

**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 (S.Ct.Prac.R. 2.01, 3.08 through 3.11, 3.13, 6.01, 7.02, 7.03, 7.09, 8.01, 9.01, 10.01, 10.02, 11.01, 13.04, 13.05, 15.01, 17.08, 18.05, and 19.01). The history of these amendments is as follows:

September 29, 2014	Published for comment
December 9, 2014	Final adoption by conference
January 1, 2015	Effective date of amendments

**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 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 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.

(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

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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) (i) 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.

(ii) 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.

(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. Eastern Standard Time through the E-Filing Portal shall not be considered for filing until the next business day.

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

(4) Filing electronic documents by e-mail

(a) Filing by e-mail is restricted to the following documents:

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

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

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

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

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

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

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

(viii) A joint motion to remand a case to a lower court or agency.

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

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

(d) A document permitted to be filed by e-mail pursuant to division (A)(4)(a) of this rule shall be submitted as a Portable Document Format ("PDF") file.

(e) Documents transmitted by e-mail pursuant to division (A)(4)(a) of this rule and received on a Saturday, Sunday, or other day on which the Clerk's Office

is closed to the public, or after 5:00 p.m. on a business day, shall be considered for filing on the next business day. The time of receipt of a document is the time-stamp provided by the Supreme Court's e-mail system, and the time-stamp provided by any other computer system shall not alter the time of receipt and effect of this rule.

(5) Consideration for filing

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

(6) Confirmation of delivery and filing deadlines

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

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

(B) Prohibition against untimely filings

No document may be filed after the filing deadlines imposed by these rules, set by Supreme Court order, or as extended in accordance with S.Ct.Prac.R. 3.03(B)(2) or 11.04(C). The Clerk shall refuse to file a document that is not timely received in accordance with S.Ct.Prac.R. 3.02(A). 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.

Effective Date: June 1, 1994

Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015

S.Ct.Prac.R. 3.08. Signature.

(A) Paper documents

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

(B) Electronic documents

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

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

(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, unless a provision is clearly inapplicable to electronically filed documents.

(B) General

(1) Typeface

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

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

(i) Times New Roman;

(ii) Cambria;

(iii) Calibri;

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

(v) Palatino Linotype.

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

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

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

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

(2) Paper

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

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

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

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

(3) Spacing and footnotes

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

(C) Copy of an opinion or decision

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

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

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

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

(D) Supplements to briefs

Any supplement to the briefs filed pursuant to S.Ct.Prac.R. 16.09 may be prepared and reproduced by photocopying the relevant documents in the record, even if those documents do not comply with the mechanical requirements of division (B) of this rule,

provided that the requirements as to paper size and paper type are met and each page of the supplement is clearly legible. Both sides of the paper may be used in preparing a supplement.

(E) Volumes

(1) Paper documents

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

(2) Electronic documents

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

(F) Failure to comply

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

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

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

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

(B) Number of copies

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

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

(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.

(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.

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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.

(B) Service requirement

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

(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.

(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 (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.

(D) Certificate of service; certificate of filing

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

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

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

(E) Failure to provide service

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

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

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

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

Effective Date: June 1, 1994

Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015

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

(A) General

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

(B) Time to file

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

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

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

(C) Revised document supersedes original

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

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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, 2015

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

(A) Perfection of appeal

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

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

(3) The time period designated in this rule for filing a notice of appeal 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 that is received for filing after this time period has passed.

(B) Notice of appeal

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

- (a) The name of the court whose judgment is being appealed;
- (b) The case name and number assigned to the case by the court;
- (c) The date of the entry of the judgment being appealed;
- (d) That either of the following is applicable:
 - (i) The case originated in the court of appeals;
 - (ii) The case originated in the court of common pleas and is an appeal of a contest of an election under R.C. 3515.15.

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

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

(C) Subsequent notices of appeal and cross-appeal

(1) 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) or (2) of this rule or ten days after the first notice of appeal was filed, whichever is later.

(2) 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.

Effective Date: January 1, 2013

Amended: January 1, 2015

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

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

(A) Filing

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

(B) Page limitation

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

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

(C) Parts of the memorandum

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

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

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

(3) A statement of the case and facts;

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

(D) Required Attachments

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

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

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

(E) Refusal to file

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

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

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

(A) Deadline for filing

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

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

(B) Page limitation and contents of memorandum

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

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

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

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

(C) Case Number

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

(D) Multiple memoranda and time for response

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

(E) Waiver of memorandum in response

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

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

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

S.Ct.Prac.R. 7.09. Appointment of Counsel in Felony Cases.

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

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

S.Ct.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 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

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 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

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 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

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) The notice of appeal shall be accompanied by a 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).

(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

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

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

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

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

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

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

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

Effective: June 1, 1994

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

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 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 Rules for the Government of the Bar or the Rules for the Government of the Judiciary shall be deemed to have waived oral argument.

Effective Date: January 1, 2013

Amended: January 1, 2015

S.Ct.Prac.R. 13.05. Costs.

(A) General

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

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

(B) Definition of costs

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

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

(2) The cost of publication.

(C) Interest

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

(D) Collection

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

Effective Date: January 1, 2013

Amended: January 1, 2015

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

(A) General

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

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

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

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

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

(B) Audio and video exhibits and other documents

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

Effective Date: June 1, 1994

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

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

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.

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

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

(A) General

(1) Appeals

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

- (a) If an appeal is dismissed, to the appellant;
- (b) If the judgment or order being appealed is affirmed, to the appellant;
- (c) If the judgment or order being appealed is reversed, to the appellee;
- (d) If the judgment or order being appealed is affirmed or reversed in part or is vacated, the parties shall bear their respective costs.

(2) Original actions

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

- (a) If an original action is dismissed, to the relator;
- (b) If the request for a writ is denied, to the relator;
- (c) If the request for a writ is granted and a writ is issued, to the respondent;
- (d) If a limited writ is granted or a writ is granted in part, the parties shall bear their respective costs.

(B) Definition of “costs”

As used in this rule, “costs” includes the filing fee paid to initiate an appeal or original action the postage costs in an original action, and any additional costs assessed by the court.

Effective Date: June 1, 1994

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

S.Ct.Prac.R. 19.01. Referral of Cases for Mediation.

(A) Referral

(1) The Supreme Court may, sua sponte or on motion by a party, refer to its mediator for mediation any case that originated in the court of appeals, any appeal from an administrative agency, any original action, or, pursuant to S.Ct.Prac.R. 4.02, any civil case that the Supreme Court deems appropriate. The mediator may conduct mediation conferences at which the parties shall explore settling the case, simplifying the issues, and expediting the procedure, and may consider any other matter that might aid in resolving the case.

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

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

- (a) A motion to lift the mediation stay;
- (b) A response to a motion to lift the mediation stay;
- (c) A second notice of appeal or notice of cross-appeal;
- (d) An application to dismiss the case pursuant to S.Ct.Prac.R. 4.05;
- (e) A notice related to counsel;
- (f) A motion for leave to redact personal identifiers as defined by Sup.R. 44(H);
- (g) A motion to remand.

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

Effective Date: January 1, 2010

Amended: January 1, 2015