension of time	0
Notices related to attorney representation under S.Ct.Prac.R. 2.01 through 2.03	0
Affidavits of compliance	1
Application for dismissal filed pursuant to S.Ct.Prac.R. 4.05	1
Any other document	5

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129

**(C) Date-stamped copy**

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

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**(D) Form of copies**

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137

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

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(2) ~~Copies shall be secured firmly by a single staple in the upper left hand corner of the document or shall be spiral bound.~~

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

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146

(4) ~~Copies shall not be enclosed in notebooks or binders and shall not have plastic cover pages.~~

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Effective Date: April 1, 1994

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Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January 1, 2008;

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January 1, 2010; October 1, 2011; January 1, 2013; January 1, 2015; September 29, 2017; September 18,

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2018; March 1, 2019; \_\_\_\_\_

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

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

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**(B) Service requirement**

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

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166  
167 (b) A party is not required to serve a copy of a complaint filed to institute an  
168 original action, any documents that are submitted with a complaint filed to institute  
169 an original action, a form containing omitted personal identifiers as required by  
170 Sup.R. 45(D), or an affidavit of indigency or entry appointing counsel submitted in  
171 lieu of a filing fee. This division shall not apply to an amended complaint filed  
172 under S.Ct.Prac.R. 3.13 and Civ.R. 15(A) in an original action.  
173

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

175  
176 Effective Date: June 1, 1994

177 Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010;  
178 January 1, 2013; January 1, 2015; September 29, 2017; September 13, 2018; March 1, 2019; January 1,  
179 2021; \_\_\_\_\_

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182 **S.Ct.Prac.R. 3.13. Corrections or Additions to Previously Filed Documents.**

183  
184 **(A) General**

185  
186 A party who wishes to make corrections or additions to a previously filed document shall  
187 file a revised document and copies that completely incorporate the corrections or additions.  
188

189 **(B) Time to file**

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

196  
197 (2) Time permitted by these rules for filing any responsive document shall begin to run  
198 when the revised document is filed.  
199

200 (3) When the time permitted by these rules to file the original document has expired, a  
201 party may file a motion for leave to file a revised document. The revised document shall  
202 be attached to the motion for leave. The Clerk shall refuse to file a motion for leave that  
203 is not accompanied by the revised document, and motions to waive this rule are prohibited  
204 and shall not be filed.  
205

206 **[Existing language unaffected by the amendment is omitted to conserve space]**

207  
208 Effective Date: June 1, 1994

209 Amended: April 1, 1996; June 1, 2000; July 1, 2004; February 1, 2007; January 1, 2008; January 1, 2010;  
210 January 1, 2013; January 1, 2015; January 1, 2021; \_\_\_\_\_

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213 **S.Ct.Prac.R. 4.04. Recusal or Disqualification of a Justice.**

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

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217 **(B) Request to recuse**

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

220

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

223

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

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226 Effective Date: April 1, 2011

227 Amended: January 1, 2013; \_\_\_\_\_

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230 **S.Ct.Prac.R. 5.08. Petition Challenges, Election Contests, and ~~Apportionment~~**  
231 **Redistricting Cases.**

232

233 **(A) Definitions**

234

235 As used in these rules:

236

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

239

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

241

242 (3) ~~An “apportionment”~~ A “redistricting” case is a case that invokes the  
243 jurisdiction of the Supreme Court as provided for in Article XI, Section 9 or Article  
244 XIX, Section 3 of the Ohio Constitution.

245

246 **(B) Procedure**

247

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

249

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

251

252 (3) ~~An apportionment~~ A redistricting case shall be filed as provided in S.Ct.Prac.R.  
253 14.03.

254

255 Effective Date: January 1, 2013; September 24, 2021

256 Amended: \_\_\_\_\_

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259 **S.Ct.Prac.R. 7.06. Jurisdictional Memorandum of Amicus Curiae.**

260

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

262

263 **(B) Deadline for filing**

264

265 (1) An amicus memorandum in support of jurisdiction shall be filed ~~by~~ no later than  
266 one day after the appellant's deadline for perfecting an appeal to the Supreme Court or by  
267 no later than one day after the appellant's deadline for filing a memorandum in support of  
268 jurisdiction, whichever is later.

269

270 (2) An amicus memorandum in response shall be filed by the appellee's deadline for  
271 filing a memorandum in response.

272

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

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276 Effective Date: June 1, 1994

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

278 January 1, 2013; \_\_\_\_\_

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281 **S.Ct.Prac.R. 12.02. Institution of an Original Action.**

282

283 **(A) General**

284

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

288

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

294

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

297

298 **[Existing language unaffected by the amendment is omitted to conserve space]**

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300 Effective Date: June 1, 1994

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

302 January 1, 2013; \_\_\_\_\_

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306 **S.Ct.Prac.R. 12.06. Presentation of Evidence.**

307

308 **(A) General**

309

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

317

318 **(B) Rebuttal evidence**

319

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

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324 Effective Date: June 1, 1994

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

326 January 1, 2013; \_\_\_\_\_

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329 **S.Ct.Prac.R. 12.08. Expedited Election Cases.**

330

331 **(A) Procedure**

332

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

338

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

341

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

345

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

348

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

351

352                   (d)     Relator may file a motion for leave to file rebuttal evidence within three  
353                   days after the filing of respondent’s merit brief. Relator’s rebuttal evidence shall  
354                   be attached to the motion for leave.  
355

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

358  
359           (4)     If any motion is filed in an expedited elections case under this rule, any other party  
360           to the case shall have three days from the date of the filing of the motion to file a response.  
361

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

363  
364           Effective Date: June 1, 1994

365           Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010;  
366           January 1, 2013; January 1, 2017; January 1, 2021; \_\_\_\_\_  
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369                   **SECTION 14.           PETITION CHALLENGES; ELECTION CONTESTS;**  
370                   **APPORTIONMENT REDISTRICTING CASES.**

371  
372           **S.Ct.Prac.R. 14.01.   Petition Challenges.**

373  
374           **[Existing language unaffected by the amendments is omitted to conserve space]**

375  
376           **(D)     Procedure**

377  
378           The Clerk of the Supreme Court shall issue a summons and serve a copy of the challenge  
379           by certified mail sent to the address of the respondent as indicated on the cover page of the  
380           challenge. The summons shall inform the respondent of the time to respond to the  
381           challenge.  
382

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

384  
385           (1)     The Supreme Court may refer challenge actions to a master commissioner for any  
386           purpose, including resolution of discovery disputes, and to conduct a hearing for the  
387           presentation of evidence.  
388

389           (2)     The Supreme Court may also order oral argument before the court.  
390

391           **~~(E)~~(F) Power of Supreme Court**

392  
393           In a challenge to an initiative, supplementary, or referendum petition brought under Article  
394           II, Section 1g of the Ohio Constitution, the Supreme Court may do all things necessary for  
395           an efficient and timely ruling on the challenge. The Supreme Court may sua sponte, or on  
396           motion by a party, issue a procedural order to govern the receipt of evidence, filing of  
397           briefs, conduct of hearings, and manner for ruling on any challenges.  
398

399 **(F)(G) Service of documents**

400  
401 All documents filed under this rule, ~~including the challenge~~ except those filed to institute  
402 a case, shall be served by personal service, facsimile transmission, or e-mail on the date of  
403 the documents' submission for filing.

404  
405 Effective Date: January 1, 2013.  
406 Amended: September 24, 2021; \_\_\_\_\_

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408  
409 **S.Ct.Prac.R. 14.03. ~~Apportionment~~ Redistricting Cases.**

410  
411 **(A) General**

412  
413 To invoke the original jurisdiction of the Supreme Court pursuant to Article XI, Section 9  
414 or Article XIX, Section 3 of the Ohio Constitution, a party shall file a complaint with the  
415 Clerk of the Supreme Court. The complaint shall clearly identify that the case involves a  
416 challenge to ~~apportionment~~ redistricting or a plan of ~~apportionment~~ redistricting  
417 promulgated pursuant to Article XI or Article XIX.

418  
419 **(B) Procedure**

420  
421 (1) The Clerk shall issue a summons and serve a copy of the complaint by certified  
422 mail sent to the address of the respondent as indicated on the cover page of the complaint.  
423 The summons shall inform the respondent of the time to respond to the complaint.

424  
425 (2) After a complaint is filed pursuant to division (A) of this rule, the Supreme Court  
426 shall issue an order setting a schedule for the filing of answers or motions to dismiss, briefs,  
427 and evidence in the case.

428  
429 **(C) Service**

430  
431 All documents filed under this rule, except those filed to institute a case, shall be served by  
432 the parties by personal service, facsimile transmission, or e-mail on the date of the  
433 documents' submission for filing.

434  
435 **(D) Reference to a master commissioner; oral argument**

436  
437 (1) The Supreme Court may refer ~~apportionment~~ redistricting cases to a master  
438 commissioner for any purpose, including resolution of discovery disputes, and to conduct  
439 a hearing for the presentation of evidence.

440  
441 (2) The Supreme Court may also order oral argument before the court.

442  
443 Effective Date: January 1, 2013.  
444 Amended: September 24, 2021; \_\_\_\_\_

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**S.Ct.Prac.R. 16.02. Appellant’s Brief.**

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

**(C) Page limit**

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

(2) In a death-penalty ~~appeal~~ appeals of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), (4), or (6) and in postconviction death-penalty appeals filed pursuant to S.Ct.Prac.R. 7, the appellant’s brief has no limitation.

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; June 1, 2017; March 1, 2019; \_\_\_\_\_

**S.Ct.Prac.R. 16.03. Appellee’s Brief.**

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

**(C) Page limit**

(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, and the appendix.

(2) In a death-penalty ~~appeal~~ appeals of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), (4), or (6) and in postconviction death-penalty appeals filed pursuant to S.Ct.Prac.R. 7, the appellee’s brief shall not have a page limitation.

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; June 1, 2017; \_\_\_\_\_

**S.Ct.Prac.R. 16.04. Appellant’s Reply Brief.**

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

**(B) Page limit**

(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.

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

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; June 1, 2017; \_\_\_\_\_

**S.Ct.Prac.R. 16.05. Merit Briefs in Case Involving Cross-Appeal.**

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

**(B) First brief**

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

(2) (a) Except in death-penalty appeals of right and in a postconviction death-penalty appeals, ~~this~~ the first brief shall not exceed fifty numbered pages, exclusive of the table of contents, the table of authorities cited, the certificate of service, and the appendix.

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

**(C) Second brief**

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

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

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

**(D) Third brief**

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

(2) (a) Except in death-penalty appeals of right and in a postconviction death-penalty appeals, the third brief shall not exceed fifty numbered pages, exclusive of

540 the table of contents, the table of authorities cited, the certificate of service, and the  
541 appendix.

542  
543 (b) In a death-penalty ~~appeal~~ appeals of right filed pursuant to S.Ct.Prac.R.  
544 5.01(A)(1), (2), (4), or (6) and in postconviction death-penalty appeals filed  
545 pursuant to S.Ct.Prac.R. 7, the third brief has no page limitation.

546  
547 **(E) Fourth brief**

548  
549 **[Existing language unaffected by the amendments is omitted to conserve space]**

550  
551 (2) (a) Except in death-penalty appeals of right and in postconviction death-penalty  
552 appeals, the fourth brief shall not exceed twenty numbered pages, exclusive of the  
553 table of contents, the table of authorities cited, the certificate of service, and the  
554 appendix.

555  
556 (b) In a death-penalty ~~appeal~~ appeals of right filed pursuant to S.Ct.Prac.R.  
557 5.01(A)(1), (2), (4), or (6) and in postconviction death-penalty appeals filed  
558 pursuant to S.Ct.Prac.R. 7, the fourth brief has no page limitation.

559  
560 Effective Date: June 1, 1994  
561 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010;  
562 January 1, 2013; June 1, 2017; \_\_\_\_\_

563  
564  
565 **S.Ct.Prac.R. 21.01. Affidavits of Disqualification.**

566  
567 **[Existing language unaffected by the amendments is omitted to conserve space]**

568  
569 **(D) Mechanical Requirements**

570  
571 (1) In addition to the requirements imposed by R.C. 2701.03 and S.Ct.Prac.R.  
572 21.01(C), the affidavit of disqualification shall include the following:

573  
574 (a) The case caption, case number, and court for the underlying case in which  
575 the affiant is seeking disqualification of a judge;

576  
577 (b) The affiant's full name and address;

578  
579 (c) If the affiant is represented by counsel, the name of the affiant's attorney;

580  
581 (d) If the affiant is an attorney, the name and party status of the affiant's client;  
582 and

583  
584 (e) The name(s) and address(es) of all other parties to the underlying case.

585

586 (2) When an affidavit is presented for filing in person, by delivery service, or by mail,  
587 the affiant shall file an original and three copies of the affidavit of disqualification with the  
588 Clerk of the Supreme Court.

589  
590 (3) When an affidavit is presented for filing by email, the affiant shall present the  
591 affidavit as a Portable Document Format (“PDF”) file.

592  
593 (4) An affidavit of disqualification shall not exceed fifteen numbered pages, exclusive  
594 of the certificate of service and any exhibits.

595  
596 **[Existing language unaffected by the amendments is omitted to conserve space]**

597  
598 Effective Date: March 1, 2019

599 Amended: \_\_\_\_\_