

**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 of Ohio 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.

All forms referenced within these rules are available on the Court’s website at <https://firstdistrictcoa.org/forms/>.

Rule 1 Scope of Rules

(A) Appeals

The Ohio 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 Court 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(s) or order(s) 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, failure to do so within the time permitted by the Court may result in the 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)

(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)

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

(See Form 3.1DCV Docket Statement — Civil)

- (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 three 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. Service shall be performed in a manner prescribed by App.R. 13(C). The notice of appeal and docket statement shall each contain a certificate of service signed by the filing party that specifies the name(s) of the person(s) served and the date and manner of service.

(D) Waiver of filing fee and cost deposit

A deposit of \$85.00 must be paid when filing an appeal unless:

- (1) In a criminal or juvenile delinquency case, the appellant files with the clerk a sworn affidavit of indigency (see Form 3.1 Affidavit of Indigency); or
- (2) In a civil case, the appellant completes and files a Civil Fee Waiver Affidavit; or
- (3) The appellant produces evidence that the trial court determined that the appellant was indigent for purposes of appeal; or

- (4) 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, mailing address, e-mail address, and telephone number 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, mailing address, e-mail address, and telephone number of counsel of record for all other parties to the appeal.

(B) Wrongly designated counsel

If counsel for any party is wrongly designated as counsel for the appeal, counsel must file a notification with the Court that counsel is not counsel of record for the appeal and provide contact information for the party. Alternatively, 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)(2)(b) and (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, mailing address, e-mail address, and telephone number.

(D) Admission pro hac vice

- (1) An attorney 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 of Ohio 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 of Ohio, and shall contain all of the information required by Gov.Bar R. XII, Section 2(A)(6), although counsel is not required to provide a residential address in the motion.

(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, mailing 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 or any subsequent extension of the deadlines. The filing of a motion does not suspend these deadlines absent further order of the Court.

Rule 3.4 Appeals — Appointed Counsel

(A) Request for appointment

An indigent party may request appointed counsel, in a criminal case, a juvenile delinquency case, or a juvenile court case where there is a right to appointed counsel, by filing a motion with the Court. An affidavit of indigency or proof that the party had appointed counsel below must be attached to the 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. 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) Scope of appointment

Appointments made pursuant to subsection (A) do not extend to appeals to the Supreme Court of Ohio. If counsel wishes to be appointed for purposes of an appeal to the Supreme Court of Ohio, a separate motion is required. Such appointments will be subject to the Supreme Court Rules of Practice, including S.Ct.Prac.R. 7.01(D)(2).

(D) Appointed counsel fees

To seek payment for attorney's fees related to an appeal in this Court, counsel must have been either appointed specifically for the appeal by the trial court or this Court.

- (1) **Application.**
 - (a) Application for payment of attorney's fees shall be filed with the clerk of the Court of Appeals and submitted to the Ohio Public Defender's Court Appointed Billing System (CABS).
 - (b) Applications by appointed counsel for attorney's fees on appeal shall be completed on the most recent forms prescribed by the Hamilton County Public Defender.
 - (c) Incomplete applications 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, in 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 that disposes of the appeal or that terminates counsel's participation in 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.

(E) All other appointed counsel

For appointed counsel other than in criminal cases, juvenile delinquency cases, or juvenile court cases where there is a right to appointed counsel, the fee request submission process will be by order of the Court.

Rules 4-6 [Reserved]

Rule 7 Motion to Stay Execution of Appealed Civil Judgment

(A) Filing

All motions for stay of execution of a civil judgment shall ordinarily 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, or if application to the trial court is not required by rule, statute, or otherwise, the motion may be made in the Court of Appeals. In addition to filing such motion with the clerk of this Court, 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, or not required by rule, statute, or otherwise.

(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 an appealed civil judgment is filed, it must be served upon all opposing parties. Any response shall be due within 7 days from the filing of the motion to stay. The Court, in its discretion, can either extend or shorten the period for the filing of the response.

Rule 8 Bail and Suspension of Execution of Sentence in Criminal Cases

(A) Filing

All motions for bail and suspension 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 suspension 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 was made first in the trial court.

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; and
- (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 suspension of execution 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. Any response shall be due within 7 days from the filing of the motion. The Court, in 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 7 days from the filing of the motion.

(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.

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 a copy of the order to the docket statement.
- (2) Transcripts of proceedings will only be considered part of the record on appeal if one of the following applies:
 - (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.
- (3) 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

- (1) Exhibits to be included in the record may be listed either in the transcript of proceedings or within the transcript of docket and journal entries. Exhibits may be listed within the enumerated documents in the transcript of docket and journal entries or listed on the last page thereof.
- (2) 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).

(D) Missing exhibits

If any exhibit, offered to or admitted by the trial court, is not listed on the transcript of docket and journal entries or transcript of proceedings, any party may move to supplement and/or correct the record pursuant to App.R. 9(E). This also applies to court exhibits, which includes but is not limited to presentence-investigation reports, victim-impact statements, probation reports, competency evaluations, psychiatric evaluations, and other investigative reports received by the trial court.

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 transcript of 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 the transmission of the record, the specific reasons for the delay, and the requested length of the extension.
- (2) If the delay relates to the filing of the transcripts of proceedings, the motion should also address the following:
 - (a) The specific reasons for the court reporter's delay;
 - (b) The number of transcripts of proceedings completed;
 - (c) The number of proceedings yet to be transcribed;
 - (d) The estimated length of the transcripts yet to be transcribed;

- (e) The date by which the transcripts will be completed and filed; and
 - (f) Any other reasons for the delay.
- (3) 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 10 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 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 by 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.

- (2) **Scanning and uploading paper documents.** Any document filed in paper form will be scanned and uploaded to the clerk of courts' case-management 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.

(B) Date and time of electronic filing

Any document filed electronically through the clerk's e-filing system shall be considered filed when the transmission to the e-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 submission through the clerk of courts' e-filing system has been accepted or rejected for filing.
- (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.

(C) Service

E-filed documents must be served on all opposing parties and shall be accomplished in a manner prescribed by App.R. 13. Notification by the e-filing system is insufficient to accomplish service under this provision.

(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 they have 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 described in subsection (4). The proposed replacement document shall be attached to the motion. If the Court grants the motion, 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. 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 to 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 document. While this motion is pending, the clerk of courts 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; and
 - (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 of courts to make the subject document unavailable 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 by sealing.

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, including those with expedited treatment pursuant to App.R. 11.2(E), 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. 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 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 pursuant to App.R. 11.1, including those with expedited treatment pursuant to App.R. 11.2(E), 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. 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 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 pursuant to App.R. 11.2(B) and (C), R.C. 2930.19, or R.C. 2937.222(D);
- (2) When a notice of oral argument or submission on briefs has issued; or
- (3) For any brief filed in a preliminary injunction appeal.

(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

In addition to the requirements for motions under App.R. 15(A), all motions and responses to motions are limited to 15 pages in at least 12-point font. All motions and responses to motions are subject to Loc.R. 19(A) and (C)(3) through (5). A party may move for leave to file a motion or response in excess of the page limitation at the time of the filing of the motion.

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; and
- (5) Motions to extend the time to act set by the Ohio Rules of Appellate Procedure, 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 unrepresented by counsel 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 include the following:

- (1) **Table of contents, assignments of error, and issues presented for review.** Consistent with App.R. 16(A)(1) through (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 that 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, and any other entries or orders to which appellant assigns error or seeks review. The Court may, in its discretion, waive this requirement for self-represented 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

- (1) 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.
- (2) If an appellee does not intend to file a brief, appellee shall file a notice of such intent with the Court on or before the deadline for appellee's brief.

- (3) If an appellee wishes to join another party's brief in lieu of filing a separate brief, appellee may do so by filing a notice of joinder with the Court.

(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." If there are multiple transcripts of proceedings that are not consecutively paginated, the reference to T.p. shall include the date of the proceeding. A reference to the transcript of the docket and journal entries 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 and journal entries 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 case, 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 order(s) 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.

(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."

(H) Amended briefs

Any amended brief, except for those filed in response to an order striking the brief, shall contain an explanation as to why an amended brief is being filed. If the amended brief is filed after the deadline for the brief, it must also be accompanied by a motion for leave.

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 (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 the appellant, counsel must detail the efforts made to reach the 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)(3) 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 subsection shall not apply to an expedited appeal under App.R. 11.2(B),(C) and (D).

(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 Filings

(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 trial court case number;
- (4) The type of filing;
- (5) The identification of counsel or unrepresented party pursuant to Loc.R. 3.2;
- (6) The signature of the filing party; and
- (7) A properly completed certificate of service showing service on all parties, or their counsel if represented.

(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, 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 (B)(1) apply to cross-appeals.
- (2) The Court may permit a brief exceeding the limits in subsection (B)(1) upon good cause shown in a written motion filed at least 5 days before the due date for filing the brief.
- (3) If a party’s brief exceeds the page limits in subsection (B)(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 (B)(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 font when printed. This applies to both e-filed briefs 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 or brief 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.

(F) Late filings

The Court will not ordinarily accept late filings, including filings as ordered by the Court, except upon a showing of extraordinary circumstances made by motion to the Court.

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; and
 - (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's 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." Alternatively, a party may request oral argument by filing a notice of request for oral argument within the deadline for the reply brief. If any party timely requests oral argument, 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 the 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. The Court may also, in its discretion, allow the party who appears to present argument or order the case submitted on the briefs.

(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 notice to all parties of the date, time, and place when oral argument will be heard.
- (2) Upon receipt of the notice, all parties are required to notify the Court of any scheduling conflicts within 5 days of the notice.
- (3) If, after the 5 days have passed, a party wishes to reschedule an argument, the party must file a motion. When possible, the motion should address whether any party objects to the request. The Court, in its discretion, may deny the motion to reschedule oral argument and order the case submitted on briefs.
- (4) 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 to the Court.

(E) Remote arguments

If a party wishes to participate in oral argument remotely via videoconferencing, the party shall file a motion before the close of briefing which details the reasons for the request, addresses 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. Requests for remote argument filed 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 before the close of briefing. If the Court enlarges the time for oral argument, it will notify counsel, or the party if unrepresented, of the time allowed.

(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 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 shall not exceed 300 words. Any response shall be filed within 5 days of the filing of additional authorities and is subject to the requirements set forth in this subsection.

(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. All persons present in the courtroom are also expected to follow the posted courtroom decorum rules. The courtroom decorum rules are also available on the Court's website [<https://firstdistrictcoa.org/>].

(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 7 days before the date set for oral argument.

Rule 22 [Reserved]

Rule 23 Sanctions and Vexatious Litigator

(A) Sanctions

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's 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) Vexatious litigator finding

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) Leave to proceed

Any party who 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 filed by a party who 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, without further order of the Court.

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 relator or petitioner shall, with the complaint or 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 complaint or petition or shall subpoena a witness without secured costs, if the relator or 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) Initiating an original action

- (1) An original action is initiated by the filing of a petition, if the requested relief is habeas corpus, or the filing of a complaint, in all other instances. The relator/petitioner shall file an original and one copy of the complaint or petition.
- (2) The cover page of the complaint or petition shall indicate the nature of the proceeding, and the names, titles, and mailing addresses of both the relator/petitioner and the respondent(s).
- (3) All relief sought, including the issuance of an alternative writ, shall be set forth in the complaint or petition. The complaint or petition may be accompanied by a memorandum in support of the writ.

(C) Docket statement for original actions

In all original actions, the relator or petitioner must file a completed docket statement for original actions, Form 33 DSOA, with the complaint or petition. If the relator or petitioner fails to file a docket statement with the complaint or petition, or files an incomplete docket statement, the Court may order the relator or petitioner to file a completed docket statement within a specified time period or show cause why the case should not be dismissed. If the relator or petitioner fails to comply with the Court's order, the Court may dismiss the case.

(D) Scheduling

- (1) The deadline for an answer or other responsive pleading is governed by the Ohio Rules of Civil Procedure, unless otherwise ordered by the Court.
- (2) Other case-scheduling dates will be by order of the Court after the deadline for a responsive pleading has passed.
- (3) The Court, in its discretion, may set a case-management conference for purposes of establishing a case schedule.
- (4) Case scheduling, including any deadlines for discovery, summary-judgment motions, or other deadlines, will be dependent on information included in the docket statement and any information obtained during a case-management conference.

(E) Evidence

- (1) In an original action, the Court will generally not hear oral testimony. To facilitate the consideration and disposition of original actions, the parties, when possible, should submit an agreed statement of facts.
- (2) As to facts not agreed to, evidence must comply with the Ohio Rules of Evidence and shall be submitted by affidavits, stipulations, depositions, or exhibits.
 - (a) 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.
 - (b) Sworn or certified copies of all papers or parts of papers referred to in an affidavit shall be attached.
- (3) The Court, in its discretion, may determine that an evidentiary hearing is necessary.

(F) Dispositive motions

Dispositive motions filed pursuant to Civ.R. 12 and Civ.R. 56 must conform with Loc.R. 19(A) and (B) as to format and page limits for regular-calendar cases.

(G) Briefs

If the case is not decided on a dispositive motion and the Court orders merit 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."

(H) Extensions of time

Motions for extension of time for any deadline in an original action are governed by Civ.R. 6, and any motion shall specify the length of time requested.

(I) Failure to prosecute

If relator or petitioner fails to meet any deadline set forth in this rule, or as ordered by the Court, the Court may dismiss the case for failure to prosecute.

(J) 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, 2026.

Rule 44 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 the form “Application Requesting Permission to Broadcast, Televise, Photograph or Record Courtroom Proceedings” available on the Court’s website. 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 45 Responsible Use of Artificial Intelligence in Court Filings

This rule applies to the use of Generative Artificial Intelligence (AI) technology in filings submitted to the Court.

(A) Definitions

- (1) **Artificial Intelligence (“AI”)**: A machine-based system that can analyze data, recognize patterns, and make predictions, recommendations, or decisions that impact real or virtual environments. AI systems can operate independently or in response to human input. There are many subfields of AI. For the purposes of this rule, this Court is concerned with filings using Generative AI.
- (2) **Generative AI**: A type of AI that generates new content—such as text, images, audio, or video—when prompted by a user. Generative AI models analyze vast

datasets to recognize patterns and create content that mimics human-like responses. However, they do not possess human judgment or understanding. Examples include LexisNexis Protégé, Westlaw Precision, ChatGPT, Microsoft Copilot, Google Gemini, and DALL-E.

(B) Responsible AI Use

- (1) Attorneys and/or parties who use Generative AI in preparing court filings are responsible for reviewing, validating, and correcting any AI-generated content before submission to the Court. Attorneys are responsible for ensuring that all legal arguments, factual assertions, evidence, and citations are accurate, relevant, and comply with applicable laws, procedural rules, and ethical obligations.
- (2) By filing documents containing AI-generated content, attorneys or parties represent to the Court that they have complied with subsection (B)(1) of this rule.

(C) Failure to Comply

If an attorney or party submits inaccurate, misleading, or fabricated AI-generated content, the Court may strike the filing and/or impose sanctions on the attorney or party. The Court retains full discretion to determine the nature and severity of sanctions based on the circumstances.

Rules 46-49 [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 East Ninth Street, 12th Floor, Cincinnati, OH 45202, Attn: Tech Plan Request, or via email to COA@firstdistrictcoa.org.