

**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 October 5, 2020, 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 Justin Kudela, Case Management Counsel, Supreme Court of Ohio, 65 South Front Street, 8th Floor, Columbus, Ohio 43215-3431 or justin.kudela@sc.ohio.gov not later than October 5, 2020. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed 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

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

(A) Filing

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

(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.

(c) Paper documents received in the Clerk’s Office after 5:00:00 p.m. ~~shall not be considered for filing until the next business day~~ 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 the Rules of Practice and were received on or before the date they were due.

(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) (i) Documents received after 11:59:59 p.m. local observed time in Columbus, Ohio, through the E-Filing Portal shall not be considered for filing

44 until the next business day. The time of receipt of a document is the time-
45 stamp provided by the Supreme Court’s E-Filing Portal, and the time-stamp
46 provided by any other computer system shall not alter the time of receipt and
47 effect of this rule.
48

49 (ii) Documents submitted through the E-Filing Portal after 5:00:00 p.m.
50 local observed time in Columbus, Ohio, will not be reviewed by the Clerk’s
51 Office until the next business day. They will be considered timely if the
52 documents comply with the Rules of Practice and were received on or before
53 the date they were due in accordance with division (e)(i) of this rule.
54

55 (f) After review by the Clerk’s Office, a separate communication that indicates
56 whether the documents were accepted for filing will be sent to the e-mail address
57 registered with the account of the person who submitted the documents through the
58 E-Filing Portal.
59

60 **[Existing language unaffected by the amendments is omitted to conserve space]**
61

62 Effective Date: June 1, 1994

63 Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January
64 1, 2010; January 1, 2013; January 1, 2015; April 14, 2015; July 22, 2015; January 1, 2017; March
65 1, 2019; _____
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67
68 **S.Ct.Prac.R. 3.03. Computation and Extension of Time.**
69

70 **(A) Computation of time**
71

72 (1) In computing any period of time prescribed or allowed by these rules or by an order
73 of the Supreme Court, the day of the act from which the designated period of time begins
74 to run shall not be included, and the last day of the period shall be included. If the last day
75 of the period is a Saturday, Sunday, or legal holiday, the period runs until 11:59:59 p.m.
76 local observed time in Columbus, Ohio on the next day that is not a Saturday, Sunday, or
77 legal holiday.
78

79 **[Existing language unaffected by the amendments is omitted to conserve space]**
80

81 **(B) Extension of time**
82

83 **(1) General prohibition against extensions of time**
84

85 Except as provided in division (B)(2) of this rule, the Supreme Court will not extend
86 the time for filing a document as prescribed by these rules or by court order, and
87 the Clerk of the Supreme Court shall refuse to file requests for extension of time.
88
89

90 (2) Extension of time to file certain documents
91

92 [Existing language unaffected by the amendments is omitted to conserve space]
93

94 (b) (i) In an expedited election case or any other case where a stipulation
95 to an extension of time cannot be obtained, a party may file a request for
96 extension of time to file a merit brief, including a reply brief, the response
97 to a complaint. The Supreme Court will grant a party only one extension of
98 time, not to exceed ten days, provided the request for extension of time
99 states good cause for an extension and is filed with the Clerk within the time
100 prescribed by the rules for filing the brief or other document that is the
101 subject of the request.
102

103 (ii) The Clerk shall refuse to file a request for extension of time that is
104 not tendered timely in accordance with this rule or if a stipulation to an
105 agreed extension of time has already been filed under division (B)(2)(a) of
106 this rule by the party filing the request.
107

108 (iii) The filing of a request for extension of time automatically extends
109 the time for filing the document for which the extension is sought until the
110 Supreme Court rules on the request.
111

112 [Existing language unaffected by the amendments is omitted to conserve space]
113

114 Effective Date: June 1, 1994

115 Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January
116 1, 2010; January 1, 2013, March 1, 2019, March 1, 2020; _____
117

118
119 **S.Ct.Prac.R. 3.05. Security Deposits in Original Actions.**
120

121 Except for original actions in habeas corpus, original actions also require a deposit in the amount
122 of one hundred dollars as security for costs. The security deposit shall be paid before the case is
123 filed. In extraordinary circumstances, the Supreme Court may require an additional security
124 deposit at any time during the action.
125

126 Effective Date: June 1, 1994

127 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1,
128 2013; _____
129

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135 **S.Ct.Prac.R. 3.06. Affidavit of Indigence or Entry of Appointment of Counsel in Lieu of**
136 **Fees.**

137
138 **(A) Affidavit of indigence**
139

140 An affidavit of indigence may be filed in lieu of filing fees or security deposits. The
141 affidavit shall be notarized and executed within six months prior to being filed in the
142 Supreme Court by the party on whose behalf it is filed. The affidavit shall state the specific
143 reasons the party does not have sufficient funds to pay the filing fee or the security deposit.
144 ~~The Clerk of the Supreme Court shall refuse to file an affidavit of indigence that does not~~
145 ~~comply with this rule.~~

146
147 **(B) Entry appointing counsel**
148

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

151
152 Effective Date: June 1, 1994
153 Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1,
154 2013; _____
155

156
157 **S.Ct.Prac.R. 3.09. Mechanical Requirements.**
158

159 **(A) Applicability to paper and electronic documents**
160

161 The requirements of this rule apply to both paper documents and electronic documents
162 submitted through the E-Filing Portal, unless a provision is clearly inapplicable to
163 electronically filed documents.
164

165 **(B) General**
166

167 **(1) Typeface**
168

169 (a) Every original document filed with the Supreme Court shall be single-sided,
170 shall be typewritten or prepared by; computer, word processor or other standard
171 typographic process, and shall comply with the requirements of this rule. Only the
172 single-sided portions of a document shall be scanned and made part of the official
173 record in the case.
174

175 **[Existing language unaffected by the amendments is omitted to conserve space]**
176

177 Effective Date: June 1, 1994
178 Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January
179 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; March 1, 2019; _____
180

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

183
184 **(A) Applicability to paper and electronic documents**

185
186 The requirements of this rule apply to both paper documents and electronic documents
187 submitted through the E-Filing Portal or by e-mail. The E-Filing Portal does not provide
188 service of documents and all parties submitting documents through the E-Filing Portal must
189 still comply with all the requirements imposed by this rule.

190
191 **[Existing language unaffected by the amendments is omitted to conserve space]**

192
193 **(D) Certificate of service; certificate of filing**

194
195 (1) ~~(a)~~ Unless a document is filed jointly and is signed by all parties to the case, or
196 is not required to be served pursuant to division (B)(1)(b) of this rule, all documents
197 presented for filing with the Clerk shall contain a certificate of service. The
198 certificate of service shall state the date and manner of service and identify the
199 names of the persons served and shall be signed by the party or the amicus curiae
200 who files the document.

201
202 ~~(b) The Clerk shall refuse to accept for filing any document that does not~~
203 ~~contain a certificate of service, unless these rules require that the document is to be~~
204 ~~served by the Clerk.~~

205
206 (2) In an appeal from the Public Utilities Commission or the Power Siting Board, the
207 notice of appeal shall also contain a certificate of filing to demonstrate that the appellant
208 filed a notice of appeal with the docketing division of the Public Utilities Commission in
209 accordance with Ohio Adm. Code 4901-1-02(A) and 4901-1-36.

210
211 **[Existing language unaffected by the amendments is omitted to conserve space]**

212
213 Effective Date: June 1, 1994
214 Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January
215 1, 2010; January 1, 2013; January 1, 2015; September 29, 2017; September 13, 2018; March 1,
216 2019; _____

217
218

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

220
221 **(A) General**

222
223 A party who wishes to make corrections or additions to a previously filed document shall file a
224 revised document and copies that completely incorporate the corrections or additions.

225
226

227 **(B) Time to file**
228

229 (1) The revised document shall be filed within the time permitted by these rules for
230 filing the original document, except that corrections or additions shall not be made to a
231 motion if a memorandum opposing the motion has already been filed.
232

233 (2) Time permitted by these rules for filing any responsive document shall begin to run
234 when the revised document is filed.
235

236 ~~(3) The Clerk of the Supreme Court shall refuse to file a revised document that is not~~
237 ~~submitted in the form and within the deadlines prescribed by this rule.~~
238

239 **(C) Revised document supersedes original**
240

241 A revised document that is properly filed under this rule will supersede the original document, and
242 the Supreme Court will not consider the original document that was filed.
243

244 Effective Date: June 1, 1994

245 Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January
246 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; _____
247

248
249 **S.Ct.Prac.R. 12.08. Expedited Election Cases.**
250

251 **(A) Procedure**
252

253 (1) Because of the necessity of a prompt disposition of an original action relating to a
254 pending election, and in order to give the Supreme Court adequate time for full
255 consideration of the case, if the action is filed within ninety days prior to the election, the
256 respondent shall file an answer to the complaint within five days after service of the
257 summons.
258

259 (2) Unless otherwise ordered by the Supreme Court, and pursuant to the provisions of
260 S.Ct.Prac.R. 12.07, original actions governed by this rule shall proceed as follows:
261

262 (a) Relator shall file any evidence and a merit brief in support of the complaint
263 within three days after the filing of the answer or, if no answer is filed, within three
264 days after the answer was due;
265

266 (b) Respondent shall file any evidence and a merit brief within three days after
267 the filing of relator's merit brief;
268

269 (c) Relator may file a reply brief within three days after the filing of
270 respondent's merit brief.
271

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

274
275 (4) If any motion is filed in an expedited election case under this rule, any other party
276 to the case shall have three days from the date of the filing of the motion to file a response.

277
278 **[Existing language unaffected by the amendments is omitted to conserve space]**

279
280 Effective Date: June 1, 1994
281 Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January
282 1, 2010; January 1, 2013; January 1, 2017; _____

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284
285 **S.Ct.Prac.R. 13.03. Briefing.**

286
287 **(A) Time to file**

288
289 The filing of objections or an answer along with the accompanying brief required by the
290 Rules for the Government of the Bar or the Rules for the Government of the Judiciary shall
291 proceed as ordered by the Supreme Court.

292
293 **(B) Form**

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295 All briefs filed in support of objections or an answer shall conform to the requirements set
296 forth in S.Ct.Prac.R. 3.07 through 3.12 and the page limitations for briefs imposed by
297 S.Ct.Prac.R. 16.02-16.03.

298
299 Effective Date: January 1, 2013; _____