

**LOCAL RULES OF THE COURT OF APPEALS,  
FIRST APPELLATE DISTRICT OF OHIO**

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## Foreword

The judges of the First District Court of Appeals have adopted these local rules under the Ohio Constitution, Article IV, Section 5(B), App.R. 41, and Sup.R. 5(A), and filed them with the clerk of the Supreme Court of Ohio under Sup.R. 5(B).

These local rules shall be referenced herein as “Loc.R. \_\_\_\_.” References to “this Court,” “the Court,” or “the Court of Appeals” are to the First District Court of Appeals of Ohio.

## Rule 1 Scope of Rules

### (A) Appeals

The Rules of Appellate Procedure, as supplemented by these local rules, govern all procedures in appeals to the First District Court of Appeals of Ohio from the trial courts of record within the jurisdictional boundaries of the First District and other tribunals as provided by law.

### (B) Original actions

Original actions filed in this Court are governed by the following:

- (1) The Ohio Rules of Civil Procedure;
- (2) The local rules of the First District Court of Appeals of Ohio; and
- (3) All applicable statutes.

## Rule 2 [Reserved]

## Rule 3.1 Appeals — How Taken

### (A) Required documents

An appeal as of right shall be taken by filing: (1) a notice of appeal; and (2) a docket statement. The docket statement is not jurisdictional but its omission may be the basis for dismissal of the appeal.

- (1) **Notice of appeal.**
  - (a) **Content of the notice of appeal.**
    - (i) The notice of appeal shall: (1) specify the party or parties taking the appeal; (2) designate the judgment, order or part thereof appealed from; and (3) state that the appeal is made to the First District Court of Appeals of Ohio.

- (ii) The notice of appeal shall have attached to it a copy of the judgment or order being appealed. The subject attachment is not jurisdictional but its omission may be the basis for dismissal of the appeal.
  - (iii) The caption shall be the same as in the trial court, with the designation of appellant and appellee added, as appropriate. The caption shall also be redacted when required by Loc.R. 13.2(B)(1).
- (b) **Amendment of the notice of appeal.**
  - (i) A party may amend a notice of appeal without leave if the time to appeal from the order that was the subject of the initial notice of appeal has not yet lapsed under App.R. 4. Thereafter, the Court of Appeals within its discretion and upon such terms as are just may allow the amendment of a notice of appeal, so long as the amendment does not seek to appeal from a trial court order beyond the time requirements of App.R. 4.
  - (ii) If the Court permits an appellant to cure a defective notice of appeal where the time has lapsed under App.R. 4, failure to do so within the time permitted by the Court may result in a dismissal of the appeal.
  - (iii) An amended notice of appeal shall be filed in both the trial court and the Court of Appeals, except when the Court orders otherwise.
- (c) **Cases consolidated below.** A party is required to file only one notice of appeal from a judgment entered in cases consolidated in the trial court. The notice of appeal must list all consolidated case numbers. The appeal will proceed under one case number unless otherwise ordered by the Court.

(See Form 3.1NCR Notice of Appeal — Criminal and Form 3.1NCV Notice of Appeal — Civil, Appendix of Forms.)

(2) **Docket statement.**

- (a) **Criminal docket statement.** In a criminal appeal, in an appeal from the denial of postconviction relief, and in an appeal in a juvenile-delinquency case, the appellant shall file a completed criminal docket statement.

(See Form 3.1DCR Docket Statement — Criminal, Appendix of Forms.)

- (b) **Civil docket statement.** In a civil appeal, the appellant shall file a completed civil docket statement.

(See Form 3.1DCV Docket Statement — Civil, Appendix of Forms.)

- (c) **Docket statement missing or incomplete.** If the appellant fails to file a docket statement with the notice of appeal or otherwise files an incomplete docket statement, the Court may order the appellant to either file a completed docket statement within a specified time period or show cause why the appeal should not be dismissed. If the appellant fails to comply with the Court's order, the Court may dismiss the appeal.

## **(B) Where filed**

- (1) For all appeals, the appellant shall file the notice of appeal with the clerk of the trial court from which the appeal is taken. When the docket statement is filed contemporaneously with the notice of appeal, it shall also be filed in the trial court. When the docket statement is filed at any other time, it shall be filed in the Court of Appeals.
- (2) The appellant should file electronically, except as provided in Loc.R. 13.1, via the clerk of courts' e-filing system for the trial court from which the appeal is taken. If no e-filing system is available for a particular court, the appeal may be filed in person or by any other means provided for in these rules.
- (3) For in-person filings from the General Division and the Domestic Relations Division of the Hamilton County Court of Common Pleas, the notice of appeal will be accepted at the appellate division of the clerk's office, located on the 12th floor of 230 East Ninth Street, Cincinnati, OH, 45202. The appellant shall file four copies of the notice of appeal and two copies of the docket statement.

## **(C) Service**

The party filing the notice of appeal shall serve upon all other parties, or their counsel if represented, a copy of the notice of appeal and a copy of the docket statement.

## **(D) Waiver of filing fee and cost deposit**

The clerk will not accept for filing any notice of appeal or original action unless the party bringing the action deposits with the clerk of courts the sum of \$85.00. But the clerk will receive and file the appeal or action without payment of \$85.00:

- (1) If the appellant files with the clerk a sworn affidavit of indigency or affirmation of inability to pay (see Form 3.1 Affidavit of Indigency, Appendix of Forms); or
- (2) If, in a civil case, the appellant completes and files a Civil Fee Waiver Affidavit; or
- (3) If the appellant produces evidence that the trial court determined that the appellant was indigent for purposes of appeal; or
- (4) If the requirement of prepayment is otherwise excused by operation of law.



## Rule 3.2 Appeals — Designation of Counsel or Party

### (A) Designation of counsel

- (1) The notice of appeal and each subsequent filing shall contain the name, attorney-registration number, office address, telephone number, and e-mail address of counsel representing the party for whom the document is filed. If counsel is a law firm or a government agency, every filing shall also contain the name and attorney-registration number of the attorney within the firm or agency who is primarily responsible for the case.
- (2) Every filing shall also contain the name, attorney-registration number, street address, e-mail address, and telephone number of counsel of record for all other parties served with the notice of appeal.

### (B) Wrongly designated counsel

If counsel for any party is wrongly designated as counsel in the appeal, counsel must file a notification with the Court that counsel is not counsel of record in the appeal and provide contact information for the party. If there is new counsel representing the party on appeal, new counsel may file a notice of substitution in place of this notification as set forth in Loc.R. 3.2(E)(3)(b).

### (C) Designation of party — pro se appeals

If any party is not represented by counsel, every filing shall contain that party's name, street address, e-mail address, and telephone number.

### (D) Admission pro hac vice

- (1) An attorney who is not licensed to practice law in the State of Ohio who seeks permission to appear pro hac vice in this Court must first register with the Supreme Court Office of Attorney Services pursuant to Gov.Bar R. XII.
- (2) After the attorney completes the registration requirements and receives a certificate of pro hac vice registration, the attorney must file a Motion for Permission to Appear Pro Hac Vice with this Court. The motion must succinctly state the qualifications of the attorney seeking admission, include the certificate of registration furnished by the Supreme Court Office of Attorney Services, and shall contain all of the information required by Gov.Bar R. XII, Section 2(A)(1) through (3).

### (E) Withdrawal of designated counsel

- (1) **Appointed trial counsel.** In a case where trial counsel served by appointment, trial counsel may withdraw by motion: (1) affirming that the notice of appeal has been properly filed; (2) demonstrating good cause for withdrawal; (3) bearing proof of service upon the appellant; (4) indicating counsel was appointed below;

and (5) requesting appointment of new counsel or indicating that new counsel will be hired.

(2) **Criminal appeal.**

(a) **By motion.** In a criminal appeal, when there is no substitute counsel, the Court may, in its discretion, permit designated counsel to withdraw from the case only upon motion: (1) demonstrating good cause for withdrawal; and (2) bearing proof of service upon the appellant.

(b) **By notice.** In a criminal appeal, when there is substitute counsel, substitute counsel shall file a notice of substitution.

(3) **Civil appeal.**

(a) **By motion.** In a civil case, when there is no substitute counsel, designated counsel may withdraw upon motion to the Court bearing proof of service upon all parties, including the client, and containing the following: (1) statement that designated counsel intends to withdraw; (2) a showing of good cause for withdrawing; and (3) the name, street address, e-mail address, and telephone number of the party represented by designated counsel.

(b) **By notice.** In a civil appeal, when there is substitute counsel, substitute counsel shall file a notice of substitution.

### **Rule 3.3 Appeals — Scheduling Order**

After receiving a docket statement, or following a prehearing conference directed in a civil case under App.R. 20 and Loc.R. 20.1, the Court will issue a scheduling order of events in the appeal. The scheduling order is guided by the time limitations provided in the Ohio Rules of Appellate Procedure and the information provided in the docket statement. The Court may modify the scheduling order upon its own initiative or upon a written motion and a showing of good cause for the modification. The Court may dismiss the appeal if the appellant, without good cause, fails to comply with the scheduling order. The filing of a motion does not suspend the deadlines in the scheduling order absent further order of the Court.

### **Rule 3.4 Appeals — Appointed Counsel**

#### **(A) Request for appointment**

A party may request appointed counsel, in a criminal case, by filing a motion with the Court. An affidavit of indigency or proof that the party had appointed counsel below must be attached to such motion.

## (B) Selection of counsel

- (1) The Court will maintain a list of qualified attorneys who have notified the Court of their interest in serving as appointed counsel in criminal cases. The Court, in its discretion, may also solicit applications to serve as appointed counsel, from qualified attorneys.
- (2) In selecting counsel, the Court may consider the experience and expertise of counsel and counsel's management of his/her current caseload.
- (3) The Court will keep a record of all counsel appointments made in a given calendar year and shall review the record periodically to assure that appointments are equitably distributed among counsel on the appointment list.

## (C) Appointed counsel fees

- (1) **Application.**
  - (a) Application for payment of attorney's fees shall be filed with the clerk of the Court of Appeals.
  - (b) Applications by appointed counsel in criminal cases for attorney's fees on appeal shall be completed on the most recent forms prescribed by the Hamilton County Public Defender, including the application for fees and a financial disclosure/affidavit of indigency form. However, if an affidavit of indigency has previously been submitted, an affidavit of indigency form is not required to be included in the application for fees and should be noted on the application.
  - (c) Incomplete applications, applications submitted without the proper financial disclosure/affidavit of indigency form, or applications submitted on the wrong forms will be denied but may be resubmitted on the proper forms.
- (2) **Rate of compensation.** The rate of compensation shall not exceed the schedule of fees established by the Hamilton County Board of Commissioners. However, the Court, at its discretion, may approve additional compensation if counsel also files a motion for extraordinary fees with reasons supporting the request.
- (3) **Time for filing.** All applications for payment of attorney's fees shall be filed after, but within 30 days of, the entry of the decision and journal entry or order that disposes of the appeal.
- (4) **Periodic billing.** Appointed counsel are not permitted to use periodic billing for attorney's fees.
- (5) **Penalties.** The Ohio Public Defender does not reimburse counties for fees paid pursuant to an untimely or improper application. Accordingly, the failure to timely

file a proper application and financial disclosure/affidavit of indigency form may result in reduction or non-payment of fees.

- (6) **Registration with Hamilton County Public Defender.** Upon receiving their first selection as appointed counsel, attorneys should register as a vendor with the Hamilton County Public Defender. Attorneys serving as appointed counsel are also responsible to notify the Hamilton County Public Defender of any changes to their contact information. Failure to register or update attorney contact information will delay payment of attorney's fees.

## **Rule 4.1 Motion to Stay Execution of Appealed Civil Judgment**

### **(A) Filing**

All motions for stay of execution of a civil judgment shall be made in the first instance to the trial court, as required by App.R. 7. If any such motion is denied by the trial court, or if application to the trial court for the relief sought is not practicable as contemplated by App.R. 7, the motion may be made in the Court of Appeals. In addition to filing such motion with the clerk of courts, the moving party shall immediately serve the motion upon the opposing party in accordance with App.R. 13.

### **(B) Content of the motion**

- (1) A motion for stay of execution of an appealed civil judgment shall be accompanied by a memorandum which outlines the reasons for the relief requested, cites to supporting evidence in the trial court record, and discusses the relevant factors concerning:
- (a) Whether the stay should be granted based on the likelihood of success of the appeal, any irreparable harm to the appellant, any potential harm to the appellee occasioned by a stay, and the public interest; and
  - (b) Whether the posting of a supersedeas bond should be required and, if so, in what amount.
- (2) The motion shall be accompanied by a copy of the trial court's judgment in which it denied a request to stay the appealed judgment. If no such judgment has been entered, the memorandum must also contain an indication that the motion was made and ruled upon on the record in the trial court or an explanation of why application to the trial court for the relief sought is not practicable as contemplated by App.R. 7.

### **(C) Emergency motion or application**

If the moving party can demonstrate the existence of exigent circumstances, the Court may ex parte grant a temporary stay until the opposing side can file a response and a final determination

can be rendered on the motion. If the moving party specifically requests an emergency stay or emergency bond, the stay motion and memorandum required by subsection (B) shall detail:

- (1) The nature of the exigent circumstances; and
- (2) The efforts which have been made to give the opposing counsel or party notice of the request.

#### **(D) Service of and response to the motion**

When a motion for stay of execution of a civil judgment is filed, it must be served upon the opposing party. The response of the opposing party to a motion for stay of execution of an appealed civil judgment shall be due within seven days from the filing of the motion to stay. The Court, within its discretion, can either extend or shorten the period for the filing of the response.

## **Rule 4.2 Bail and Stay of Execution in Criminal Cases**

### **(A) Filing**

All motions for bail and stay of execution of a criminal sentence shall be made in the first instance to the trial court, as required by App.R. 8. If any such motion is denied by the trial court, or if the trial court declines to rule on the application within a reasonable amount of time, the motion may be made in the Court of Appeals.

### **(B) Content of the motion**

All motions for bail and stay of execution of a criminal sentence shall be accompanied by a copy of the judgment entry of sentence. The motion must indicate that the request for stay was made and ruled on in the trial court or an explanation of why application to the trial court for the relief sought is not practicable.

A memorandum in support, with supporting evidence, shall be filed with the motion and shall contain:

- (1) A statement of the offense for which the party was found guilty and the sentence imposed by the trial court;
- (2) A discussion of the defendant's likelihood of success on appeal, along with submission of relevant portions of the record demonstrating error if available;
- (3) A listing of the defendant's prior convictions, if any;
- (4) A listing of current charges still outstanding against the defendant, if any;
- (5) A record of the defendant's failure to appear at court proceedings or of flight to avoid prosecution;
- (6) The defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, and jurisdiction of residence;

- (7) A statement of the amount of bail the party is requesting and in what manner it will be secured;
- (8) Any other factor that may be relevant to the Court.

### **(C) Service of and response to the motion**

When a motion for bail and stay of sentence is filed by the defendant under this rule, it must be served upon the prosecuting attorney, law director, or city solicitor according to whomever is handling the prosecution of the case. The response of the opposing party to a motion for bail and stay of sentence shall be due within seven days from the filing of the motion to stay. The Court, within its discretion, can either extend or shorten the period for the filing of the response. In cases in which the victim has requested notification of court proceedings, the state is required to timely notify the victim of the pending motion. The victim may file a response within seven days from the filing of the motion to stay.

### **(D) Decision**

The motion shall be ruled upon, after reasonable notice to the appellee, upon the papers, affidavits, and portions of the record presented by the parties.

## **Rules 5-8 [Reserved]**

## **Rule 9 The Record on Appeal — Notification**

### **(A) No transcript of proceedings or statement**

If the record on appeal will not include a transcript of proceedings, a statement of the proceedings, or an agreed statement, as described in App.R. 9, counsel for the appellant, or the appellant if unrepresented, shall notify the Court of this fact in writing no later than 30 days after filing the notice of appeal. This required notification may be provided on the docket statement required by App.R. 3 and Loc.R. 3.1.

### **(B) Transcript of proceedings**

- (1) If the record on appeal will include a transcript of proceedings not yet prepared and filed in the trial court, the appellant shall order the transcript in writing, including the dates requested to be transcribed, and shall file a copy of the transcript order with the clerk of the trial court in accordance with App.R. 9(B)(3) and attach the order to the docket statement.
- (2) The court reporter should include an electronic copy of the transcript of proceedings where it is available by emailing the electronic copy of the transcript

to [COA\\_transcript@firstdistrictcoa.org](mailto:COA_transcript@firstdistrictcoa.org). The case number should be included in the subject of the email address. See App.R. 9(B)(6)(i).

- (3) Transcripts of proceedings will only be considered part of the record on appeal if one of the following apply:
  - (a) The court reporter has signed and certified the original transcript;
  - (b) The transcript was originally filed in the trial court; or
  - (c) The Court of Appeals has granted a motion to supplement or complete the record.
- (4) No party is permitted to file a copy of a transcript, which is defined as not the original transcript created by the official court reporter, unless leave of court is requested and granted by this Court. Any copy of a transcript may be sua sponte stricken by this court.

### **(C) Exhibits**

Unless otherwise directed by the Court of Appeals, the clerk of the trial court shall not transmit to the clerk of the Court of Appeals any physical trial exhibits (e.g. weapons, ammunition, money, drugs, clothing, or valuables). Where exhibits are retained pursuant to this rule, the clerk shall identify the retained exhibits and the custodian on the transcript of docket and journal entries transmitted pursuant to App.R. 10(B).

## **Rule 10 Transmitting the Record**

### **(A) Duties of appellant**

- (1) It is the duty of the appellant to make reasonable arrangements with the clerk of the trial court to secure the transmission of the docket and journal entries and to effect the transmission of the record, including transcripts and exhibits if applicable, on appeal.
- (2) If the appellant fails to timely perform these duties, the Court may dismiss the appeal for failure to prosecute. Cases dismissed under this rule will be reinstated only for good cause shown.
- (3) If appellant has made reasonable arrangements for the timely transmission of the record, yet the record is not timely transmitted, the appellant may seek an order from the Court of Appeals compelling the transmission of the record including, but not limited to, the transcripts of proceedings. Requests for such an order must detail the steps taken to cause the transmission of the record.

### **(B) Extension of time**

- (1) Transmission of the record must be completed in accordance with the scheduling order issued pursuant to Loc.R. 3.3. Extensions of time to transmit the record may

be granted only by the Court of Appeals. Applications for extension of time to transmit the record must be made by written motion containing a detailed showing of diligence and substantial need for the extension, including the steps taken by the appellant to cause transmission of the record, the specific reasons for the delay, and the requested length of the extension. If the delay relates to the filing of the transcripts of proceedings, the motion must also include the specific reasons for the court reporter's delay and the date by which the transcripts will be completed and filed.

- (2) If the Court grants the appellant an extension of time to file the record, the appellant shall, without further order of the Court, file and serve the appellant's brief within 20 days after the filing of the completed record, or 15 days if the case is on the accelerated calendar.

## **Rule 11.1 Accelerated Calendar**

Pursuant to App.R. 11.1, this Court adopts an accelerated calendar which shall be administered in the following manner.

### **(A) Regular calendar — default**

All appeals shall proceed by default on the regular calendar under the Ohio Rules of Appellate Procedure unless:

- (1) The Court, upon review of the docket statement and/or relevant filings, issues a scheduling order placing the appeal on the accelerated calendar; or
- (2) The appellant requests the accelerated calendar and the Court deems it appropriate pursuant to subsection (B).

### **(B) Accelerated calendar — factors**

In evaluating whether to assign a case to the accelerated calendar, the Court will consider:

- (1) Whether a transcript of proceedings is required and the approximate length of the transcript;
- (2) In a criminal case, whether the appeal is from a plea or solely challenges the defendant's sentence;
- (3) Which court the case is appealed from;
- (4) Any need for accelerated treatment;
- (5) The anticipated number and complexity of assignments of error;
- (6) The presence of a cross-appeal or any appellate jurisdictional dispute; and
- (7) Any other factor that implicates the complexity or precedential nature of the appeal.



### **(C) Method of assignments**

This Court may assign an appeal to the accelerated or regular calendar at any stage of the proceedings:

- (1) Upon its own initiative; or
- (2) Upon a motion demonstrating good cause filed by any party before the appellant's brief is scheduled to be filed. The motion shall be supported by a memorandum setting forth the specific reasons for the change with reference to the applicable factors identified in subsection (B) above.

### **(D) Rules governing accelerated appeals**

- (1) The proceedings in an appeal placed on the accelerated calendar shall be governed by this rule and by the Ohio Rules of Appellate Procedure, including the procedures specific to accelerated appeals set forth in App.R. 3, 10, and 11.1. However, the scheduling order issued pursuant to Loc.R. 3.3 shall set forth deadlines for briefs and transmission of the record.
- (2) Oral argument in an accelerated appeal shall be governed by App.R. 21 and Loc.R. 21. Generally, the Court will endeavor to schedule appeals on the accelerated calendar for an argument/submission date sooner than contemporaneously filed appeals on the regular calendar.
- (3) Briefs filed in an accelerated appeal shall conform to App.R. 16 and Loc.R. 16.1 and 19. An appellant may file a reply brief, which shall be filed within ten days of the filing of the appellee's brief.

## **Rule 12 [Reserved]**

## **Rule 13.1 Electronic Filing and Service**

### **(A) Electronic filing required**

In accordance with App.R. 13, any document to be filed in an appeal or original proceeding before the First District Court of Appeals shall be filed with the clerk electronically, except as otherwise provided in this rule and in Loc.R. 3.1. Such filing shall be in a digitized format specified by the clerk of courts' electronic filing procedure, and this Court's local rules and administrative order(s) regarding electronic filing. The clerk of courts is directed to accept any paper filing that is presented. However, the Court may strike such filing and require that it be e-filed if it is found to be in contravention of this rule.

- (1) **Format of e-filed documents.** All e-filed documents shall be formatted in accordance with the applicable appellate and local rules governing formatting of paper filings, and as specified by the directions maintained on the clerk of courts' website as to e-filing.
  - (a) All e-filed documents shall be filed in Portable Document Format (PDF) or the preferred PDF/A on 8½ x 11 inch pages. External electronic links, to material outside the filed document, are strictly prohibited. Internal links to other parts of the same filing are permissible.
  - (b) Proposed entries and orders must be submitted in Microsoft Word (.doc or .docx) format and reference the specific motion to which it applies.
- (2) **Scanning and uploading paper documents.** Any document filed in paper form will be scanned and uploaded to the clerk of courts' e-filing system. The uploaded electronic document shall constitute the original document.
- (3) **Filing documents in paper form.** An attorney wishing to file a specific document, or all documents in a given case, in paper form rather than electronically may file a motion requesting leave to so file. The motion for leave itself may be filed in paper form and shall set forth the exceptional circumstances justifying the request. The Court generally disfavors such motions.
- (4) **Pro se litigants.** Parties who are not represented by counsel are permitted to file documents in paper form without first requesting leave of court.
- (5) **Vexatious litigator.** Individuals who have been declared vexatious litigators, pursuant to R.C. 2323.52 or Loc.R. 23, will not be permitted to e-file documents and may file only in paper format.
- (6) **Fees.** Normal filing fees and case deposits will be collected via user credit card or debit card, or such other method as may be approved by the clerk of courts, at the time the document that requires such a fee or deposit is filed. Any document filed electronically that requires a fee may be rejected by the clerk of courts unless the filer completes the necessary documents to apply for waiver.

## **(B) Date and time of electronic filing**

Provided that the filing is ultimately accepted by the clerk of courts, any document filed electronically shall be considered as filed when the transmission to the Court's authorized electronic filing system is complete. An electronic filing may be submitted to the clerk of courts 24 hours a day, 7 days a week. Any document filed on a Saturday, Sunday, or legal holiday shall be deemed to have been filed on the next Court business day.

- (1) **Rejection or acceptance of e-filed documents.** The clerk of courts will notify the filer when a filing has been accepted or rejected for docketing and filing in the clerk of courts' e-filing system.

- (2) **Electronic file stamp.** Upon acceptance by the clerk of courts, an e-filed document will be electronically file-stamped. This stamp will include the date and time that the filer transmitted the document to the clerk of courts, as well as the confirmation number of the filing. Once the document is electronically file stamped and entered on the docket, it is considered a permanent part of the case record.
- (3) **System or user filing errors.** If a party attempts to e-file a document and the document is not accepted for docketing and filing on the clerk of court's e-filing system because of a technical failure of the clerk of courts' system or of the filer, the party may file a corrective filing. A corrective filing within one business day after the notice of rejection will be considered timely filed.
- (4) **Jurisdiction.** Subsection (3) does not extend jurisdictional deadlines.

### (C) Service

- (1) E-filed documents must be served on the opposing party and shall be accomplished in the manner prescribed by App.R. 13. Notification by the e-filing system is insufficient to accomplish service under this provision.
- (2) Whenever a time period is measured from the time after a document is filed, the time will be measured from the date of filing.

### (D) Signatures

- (1) **Signatures of parties and counsel.** The signature of an attorney or a party on an e-filed document shall be represented with a signature of "/s/ [name]." The conformed signature on an e-filed document is a legal signature for purposes of the signature requirements of the civil and criminal rules of procedure, the rules of superintendence, and any other law, and will be considered the signature of the person it purports to be for all purposes as set forth in App.R. 13(A)(1). When a stipulation or other document requires two or more signatures, the filing party or attorney will designate in the signature line that it has authority to sign for the other party and how that authority was obtained. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.
- (2) **Signature of third parties.** Documents containing signatures of third parties, including signatures of notaries public, shall be scanned as an image and filed electronically. The filing person shall make the source document available for production and copying at the request of the Court, the clerk of courts, other counsel, or other parties representing themselves.

## Rule 13.2 Privacy and Confidentiality

### (A) Court records publicly available

Court records are presumed to be open for public access as set forth in Sup.R. 45(A). Except as provided below, all documents filed with the clerk of this Court will be available for public viewing.

### (B) Personal and private information

- (1) **“Personal and private” information defined.** The following information is deemed “personal and private” and shall not be included in any unsealed document filed with this Court or referenced in oral argument:
  - (a) Social security numbers, except for the last four digits;
  - (b) Driver’s license numbers;
  - (c) Financial account numbers, including but not limited to bank account numbers and credit and debit card numbers;
  - (d) Employer and employee identification numbers;
  - (e) A juvenile’s name in any appeal, except for the juvenile’s initials or a generic abbreviation such as “CV” for “child victim”;
    - (i) This does not apply to juveniles who have been bound over to the Court of Common Pleas and convicted of criminal charges.
    - (ii) To the extent reference to another person is likely to reveal the identity of the juvenile, that person should also be identified by a generic term or initials.
  - (f) The name of the victim of a sexual offense, except for the victim’s initials or a generic term or abbreviation such as “Victim 1” or “V1”;
  - (g) The name of the victim of any criminal offense or delinquent act when redaction has been requested by or on behalf of the victim in this Court;
  - (h) The defendant’s or juvenile’s name in an appeal from an order expunging or sealing a criminal conviction or finding of delinquency, except for the defendant’s or juvenile’s initials;
  - (i) Any other information deemed personal and private by any federal or state constitution, statute, regulation, executive order, or court ruling (e.g., privacy rules under the Health Insurance Portability and Accountability Act (“HIPAA”), Internal Revenue Service (“IRS”) income tax filings, etc.);
  - (j) To the extent a reference to another person is likely to reveal the identity of a person identified in subsections (e)-(g), that person should also be identified by a generic term or initials.
- (2) **Parties’ and counsel’s responsibilities regarding personal and private information.** Filing parties and their counsel are responsible for removing

personal and private information from any document they file with the clerk of courts, or redacting the information in accordance with the procedure described in subsection (4). This responsibility extends to and includes any exhibits or addenda attached to filings such as bank statements, tax returns, or medical records. The clerk of courts is not responsible for the removal of any personal and private information contained in a document filed with the clerk of courts.

- (3) **Correction of improperly filed personal and private information.** If personal and private information is improperly included in a filing, either the party who filed the information or the person whose information is disclosed may move the Court for leave to replace the filed document with an identical document with the personal and private information removed or redacted in accordance with the procedure outlined in subsection (4). The proposed replacement document shall be attached to the motion. If the Court grants the motion, then the clerk of courts will file-stamp the replacement document, replace the originally filed document with the replacement document, and remove the originally filed document from the docket.
- (4) **Personal identifier form.** When personal identifiers are omitted from a case document filed with the Court, the party shall file a Personal Identifier Form, see Appendix of Forms. This form shall be filed under seal without leave of court. The Personal Identifier Form may be filed electronically or in person.

### **(C) Motions to restrict public access by sealing**

- (1) Any party may move the Court to restrict public access of a filed document. When such a request is made, the moving party must file the document in order for the Court to conduct an in-camera inspection of the request. While this motion is pending, the clerk will not make the document available. The Court will restrict public access only if it finds by clear and convincing evidence that the presumption of allowing public access is outweighed by a greater interest after considering the following:
  - (a) Whether public policy is served by restricting public access;
  - (b) Whether any federal, state, or common law exempts the document or information from public access;
  - (c) Whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety, and fairness of the adjudicatory process.
- (2) The Court may also sua sponte seal documents as set forth in Sup.R. 45.

- (3) When restricting public access, the Court will use the least restrictive means available as set forth in Sup.R. 45(E).

#### **(D) Requests for restricted public access by a non-party**

A non-party may move the Court to restrict public access to information concerning that person in a court document at any time. Upon the movant's request, the Court may order the clerk not to make the subject document available during the pendency of the motion. In determining whether to grant the request, the Court will apply the same standards it applies to a party's request pursuant to subsection (C) above.

#### **(E) Restricted public access by sealing**

Except by order of court, the clerk of courts shall not allow public access to any document for which public access has been restricted.

### **Rule 14 Extensions of Time to File Brief**

#### **(A) Notice of automatic extension of time to file brief — regular calendar**

For appeals on the regular calendar, a party may obtain a single, automatic 30-day extension of time to file any merit brief by filing a Notice of Automatic Extension of Time to File Brief (see Appendix of Forms). The notice must affirmatively and accurately state:

- (1) The current due date for the filing of the brief;
- (2) The new due date for the filing of the brief;
- (3) The calendar type; and
- (4) That no previous extensions for that brief have been taken.

The notice must be served on all opposing parties in accordance with App.R. 13(B) and must be filed on or before the due date for the brief. The notice shall be effective upon filing. Any notice that does not comply with these requirements shall not be effective upon filing and may be stricken.

Additional extensions for regular calendar cases shall be by motion as set forth in subsection (E) and are generally greatly disfavored and will rarely be granted.

#### **(B) Notice of automatic extension of time to file brief—accelerated calendar**

For appeals on the accelerated calendar, a party may obtain a single, automatic 15-day extension of time to file any merit brief by filing a Notice of Automatic Extension of Time to File Brief (see Appendix of Forms). The notice must affirmatively and accurately state:

- (1) The current due date for the filing of the brief;
- (2) The new due date for the filing of the brief;

- (3) The calendar type; and
- (4) That no previous extensions for that brief have been taken.

The notice must be served on all opposing parties in accordance with App.R. 13(B) and must be filed on or before the due date for the brief. The notice shall be effective upon filing. Any notice that does not comply with these requirements shall not be effective upon filing and may be stricken. Additional extensions for accelerated calendar cases shall be by motion as set forth in subsection (E) and are generally greatly disfavored and will rarely be granted.

### **(C) Automatic extension for reply brief**

The appellant may obtain a single, automatic 10-day extension of time to file a reply brief by filing a Notice of Automatic Extension of Time to File Brief. The notice must comply with the applicable subsection (A) or (B) above.

### **(D) Automatic extension of time not available**

An automatic extension of time is not available in the following circumstances:

- (1) If a case has been expedited;
- (2) When a notice of oral argument has issued;
- (3) For any brief filed in a preliminary injunction appeal; or
- (4) Parental termination cases.

### **(E) Extensions other than automatic extension—motion for extension of time to file brief**

In all other instances, an extension of time may be granted only upon written motion supported by a showing of diligence and substantial need. The motion shall be filed at least 3 days before the expiration of the time prescribed for filing the brief, and shall be accompanied by a statement indicating the following:

- (1) When the brief is due;
- (2) Whether the party has previously obtained an extension (automatic or by motion) to file that brief;
- (3) The length of the requested extension, not to exceed 30 days;
- (4) The reason an extension is necessary;
- (5) Movant's representation that movant has exercised diligence and that the brief will be filed within the time requested; and
- (6) Whether any other party separately represented objects to the request, or why the moving party has been unable to determine any such party's position.

A conclusory statement as to the press of business does not constitute a showing of diligence and substantial need.

## (F) Late filings

The Court will not ordinarily accept late filings of briefs or motions for extensions of time except upon a showing of extraordinary circumstances made by motion to the Court.

## Rule 15 Motions

Motions filed in the Court must comply with App.R. 15 and will be decided in accordance with App.R. 15. A memorandum opposing a motion seeking only a procedural order may be filed only by leave of court. The following are examples of routine procedural motions:

- (1) Motions to enlarge or reduce the time to file briefs or the record;
- (2) Motions to consolidate;
- (3) Motions to file non-complying briefs;
- (4) Motions to appoint counsel;
- (5) Motions to extend the time to act set by the Appellate Rules, local rules, or an order of this Court, including, for example, to comply with a show cause order or to extend a deadline previously set by this Court.

## Rule 16.1 Contents of Briefs

### (A) Contents of appellant's brief

Briefs shall be signed by counsel or by the party if pro se and shall follow the format set forth in this rule, in App.R. 16, and in Loc.R. 16.2. The Court may strike a brief that does not substantially comply with these rules. Briefs shall including the following:

- (1) **Table of contents, assignments of error, and issues presented for review.** Consistent with App.R. 16(A)(1) through 16(A)(4), the table of contents shall index the brief's contents, the assignments of error, and the issues presented for review. Under each assignment of error, the brief shall list as indented numbered subparagraphs the issues presented for review for the assignment of error.
- (2) **Table of authorities.** Consistent with App.R. 16(A)(2), the table of authorities shall list cases, statutes, and other authorities cited, with references to the pages of the brief where cited.
- (3) **Statement of the case.** Consistent with App.R. 16(A)(5), the statement of the case shall briefly summarize the nature of the case, the course of the proceedings, and the disposition below. The statement of the case shall be followed by, under appropriate headings and in the order indicated, the following:
  - (a) **Statement of jurisdiction.** The statement of jurisdiction shall state that the appeal was timely filed and was taken from a final appealable order



and shall contain references to the relevant parts of the record and citations to the relevant rules and statutes.

- (b) **Procedural posture.** The procedural posture shall state the relevant procedural events leading to the action of the trial court appealed and shall contain references to the relevant parts of the record.
  - (c) **Statement of the facts.** The statement of the facts shall recite the facts relevant to the assignments of error and shall contain references to the relevant parts of the record.
- (4) **Argument.** Consistent with App.R. 16(A)(7), the argument shall state the assignments of error and the issues presented for review in precisely the same manner and order in which they are stated in the table of contents. The argument shall set forth, in the order indicated, the following:
- (a) **Assignment of error.** An assignment of error shall state how the trial court is alleged to have erred, e.g., "The trial court erred in denying the motion to suppress." Each assignment of error shall be followed by references to the parts of the record demonstrating the alleged error.
  - (b) **Issues presented for review.** Under each assignment of error, the brief shall set forth the numbered issues presented for review.
  - (c) **Standard of review.** Under each numbered issue presented for review, the brief shall state the applicable standard of review.
  - (d) **Body of argument.** Under each numbered issue presented for review, after the statement of the applicable standard of review, the brief shall set forth the contentions relevant to the issue and the reasons supporting each contention. Each contention supporting an issue presented for review shall contain references to the relevant parts of the record and citations to the relevant legal authorities.
- (5) **Conclusion.** Consistent with App.R. 16(A)(8), the conclusion shall briefly summarize the argument and shall precisely state the relief sought on appeal.
- (6) **Certificate of service.** The certificate of service must be signed and shall specify to whom the brief was served, and the date and manner of service, including the email or mailing address used to complete service, if applicable.
- (7) **Attachments.** The appellant shall attach to the brief a copy of the final order from which the appeal is taken, along with any supporting opinion, decision, or findings of fact and conclusions of law. The Court may, in its discretion, waive this requirement for pro se inmates when the order was attached to the notice of appeal or the order from which the appeal is taken is easily ascertained.

### **(B) Contents of appellee's brief**

The appellee's brief shall comply with subsection (A) of this rule except that the statement of the case or of the facts relevant to the assignments of error need not be made unless the appellee is dissatisfied with the statement of the appellant. The appellee may also recast the appellant's issues presented for review in a manner that supports the appellee's argument on appeal.

### **(C) Contents of reply brief**

A reply brief shall be confined in content to rebutting the appellee's brief.

### **(D) References in briefs to the record**

A reference in a brief to a transcript of proceedings shall be abbreviated "T.p.," followed by the relevant page number, e.g., "T.p. 25." A reference to the transcript of the docket, journal entries, and original papers shall be abbreviated as "T.d.," followed by the document number assigned by the clerk of courts, e.g., "T.d. 10." A reference to a page in a multipage document included in the transcript of the docket, journal entries, and original papers shall be made to the document number, followed by "at" and the relevant page number, e.g., "T.d. 10 at 50." References to the record shall be in the body of the brief and not in footnotes.

### **(E) Unnecessary and prohibited attachments**

- (1) A party should generally refrain from appending a copy of a constitutional provision, statute, ordinance, rule, or regulation to the brief, unless the authority is not readily available on Westlaw, LexisNexis, or the internet.
- (2) Attachment of materials not contained within the record is prohibited. If a party appends documents from the record, other than the final order as required by subsection (A)(7) of this Rule, the party must include a table of contents for the Appendix and provide a citation to where the document can be found in the record.

### **(F) Citations to authorities in briefs**

The citations to authority in the brief shall be in the form adopted by the Supreme Court of Ohio, and shall be in the body of the brief and not in footnotes. The Writing Manual adopted by the Supreme Court of Ohio is available on the Supreme Court of Ohio's website.

<https://www.supremecourt.ohio.gov/ROD/manual.pdf>

### **(G) References to the parties in briefs**

When referring to a party to an appeal, a brief shall use the party's name or a descriptive term rather than "appellant" or "appellee."

## Rule 16.2 No-Error Appeals

### (A) No-error briefs

In a criminal appeal in which counsel has been appointed for the appellant, counsel may file a no-error brief under the procedure identified in *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396 (1967), and its progeny, if counsel concludes that the appeal presents no issue of arguable merit prejudicial to the defendant and is wholly frivolous.

### (B) Contents of a no-error brief

A no-error brief shall not contain assignments of error and shall contain the following:

- (1) A statement that counsel's conscientious examination of the record has led counsel to conclude that the appeal presents no issue of arguable merit prejudicial to the defendant and is wholly frivolous;
- (2) A request that the Court independently examine the record to determine if it discloses an issue of arguable merit prejudicial to the defendant;
- (3) A reference to any part of the record that might arguably support the appeal; and
- (4) A statement of compliance as set forth in subsection (D).

### (C) Procedure before filing a no-error brief: appellant's issues

Before filing a no-error brief, counsel shall do all of the following:

- (1) Notify the appellant in writing that counsel intends to file a no-error brief, and that the appellant should communicate to counsel in writing any issues that the appellant wants counsel to raise on appeal.
- (2) Review the appellant's issues to determine whether the appeal remains wholly frivolous.
  - (a) If counsel's review of the appellant's issues confirms that the appeal is wholly frivolous and counsel has not yet filed a no-error brief, counsel shall append the issues to the no-error brief.
  - (b) If counsel's review of the appellant's issues confirms that the appeal is wholly frivolous and counsel has already filed a no-error brief, counsel shall file with the Court a motion for leave to amend the no-error brief to append the issues to the brief.
  - (c) If counsel's review of the appellant's issues discloses an issue of arguable merit and counsel has not yet filed a no-error brief, counsel shall file a merit brief presenting the issue as an assignment of error consistent with App.R. 12.
  - (d) If counsel's review of the appellant's issues discloses an issue of arguable merit and counsel has already filed a no-error brief, counsel shall file with

the Court a motion for leave to amend the no-error brief to substitute a brief presenting the issue as an assignment of error consistent with App.R. 12.

#### **(D) Filing a no-error brief**

When filing a no-error brief, appointed counsel shall do all of the following:

- (1) **Statement of compliance.** Counsel shall state, either in the no-error brief or in an affidavit, that counsel has done all of the following:
  - (a) Conscientiously examined the record;
  - (b) Concluded that the record discloses no issue of arguable merit, and that the appeal is wholly frivolous;
  - (c) Communicated this conclusion to the appellant; and
  - (d) Asked the appellant to communicate to counsel in writing any issue that the appellant wants counsel to raise on appeal. If counsel has not received a response from appellant, counsel must detail the efforts made to reach appellant.
- (2) **Motion to withdraw.** Counsel shall file a motion to withdraw as counsel and shall indicate in the motion that counsel remains appointed to assist the appellant in the prosecution of the appeal unless and until the motion is granted.
- (3) **Service.** Counsel shall serve on the appellant, and shall serve as otherwise required by App.R. 13, copies of the no-error brief, counsel's affidavit, if any, and counsel's motion to withdraw.

#### **(E) Determination of a no-error appeal**

The Court will strike any document styled as an appellate brief or raising an assignment of error when the document is filed by an appellant who is represented by counsel. The Court will not treat as an assignment of error or decide any issue appended to a no-error brief.

### **Rule 17 [Reserved]**

### **Rule 18 Filing and Service of Briefs**

#### **(A) Time for filing and serving briefs**

The Court will issue a scheduling order for filing and serving the briefs. If the appellant files a Notice of Automatic Extension of Time to File Brief pursuant to Loc.R. 14, or if the Court grants the appellant an extension of time to file the appellant's brief pursuant to Loc.R. 10(B)(2) or 14(E), the appellee shall, without further order of the Court, file and serve the appellee's brief within

20 days after the appellant's brief was filed, or 15 days if the case is on the accelerated calendar. If appellee files a Notice of Automatic Extension of Time to File Brief pursuant to Loc.R. 14, or if the Court grants the appellee an extension of time to file the appellee's brief pursuant to Loc.R. 14(E), the appellant shall, without further order of the Court, file and serve a reply brief, if any, within 10 days of the filing of appellee's brief.

This division shall not apply to an expedited appeal under App.R. 11.2.

### **(B) Number of copies to be filed and served**

A party shall file an original and one copy of a brief. The original brief shall be unbound and without dividers or tabs, but the copy may be bound at the top left corner.

This division shall not apply to briefs filed electronically under Loc.R. 13.1.

## **Rule 19 Form of Briefs and Other Pleadings**

### **(A) Filings in general**

Every filing must contain:

- (1) The name of the Court and the appeal number;
- (2) The caption of the case;
- (3) The case number below;
- (4) The type of filing;
- (5) The designation of counsel pursuant to Loc.R. 3.2;
- (6) The signature by the filing party; and
- (7) A properly completed certificate of service showing service on all opposing parties.

### **(B) Length of briefs**

- (1) Parties' briefs shall not exceed the following limitations, which are exclusive of the cover page, table of contents, table of authorities, certificates of counsel, certificate of compliance, signature blocks, certificate of service, and appendices.
  - (a) **Length of briefs — regular calendar.**
    - (i) For appeals on the regular calendar, principal briefs of appellant(s) and appellee(s) shall not exceed 9,000 words OR 40 pages.
    - (ii) For appeals on the regular calendar, a reply brief of appellant(s) shall not exceed 4,500 words OR 20 pages.
  - (b) **Length of briefs — accelerated calendar.**

- (i) For appeals on the accelerated calendar, principal briefs of appellant(s) and appellee(s) shall not exceed 4,500 words OR 20 pages.
- (ii) For appeals on the accelerated calendar, a reply brief of appellant(s) shall not exceed 2,200 words OR 10 pages.
- (c) **Length of briefs—cross appeals.**

The length of brief limitations provided in subsection (1) apply to cross-appeals.

- (2) The Court may permit a brief exceeding the limits in subsection (1) upon good cause shown in a written motion filed at least five days before the due date provided for filing the brief.
- (3) If a party’s brief exceeds the page limits in subsection (1), the brief must include a certificate of compliance, signed by the attorney or unrepresented party, indicating that the brief complies with the word count limitation. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the brief. The certificate must state the number of words in the brief, as calculated under subsection (1). The following certificate may be used:

**CERTIFICATE OF COMPLIANCE**

I certify that this Brief complies with the word-count provision set forth in Loc.R. 19(B)(1). This Brief is printed using Times New Roman or Georgia 14-point typeface using \_\_\_\_\_ word processing software and contains \_\_\_\_\_ words.

\_\_\_\_\_  
Signature

**(C) Form of briefs**

- (1) **Paper Size.** The brief must be formatted to fit on 8 ½ by 11 inch paper when printed.
- (2) **Font size.** All text must be in at least 14-point font.
- (3) **Line Spacing.** Text must be doubled-spaced between lines, except quotations more than three lines long may be indented and single-spaced. Headings and footnotes may be single-spaced.
- (4) **Margins.** The brief must have margins of at least one inch on all four sides.

- (5) **Typeface and Type Style.** The body of the brief must be set in Times New Roman or Georgia typeface. The style of the brief should be set in a plain, roman style, although italics and boldface may be used for emphasis.
- (6) **Reproduction.** A brief may be reproduced by any process that yields an image with clear black text in at least 14-point typeface when printed. This applies to both e-filed documents and those submitted in paper form.

#### **(D) Handwritten pleadings and briefs**

Every document filed with the Court shall be typewritten or prepared by a word processor or other standard typographic process. A handwritten document may be accepted for filing only in an emergency, provided the document is legible and an explanation is provided as to why the document is handwritten. As to briefs, a handwritten brief will be permitted only with the permission of the Court.

#### **(E) Failure to comply**

A filing not prepared in accordance with these rules and the Ohio Rules of Appellate Procedure may be stricken with an order for a conforming document to be filed within a specified time. An appellant's failure to conform may result in dismissal of the appeal; an appellee's failure to conform may result in its brief being stricken or the right to argue being denied.

### **Rule 20.1 Prehearing and Settlement Conferences**

#### **(A) Prehearing conference**

The Court may set an appeal for a prehearing conference to consider matters that might aid the Court in disposing of the appeal, including: (1) the Court's jurisdiction; (2) the record to be filed; (3) the time needed to prepare the record; (4) the time needed for briefing; (5) the assignments of error and issues to be presented; and (6) the relevant case law.

#### **(B) Settlement conference**

The Court may also set a settlement conference to explore resolving the parties' dispute, upon request by the parties or on the Court's own initiative.

### **Rule 20.2 Mediation**

#### **(A) Cases eligible for mediation**

- (1) **General.** The Court has discretion to encourage or order parties to mediation in any civil appeal, administrative appeal, or original action filed before this Court. The parties may also request mediation at any time during the pendency of the appeal. It is within the Court's discretion to grant a request for mediation.

- (2) **Exceptions.** Mediation is prohibited in the following types of cases:
  - (a) As an alternative to prosecution or adjudication of domestic violence;
  - (b) In determining whether to grant, modify, or terminate a protection order;
  - (c) In determining the terms and conditions of a protection order;
  - (d) In determining the penalty for violation of a protection order.
- (3) Nothing in subsection (A)(2) of this rule shall prohibit the use of mediation in either of the following cases:
  - (a) A subsequent divorce or custody case, even though the case may result in the termination of the provision of a protection order pursuant to R.C. 3113.31;
  - (b) A juvenile delinquency case.

## **(B) Scheduling mediation**

- (1) Upon written motion of the parties, or upon order of the Court, the Court may schedule mediation.
- (2) If mediation is scheduled, the Court will notify the attorneys, or the parties if unrepresented, of the name of the mediator and the date, time, and location of the mediation.
- (3) If a case is scheduled for mediation, briefing deadlines in the case may be stayed for up to 60 days pending further order of the Court.
- (4) The mediation may be conducted in person or via teleconference (e.g., Zoom).
- (5) Upon suggestion of the parties, the Court may order a mediation stay without ordering a mediation session.

## **(C) Mediation procedure**

- (1) **Confidential Mediation Statement.** At least 10 days in advance of the mediation, the parties shall send to the assigned mediator, via email, a confidential mediation statement containing the following information:
  - (a) Case caption and Court of Appeals case number;
  - (b) A brief description of the underlying conflict between the parties that led to the litigation;
  - (c) A brief statement regarding any final appealable order issues and the standards of review that apply to the instant appeal;
  - (d) A statement of any significant facts or issues that may have a continuing impact on settlement both from the authoring party's perspective and from what the authoring party perceives to be the opposing party's perspective;
  - (e) A statement of the strong and weak points of the authoring party's case;
  - (f) A history of settlement negotiations to date;



- (g) A statement of an appropriate settlement, including dollar amount or range and any other terms;
  - (h) A statement of goals with regard to the dispute including, but not limited to, goals that can be facilitated by the Court;
  - (i) Disclosure of any other pending or anticipated litigation between the parties.
- (2) **Attendance.** Unless otherwise instructed by the Court, the following persons must attend the mediation: counsel, the parties necessary for full settlement authority including insurance adjustors, and self-represented litigants. "Counsel", for purposes of this rule, means the attorney with primary responsibility for the case and upon whose advice that party relies.
- (3) **Uniform Mediation Act.** The Ohio Uniform Mediation Act, R.C. Chapter 2710, is incorporated by reference and adopted by this Court through this local rule.
- (4) **Privileged Communications and Confidentiality.** The privilege and confidentiality provisions of the Uniform Mediation Act, R.C. Chapter 2710, apply to all mediation conferences. Mediation communications shall be privileged and therefore shall not be disclosed by the mediator or by the parties and shall not be used by the parties when presenting or arguing the case. Mediation communications shall also be confidential unless all parties and the mediator consent to disclosure. The mediator will not discuss the substance of the mediation with any of the judges and will only provide information regarding the final outcome of the mediation (i.e., settled, not settled, continuing negotiations).

#### **(D) Noncompliance sanctions**

If a party or attorney fails to comply with the provisions of this rule or the provisions of the mediation order, the Court may hold a party in contempt and/or assess reasonable expenses caused by the failure, including attorney fees. The Court may also assess all or a portion of the costs or dismiss the appeal or original action.

#### **(E) Referral to resources**

The Court Administrator shall maintain resources for mediation parties, including victims and suspected victims and suspected victims of domestic violence, regarding appropriate referrals to legal counsel and other support services.

## **Rule 21 Oral Argument**

### **(A) Request for oral argument**

The Court encourages oral argument. To request oral argument, the party shall note on the cover page of any brief (appellant, appellee, or reply) "Oral Argument Requested." An appellant who

does not file a reply brief, but wishes to request oral argument, may do so by filing a notice of request for oral argument within the deadline for the reply brief. If any party requests oral argument, such requests will be granted and the case will be scheduled for oral argument for all parties, subject to the provisions in subsection (C).

- (1) If a party wishes to waive its right to oral argument when filing its brief, it shall note on the cover page of its brief: “[Party] Hereby Waives Its Right to Oral Argument and Submits Its Case.”
- (2) If no party to an appeal requests oral argument within the time for filing of the appellant’s reply brief or if both parties indicate on their briefs that they waive oral argument, the Court will submit the case to a panel for decision without oral argument in due course and the parties will be notified of the date on which the case is submitted.
- (3) Once the briefing period is closed, a party who has requested oral argument cannot subsequently waive appearance at oral argument, except in emergency circumstances.
- (4) Parties shall be present in court 15 minutes prior to the scheduled time of oral argument. If a party is not present in court 15 minutes prior to the scheduled time of oral argument, the Court has the discretion to treat this as a waiver of appearance and the party may not be permitted to argue.

#### **(B) Court-ordered oral argument**

The Court may order oral argument in any case even if no request for oral argument has been made.

#### **(C) Oral argument not permitted**

The Court will not hear oral argument and will notify counsel, or the party if unrepresented, of the date when the appeal will be submitted on the briefs, under the following circumstances:

- (1) An incarcerated appellant is self-represented; or
- (2) Appellant’s counsel has filed a no-error brief under the procedure set forth in Loc.R. 16.2.

#### **(D) Notice of oral argument and of appellate panel**

- (1) The Court will provide written notification to all parties of the date, time, and place when oral argument will be heard.
- (2) No later than 14 days prior to the date on which oral argument will be heard, the Court will make available to the parties the names of the judges that will hear the case. This information will be posted on the Court’s website, and it will also be made available upon inquiry to the Court. Any changes to the panel will be

immediately posted on the Court’s website and made available to any person making inquiry of the Court.

**(E) Remote arguments**

If a party wishes to participate in oral argument remotely via videoconferencing, the party shall file a motion with any brief detailing the reasons underlying the request for remote argument in lieu of in-person oral argument and address whether any party objects to the request, or why the moving party has been unable to determine any such party’s position. The Court, in its discretion, will determine whether to grant or deny the request to hold oral argument remotely, or to require in-person oral argument. Request for remote argument after close of briefing will only be considered in emergency circumstances.

**(F) Time allowed for oral argument**

Oral argument shall be limited to 15 minutes per side. This time limit applies to all appeals, including cases on the regular calendar, cases involving cross-appeals, and cases in which there are multiple appellants or multiple appellees. The Court may enlarge the time for oral argument either upon its own initiative or upon good cause shown in a written motion filed within the time provided for filing the brief. If the Court enlarges the time for oral argument, it will notify counsel, or the party if unrepresented, of the time set.

**(G) Citation to additional authorities**

If pertinent and significant authorities come to a party’s attention after a party has filed its brief but before the Court has issued its decision, the party may promptly file a notice of supplemental authority, with a copy to all other parties, setting forth the citations. The notice must state the proposition of law for which the supplemental authorities are cited and refer either to an assignment of error or to a point argued orally. The notice must not exceed 300 words. Any response must be made promptly and must be similarly limited.

**(H) Courtroom decorum**

During oral argument, no person present in the courtroom shall operate a cellphone or any other electronic device without prior approval of the Court. Counsel of record may use electronic devices at counsel tables or at the podium provided that the devices are set to silent, and are not used to photograph, record, or broadcast.

**(I) Real or demonstrative evidence**

During oral argument, no party shall display real or demonstrative evidence that is contained in the record certified for review, or a reproduction of that evidence that is substantially similar to the evidence itself, unless authorized by the Court upon a motion filed no later than seven days before the date set for oral argument.

## **Rule 22 Media Coverage of Court Proceedings**

### **(A) Application**

Consistent with Sup.R. 12, requests for permission to broadcast, televise, photograph or otherwise record Court proceedings that are open to the public as provided by Ohio law, shall be made in writing to the judge presiding over the proceeding. The application may be filed in the case or provided to the Court Administrator. If the application is filed, the applicant must also provide a courtesy copy of the application to the Court Administrator. Further instructions for the submission of the application are on the Court's website [<https://firstdistrictcoa.org/>].

The judge presiding at the hearing or oral argument, or in that judge's absence any member of the panel, shall grant the request for broadcasting, televising, recording or taking photographs in court proceedings open to the public, if the judge determines that to do so would not distract the participants, or impair the dignity of, or otherwise materially interfere with, the proceedings.

The written application and order of the judge granting or denying such application shall be made part of the record of the proceedings.

Requests shall be made on a form "Application Requesting Permission to Broadcast, Televise, Photograph or Record Courtroom Proceedings" available on the Court's website and in the appendix of forms. Applications shall be made as far in advance as possible but not less than 2 business days prior to the proceedings to be recorded. The judge may waive advance notice for good cause.

### **(B) Restrictions**

(1) In order to preserve confidentiality, publication of the names and identities of juveniles, victims of sexual offenses, and/or individuals in matters under seal, the presiding judge of the panel may direct that the recording, by whatever method, either not be made, or be made in such a manner as to assure that such publication does not occur.

(2) The provisions of Sup.R. 12 shall apply, except that not more than one portable camera (television, videotape, or movie) with one operator or more than one audio system in the courtroom shall be permitted. Arrangements for the "pooling" of equipment shall be made as set forth in Sup.R. 12.

(3) Media representatives shall at all times conduct such activity in a manner whereby the participants shall not be distracted or the dignity of the proceedings impaired.

(4) The presiding judge may revoke the permission to broadcast, record, or photograph any proceeding for the failure of any media representatives to conduct themselves accordingly or for failure to comply with Sup.R. 12.

## **Rule 23 Sanctions and Vexatious Litigator**

(A) If the First District Court of Appeals, sua sponte or on motion by a party, determines that an appeal, original action, or motion is frivolous or is prosecuted for delay, harassment, or any other improper purpose, it may impose on the person who signed the appeal, original action, or motion, a represented party, or both, appropriate sanctions. The sanctions may include an award to the opposing party of reasonable expenses, reasonable attorney fees, costs or double costs, or any other sanction the First District Court of Appeals considers just. An appeal, original action, or motion shall be considered frivolous if it is not reasonably well-grounded in fact, or warranted by existing law, or by a good faith argument for the extension, modification, or reversal of existing law.

(B) If a party habitually, persistently, and without reasonable cause engages in frivolous conduct under subsection (A) of this rule, the First District Court of Appeals may, sua sponte or on motion by a party, find the party to be a vexatious litigator in this Court. If the First District Court of Appeals determines that a party is a vexatious litigator under this rule, the Court may impose filing restrictions on the party. The restrictions may include prohibiting the party from continuing or instituting legal proceedings in the First District Court of Appeals without first obtaining leave, prohibiting the filing of actions in the First District Court of Appeals without the filing fee or security for costs, or any other restriction the First District Court of Appeals considers just.

(C) Any party that has been declared a vexatious litigator under R.C. 2323.52 or Loc.R. 23 must seek leave of court to proceed with any appeal or original action that is filed in the First District Court of Appeals. The failure to comply with R.C. 2323.52(F)(2) shall result in the dismissal of any appeal or original action as filed by a party that has been declared a vexatious litigator. Any motion, other than one for leave, filed in an existing case by a party that has been declared a vexatious litigator will be deemed stricken by operation of this rule.

## **Rules 24-25 [Reserved]**

## **Rule 26 Applications for En Banc Consideration**

An application for en banc consideration filed pursuant to App.R. 26(A)(2) shall initially be submitted to the three-judge panel that issued the decision in the case in which the application for en banc consideration is filed. If any member of the original three-judge panel is a visiting judge, an alternative judge shall be selected at random from the available full-time members of the Court to sit on the three-judge panel initially reviewing the application for en banc consideration. If, following review of the application, the three-judge panel unanimously finds that no conflict exists, the panel shall issue a decision so finding and deny the application for en

banc consideration. If any member of the three-judge panel finds that a conflict does exist, the application for en banc consideration shall be submitted to the en banc court for determination.

## Rules 27-32 [Reserved]

### Rule 33 Original Actions

#### (A) Cost deposits

- (1) **Costs deposit required.** To secure the costs of an original action in mandamus, prohibition, procedendo, quo warranto, or habeas corpus, or to secure the costs of subpoenaing a witness in a habeas corpus action, the petitioner shall, with the petition or the praecipe for subpoena, deposit with the clerk of courts the amount set by the clerk.
- (2) **Costs deposit not required.** The clerk of courts shall receive and file a petition, or shall subpoena a witness without secured costs, if the petitioner or the party seeking the witness's attendance files with the clerk an affidavit attesting to the inability to secure costs. An affidavit attesting to the inability to secure costs filed by an inmate of a state correctional institution shall also be accompanied by a certificate of the superintendent or other appropriate officer of the institution demonstrating that the inmate does not have sufficient funds on deposit with the institution to secure costs.

#### (B) Evidence

In an original action, the Court will generally not hear oral testimony. To facilitate the consideration and disposition of original actions, counsel, when possible, should submit an agreed statement of facts. All other evidence shall be submitted by affidavits, stipulations, depositions, and exhibits. Affidavits shall be made on personal knowledge, setting forth facts admissible in evidence, and showing affirmatively that the affiant is competent to testify to all matters stated in the affidavit. Sworn or certified copies of all papers or parts of papers referred to in an affidavit shall be attached. The Court, in its discretion, may determine that an evidentiary hearing is necessary.

#### (C) Dispositive Motions

Dispositive motions filed pursuant to Civ.R. 12 and Civ.R. 56, must conform with Loc.R. 19 as to format and page limits.

## **(D) Briefs**

If the case is not decided on a dispositive motion and the Court orders briefs, parties submitting briefs shall adhere to the form and procedure provided by the Ohio Rules of Appellate Procedure and this Court's local rules, except that "assignments of error" are not required and may be replaced with "issues presented."

## **(E) Oral argument**

Any oral argument will proceed according to Loc.R. 21.

## **Rules 34-40 [Reserved]**

## **Rule 41 Adoption and Amendment of Local Rules**

The Court may, under Ohio Constitution, Article IV, Section 5(B), App.R. 41, and Sup.R. 5(A), adopt rules concerning local practice that are not inconsistent with rules promulgated by the Supreme Court of Ohio. Before adopting, amending, or deleting a local rule, the Court shall give appropriate notice and afford an opportunity for comment by publishing the rule for 30 days. The Court may immediately delete or modify an existing rule or adopt a new rule if, in the opinion of the Court, either exigent circumstances so require or the rule change is ministerial in nature.

## **Rule 42 Title**

These rules shall be known as the local rules of the Court of Appeals, First Appellate District of Ohio, and shall be cited as Loc.R. \_\_\_\_\_.

## **Rule 43 Effective Date**

These rules shall take effect on February 1, 2024.

## **Rules 44-49 [Reserved]**

## **Rule 50 Security Policy**

For purposes of ensuring security in court facilities and pursuant to the provisions of the Ohio Court Security Standards adopted by the Supreme Court of Ohio in Sup.R. 9, this Court has adopted and implemented a court security plan in conjunction with the Probate Division of the Hamilton County Court of Common Pleas.

## Rule 51 Technology Plan

In accordance with Sup. R. 5(E), the Court has adopted and maintains a court technology plan which includes:

- (1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the Court; and
- (2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the Court and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the Americans with Disabilities Act.

The Court's technology plan is available on the Court's website [<https://firstdistrictcoa.org/>] and upon request to First District Court of Appeals, 230 E. Ninth St., 12th Floor, Cincinnati, OH 45202, Attn: Tech Plan Request or via email to [COA@firstdistrictcoa.org](mailto:COA@firstdistrictcoa.org).



## Appendix of Forms

Form 3.1 Affidavit of Indigency

Form 3.1NCR Notice of Appeal – Criminal

Form 3.1NCV Notice of Appeal – Civil

Form 3.1DCR Docket Statement – Criminal

Form 3.1DCV Docket Statement – Civil

Form 13.2 Personal Identifiers

Form 14.1 Notice of Automatic Extension

Form 22 Application Requesting Permission to Broadcast, Televise, Photograph or Record Courtroom Proceedings

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

**STATE OF OHIO**  
Plaintiff

CASE NO. \_\_\_\_\_

vs.

**AFFIDAVIT OF INDIGENCY**

\_\_\_\_\_  
Defendant

\_\_\_\_\_, the undersigned, being first duly sworn, does depose and states:

1. That I am a party in the above styled case;
2. That I am indigent and unable to pay the costs and charges involved in the within matter;
3. I submit the following information in support of my assertion of indigency;

A. I receive the following public benefits:

Ohio Works First       SSI       Medicaid       Veteran Pension Benefit       SNAP Food Stamps

B. I was appointed counsel at the trial court or otherwise found indigent:

Yes       No

C. Gross Monthly Income      \$ \_\_\_\_\_

D. Monthly Expenses      \$ \_\_\_\_\_

E. Number of people in my household      \_\_\_\_\_

4. The information set forth above is true and complete to the best of my knowledge and belief.

\_\_\_\_\_  
**Signature,** Appellant – Indigent

SWORN TO AND SUBSCRIBED BEFORE ME, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

---

**HAMILTON COUNTY, OHIO**

**STATE OF OHIO**

Plaintiff

-vs-

\_\_\_\_\_  
Defendant

Appeal Case No. \_\_\_\_\_

Trial Case No. \_\_\_\_\_

**NOTICE OF APPEAL**

Now comes the Appellant \_\_\_\_\_ and hereby gives notice of appeal to the First District Court of Appeals from the final judgment entry from the \_\_\_\_\_, entered in on \_\_\_\_\_.

\_\_\_\_\_  
*(First and Last Name)*

\_\_\_\_\_  
*(Address)*

\_\_\_\_\_  
*(City, State, Zip Code)*

\_\_\_\_\_  
*(Email Address and Telephone Number)*

\_\_\_\_\_  
***Signature***

**CERTIFICATE OF SERVICE**

I certify that a copy of this motion was served upon: \_\_\_\_\_  
on \_\_\_\_\_ in the following manner: \_\_\_\_\_.

\_\_\_\_\_  
***Signature***

---

**HAMILTON COUNTY, OHIO**

\_\_\_\_\_ Appeal Case No. \_\_\_\_\_  
Plaintiff Trial Case No. \_\_\_\_\_

-vs- **NOTICE OF APPEAL**

\_\_\_\_\_  
Defendant

Now comes the Appellant \_\_\_\_\_ and hereby gives  
notice of appeal to the First District Court of Appeals from the final judgment entry from the  
\_\_\_\_\_, entered in on \_\_\_\_\_.

\_\_\_\_\_  
*(First and Last Name)*  
\_\_\_\_\_  
*(Address)*  
\_\_\_\_\_  
*(City, State, Zip Code)*  
\_\_\_\_\_  
*(Email Address **and** Telephone No.)*  
\_\_\_\_\_  
**Signature**

**CERTIFICATE OF SERVICE**

I certify that a copy of this notice of appeal was served upon \_\_\_\_\_  
on \_\_\_\_\_ in the following manner: \_\_\_\_\_.

\_\_\_\_\_  
**Signature**

**FIRST DISTRICT COURT OF APPEALS**  
**CRIMINAL DOCKET STATEMENT**

*Notice: Pursuant to Loc.R. 3.1(A)(2)(c), failure to file a completed docket statement may result in the dismissal of the appeal.*

<p><b>Name of Trial Court:</b> _____</p> <p><b>Caption:</b>  _____ Plaintiff-Appellant <u>or</u> Appellee</p> <p style="text-align: center;"><b>vs.</b></p> <p>_____ Defendant-Appellant <u>or</u> Appellee</p>	<p><b>Appeal No.</b> _____</p> <p><b>Trial No.</b> _____</p> <p><b>Trial Judge</b> _____</p> <p><b>Date of Judgment(s) Being Appealed</b> _____</p> <p><b>Notice of appeal was filed in compliance with:</b> <input type="checkbox"/> App.R. 4(A) (within 30 days); or <input type="checkbox"/> App.R. 4(B) (time extended); or <input type="checkbox"/> App.R. 5 (delayed appeal)</p> <p><b>Related or Prior Appeals</b> _____</p> <p>_____</p>
---	--

**General**

Have you attached to the notice of appeal a copy of the final judgment being appealed? Yes  No

Is this an appeal from a juvenile delinquency proceeding? Yes  No

Is this an appeal from a ruling on a post-conviction petition? Yes  No

If a direct appeal, does the sentencing order contain the following four requirements: Yes  No

1. Fact of conviction for each count;
2. Separate sentence for each count;
3. Signature of trial court judge, and
4. File stamp of the clerk of courts?

Specify the type of action in the trial court: Traffic  Misdemeanor  Felony

Resolution Type: Trial  Plea

Probable issues for review: \_\_\_\_\_

Type of Appeal:  Defendant's appeal as of right  State's appeal as of right  
 Defendant's appeal by leave of Court  State's appeal by leave of Court  
 Victim's appeal

## Parties

If there are additional parties and/or attorneys, please copy this page, complete the information for the additional parties, and attach it to this statement.

Party's name _____	Party's name _____
Party's designation _____	Party's designation _____
Attorney's name _____	Attorney's name _____
Attorney's registration number _____	Attorney's registration number _____
Address of counsel or party _____	Address of counsel or party _____
Phone _____	Phone _____
Email _____	Email _____

## Calendar Designation

Please choose the appropriate calendar designation for this case.

**Regular Calendar:** Pursuant to Loc.R. 11.1(A), all appeals are placed on the regular calendar by default.

**Accelerated Calendar:** Do you wish instead to have your appeal assigned to the accelerated calendar?

Yes  No

If Yes, please identify the applicable factor(s) under Loc.R. 11.1(B) which support the assignment of the case to the accelerated calendar: \_\_\_\_\_

\_\_\_\_\_

**Expedited Calendar:** Must this case be expedited as being one of the following types of cases?

Yes  No

- Victim's interlocutory appeal [R.C. 2930.19]
- Prosecutorial appeals under Crim.R. 12(K) and Juv.R. 22 [App.R. 11.2(D)]
- Appeals concerning delinquent children [App.R. 11.2(D)]
- Denial of bail bond [R.C. 2937.222(D)]

## Record

This Docket Statement serves as a praecipe to the clerk of courts to prepare and transfer the record as specified below by the appellant:

- The record will consist of ONLY the original papers, exhibits, and a certified copy of the docket and journal entries that were filed in the trial court. [App.R. 9(A)]. **By checking this box, appellant acknowledges that no transcript(s) of proceedings are required to be prepared, and no App.R. 9(C) Statement or App.R. 9(D) Agreed Statement will be filed.**

- In addition to the original papers, exhibits, and a certified copy of the docket and journal entries that were filed in the trial court, the record will include (choose one):
  - Complete Transcript of Proceedings under App.R. 9(B)\*
  - Partial Transcript of Proceedings under App.R. 9(B)\*
  - Statement under App.R. 9(C)
  - Agreed Statement under App.R. 9(D)

- This is an appeal of a criminal sentence AND there was a presentence, psychiatric, or other investigative report** that was submitted to the trial court in writing before the sentence was imposed, and appellant requests such report(s) to be made part of the record.

**\*If the record will include transcript(s) of proceedings, please complete the following:**

- All transcripts of proceedings have already been prepared and filed in the trial court, and no additional transcripts will be filed.
- There are additional transcript(s) of proceedings that must still be prepared and filed.\*\* The transcript(s) of proceedings to be filed are (choose one):
  - Complete Transcript of Proceedings [App.R. 9(B)].
  - Partial Transcript of Proceedings [App.R. 9(B)].

If partial, please provide a list of the hearing dates you will be ordering.

\_\_\_\_\_

\_\_\_\_\_

*If not currently known, indicate this on the lines above and file an amended docket statement when the dates become known.*

Note: If partial transcript is selected, appellant must comply with App.R. 9(B)(5). Appellee may follow App.R. 9(B)(5) if appellee considers transcripts or other parts of the proceedings necessary to the appeal.

**\*\*If there are transcript(s) of proceedings that must still be prepared and filed, the Court Reporter's Certification must be completed by the court reporter and appellant must comply with Loc.R. 9(B)(1) by attaching a copy of the transcript order to this docket statement.**

---

COURT REPORTER'S CERTIFICATION (to be signed by the court reporter)

---

Will the Court Reporter complete and file the requested transcript(s) of proceedings within 40 days of the filing of the notice of appeal (20 days if on the accelerated calendar)?

- Yes
- No

If No, please explain why the transcript(s) of proceedings will not be ready for filing within 40 days from the notice of appeal (or 20 days for the accelerated calendar):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Estimated Date of Filing:** \_\_\_\_\_

Signature of Court Reporter: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Email authority of court reporter is permitted; if relying on email authority, please attach the email.)

**Certificate of Service**

I certify that a copy of this docket statement was served upon \_\_\_\_\_  
on \_\_\_\_\_ by the following method: \_\_\_\_\_.

\_\_\_\_\_  
**Signature**



**FIRST DISTRICT COURT OF APPEALS  
CIVIL DOCKET STATEMENT**

**Notice:** Pursuant to Loc.R. 3.1(A)(2)(c), failure to file a completed docket statement may result in the dismissal of the appeal.

<p><b>Name of Trial Court:</b> _____</p> <p><b>Caption:</b> _____ Plaintiff-Appellant <u>or</u> Appellee</p> <p style="text-align:center"><b>vs.</b></p> <p>_____ Defendant-Appellant <u>or</u> Appellee</p>	<p><b>Appeal No.</b> _____</p> <p><b>Trial No.</b> _____</p> <p><b>Trial Judge</b> _____</p> <p><b>Date of Judgment(s) Being Appealed</b> _____</p> <p><b>Notice of appeal was filed in compliance with:</b> <input type="checkbox"/> App.R. 4(A) (within 30 days); or <input type="checkbox"/> App.R. 4(B) (time extended)</p> <p><b>Related or Prior Appeals</b> _____</p> <p>_____</p>
--	---

**General**

Have you attached to the notice of appeal a copy of the final judgment being appealed? Yes  No

Is this an appeal from an adoption or a termination of parental rights case? Yes  No

Specify the type of action in the trial court (e.g., administrative appeal, contract, declaratory judgment, personal injury, custody dispute, will contest, etc.): \_\_\_\_\_

Probable issues for review: \_\_\_\_\_

Is the order appealed from a final appealable order:

Did the judgment dispose of all claims by and against all parties? Yes  No

If not, is there a determination that there is “no just reason for delay” pursuant to Civ.R. 54(B)?  
Yes  No

If you are appealing an interlocutory order, please specify the authority (e.g., specific provision under R.C. 2505.02, other statute, or case law) that gives this Court jurisdiction to hear the appeal: \_\_\_\_\_

Is this an appeal from a judgment ruling on an objection to a magistrate’s decision?  
Yes  No

**Parties**

Please provide the following information for **all** parties to the proceedings in the trial court.

**A party who files a notice of appeal is an appellant. A party who would be adversely affected if the judgment below is reversed should be designated as an appellee.** All other parties to the action below should retain their trial court designation (plaintiff, defendant, third-party plaintiff, third-party defendant, petitioner, respondent, etc.).

If a party was not represented by counsel in the proceedings below, please provide the address and phone number of the party. If there are additional parties and/or attorneys, please copy this page, complete the information for the additional parties, and attach it to this statement.

Party's name _____ Party's designation _____ Attorney's name _____ Attorney's registration number _____ Address of counsel or party _____ _____ Phone _____ Email _____	Party's name _____ Party's designation _____ Attorney's name _____ Attorney's registration number _____ Address of counsel or party _____ _____ Phone _____ Email _____
Party's name _____ Party's designation _____ Attorney's name _____ Attorney's registration number _____ Address of counsel or party _____ _____ Phone _____ Email _____	Party's name _____ Party's designation _____ Attorney's name _____ Attorney's registration number _____ Address of counsel or party _____ _____ Phone _____ Email _____

## Mediation

How would you characterize the extent of your settlement discussions before judgment (choose one)?

None  Minimal  Moderate  Extensive

Have settlement discussions taken place since the judgment appealed from was entered? Yes  No

Would a mediation conference assist in the resolution of this matter (choose one)? Yes  No

## Record

This Docket Statement serves as a praecipe to the clerk of courts to prepare and transfer the record as specified below by the appellant:

The record will consist of ONLY the original papers, exhibits, and a certified copy of the docket and journal entries that were filed in the trial court. [App.R. 9(A)].  
**By checking this box, appellant acknowledges that no transcript(s) of proceedings are required to be prepared, and no App.R. 9(C) Statement or App.R. 9(D) Agreed Statement will be filed.**

In addition to the original papers, exhibits, and a certified copy of the docket and journal entries that were filed in the trial court, the record will include (choose one):

- Complete Transcript of Proceedings under App.R. 9(B)\*
- Partial Transcript of Proceedings under App.R. 9(B)\*
- Statement under App.R. 9(C)
- Agreed Statement under App.R. 9(D)

**\*If the record will include transcript(s) of proceedings, please complete the following:**

All transcripts of proceedings have already been prepared and filed in the trial court, and no additional transcripts will be filed.

There are additional transcript(s) of proceedings that must still be prepared and filed.\*\*  
The transcript(s) of proceedings to be filed are (choose one):

- Complete Transcript of Proceedings [App.R. 9(B)].
- Partial Transcript of Proceedings [App.R. 9(B)].

If partial, please provide a list of the hearing dates you will be ordering.

---

*If not currently known, indicate this on the lines above and file an amended docket statement when dates become known.*

Note: If partial transcript is selected, appellant must comply with App.R. 9(B)(5). Appellee may follow App.R. 9(B)(5) if appellee considers transcripts or other parts of the proceedings necessary to the appeal.

**\*\*If there are transcript(s) of proceedings that must still be prepared and filed, the Court Reporter's Certification must be completed by the court reporter and appellant must comply with Loc.R. 9(B)(1) by attaching a copy of the transcript order to this docket statement.**

**COURT REPORTER'S CERTIFICATION (to be signed by the court reporter)**

Will the Court Reporter complete and file the requested transcript(s) of proceedings within 40 days of the filing of the notice of appeal (20 days if on the accelerated calendar)?

- Yes
- No

If No, please explain why the transcript(s) of proceedings will not be ready for filing within 40 days from the notice of appeal (or 20 days for the accelerated calendar):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Estimated Date of Filing:** \_\_\_\_\_

Signature of Court Reporter: \_\_\_\_\_ Date: \_\_\_\_\_

*(Email authority of court reporter is permitted; if relying on email authority, please attach the email.)*

**Calendar Designation**

Please choose the appropriate calendar designation for this case.

**Regular Calendar:** Pursuant to Loc.R. 11.1(A), all appeals are placed on the regular calendar by default.

**Accelerated Calendar:** Do you wish instead to have your appeal assigned to the accelerated calendar?

- Yes
- No

If Yes, please identify the applicable factor(s) under Loc.R. 11.1(B) which support the assignment of the case to the accelerated calendar: \_\_\_\_\_

\_\_\_\_\_

**Expedited Calendar:** Must this case be expedited as being one of the following types of cases?

- Yes
- No

- Abortion-Bypass appeal from juvenile court [App.R. 11.2(B)]
- Adoption or parental rights appeal [App.R. 11.2(C)]
- Dependent, Abused, Neglected, and Unruly Child appeal [App.R. 11.2(D)]
- Election contests [R.C. 3515.08]
- Appeal from the Court of Claims involving public records [R.C. 2743.75(G)]
- Other (please specify authority for expedited treatment): \_\_\_\_\_

**Certificate of Service**

I certify that a copy of this docket statement was served upon \_\_\_\_\_

on \_\_\_\_\_ by the following method: \_\_\_\_\_.

\_\_\_\_\_  
Signature

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

<b>Appellant, Relator, Petitioner,</b>	v.	<b>Appellee. Respondent.</b>	:	<b>Case No.</b> _____
			:	
			:	
			:	
			:	
			:	

**Confidential Personal Identifiers Contained in Filing**

**REFERENCE LIST**

	<b>COMPLETE PERSONAL IDENTIFIER</b> <i>Use this column to list the personal identifiers that have been redacted from the document that is to be placed in the case file.</i>	<b>CORRESPONDING REFERENCE</b> <i>Use this column to list the reference or abbreviation that will refer to the corresponding complete personal identifier.</i>	<b>LOCATION</b> <i>Use this column to identify the document or documents where the reference appears in place of the personal identifier.</i>
<b>1.</b>			
<b>2.</b>			
<b>3.</b>			
<b>4.</b>			

**Check if additional pages are attached.**

\_\_\_\_\_  
Signature of person submitting the information

\_\_\_\_\_  
Date

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

\_\_\_\_\_,  
APPELLANT,

APPEAL NO. C-\_\_\_\_\_  
TRIAL NO. \_\_\_\_\_

V.

\_\_\_\_\_,  
APPELLEE,

**NOTICE OF AUTOMATIC  
EXTENSION OF TIME TO  
FILE BRIEF PURSUANT TO  
LOC. R. 14**

\_\_\_\_\_ hereby gives notice of the exercise of the automatic extension of time pursuant to Loc.R. 14. The undersigned certifies that this case is a \_\_\_\_\_ calendar case and no previous extensions have been taken.

The undersigned further certifies that \_\_\_\_\_ brief is currently due on \_\_\_\_\_.

The brief will now be due on \_\_\_\_\_. (30 days for regular/15 days for accelerated/10 days for reply).

This Notice is effective upon filing provided that the requirements of Loc.R. 14 are met.

\_\_\_\_\_  
First and Last Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip Code  
\_\_\_\_\_  
Email Address **and** Telephone Number  
\_\_\_\_\_  
**Signature**

**CERTIFICATE OF SERVICE**

I certify that a copy of this motion was served upon: \_\_\_\_\_  
on \_\_\_\_\_ in the following manner: \_\_\_\_\_

\_\_\_\_\_  
**Signature**

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Appell\_  
vs  
\_\_\_\_\_  
Appell\_

**APPLICATION REQUESTING  
PERMISSION TO BROADCAST,  
TELEVISION, PHOTOGRAPH, OR  
RECORD COURTROOM  
PROCEEDINGS**

\_\_\_\_\_ requests permission to broadcast, televise, photograph, or otherwise record proceedings in the above-captioned case on \_\_\_\_\_ (date) under the provisions of Ohio Superintendence Rule 12. We hereby certify that the conditions for recording established by the Supreme Court of Ohio, including but not limited to Sup.R. 12, and such rules as established by the Court will be complied with and any cost arising therefrom shall be borne by the undersigned applicant.

Applicant submits that the following equipment and method of recording is requested to be used. (Please refer to Sup.R. 12 and describe the method of requested broadcasting, televising, photographing, or recording of court proceedings and the number of operators).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Name  
Address  
City, State  
Phone Number  
Email  
*Applicant*

**ENTRY**

The Court grants/denies the applicant's request for permission to broadcast, televise, photograph, or otherwise record proceedings with the following restrictions: no recording or photographing in the lobby or hallways;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**To the clerk:**

**Enter upon the journal of the court on \_\_\_\_\_.**

**By: \_\_\_\_\_ (Copies sent to all counsel)  
Presiding Judge**