



What Is an Appeal?

An appeal is different than a trial court case. At the trial court, you were able to call witnesses and present evidence. Once you get to the Court of Appeals, however, you will not be able to do this, meaning that **you won't have the opportunity to present new evidence.**

Instead, **the role of the Court of Appeals is to review what happened in the trial court.**

When you appeal your case, you are essentially arguing that the trial court made a mistake. This could be an error in applying the law, determining the facts of the case, or something else.



The "Trial Court" Vs. the Court of Appeals

The original court that heard your case is the "trial court" or the "lower court."

If you appeal a decision from a trial court, your appeal will be heard at a **separate court** known as the **Court of Appeals**. The First District Court of Appeals hears appeals from Hamilton County trial courts.



When Can I Appeal My Case?

Generally speaking, you may appeal **once your trial is over.**

- If a magistrate heard your case and issued the decision that you feel is incorrect, **you must first file an objection to the magistrate's decision.** The objection is heard by the judge
- The judge reviews the objection and generally either grants or denies the objection. The judge may agree with the magistrate's decision (adopt), disagree with the decision (reject), modify the decision (change), hear additional evidence, or try the matter *de novo* (hear your case again)
- **If you disagree with the judge's decision, you can file an appeal**



The Court of Appeals

The Court of Appeals will have **three judges hearing your appeal**, unlike the single judge or magistrate that heard your case at the trial court.

The Court of Appeals will not retry your case. Instead, it will determine whether or not the trial court made an error.



What Will the Court of Appeals Do with My Case?

The Court of Appeals will review the trial court's decision and will generally:

1. **"Affirm"** - Agree with the trial court's decision
2. **"Reverse"** - Find an error with the trial court's decision
3. **"Remand"** - Send the case back to the trial court, ordering it to do something with your case
4. **"Dismiss"** - End your appeal (this can occur due to a variety of procedural or legal reasons)
5. Take some other action the Court finds appropriate



How Do I Start My Appeal?

An appeal is started by filing a **Notice of Appeal** with the Clerk from the trial court.

The appeal is transferred to the **First District Court of Appeals of Ohio**, located at **230 East Ninth Street, 12th Floor, Cincinnati, OH 45202**. It is then given a new case number.

The First District Court of Appeals has a **guide to representing yourself on appeal**, which can be found at firstdistrictcoa.org
See the next page for more information on starting your appeal.



After I File My Appeal, Can I File Another Motion/Petition at the Trial Court?

Yes, but depending on the motion/petition, the trial court may put it on hold until the Court of Appeals makes its decision. In other words, **you may have to wait** until your appeal is finished before the trial court will be able to hear your new motion/petition.

Additionally, the trial court **may even dismiss your motion/petition entirely.** If this happens, it may have to be **refiled after the Court of Appeals has given its decision** in order for the trial court to hear your new motion/petition.

STARTING YOUR APPEAL

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Filing Your Notice of Appeal

Generally, when the trial court issues a decision that you disagree with, you have **30 days to file your Notice of Appeal** with the Clerk at the trial court.

For example, if the Municipal Court issued a decision that you disagree with, the Notice of Appeal would have to be filed with the Clerk at the Municipal Court.

The Notice of Appeal form is available at firstdistrictcoa.org/forms/

Filing the Docket Statement

In addition to filing your Notice of Appeal, you must **file two copies of the Docket Statement**. This may be done at the same time you file the Notice of Appeal and can also be filed with the Clerk at the trial court.

The Docket Statement form is available at firstdistrictcoa.org/forms/

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Serving Your Notice of Appeal

In addition to filing your Notice of Appeal, you must **serve a copy of your Notice of Appeal to all other parties from your trial court case**.

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Ordering the Record on Appeal

The record on appeal consists of:

- Original papers and exhibits filed in the trial court,
- Transcript of the proceedings*;
- Certified copy of the docket and journal entries

***If there was a hearing and you want the Court of Appeals to review it, you must order the transcript from the court reporter.**

WHAT CAN YOU EXPECT DURING YOUR APPEAL?

The Scheduling Order

After filing your Notice of Appeal, Docket Statement, paying the filing fee (if applicable), and ordering transcripts of proceedings (if applicable), **the Court of Appeals will provide you with a "scheduling order."**

The **scheduling order contains important dates and deadlines for your appeal**, such as the due date for your brief and the deadline for transmitting the record on appeal.

It is very important to follow the scheduling order. **Failure to follow the scheduling order could result in dismissal of your appeal.**

The Written Argument to the Court (The "Brief")

Your written argument to the Court of Appeals is known as a "brief." The brief describes **the mistake the trial court made and how you want the Court of Appeals to correct it**. The brief should be submitted by the deadline provided by the scheduling order.

Briefs must be formatted correctly. Some of the formatting rules can be found in the links included on the next page.

If you do not substantially follow the formatting rules, the Court may:

- refuse to accept your brief,
- order you to correct your brief, or
- dismiss your appeal

After the Brief...

After you've submitted your brief, there may be an **Oral Argument**. The oral argument is **the verbal argument made to the Court of Appeals**.

You may request an oral argument by noting the following on the cover page of your brief: "Oral Argument Requested."

If you do not want to have an oral argument, you may note the following on the cover page of your brief: "[Your Name] Hereby Waives Its Right to Oral Argument and Submits Its Case."

If you **waive your right to oral argument**, then your case is considered **submitted on the briefs**.

What Happens During Oral Argument?

Arrive at least 15 minutes early. If a party does not arrive 15 minutes early, the Court could potentially treat this as waiving their right to oral argument.

During oral argument, generally:

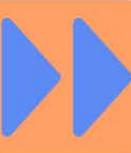
- Each side will have **15 minutes** to argue their case
- The Court will **not consider** arguments that weren't raised in the brief

Some of the oral argument rules can be found in the links included on the next page.

What Comes Next?

The Court will notify you when a decision is made. You will not receive the Court's decision right away.

A decision **typically takes 60-90 days**, depending on the complexity of the case. The Court may affirm, reverse, remand, or dismiss your case. The Court may also rule in a combination of these, such as affirming in part and dismissing in part.



Resources

First District Court of Appeals - Website

- <https://firstdistrictcoa.org/>

First District Court of Appeals Guide to Representing Yourself on Appeal

- <https://firstdistrictcoa.org/guide-to-filing-an-appeal/>

First District Court of Appeals Guide to E-Filing

- <https://firstdistrictcoa.org/guide-to-e-filing-without-an-attorney/>

First District Court of Appeals - Local Rules

- <https://firstdistrictcoa.org/wp-content/uploads/2026/01/First-District-Local-Rules-Eff-2-1-2026-1.pdf>
- **Formatting requirements for the brief** can be found at: Rule 16.1, Rule 16.2, Rule 18, and Rule 19
- **Oral Argument procedures** may be found at: Rule 21

Ohio Rules of Appellate Procedure

- <https://hamiltoncountyohio.aiserver7.us/wp-content/uploads/2021/12/AppellateProcedure.pdf>
- **Formatting requirements for the brief** can be found at: Rule 16, Rule 18, and Rule 19
- **Oral Argument procedures** may be found at: Rule 21

First District Court of Appeals Checklist

- <https://firstdistrictcoa.org/wp-content/uploads/2022/01/Checklist-1-FORMS-NEEDED-TO-BEGIN-AN-APPEAL-CIVIL-2022.pdf>

Docket Statement

- https://firstdistrictcoa.org/wp-content/uploads/2026/01/Form-3.1-DCV_Eff-2-1-26.pdf

Sample Brief

- https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Ffirstdistrictcoa.org%2Fwp-content%2Fuploads%2F2024%2F08%2FForm-16.1CV-Sample-Brief_2023.docx&wdOrigin=BROWSELINK

Notice of Appeal

- https://firstdistrictcoa.org/wp-content/uploads/2024/01/Form-3.1-NCV_Eff-2-1-24.pdf

Fee Waiver

- https://hamiltoncountyohio.aiserver7.us/wp-content/uploads/2021/12/Form-20-Fee-Waiver-Affidavit_Rev.-12-27-21.pdf

Cincinnati Bar Association Lawyer Referral Service

- **Phone:** (513) 381-8359 // **Website:** <https://cincybar.org/lrs>

Helpful Definitions

As you go through the appeals process, there may be a few words, terms, and phrases that you are unfamiliar with. **Please read and familiarize yourself with these terms below:**

Appellant: The person/people bringing the appeal. If you are filing the appeal, you are considered the “appellant(s).”

Appellee: The people responding to the appeal. If you are filing the appeal, then the people you argued against during your trial would be considered the “appellee(s).”

Assignment of Error: The error that you believe the trial court made during your trial.

Err; erred: The judge’s failure to follow the law.

Motion: A specific request filed with the Court.

Opinion: The written reasoning for how the Court decided the case and came to its conclusion.

Oral Argument: The verbal argument by the parties where they explain to the Court of Appeals why they should win.

Party: The people directly involved to the case. If you are filing the appeal, you would be considered a “party” to the case. All people you argued against in the trial court may also be considered a “party” to the case.

Pro Se: A party not represented by a lawyer.

Show Cause: An order by the Court to correct or explain something submitted to the Court.

Standard of Review: The law(s) that guide the Court of Appeals in deciding your appeal.

Submitted on the Brief: When no oral argument occurs, the Court of Appeals will decide the appeal based on the briefs from the parties.

DISCLAIMER: This guide is NOT legal advice. This packet aims to give a general overview of the appeals process and is not a substitute for legal advice, which may only be given by a licensed attorney. **If you are going to appeal, it is recommended that you seek legal counsel.** It’s important to read the reviews left by prior clients in determining who to hire as your potential attorney.

The Cincinnati Bar Association Lawyer Referral Service or an online search may be able to connect you with an attorney.