

**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 29, 2014, on the following proposed amendments to the Rules of Practice of the Supreme Court of Ohio. The Court is also requesting comment on the imposition of a fee to be paid by users of the E-Filing Portal. In e-filed cases, the Court will assume the task of producing paper copies for internal Court use.

Comments 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 29, 2014. Please include your full name and mailing address in any comments submitted by e-mail.

Key to proposed amendments:

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

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

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 ~~preceding~~ requirements of division (A)(1)(a) of this rule, in death-penalty cases, any appointed attorney shall satisfy the certification requirements of Sup.R. 20 through 20.05 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. Only persons who are attorneys qualified pursuant to division (A)(1)(a) of this rule may file documents through the E-Filing Portal.

(b) All attorneys 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) The first document filed by a party shall serve as the notice of appearance of counsel for the attorneys who represent the filing party.

46 (2) Any attorney appearing who first appears in a case after the first document has
47 been filed by the party that the attorney represents shall do one of the following:
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49 (a) File a notice of appearance identifying the party on whose behalf the
50 attorney is appearing;
51

52 (b) Specify on the document being filed that this is the attorney's first
53 appearance in the case;
54

55 (c) If the document is filed through the E-Filing Portal, add the attorney and
56 identify the party the attorney represents.
57

58 (3) Any attorney who has made an appearance in a case and later withdraws from
59 representation of a party shall file a notice of withdrawal.
60

61 **(C) Striking of documents**
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63 The Supreme Court may strike documents filed by attorneys who do not comply with this
64 rule, may strike from the docket the names of attorneys who are not in compliance with
65 this rule, or may take any other action as the Supreme Court deems appropriate.
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67 Effective Date: June 1, 1994

68 Amended: April 1, 1996; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January
69 1, 2013; _____
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72 **S.Ct.Prac.R. 3.02. Filing with the Supreme Court.**
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74 **(A) Filing ~~defined~~**
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76 **(1) Definition and filings treated as public records**
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78 (a) Filing is effectuated when the Clerk's Office file-stamps a document and
79 dockets it in a case.
80

81 (b) Documents filed with the Supreme Court shall be available for public
82 access pursuant to Sup.R. 44 through 47. A document that has been sealed
83 pursuant to a court order, administrative agency order, or board order, or is the
84 subject of a motion to seal pending in the Supreme Court shall remain under seal
85 and not be made available for public access unless ordered by the Supreme Court.
86

87 **(2) Filing paper documents**
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89 (a) Filing paper documents with the Supreme Court shall be made by
90 submitting the documents to the Clerk of the Supreme Court during the regular

91 business hours of the Clerk’s Office. Only documents that are timely received and
92 in compliance with these rules shall be filed by the Clerk. ~~Documents~~

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94 (b) Paper documents may be submitted for filing in person; by delivery
95 service; by mail addressed to the Clerk, The Supreme Court of Ohio, 65 S. Front
96 St., 8th Floor, Columbus, Ohio 43215-3431; or by e-mail as specified in division
97 ~~(C)(1)(A)(4)~~ of this rule.

98
99 (c) Paper documents received in the Clerk’s Office after 5:00 p.m. shall not be
100 considered for filing until the next business day.

101
102 **(3) Filing electronic documents through the E-Filing Portal**

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104 (a) (i) Filing electronic documents shall be made by submitting the
105 documents through the E-Filing Portal at the following address:
106 www.efilingportal.com. Confirmation of receipt by the E-Filing Portal is
107 only a confirmation of receipt of the documents, not a confirmation that
108 the documents were accepted for filing.

109
110 (ii) The time of receipt of a document is the time-stamp provided by
111 the Supreme Court’s E-Filing Portal, and the time-stamp provided by any
112 other computer system shall not alter the time of receipt and effect of this
113 rule.

114
115 (b) Any document filed through the E-Filing Portal pursuant to division
116 (A)(3) of this rule shall meet all requirements of these rules, except that multiple
117 copies of a document are not required unless requested by the Clerk pursuant to
118 S.Ct.Prac.R. 3.10.

119
120 (c) A document filed through the E-Filing Portal pursuant to division (A)(3)
121 of this rule shall be submitted as a Portable Document Format (“PDF”) file.

122
123 (d) Filing documents through the E-Filing Portal does not alter any filing
124 deadlines imposed by the Rules of Practice of the Supreme Court of Ohio.

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126 (e) Documents received after 5:00:00 p.m. Eastern Standard Time through the
127 E-Filing Portal shall not be considered for filing until the next business day.

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129 (f) After review by the Clerk’s Office, the filing attorney will receive a
130 separate communication that indicates whether the documents were accepted for
131 filing.

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137 **(B) Filings treated as public records**

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139 Documents filed with the Supreme Court are public records unless they have been sealed
140 pursuant to a court order, or are the subject of a motion to seal pending in the Supreme
141 Court.

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143 **~~(C)~~(4) Filing electronic documents by e-mail**

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145 (1) ~~The following documents may be filed~~ (a) Filing by e-mail is restricted to
146 the following documents:

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148 ~~(a)~~(i) A request for extension of time or a stipulation to an agreed
149 extension of time that complies with S.Ct.Prac.R. 3.03;

150
151 ~~(b)~~(ii) A list of additional authorities filed pursuant to S.Ct.Prac.R. 16.08
152 or 17.08;

153
154 ~~(c)~~(iii) An application for dismissal filed pursuant to S.Ct.Prac.R. 4.05;

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156 ~~(d)~~(iv) A waiver of oral argument filed pursuant to S.Ct.Prac.R. 17.03;

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158 ~~(e)~~(v) A notice related to attorney representation filed pursuant to
159 S.Ct.Prac.R. 2.03;

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161 ~~(f)~~(vi) A notice of a court of appeals' determination of no conflict filed
162 pursuant to S.Ct.Prac.R. 7.07(B);

163
164 ~~(g)~~(vii) A waiver of a memorandum in response filed pursuant to
165 S.Ct.Prac.R. 7.03(E);

166
167 ~~(h)~~(viii) A joint motion to remand a case to a lower court or agency.

168
169 ~~(2)~~(b) A document permitted to be filed by e-mail pursuant to division
170 ~~(C)~~(1)(A)(4)(a) of this rule shall be sent to the Clerk's Office using the following
171 e-mail address: filing@sc.ohio.gov. Documents sent to any other e-mail address
172 of the Supreme Court shall not be considered for filing under any circumstances.

173
174 ~~(3)~~(c) Any document filed by e-mail pursuant to division ~~(C)~~(1)(A)(4)(a) of this
175 rule shall meet all requirements of these rules, except that multiple copies of a
176 document are not required.

177
178 ~~(4)~~(d) A document permitted to be filed by e-mail pursuant to division
179 ~~(C)~~(1)(A)(4)(a) of this rule shall be submitted as ~~an~~ a Portable Document Format
180 ("PDF") file.

181

182 ~~(5)~~(e) Documents transmitted by e-mail pursuant to division ~~(C)(4)~~ (A)(4)(a) of
183 this rule and received on a Saturday, Sunday, or other day on which the Clerk's
184 Office is closed to the public, or after 5:00 p.m. on a business day, shall be
185 considered for filing on the next business day. The time of receipt of a document
186 is the time-stamp provided by the Supreme Court's e-mail system, and the time-
187 stamp provided by any other computer system shall not alter the time of receipt
188 and effect of this rule.

189
190 **(5) Consideration for filing**

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192 Documents submitted by mail, e-mail, delivery service, or through the E-Filing
193 Portal shall not be considered for filing until received ~~in~~ by the Clerk's Office.

194
195 **(6) Confirmation of delivery and filing deadlines**

196
197 (a) Confirmation of delivery by any source other than the Clerk's Office or
198 the E-Filing Portal does not verify actual receipt by the Clerk's Office.

199
200 (b) The alteration of hours or procedures by any delivery service, including
201 but not limited to the United States Postal Service, shall not affect the filing
202 deadlines and requirements imposed by these rules.

203
204 **~~(D)~~(B) Prohibition against untimely filings**

205
206 No document may be filed after the filing deadlines imposed by these rules, set by
207 Supreme Court order, or as extended in accordance with S.Ct.Prac.R. 3.03(B)(2) or
208 11.04(C). The Clerk shall refuse to file a document that is not timely received in
209 accordance with S.Ct.Prac.R. 3.02(A). Motions to waive this rule are prohibited and shall
210 not be filed.

211
212 **~~(E)~~(C) Rejection of noncomplying documents**

213
214 The Clerk may reject documents that are not clearly legible or that fail to comply with the
215 requirements of these rules.

216
217 Effective Date: June 1, 1994

218 Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008;
219 January 1, 2010; January 1, 2013;_____

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222 **S.Ct.Prac.R. 3.08. Signature.**

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224 **(A) Hardcopy Paper documents**

225
226 The original of every paper document filed in the Supreme Court shall be signed by an
227 attorney representing the party on whose behalf the document is filed. A party who is
228 not represented by an attorney shall sign the document being filed.

229 **(B) Electronic documents**

230

231 A document that ~~may be~~ is filed by e-mail or through the E-Filing Portal pursuant to
232 S.Ct.Prac.R. 3.02(C) ~~or by order of the Supreme Court~~ shall include a scanned version
233 of the person's original signature or a signature line with a forward slash followed by
234 an "s" followed by the person's name in print (e.g., /s "John T. Smith").
235

236 Effective Date: June 1, 1994

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

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241 **S.Ct.Prac.R. 3.09. Mechanical Requirements.**

242

243 **(A) Applicability to paper and electronic documents**

244

245 The requirements of this rule apply to both paper documents and electronic documents
246 submitted through the E-Filing Portal or by e-mail, unless a provision is clearly
247 inapplicable to electronically filed documents.

248

249 **(B) General**

250

251 **(1) Typeface**

252

253 (a) Every original document filed with the Supreme Court shall be single-
254 sided, shall be typewritten or prepared by, computer, word processor or other
255 standard typographic process, and shall comply with the requirements of this rule.
256

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

259

260 (i) Times New Roman;

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262 (ii) Cambria;

263

264 (iii) Calibri;

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

267

268 (v) Palatino Linotype.

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270 (c) If one of the typefaces specified by division ~~(A)(1)(b)~~(B)(1)(b) of this rule
271 is not available, the filing party shall use a typeface that is substantially equivalent
272 to the typefaces listed in that division and that has no more than eighty characters
273 to a line of text.

274

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

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

278
279 (f) The text of all documents must be sufficiently dark to be legible when
280 scanned.

281
282 (2) **Paper**

283
284 (a) All documents shall be on opaque, unglazed, 20 to 22-pound weight white
285 paper, 8 1/2 by 11 inches in size.

286
287 (b) The original shall not be stapled or otherwise bound and shall not contain
288 dividers or tabs.

289
290 (c) All margins shall be at least one inch, and the left margin shall be justified.

291
292 (d) Documents shall not be enclosed in notebooks or binders and shall not
293 have plastic cover pages.

294
295 (3) **Spacing and footnotes**

296
297 The text of all documents shall be double-spaced. Footnotes and quotations may
298 be single-spaced; however, they shall also be in 12-point type.

299
300 ~~(B)~~(C) **Copy of an opinion or decision**

301
302 (1) When these rules require that a copy of a court or agency opinion or decision be
303 attached to a document filed with the Supreme Court, the copy shall be either of the
304 following:

305
306 (a) A photocopy of the opinion or decision issued directly by the court or
307 agency;

308
309 (b) An electronically generated copy that meets the requirements of division
310 ~~(A)~~(3)~~(B)~~(3) of this rule, except that an electronically generated copy of an
311 opinion may be single-spaced.

312
313 (2) Unless otherwise required by these rules or the Supreme Court Rules for the
314 Reporting of Opinions, parties are discouraged from attaching to briefs any legal decision
315 generally accessible through online legal-research databases.

316
317
318 ~~(C)~~(D) **Supplements to briefs**

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320 Any supplement to the briefs filed pursuant to S.Ct.Prac.R. 16.09 may be prepared and
321 reproduced by photocopying the relevant documents in the record, even if those

322 documents do not comply with the mechanical requirements of division ~~(A)~~(B) of this
323 rule, provided that the requirements as to paper size and paper type are met and each page
324 of the supplement is clearly legible. Both sides of the paper may be used in preparing a
325 supplement.

326
327 ~~(D)~~**(E) Volumes**

328
329 Any document filed with the Supreme Court that exceeds two inches in thickness shall be
330 bound and numbered in two or more parts, with each part containing a cover page.

331
332 ~~(E)~~**(F) Failure to comply**

333
334 Documents that fail to comply with the requirements of this rule may be stricken by the
335 Supreme Court.

336
337 Effective Date: June 1, 1994
338 Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007;
339 January 1, 2008; January 1, 2010; January 1, 2013;_____

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

343
344 **(A) Applicability to filing through the E-Filing Portal**

345
346 Generally, this rule does not apply to documents submitted through the E-Filing Portal or
347 by e-mail. If, however, the Clerk deems it necessary, the Clerk may request the filing
348 party provide copies of documents filed through the E-Filing Portal. The copies shall be
349 identical to the filed version and shall comply with the provisions of this rule.

350
351 **(B) Number of copies**

352
353 The original of a document filed in the Supreme Court shall be accompanied by an
354 appropriate number of copies as follows, unless otherwise provided by S.Ct.Prac.R.
355 3.02(C)(3):

356

Notice of appeal	1
Notice of cross-appeal	1
Praecipe filed in death-penalty appeal	1
Jurisdictional memorandum	8
Waiver of memorandum in response	0
Brief in an appeal or original action	16
List of additional authorities filed pursuant to S.Ct.Prac.R. 17.08	16
Supplement to a merit brief filed pursuant to S.Ct.Prac.R. 16.09	2

Complaint in an original action	10 plus an additional copy for each named respondent
Evidence in an original action	10
Request for extension of time	0
Stipulation to an agreed extension of time	0
Notices related to attorney representation under S.Ct.Prac.R. 2.01 through 2.03	0
Affidavits of compliance	1
Application for dismissal filed pursuant to S.Ct.Prac.R. 4.05	1
Any other document	10

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~~(B)~~**(C) Date-stamped copy**

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 copy of the document and an appropriately sized, self-addressed, postage-paid envelope.

~~(C)~~**(D) Form of copies**

- (1) Copies of documents shall be on opaque, unglazed, 20- to 22-pound weight white paper, 8 1/2 by 11 inches in size.
- (2) Copies shall be secured firmly by a single staple in the upper-left hand corner of the document or shall be spiral bound.
- (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.
- (4) Copies shall not be enclosed in notebooks or binders and shall not have plastic cover pages.

Effective Date: June 1, 1994
Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January 1, 2008; January 1, 2010; October 1, 2011; January 1, 2013;_____

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

(A) Applicability to paper and electronic documents

The requirements of this rule apply to both paper documents and electronic documents submitted through the E-Filing Portal or by e-mail.

391 **(B)** **Service requirement**

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(1) (a) Except as provided by ~~S.Ct.Prac.R. 3.11(A)(1)(b)~~ 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.

(b) A party is not required to serve a copy of a complaint filed to institute an original action, a form containing omitted personal identifiers as required by Sup.R. 45(D), or an affidavit of indigence or entry appointing counsel submitted in lieu of a filing fee.

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

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

~~(B)~~**(C)** **Manner of service**

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

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

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

437 ~~(C)~~**(D) Certificate of service; certificate of filing**

438

439 (1) (a) Unless a document is filed jointly and is signed by all parties to the case,
440 or is not required to be served pursuant to ~~S.Ct.Prac.R. 3.11(A)(1)(b)~~ division
441 (B)(1)(b) of this rule, all documents presented for filing with the Clerk shall
442 contain a certificate of service. The certificate of service shall state the date and
443 manner of service and identify the names of the persons served and shall be
444 signed by the party or the amicus curiae who files the document.

445

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

449

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

454

455 ~~(D)~~**(E) Failure to provide service**

456

457 (1) When a party or amicus curiae fails to serve a party or parties to the case in
458 accordance with ~~S.Ct.Prac.R. 3.11(A)~~ division (B) of this rule, any party adversely
459 affected may file a motion to strike the document that was not served. Within ten days
460 after a motion to strike is filed, the party or amicus curiae against whom the motion is
461 filed may file a memorandum in response.

462

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

469

470 ~~(E)~~**(F) Notice to other parties when document is rejected for filing**

471

472 If a document presented for filing is rejected by the Clerk under these rules, the party or
473 amicus curiae who presented the document for filing shall promptly notify all of the
474 parties served with a copy of the document that the document was not filed in the case.

475

476 Effective Date: June 1, 1994

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

478 January 1, 2010; January 1, 2013;_____

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

483

484 **(A) General**

485

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

489

490 **(B) Time to file**

491

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

495

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

498

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

501

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

503

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

506

507 Effective Date: June 1, 1994

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

509 January 1, 2008; January 1, 2010; January 1, 2013;_____

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512 **S.Ct.Prac.R. 6.01. Institution of an Appeal of Right.**

513

514 **(A) Perfection of appeal**

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516 (1) To perfect an appeal of right as defined by S.Ct.Prac.R. 5.01(A)(3), the appellant
517 shall file a notice of appeal in the Supreme Court within forty-five days from the entry of
518 the judgment being appealed.

519

520 (2) To perfect an appeal of right as defined by S.Ct.Prac.R. 5.01(A)(5), the appellant
521 shall file a notice of appeal in the Supreme Court within twenty days from the entry of
522 the judgment being appealed.

523

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

528

529 **(B) Notice of appeal**

530

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

532

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

534

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

536

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

538

539 (d) That either of the following is applicable:

540

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

542

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

545

546 (2) (a) A date-stamped copy of the court's judgment entry that is being appealed
547 shall ~~be attached to~~ accompany the notice of appeal. For purposes of this rule, a
548 date-stamped copy of the court's judgment entry shall mean a copy bearing the
549 file stamp of the clerk of the court and reflecting the date the court filed its
550 judgment entry for journalization with its clerk.

551

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

555

556 **(C) Subsequent notices of appeal and cross-appeal**

557

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

562

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

565

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

567

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

569

570 Effective Date: January 1, 2013

571 Amended; _____

572 **S.Ct.Prac.R. 7.02. Memorandum in Support of Jurisdiction.**

573

574 *[See Appendix D following these rules for a sample memorandum.]*

575

576

577 (A) **Filing**

578

579 In a jurisdictional appeal, unless otherwise provided in S.Ct.Prac.R. 7.01, the appellant
580 shall file a memorandum in support of jurisdiction with the notice of appeal.

581

582 (B) **Page limitation**

583

584 (1) Except in postconviction death-penalty cases, a memorandum in support of
585 jurisdiction shall not exceed fifteen numbered pages, exclusive of the table of contents
586 and the certificate of service.

587

588 (2) In a postconviction death-penalty case there is no page limit for the memorandum
589 in support of jurisdiction.

590

591 (C) **Parts of the memorandum**

592

593 A memorandum in support of jurisdiction shall contain all of the following:

594

595 (1) A table of contents, which shall include numbered propositions of law
596 arranged in order;

597

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

601

602 (3) A statement of the case and facts;

603

604 (4) A brief and concise argument in support of each proposition of law.

605

606 (D) **Required Attachments**

607

608 (1) A date-stamped copy of the court of appeals' opinion and judgment entry being
609 appealed shall ~~be attached to~~ accompany the memorandum in support of jurisdiction. If a
610 delayed appeal was granted, a date-stamped copy of the court of appeals' opinion and
611 judgment entry is not required to accompany the memorandum in support of jurisdiction.
612 For purposes of this rule, a date-stamped copy of the court of appeals' judgment entry
613 shall mean a copy bearing the file stamp of the clerk of the court of appeals and reflecting
614 the date on which the court of appeals filed its judgment entry for journalization with its
615 clerk under App.R. 22.

616

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

620

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

623

624 (E) **Refusal to file**

625

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

629

630 Effective Date: June 1, 1994

631 Amended: April 1, 1996; April 1, 2000; April 1, 2002; July 1, 2004; January 1, 2008; January 1,
632 2010; January 1, 2013;_____

633

634

635 **S.Ct.Prac.R. 7.03. Memorandum in Response.**

636

637 (A) **Deadline for filing**

638

639 (1) Within thirty days after the appellant's memorandum in support of jurisdiction is
640 filed, the appellee may file a memorandum in response.

641

642 (2) If the appeal involves termination of parental rights or adoption of a minor child,
643 or both, any memorandum in response shall be filed within twenty days after the
644 memorandum in support of jurisdiction is filed.

645

646 (B) **Page limitation and contents of memorandum**

647

648 (1) Except in postconviction death-penalty cases, the memorandum in response shall
649 not exceed fifteen numbered pages, exclusive of the certificate of service; shall not
650 include any attachments; and shall contain both of the following:

651

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

655

656 (2)(b) A brief and concise argument in support of the appellee's position
657 regarding each proposition of law raised in the memorandum in support of
658 jurisdiction.

659

660 (2) In a postconviction death-penalty case, there is no page limit for the memorandum
661 in response.

662

663 (C) **Case Number**

664

665 The appellee shall include the Supreme Court case number on the cover page of the
666 memorandum in response.

667

668

669

670 **(D) Multiple memoranda and time for response**

671
672 If two or more memoranda in support of jurisdiction are filed in a case, the appellee shall
673 file only one memorandum in response. The time specified in division (A) of this rule for
674 filing the memorandum in response shall be calculated from the date the last
675 memorandum in support of jurisdiction was filed in the case.

676
677 **(E) Waiver of memorandum in response**

678
679 The appellee may waive the filing of a memorandum in response. A waiver shall be on a
680 form prescribed by the Clerk of the Supreme Court and shall be filed within twenty days
681 after the memorandum in support of jurisdiction is filed.

682
683 *[See Appendix E following these rules for the prescribed waiver form.]*

684
685 Effective Date: June 1, 1994

686 Amended: April 1, 1996; April 1, 2000; April 1, 2002; July 1, 2004; January 1, 2008; January 1,
687 2010; January 1, 2013;_____

688
689
690 **S.Ct.Prac.R. 7.09. Appointment of Counsel in Felony Cases.**

691
692 If the Supreme Court accepts a jurisdictional appeal or a certified-conflict case involving a
693 felony and an unrepresented party to the appeal is indigent, the Supreme Court will appoint the
694 Ohio Public Defender or other counsel to represent the indigent party or order the court of
695 appeals to appoint counsel as provided in S.Ct.Prac.R. 7.01(D)(2).

696
697 Effective Date: June 1, 1994

698 Amended: April 1, 1996; April 1, 2000; April 1, 2002; July 1, 2004; January 1, 2008; January 1,
699 2010; January 1, 2013;_____

700
701
702 **S.Ct.Prac.R. 8.01. Institution of a Certified-Conflict Case.**

703
704 **(A) General**

705
706 When a court of appeals issues an order certifying a conflict pursuant to Article IV,
707 Section 3(B)(4) of the Ohio Constitution, any interested party to the proceeding may
708 institute a certified-conflict case by filing a notice of certified conflict in the Supreme
709 Court.

710
711 **(B) Procedure**

712
713 The notice of certified conflict shall have attached or be accompanied by all of the
714 following:

715

- 716 (1) A copy of the court of appeals order certifying a conflict;
717
718 (2) A copy of the certifying court's opinion;
719
720 (3) Copies of the conflicting court of appeals' opinions.
721

722 **(C) Party status**
723

724 The party who files the order certifying a conflict shall be considered the appellant.
725

726 **(D) Jurisdiction and refusal to file**
727

728 Failure to file the court of appeals order certifying a conflict within thirty days after the
729 date of such order shall divest the Supreme Court of jurisdiction to consider the order
730 certifying a conflict. The Clerk of the Supreme Court shall refuse to file a notice of
731 certified conflict that is received for filing after this time period has passed.
732

733 Effective Date: June 1, 1994

734 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1,
735 2010; January 1, 2013;_____

736

737

738 **S.Ct.Prac.R. 9.01. Institution of a Case Certifying a Question of State Law.**
739

740 **(A) General**
741

742 The Supreme Court may answer a question of law certified to it by a court of the United
743 States. This rule is invoked if the certifying court, in a proceeding before it, issues a
744 certification order finding there is a question of Ohio law that may be determinative of
745 the proceeding and for which there is no controlling precedent in the decisions of this
746 Supreme Court.
747

748 **(B) Procedure**
749

750 (1) A case certifying a question of state law shall be instituted by the clerk of the
751 certifying court filing with the Clerk of the Supreme Court a certification order from a
752 court of the United States as specified by S.Ct.Prac.R. 9.02 and 9.03.
753

754 (2) A case certifying a question of state law may be initiated with a paper filing or
755 through the E-Filing Portal.
756

757 Effective Date: June 1, 1994

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

759

760

761

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

763

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

765

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

769

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

773

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

776

777 **(B) Proceedings**

778

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

782

783 Effective Date: June 1, 1994

784 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1,
785 2008; January 1, 2010; January 1, 2013;_____

786

787

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

789

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

791

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

795

796 (2) The notice of appeal shall ~~include~~ be accompanied by a copy of the decision being
797 appealed, comply with the service requirements of S.Ct.Prac.R. 3.11~~(A)(2)~~(B)(2), and
798 contain a certificate of filing pursuant to S.Ct.Prac.R. 3.11~~(C)(2)~~(D)(2).

799

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

804

805

806

807

808 **(B) Proceedings**

809

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

813

814 Effective Date: June 1, 1994

815 Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1,
816 2008; January 1, 2010; January 1, 2013; _____

817

818

819 **S.Ct.Prac.R. 11.01. Institution of Death-Penalty Appeal of Right.**

820

821 **(A) Perfection of an appeal from the court of appeals**

822

823 (1) To perfect an appeal of right pursuant to S.Ct.Prac.R. 5.01(A)(1) from a court of
824 appeals for a case in which the death penalty has been imposed for an offense committed
825 prior to January 1, 1995, the appellant shall file a notice of appeal, accompanied by the
826 court of appeals' opinion and judgment entry, in the Supreme Court within forty-five
827 days from the journalization of the entry of the judgment being appealed.

828

829 (2) To perfect an appeal of right pursuant to S.Ct.Prac.R. 5.01(A)(2) from a court of
830 appeals' decision under App.R. 26(B) in a capital case, the appellant shall file a notice of
831 appeal, accompanied by the court of appeals' opinion and judgment entry, in the Supreme
832 Court within forty-five days from the journalization of the entry of the judgment being
833 appealed.

834

835 **(B) Perfection of an appeal from the court of common pleas**

836

837 (1) To perfect an appeal of right pursuant to S.Ct.Prac.R. 5.01(A)(4) for a case in
838 which the death penalty has been imposed for an offense committed on or after January 1,
839 1995, the appellant shall file a notice of appeal, accompanied by the court of common
840 pleas' judgment entry, in the Supreme Court within forty-five days from the
841 journalization of the entry of the judgment being appealed or the filing of the trial court
842 opinion pursuant to R.C. 2929.03(F), whichever is later.

843

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

845

846 Effective: June 1, 1994

847 Amended: April 1, 1996; June 1, 1998; June 1, 2000; July 1, 2004; October 1, 2005; January 1,
848 2008; January 1, 2010; January 1, 2013; _____

849

850

851

852

853

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

855

856 **(A) General**

857

858 (1) In all appeals, the record on appeal shall consist of the following:

859

860 (a) The original papers and exhibits to those papers;

861

862 (b) The transcript of proceedings and exhibits, along with an electronic
863 version of the transcript, if available;

864

865 (c) ~~Certified~~ Either the original journal entries, or certified copies of the
866 journal entries, and the docket prepared by the clerk of the court or other
867 custodian of the original papers.

868

869 (2) Where applicable, the record on appeal shall consist of all the above items from
870 both the court of appeals and the trial court.

871

872 **(B) Audio and video exhibits and other documents**

873

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

876

877 Effective Date: June 1, 1994

878 Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January
879 1, 2013; _____

880

881

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

884

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

888

889 Effective: June 1, 1994

890 Amended: April 1, 1996; April 1, 2000; February 1, 2001; April 1, 2002; July 1, 2004; January
891 1, 2008; January 1, 2010; January 1, 2013; _____

892

893

894 **S.Ct.Prac.R. 18.05. Assessment of Costs.**

895

896 **(A) General**

897

898 **(1) Appeals**

899

900 Unless otherwise ordered by the Supreme Court, costs in an appeal shall be
901 assessed as follows at the conclusion of the case:

- 902
903 (1)(a) If an appeal is dismissed, to the appellant;
904
905 (2)(b) If the judgment or order being appealed is affirmed, to the
906 appellant;
907
908 (3)(c) If the judgment or order being appealed is reversed, to the
909 appellee;
910
911 (4)(d) If the judgment or order being appealed is affirmed or reversed in
912 part or is vacated, the parties shall bear their respective costs.
913

914 **(2) Original actions**

915
916 Unless otherwise ordered by the Supreme Court, costs in an original action shall
917 be assessed as follows at the conclusion of the case:
918

- 919 (a) If an original action is dismissed, to the relator;
920
921 (b) If the request for a writ is denied, to the relator;
922
923 (c) If the request for a writ is granted and a writ is issued, to the
924 respondent;
925
926 (d) If a limited writ is granted or a writ is granted in part, the parties
927 shall bear their respective costs.
928

929 **(B) Definition of “costs”**

930
931 As used in this rule, “costs” includes ~~only~~ the filing fee paid to initiate ~~the~~ an appeal or
932 original action with the Supreme Court the postage costs in an original action, unless the
933 court, sua sponte or upon motion, assesses and any additional costs assessed by the court.
934

935 Effective Date: June 1, 1994

936 Amended: April 1, 1996; April 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January
937 1, 2013; _____
938

939
940 **S.Ct.Prac.R. 19.01. Referral of Cases for Mediation.**

941
942 **(A) Referral**

943
944 (1) The Supreme Court may, sua sponte or on motion by a party, refer to its mediator
945 for mediation any case that originated in the court of appeals, any appeal from an
946 administrative agency, any original action, or, pursuant to S.Ct.Prac.R. 4.02, any civil
947 case that the Supreme Court deems appropriate. The mediator may conduct mediation

948 conferences at which the parties shall explore settling the case, simplifying the issues,
949 and expediting the procedure, and may consider any other matter that might aid in
950 resolving the case.

951
952 (2) Unless otherwise provided by court order, referral of a case for mediation stays all
953 filing deadlines in a case until further notice. The Clerk of the Supreme Court shall not
954 accept for filing any documents while a case is in mediation unless expressly permitted
955 by S.Ct.Prac.R. 19.01(A)(3) or by court order.

956
957 (3) Only the following documents may be filed while a case is in mediation:

958 (a) A motion to lift the mediation stay;

959 (b) A response to a motion to lift the mediation stay;

960 (c) A second notice of appeal or notice of cross-appeal;

961 (d) An application to dismiss the case pursuant to S.Ct.Prac.R. 4.05;

962 (e) A notice related to counsel;

963 (f) A motion for leave to redact personal identifiers as defined by Sup.R.
964 44(H);

965 (g) A motion to remand.

966
967
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969
970
971
972
973 **[Existing language unaffected by the amendments is omitted to conserve space]**

974
975
976 Effective Date: January 1, 2010

977 Amended:_____