

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

The Supreme Court of Ohio adopted the following amendments to the Rules of Practice of the Supreme Court of Ohio (amended S.Ct.Prac.R. 1.04, 2.01, 2.02, 3.02, 3.07, 7.01, 8.01, 9.01, 10.01, 10.02, 11.06, 12.04, 12.08, 13.04, 16.08, and 17.08 and new S.Ct.Prac.R. 4.06). The history of these amendments is as follows:

October 10, 2016	Published for comment
November 29, 2016	Final adoption by conference
January 1, 2017	Effective date of amendments

RULES OF PRACTICE OF THE SUPREME COURT OF OHIO

S.Ct.Prac.R. 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. 2.01. Prerequisites to Filing and Appearance.

(A) Requirements

(1) General

(a) In order to file documents other than those required to perfect an appeal, or to participate in oral argument, attorneys shall be registered for active status with the Office of Attorney Services of the Supreme Court as required by Gov.Bar R. VI or shall have complied with the pro hac vice requirements of S.Ct.Prac.R. 2.02.

(b) Only persons who are attorneys qualified pursuant to division (A)(1)(a) of this rule may file documents on behalf of another person or on behalf of an entity.

(2) Death-penalty cases

In addition to meeting the requirements of division (A)(1)(a) of this rule, in death-penalty cases, any appointed attorney shall satisfy the certification requirements of the Rules for Appointment of Counsel in Capital Cases and appear on the list of attorneys certified to represent capital defendants on appeal.

(3) E-Filing Portal

- (a) The use of the Supreme Court's E-Filing Portal is optional.
- (b) All persons who choose to file documents through the E-Filing Portal shall register and set up an account through the E-Filing Portal. Registered users shall be responsible for maintaining the accuracy of their E-Filing Portal account information.
- (c) No registered user of the E-Filing Portal shall authorize or permit anyone to use the registered user's E-Filing Portal account except on behalf of the registered user, in which event the registered user shall be deemed to be the filer.

(B) Notice of appearance and withdrawal

- (1) For attorneys registered for active status with the Office of Attorney Services of the Supreme Court of Ohio, the first document filed by a party serves as the notice of appearance of counsel for the attorneys who represent the filing party.
- (2) Any attorney who first appears in a case after the first document has been filed by the party that the attorney represents shall do one of the following:
 - (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. 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. 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)(6)(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)(6) shall also be attached.

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

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

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

(C) Refusal to file

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

(D) Notification and renewal

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

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

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

S.Ct.Prac.R. 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.

(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; by mail addressed to the Clerk, The Supreme Court of Ohio, 65 S. Front St., 8th Floor, Columbus, Ohio 43215-3431; or by e-mail as specified in division (A)(4) of this rule.

(c) Paper documents received in the Clerk's Office after 5:00 p.m. shall not be considered for filing until the next business day.

(3) Filing electronic documents through the E-Filing Portal

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

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

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

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

(e) Documents received after 5:00:00 p.m. local observed time in Columbus, Ohio through the E-Filing Portal shall not be considered for filing until the next business day. The time of receipt of a document is the time-stamp provided by the Supreme Court’s E-Filing Portal, and the time-stamp provided by any other computer system shall not alter the time of receipt and effect of this rule.

(f) After review by the Clerk’s Office, a separate communication that indicates whether the documents were accepted for filing will be sent to the e-mail address registered with the account of the person who submitted the documents through the E-Filing Portal.

(4) 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) 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). 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 requirements of these rules.

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S.Ct.Prac.R. 3.07. Cover Page.

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

- (A) The case name and the case number assigned when the case was filed in the Supreme Court;
- (B) The nature of the proceeding in the Supreme Court (e.g., appeal, original action in mandamus);
- (C) If the proceeding is an appeal, the name of the court or the administrative agency from which the appeal is taken;
- (D) The title of the document (e.g., notice of appeal, appellant's merit brief, memorandum in support of jurisdiction);
- (E) An identification of the party on whose behalf the document is filed;
- (F) The name, attorney-registration number, address, telephone number, facsimile number, and e-mail address, if available, of each attorney who has filed an appearance in the case; an indication as to which party each attorney represents; and, where two or more attorneys represent a party, designation of counsel of record in accordance with S.Ct.Prac.R. 2.03. A party who is not represented by an attorney shall indicate the party's name, address, and telephone number.

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Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2017

S.Ct.Prac.R. 4.06. Substitution of Parties

(A) General

(1) Original actions

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

(2) Other case types

In all other cases, except as provided for in division (B) of this rule, if substitution of a party is necessary, a motion shall be filed that designates the person to be substituted and states the reasons the substitution is required.

(B) Public officers; death or separation from office

Unless otherwise provided for by this rule, when a public officer in the officer's official capacity is a party to an appeal or other proceeding in the Supreme Court of Ohio and ceases to hold office while the matter is pending, the action does not abate and the successor officer is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party. Any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time. The omission to enter such an order shall not affect the substitution.

Effective: January 1, 2017

S.Ct.Prac.R. 7.01. Institution of Jurisdictional Appeal.

(A) Perfection of appeal

(1) Time to file and documents required

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

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

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

(2) Subsequent notices of appeal and cross-appeal

(a) If a party timely files a notice of appeal in the Supreme Court, any other party may file a notice of appeal or cross-appeal in the Supreme Court within the

time prescribed by division (A)(1) of this rule or ten days after the first notice of appeal was filed, whichever is later.

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

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

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

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

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

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

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

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

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

(4) Motion for a delayed appeal in felony cases

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

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

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

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

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

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

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

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S.Ct.Prac.R. 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 court of appeals order certifying a conflict within thirty 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.

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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. 9.01. Institution of a Case Certifying a Question of State Law.

(A) General

The Supreme Court may answer a question of law certified to it by a court of the United States. This rule is invoked if the certifying court, in a proceeding before it, issues a certification order finding there is a question of Ohio law that may be determinative of the proceeding and for which there is no controlling precedent in the decisions of this Supreme Court.

(B) Procedure

(1) A case certifying a question of state law shall be instituted by the clerk of the certifying court filing with the Clerk of the Supreme Court a date-stamped certification order from a court of the United States as specified by S.Ct.Prac.R. 9.02 and 9.03.

(2) A case certifying a question of state law may be initiated with a paper filing or through the E-Filing Portal.

Effective Date: June 1, 1994

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

S.Ct.Prac.R. 10.01. Institution of an Appeal from the Board of Tax Appeals.

(A) Perfection of an appeal

(1) A notice of appeal from the Board of Tax Appeals shall be filed with the Supreme Court and the Board within thirty days from the date of the entry of the decision of the Board.

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

(3) If a party timely files a notice of appeal in the Supreme Court, any other party may file a notice of appeal pursuant to R.C. 5717.04.

(B) Proceedings

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

Effective Date: June 1, 1994

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

S.Ct.Prac.R. 10.02. Institution of an Appeal from the Public Utilities Commission.

(A) Perfection of an appeal

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

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

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

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

(B) Proceedings

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

Effective Date: June 1, 1994

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

S.Ct.Prac.R. 11.06. Application for Reopening.

(A) General

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

(B) Requirements

An application for reopening shall contain all of the following:

- (1) The Supreme Court case number in which reopening is sought and the trial court case number or numbers from which the appeal was taken;
- (2) A showing of good cause for untimely filing if the application is filed more than ninety days after entry of the judgment of the Supreme Court;
- (3) One or more propositions of law or arguments in support of propositions of law that previously were not considered on the merits in the case or that were considered on an incomplete record because of the claimed ineffective representation of appellate counsel;
- (4) An affidavit stating the basis for the claim that appellate counsel's representation was ineffective with respect to the propositions of law or arguments raised pursuant to S.Ct.Prac.R. 11.06(B)(3) and the manner in which the claimed deficiency prejudicially affected the outcome of the appeal, which affidavit may include citations to applicable authorities and references to the record;
- (5) If the application is filed more than ninety days after the issuance of the mandate of the Supreme Court, any relevant parts of the record available to the applicant;
- (6) All supplemental affidavits upon which the applicant relies;
- (7) Specific citations to the record, as necessary to support the claims raised in the application.

(C) Response to an application for reopening

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

(D) Page limitation

An application for reopening and a response to an application for reopening shall not exceed fifteen pages, exclusive of affidavits and parts of the record.

(E) Grounds for granting application

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

(F) Notice and appointment of counsel

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

- (1) Appoint counsel to represent the applicant if the applicant is indigent and not currently represented;
- (2) Impose conditions, if any, necessary to preserve the status quo during the pendency of the reopened appeal.

(G) Procedure after granting an application

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

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

(H) Evidentiary hearing

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

(I) Supreme Court decision

If the Supreme Court finds that the performance of appellate counsel was deficient and the applicant was prejudiced by that deficiency, the Supreme Court shall vacate its prior

judgment and enter the appropriate judgment. If the Supreme Court does not so find, it shall issue an order confirming its prior judgment.

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, 2017

S.Ct.Prac.R. 12.04. Response to Complaint; Court Action.

(A) Time to file response to complaint

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

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

(B) Responses

(1) The respondent may file a motion for judgment on the pleadings at the same time an answer is filed. The relator may not file a motion for judgment on the pleadings or a response to an answer.

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

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

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

(C) Supreme Court action

After the time for filing an answer to the complaint or a motion to dismiss, the Supreme Court will dismiss the case; issue an alternative or a peremptory writ, if a writ has not already been issued; or deny the request for 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; January 1, 2017

S.Ct.Prac.R. 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 five days after service of the summons.

(2) Unless otherwise ordered by the Supreme Court, and pursuant to the provisions of S.Ct.Prac.R. 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.

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

(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 of filing by personal service, facsimile transmission, or e-mail.

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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

S.Ct.Prac.R. 13.04. Oral Argument.

(A) Scheduling

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

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

(B) Waiver of oral argument

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

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

Effective Date: January 1, 2013

Amended: January 1, 2015; January 1, 2017

S.Ct.Prac.R. 16.08. Prohibition Against Supplemental Briefing.

Except as provided in S.Ct.Prac.R. 3.13, 17.08, and 17.09, merit briefs shall not be supplemented. If a relevant authority is issued after the deadline has passed for filing a party's merit brief, that party may file a citation to the relevant authority but shall not file additional argument. In cases scheduled for oral argument, citations to additional authority may be filed pursuant to S.Ct.Prac.R. 17.08.

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

S.Ct.Prac.R. 17.08. List of Additional Authorities Relied Upon During Oral Argument.

(A) General

A party who intends to rely during oral argument on authorities not cited in the merit briefs shall file a list of citations to those authorities no later than seven days before the date of the oral argument. The party shall not file additional argument.

(B) Exception

If relevant authority is issued less than seven days before the date of oral argument, a party may file a citation to the relevant authority but shall not cite to any other authority that was issued more than seven days before oral argument. The party shall not file additional argument.

Effective: June 1, 1994

Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; January 1, 2017