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# A Guide to Filing in THE SUPREME COURT of OHIO





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A Guide to Filing in  
THE SUPREME COURT *of* OHIO

Maureen O'Connor  
CHIEF JUSTICE

Paul E. Pfeifer  
Terrence O'Donnell  
Judith Ann Lanzinger  
Sharon L. Kennedy  
Judith L. French  
William M. O'Neill  
JUSTICES

Michael L. Buenger  
ADMINISTRATIVE DIRECTOR

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## Office of the Clerk

Sandra H. Grosko  
CLERK OF THE COURT

Office of the Clerk  
8th Floor  
65 South Front Street  
Columbus, Ohio 43215-3431  
614.387.9530  
614.387.9539 fax  
[www.supremecourt.ohio.gov/clerk](http://www.supremecourt.ohio.gov/clerk)

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## I. INTRODUCTION

This guide is for anyone who wants to file with the Supreme Court of Ohio. The general information contained in this guide can help with the basic steps and procedures for filing with the Supreme Court.



### pro se

For one's self. A person appearing pro se or filing pro se in a court is appearing or filing without the assistance of a licensed attorney.

### NOTE

Even if you are not an attorney, you can represent yourself in cases before the Supreme Court of Ohio. You are strongly advised, however, to hire an attorney to represent you.



If you are not an attorney, you cannot represent anyone else or anything else, like a business you own.

An attorney will work hard to represent your interests and protect your legal rights. An attorney is obligated to give you objective legal advice. When representing a client in court, an attorney will put forward the client's position in a way that complies with the rules of the court. As a negotiator, an attorney will work to obtain a result that benefits you and also is consistent with the law.

Some attorneys may accept a client on a pro bono, or free, basis. Bar associations and legal clinics throughout Ohio may provide you with the names of attorneys who can help with your appeal, including attorneys who are willing to accept pro bono clients. See **Appendix A** on p. 63 of this guide for a list of bar associations and legal clinics.



### pro bono

From the Latin "pro bono publico," meaning "for the public good." Legal services performed pro bono are performed by a licensed attorney without any expectation of compensation.

For more information on the attorney-client relationship, see *A Consumer's Practical Guide to Managing a Relationship with a Lawyer* available at [www.supremecourt.ohio.gov/Publications/default.asp](http://www.supremecourt.ohio.gov/Publications/default.asp).



To learn more about the Ohio judicial system and the types of cases heard in each court, see Section VII of this guide, which begins on p. 39.

Cases filed with the Supreme Court of Ohio must comply with the Rules of Practice of the Supreme Court of Ohio. Anyone filing in the Supreme Court must follow the deadlines, page limits, and other requirements in the rules.

**NOTE**

This guide is not legal authority or a substitute for requirements found in the Supreme Court's Rules of Practice.

## A. Supreme Court of Ohio Rules of Practice

You must follow the Rules of Practice of the Supreme Court of Ohio if you file a case in the Supreme Court. The rules are available:

- Online at [www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)
- By calling the Supreme Court of Ohio Office of the Clerk at 614.387.9530 and asking that a copy be mailed to you
- In the Supreme Court Law Library on the 11th Floor of the Thomas J. Moyer Ohio Judicial Center at 65 South Front Street in Columbus.

## B. Where and How to File

### 1. IN PERSON OR BY MAIL

You can file your documents in person or by mail with:

Office of the Clerk  
Supreme Court of Ohio  
65 South Front Street, 8th Floor  
Columbus, Ohio 43215-3431

### 2. E-FILING PORTAL

You can also file your documents electronically through the Supreme Court's e-Filing Portal at:

[www.supremecourt.ohio.gov/Clerk/eFiling](http://www.supremecourt.ohio.gov/Clerk/eFiling).

**NOTE**

Separate tips are noted throughout this guide depending on whether you file by paper or file electronically.



This icon instructs filers on what they need to do to submit paper copies with the Supreme Court.



This icon provides instructions for filers who use the e-Filing Portal.

## C. What Type of Case Am I Filing?

There are many different case types that can be filed with the Supreme Court of Ohio, and each case type may have different filing requirements and deadlines. It is important to properly identify the type of case you need to file so that you meet all of the filing requirements and your case can be accepted for filing.

The following definitions may help you to determine the type of case you need to file with the Supreme Court.

### 1. JURISDICTIONAL APPEAL

The majority of cases filed with the Supreme Court are jurisdictional appeals. If your case originated in a court of common pleas, a municipal court, or a county court, and you then appealed to a court of appeals, and you are now appealing to the Supreme Court, then you will probably be filing a jurisdictional appeal.

### 2. APPEAL OF RIGHT

With the exception of an appeal involving the death penalty or the appeal of a contest of an election pursuant to R.C. 3515.15, a party does not have an appeal of right unless their case **originated in the court of appeals**. A case originates in the court of appeals only if a complaint for a writ of mandamus, prohibition, procedendo, quo warranto, or habeas corpus is filed initially with the court of appeals. If you are appealing from a court of appeals' decision ruling on a complaint for a writ of mandamus, prohibition, procedendo, quo warranto, or habeas corpus that was initially filed with the court of appeals, then your appeal is an appeal of right.

### 3. ORIGINAL ACTION

If you are filing a complaint for a writ of mandamus, prohibition, procedendo, quo warranto, or habeas corpus for the first time with the Supreme Court of Ohio, then your case is considered an original action.

### 4. ADMINISTRATIVE AGENCY APPEAL

If you are appealing from a decision of the Board of Tax Appeals, Public Utilities Commission, or the Power Siting Board, then your case is considered an administrative agency appeal.

### 5. CERTIFIED-CONFLICT CASE

If the court of appeals issued an order certifying a conflict, your case is considered a certified-conflict case and is instituted by filing a notice of certified conflict.

## D. Filing Deadlines

The Supreme Court of Ohio Office of the Clerk must receive your documents **by 5 p.m., local observed time in Columbus, Ohio**, on the day they are due.

**If a document is mailed before the due date, but received by the Supreme Court of Ohio Office of the Clerk after the due date, then the document is late and cannot be filed.**

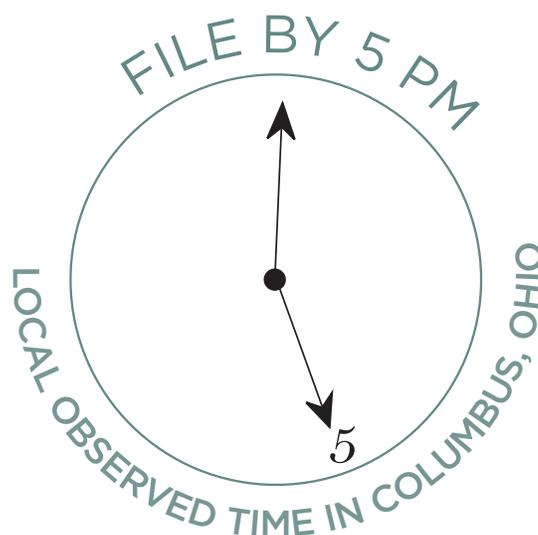
The same is true for amended and corrected documents. An amended or corrected document is due **by 5 p.m.** on the day the original document is due. If an amended or corrected document is mailed before the due date, but received by the Supreme Court of Ohio Office of the Clerk after the due date, **then the document is late and will not be filed.**

Please note that **the amended or corrected document must be re-filed in its entirety.** You cannot submit only the amended or corrected portion or page.

Appeals of right and jurisdictional appeals must be filed within 45 days of the date the court of appeals files its judgment entry with its clerk. Original actions filed with the Supreme Court generally do not have deadlines for filing.



**judg·ment en·try**  
A court's written decision in a case.



FILING DEADLINES	
<b>Appeals of Right &amp; Jurisdictional Appeals</b> See p. 6 for details	Within 45 days of the date the court of appeals files its judgment entry with the clerk.
<b>Board of Tax Appeals</b>	Within 30 days of the decision being appealed.
<b>Public Utilities Commission &amp; Power Siting Board</b>	Within 60 days of the decision being appealed.

Pay close attention to the deadline for filing an appeal. Missing the filing deadline can cause the Supreme Court to lose authority to consider your appeal. Motions to extend the deadline for filing the notice of appeal are prohibited and cannot be filed.

It is important to remember that you must fully comply with the Rules of Practice of the Supreme Court of Ohio. If you do not comply with the rules and your documents are returned to you, you must submit corrected documents within the original deadline or your appeal will not be accepted for filing.



ADDITIONAL INFORMATION ON DEADLINES IS AVAILABLE ON P. 6 AND PP. 46 & 47.

	<b>FILING DEADLINES</b> FOR JURISDICTIONAL APPEALS & APPEALS OF RIGHT	
	<b>Appeal INVOLVING Termination of Parental Rights or Adoption</b>	<b>Appeal NOT INVOLVING Termination of Parental Rights or Adoption</b>
<b>Notice of Appeal</b>	45 days from the date of the entry of judgment being appealed.	45 days from the date of the entry of judgment being appealed.
<b>Memorandum in Support of Jurisdiction</b> Not applicable to appeals of right	45 days from the date of the entry of judgment being appealed.	45 days from the date of the entry of judgment being appealed.
<b>Memorandum in Response</b> Not applicable to appeals of right	Within 20 days after the memorandum in support of jurisdiction is filed.	Within 30 days after the memorandum in support of jurisdiction is filed.
<b>Appellant’s Merit Brief</b>	Within 20 days after the record is filed with the Supreme Court.	Within 40 days after the record is filed with the Supreme Court.
<b>Appellee’s Merit Brief</b>	Within 20 days after the appellant’s merit brief is filed.	Within 30 days after the appellant’s merit brief is filed.
<b>Reply Brief</b>	Within 15 days after the appellee’s merit brief is filed.	Within 20 days after the appellee’s merit brief is filed.
<b>Motion for Extension of Time to File a Merit Brief</b> Not permitted for jurisdictional memoranda	Must be filed within the time allowed for filing the brief. Each party is allowed only one request for extension.	Must be filed within the time allowed for filing the brief. Each party is allowed only one request for extension.
<b>Memorandum in Response to a Motion</b>	Within 10 days after the motion is filed.	Within 10 days after the motion is filed.
<b>Motion for Reconsideration</b>	Within 10 days after the Supreme Court’s final order.	Within 10 days after the Supreme Court’s final order.
<b>Memorandum in Response to a Motion for Reconsideration</b>	Within 10 days after the motion is filed.	Within 10 days after the motion is filed.

## II. HOW TO FILE, OR PERFECT, AN APPEAL

The court’s review of an appeal is limited to the record created in the trial court and the court of appeals. New information or evidence cannot be submitted to the Supreme Court and will not be considered by the court.

The Rules of Practice of the Supreme Court of Ohio refer to the act of properly filing an appeal as “perfecting” the appeal. For purposes of simplicity, this guide substitutes the word “file” for the legal term “perfect.”

To file an appeal in the Supreme Court, you must:



### rec·ord (Rule 15.01)

The original case papers from the trial and appeals courts; includes exhibits, transcripts of proceedings, certified copies of journal entries (court orders) and dockets.



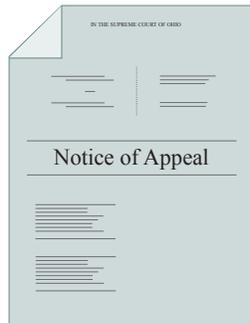
### per·fect [Rule 7.01(A)]

To submit the documents and fees necessary to institute an appeal with the Supreme Court in a timely fashion and in a way that complies with the Supreme Court Rules of Practice; the act of properly filing a Supreme Court appeal.



## WHAT DOCUMENTS DO I NEED TO FILE TO APPEAL A COURT OF APPEALS DECISION TO THE SUPREME COURT

### JURISDICTIONAL APPEAL



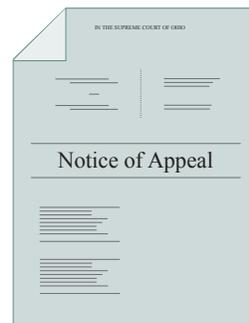
**\$100 FILING FEE**  
Payable by

- Cash
- Check
- Money Order
- American Express
- MasterCard
- VISA

**OR**



### APPEAL OF RIGHT OR ADMINISTRATIVE AGENCY APPEAL



**\$100 FILING FEE**  
Payable by

- Cash
- Check
- Money Order
- American Express
- MasterCard
- VISA

**OR**



If your case is an appeal of right or an administrative agency appeal, a copy of the court of appeals judgment entry or the agency decision being appealed must be attached to your notice of appeal.

## A. Types of Appeals

This guide covers the three types of appeals that can be filed at the Supreme Court:

### 1. JURISDICTIONAL APPEAL

A jurisdictional appeal is an appeal that claims to involve a substantial constitutional question involving either the U.S. or Ohio Constitution, an appeal that involves a felony or an appeal that involves a question of public or great general interest.

With these cases, the Supreme Court exercises what is called its “discretionary jurisdiction,” meaning it can choose to accept the appeal or choose not to accept it. The Supreme Court will decide whether to accept a jurisdictional appeal after it reviews the jurisdictional memoranda, the court of appeals decision, and the court of appeals judgment entry.



ju·ris·dic·tion·al  
mem·o·ran·da  
(**Rules 7.02 and 7.03**)

Memorandum in support of jurisdiction and memorandum in response; documents that include arguments to convince the Supreme Court that it should either accept or decline an appeal.

### 2. APPEAL OF RIGHT

An appeal of right is an appeal from a court of appeals decision (or, an appeal “of” a court of appeals decision) in a case that began in the court of appeals. After the notice of appeal is filed, the Supreme Court will order the record and the parties will file briefs.

### 3. ADMINISTRATIVE AGENCY APPEAL

An administrative agency appeal is an appeal from the Board of Tax Appeals, the Public Utilities Commission, or the Power Siting Board. The record will be filed after a period of time after the notice of appeal is filed and the parties will file briefs.

## B. Notice of Appeal

You must file a notice of appeal with all types of appeals addressed in this guide. The notice of appeal must be filed within the number of days listed below based on the type of appeal you are filing.

### 1. JURISDICTIONAL APPEAL

The notice of appeal must be filed within 45 days of the date that the court of appeals filed its judgment entry with its clerk.

## 2. APPEAL OF RIGHT

The notice of appeal must be filed within 45 days of the date that the court of appeals filed its judgment entry with its clerk.

## 3. ADMINISTRATIVE AGENCY APPEAL

### a. Appeal from Board of Tax Appeals

The notice of appeal must be filed within 30 days of the date of the entry of the decision of the Board of Tax Appeals.

### b. Appeal from the Public Utilities Commission or Power Siting Board

The notice of appeal must be filed within 60 days of the commission or board's order.

Pay close attention to the deadline. Unless your case is an appeal of a felony conviction, missing the filing deadline will cause the Supreme Court to become divested of jurisdiction, meaning the Supreme Court will permanently lose authority to consider your appeal.

See table on p. 11 for information that must be included in your notice of appeal. Like any document filed in the Supreme Court of Ohio, the notice of appeal also must comply with **Rule 3.09**, but can be neatly handwritten rather than typed if it is an emergency.



**di·vest·ed of ju·ris·dic·tion**  
No longer having authority to review a case.



There is ONE exception to the 45-day filing deadline, and it applies only to felony cases when the defendant has been convicted of a crime. It does not apply to postconviction cases or to applications for reconsideration of any cause or motion filed under Rule 26(B) of the Rules of Appellate Procedure (also called Murnahan appeals) related to the felony convictions.

For information on filing a delayed appeal in a felony case, go to p. 20.

### NOTE

When filing in person or regular mail, the original of any **hard-copy** document you file in the Supreme Court of Ohio must be in scan-ready form, which means single-sided, not stapled or otherwise bound, and not containing dividers or tabs. The person filing a scan-ready document is responsible for removing personally identifying information, such as Social Security numbers, bank account numbers and the names of juveniles. To identify such information, you should file a personal identifier form, available as **Appendix B** to this guide, and as Appendix B to the Rules of Practice of the Supreme Court.



**ORIGINAL**  
**+1**  
**COPY**  
**REQUIRED**



**NO**  
**COPIES**  
**REQUIRED**

**REQUIREMENTS - NOTICE OF APPEAL (APPEAL OF RIGHT & JURISDICTIONAL APPEAL)****CONTENT - Rule 6.01(B)**

If the case is an **appeal of right**, the following information must be contained in the notice of appeal, along with a copy of the court of appeals judgment entry being appealed.

The name of the court of appeals whose judgment is being appealed.

The case name assigned to the case by the court of appeals.

The case number assigned to the case by the court of appeals.

The date of the entry of the judgment being appealed.

**CONTENT - Rule 7.01(B)**

In addition to the content listed above, for a **jurisdictional appeal**, you must include a statement that one or more of the following are applicable:

- The case raises a substantial constitutional question
- The case involves a felony
- The case is one of public or great general interest
- The case involves termination of parental rights or adoption of a minor child
- The case is an appeal of a court of appeals determination under Rule 26(B) of the Rules of Appellate Procedure.

**MECHANICAL - Rules 3.07-3.09 & 3.11**

The format of the notice of appeal.

Cover page [Rule 3.07]

- Case name
- Title of document (“Notice of Appeal”)
- Indication that the case is an appeal and the name of court or agency from which it is being appealed
- The name, address, and telephone number of the filing party
- The name, address, and telephone number for the opposing party and the opposing party’s attorney (if applicable).

Paper: 8½ x 11, white [Rule 3.09(B)(2)].

Type: Times New Roman, Cambria, Calibri, Arial, or Palatino Linotype, 12-point [Rule 3.09(B)(1)(b)].

Text: double-spaced [Rule 3.09(B)(3)].

Original document must:

- Be single-sided [Rule 3.09(B)(1)(a)]
- Include signature of filing party [Rule 3.08]
- Include statement describing when and how a copy of the notice of appeal was provided to other side [Rule 3.11(C)(1)(a)].



THE NEXT SECTION DISCUSSES THE REQUIREMENTS FOR THE COVER PAGE, SECOND PAGE, AND THE CERTIFICATE OF SERVICE OF YOUR NOTICE OF APPEAL.

## 1. COVER (FRONT) PAGE

The cover page must include:

- a. The case name assigned by the court of appeals or administrative agency
- b. The case number assigned by the court of appeals or administrative agency
- c. An indication that the case is an appeal and the name of the court or agency from which it is being appealed
- d. The title of the document (that is, “Notice of Appeal”)
- e. Filing party or attorney’s name
- f. Filing party or attorney’s address
- g. The name and address for the other party’s attorney in the case. If the party does not have an attorney, include the party’s name and address instead.

### NOTE

If your case is an **appeal of right** or **administrative agency appeal**, the court of appeals or agency judgment entry being appealed must be attached to your notice of appeal.

## 2. SECOND PAGE

The second page of your notice of appeal must include:

- a. The case name assigned by the court of appeals or administrative agency
- b. The case number assigned by the court of appeals or administrative agency
- c. The date the court of appeals or administrative agency filed the judgment entry with the clerk
- d. If it is a jurisdictional appeal or appeal of right, include a statement that one or more of the following apply to your appeal:
  - i. The case originated in the court of appeals
  - ii. The case raises a substantial constitutional question
  - iii. The case involves a felony
  - iv. The case is one of public or great general interest
  - v. The case involves the termination of parental rights or adoption of a minor child, or both
  - vi. The case is an appeal of a court of appeals decision under Appellate Rule 26(B)
- e. Your signature.

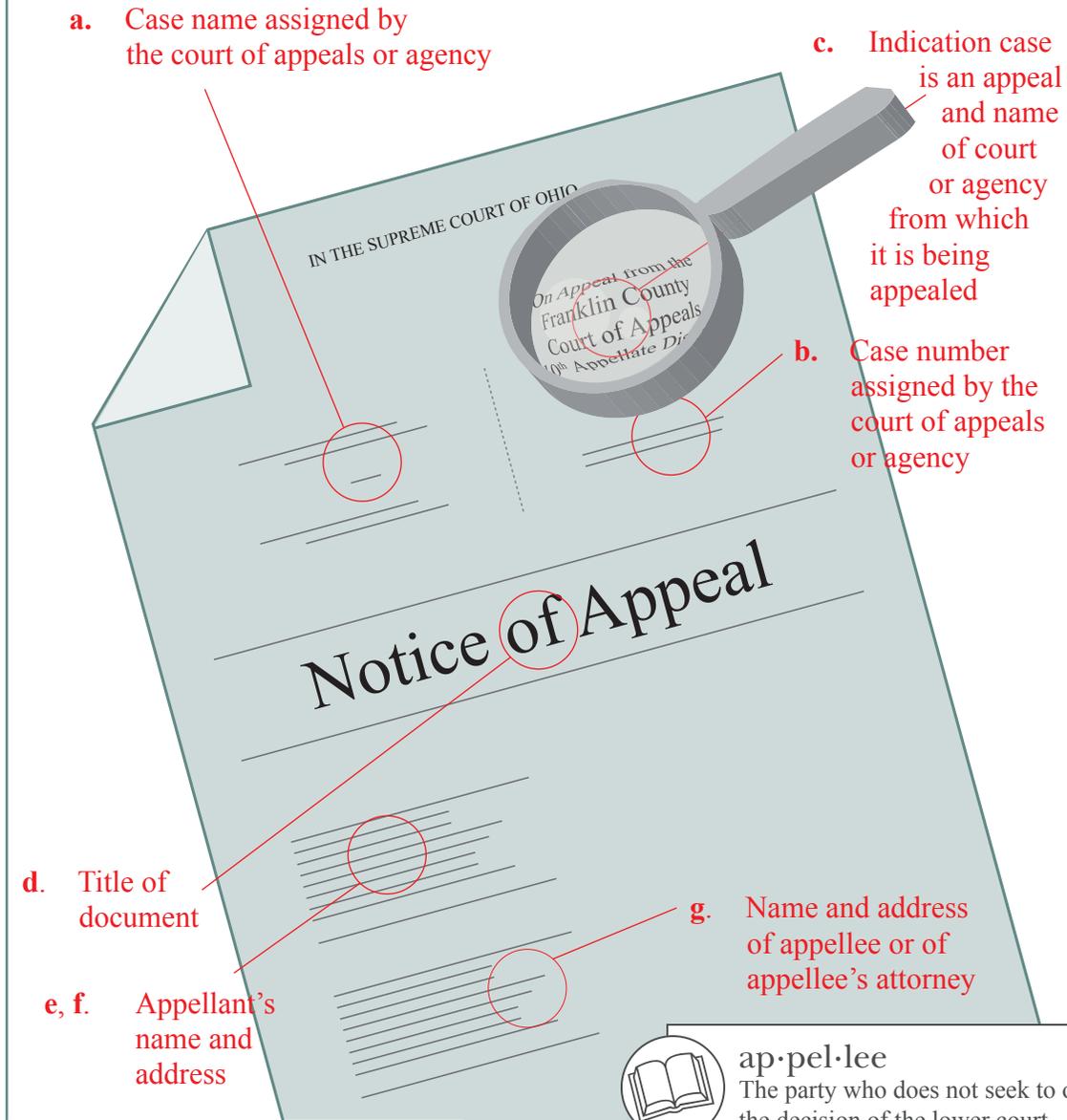
## 3. CERTIFICATE OF SERVICE

A certificate of service, or statement, indicating that you provided a copy of the document to the attorney for the other party in the case. If the other party is not represented by an attorney, you should provide a copy directly to the party.



You are still responsible for including a certificate of service and serving your documents even if you file your case through the e-Filing Portal.

## SAMPLE COVER PAGE - NOTICE OF APPEAL



### ap·pel·lant

The party who appeals a lower court decision. The appellant believes the lower court's decision contains errors and wants to have it reversed or modified.



### ap·pel·lee

The party who does not seek to oppose the decision of the lower court.

### NOTE

Appendix C to the Rules of Practice is a sample notice of appeal. The sample notice is also available at [www.supremecourt.ohio.gov/clerk](http://www.supremecourt.ohio.gov/clerk).

SAMPLE AFFIDAVIT OF INDIGENCE

**Affidavit of Indigence**

IN THE SUPREME COURT OF OHIO

I, Pro S. Filer, do hereby state that I am without the necessary funds to pay the costs of this action for the following reasons:

*I am incarcerated at Marion Correctional Institution and I have been incarcerated since 10/13/2006. I work in the prison but receive only \$17.00 per month.*

Pursuant to Rule 3.06(A) of the Rules of Practice of the Supreme Court of Ohio, I am requesting that the filing fee and security deposit, if applicable, be waived.

*Pro S. Filer*  
Pro se Filer

Sworn to Before me and Subscribed in  
My Presence this *16th* day of *November*, 2008.

*JoAnne Notary*  
JoAnne Notary  
Notary Public - State of Ohio  
My Commission Expires 12-31-12



Your affidavit of indigence cannot be older than six months and must be prepared before you submit it to the Supreme Court. The Supreme Court of Ohio Office of the Clerk cannot provide notary services or otherwise help you prepare your affidavit.

These elements combine to form the notary public's jurat (see p. 15).

## C. Filing Fee

A \$100 filing fee is required to file all appeals or original actions with the Supreme Court.

You can pay the fee with cash; check or money order; or American Express, MasterCard, or VISA. Checks or money orders should be made payable to “Clerk, Supreme Court of Ohio” or “Supreme Court of Ohio.”

If you cannot afford to pay the fee, you can file your case by filing one of two documents:

1. A copy of an entry from a court appointing counsel
2. A notarized affidavit of indigence (see sample, p. 14).

To file an affidavit of indigence you can use **Appendix C** to this guide or Appendix A to the Supreme Court Rules of Practice.

To complete the affidavit of indigence form, write your name on the first line and the reasons you are unable to pay the fee in the blank space near the middle of the page. Sign the document in front of a notary public and have it notarized. An affidavit of indigence older than six months cannot be used.



Does your affidavit of indigence include a notary public’s jurat?

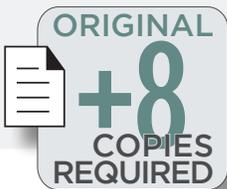
The Supreme Court of Ohio Office of the Clerk cannot accept an affidavit without a jurat, or a statement by the notary that indicates the date the affidavit was sworn to, or affirmed, and signed in the notary public’s presence. The jurat must include the notary public’s signature and seal (see p. 14).



If you pay your filing fee by credit card, you also must submit a credit card filing fee form. The form is available as **Appendix D** to this guide and as Appendix G to the Rules of Practice of the Supreme Court.

**REQUIREMENTS - MEMORANDUM IN SUPPORT OF JURISDICTION**

<b>CONTENT - Rule 7.02(C) &amp; (D)</b> The information that must be contained in the memorandum.	<b>MECHANICAL - Rules 3.07-3.09 &amp; 3.11</b> The format of the memorandum.
<p>Table of contents.</p> <p>Statement that one or both of the following form(s) the basis for your appeal:</p> <ul style="list-style-type: none"> <li>• A substantial constitutional question, with an explanation of how your appeal involves the constitutional question</li> <li>• An issue of public or great general interest, with an explanation of how your appeal involves the issue.</li> </ul> <p>In a felony case, a statement why the court should grant you the opportunity to appeal.</p> <p>A statement of the case and facts.</p> <p>Arguments supported by propositions of law.</p> <p>Required attachments:</p> <ul style="list-style-type: none"> <li>• Date-stamped copy of the court of appeals judgment entry being appealed</li> <li>• Date-stamped copy of the court of appeals opinion being appealed.</li> </ul> <p>Optional permitted attachments</p> <ul style="list-style-type: none"> <li>• Any other judgment entries or opinions issued in the case (if relevant to the appeal).</li> </ul>	<p>Cover page [Rule 3.07]</p> <ul style="list-style-type: none"> <li>• Case name</li> <li>• Title of document (“Memorandum in Support of Jurisdiction”)</li> <li>• Indication that case is an appeal and the name of the court or agency from which it is being appealed</li> <li>• Name, address and telephone number of filing party</li> <li>• Name, address and telephone number for opposing party and opposing party’s attorney (if applicable).</li> </ul> <p>Paper: 8½ x 11, white [Rule 3.09(B)(2)].</p> <p>Type: Times New Roman, Cambria, Calibri, Arial, or Palatino Linotype, 12-point [Rule 3.09(A)(1)(b)].</p> <p>Text: double-spaced [Rule 3.09(B)(3)].</p> <p>Original document must:</p> <ul style="list-style-type: none"> <li>• Be single-sided [Rule 3.09(B)(1)(a)]</li> <li>• Include signature of the filing party [Rule 3.08]</li> <li>• Include statement describing when and how a copy of the notice of appeal was provided to other side [Rule 3.11(C)(1)(a)].</li> </ul>
	<p><b>MECHANICAL - Rule 7.02</b> The page limit for the memorandum.</p> <p>Page limit: 15 [Rule 7.02(B)].</p>



**NOTE** If your affidavit of indigence is accepted by the Supreme Court of Ohio Office of the Clerk, you may file the original memorandum only. You do not have to file the copies required by **Rule 3.10**.

## D. Memorandum in Support of Jurisdiction

If you are filing a **jurisdictional appeal**, unless you are filing a motion for stay, pursuant to **Rule 7.01(A)(3)**, you must file a memorandum in support of jurisdiction with your notice of appeal and filing fee.

A memorandum in support of jurisdiction is a document that includes a written statement explaining why the Supreme Court should accept an appeal. The memorandum includes citations to legal authorities that support the statement.

The memorandum in support of jurisdiction must include a cover page, a table of contents, a case history and arguments in support of your propositions of law in the body of the memorandum, your signature, a certificate of service and the attachments listed on p. 19.



### ci·ta·tion

A reference to a legal authority, such as a case, constitutional provision, or statute, that supports an argument. This term is often shortened to “cite.”



### le·gal au·thor·i·ty

A source, such as a statute or case, that is cited, or referenced, in support of an argument.



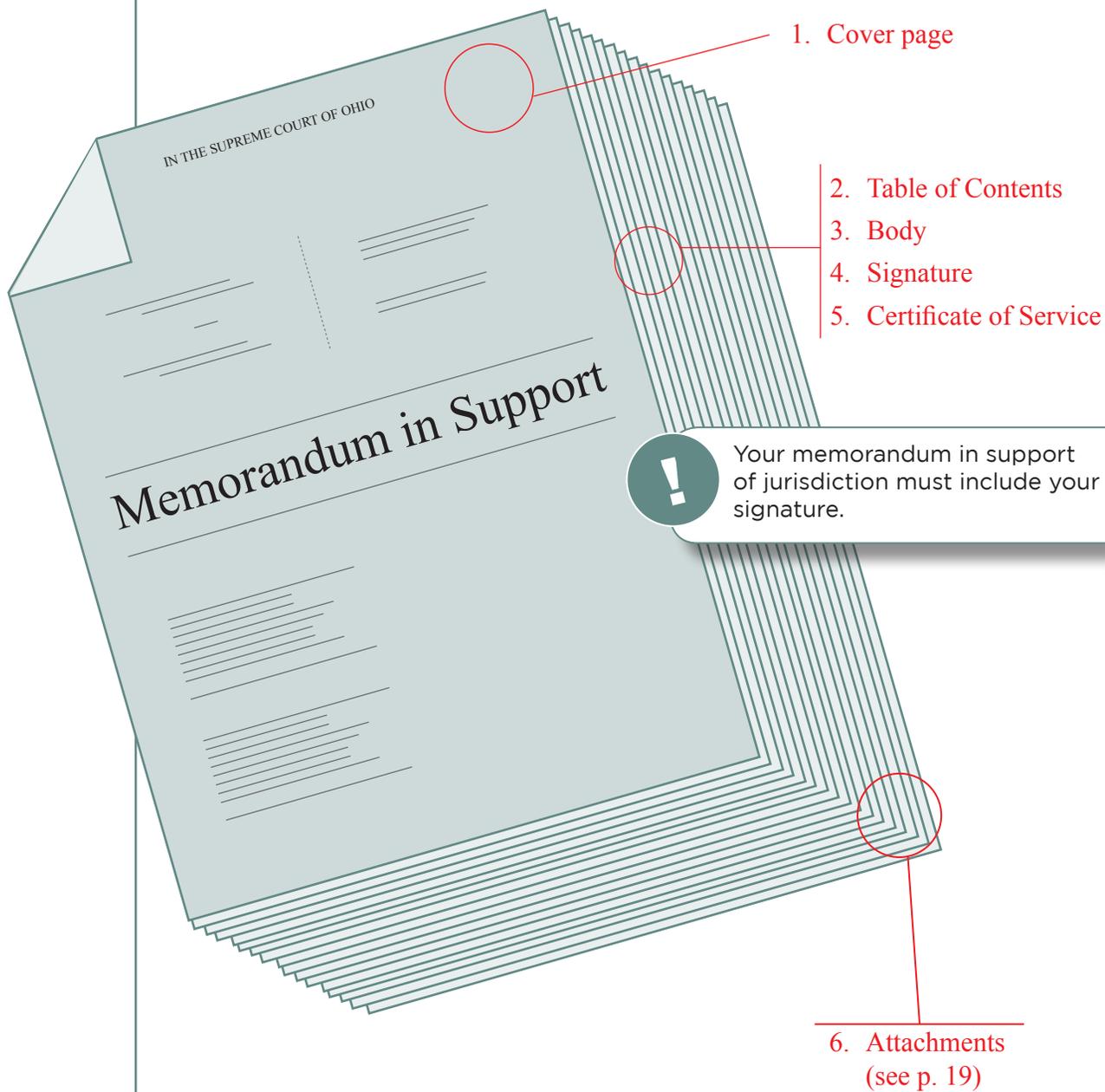
### prop·o·si·tion of law

A statement of a legal issue being raised for the court’s consideration.



THE NEXT SECTION DISCUSSES THE REQUIREMENTS FOR EACH PART OF YOUR MEMORANDUM IN SUPPORT OF JURISDICTION.

## MEMORANDUM IN SUPPORT OF JURISDICTION



**NOTE**

Appendix B to the Rules of Practice is a sample memorandum in support of jurisdiction.

### 1. COVER PAGE

This should be prepared the same way as the cover page for your notice of appeal, except that it should be titled “Memorandum in Support of Jurisdiction.”

### 2. TABLE OF CONTENTS

The table of contents should list the propositions of law that form the basis for your appeal.

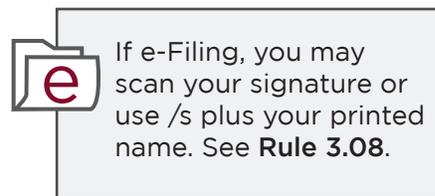
### 3. BODY

The body of your memorandum in support of jurisdiction must be no more than 15 pages, not including the cover page, the table of contents, signature, certificate of service, and attachments. The body of the memorandum must contain the following:

- The history of the case
- Your arguments in support of your propositions of law.

### 4. SIGNATURE

Your memorandum in support of jurisdiction must include your signature. Your signature can be included at the end of the 15-page body of your memorandum or it can be **alone** on a 16th page.



### 5. CERTIFICATE OF SERVICE

A certificate of service, or statement, indicating that you provided a copy of the document to the attorney for the other party in the case. If the other party is not represented by an attorney, you should provide a copy directly to the party.

### 6. ATTACHMENTS

The memorandum in support of jurisdiction must contain the following attachments:

- a. A date-stamped copy of the court of appeals opinion being appealed
- b. A date-stamped copy of the court of appeals judgment entry being appealed.

Other court decisions issued in the case being appealed may also be attached. Prohibited items are listed below.

### 7. PROHIBITED ATTACHMENTS

The following items **are prohibited**:

- a. Affidavits
- b. Newspaper articles
- c. Documents filed in the trial court or court of appeals
- d. Other evidence.

## E. Filing a Delayed Appeal

It is possible to file an appeal after the 45-day time period expires, but only in felony cases that convict the defendant of a crime.

To file a delayed appeal, you must submit:

- a. A notice of appeal that states the case involves a felony
- b. A motion for delayed appeal with a notarized affidavit in support
- c. A \$100 filing fee or affidavit of indigence that meets the Court’s requirements.



The rule allowing motions for delayed appeal does not apply to postconviction cases or to applications filed under Rule 26(B) of the Rules of Appellate Procedure (also called Murnahan appeals) related to felony convictions.

### 1. NOTICE OF APPEAL

**Rule 7.01(B)** lists the information that must be contained in the notice of appeal. Like any document filed in the Supreme Court, the notice of appeal also must comply with **Rule 3.09**, but can be neatly handwritten rather than typed if it is an emergency.

Be sure your notice of appeal contains a cover page, the required information on the second page, and a certificate of service.

#### a. COVER (FRONT) PAGE

The cover page must include:

- i. The case name assigned by the court of appeals
- ii. The case number assigned by the court of appeals
- iii. An indication that the case is an appeal and the name of the court or agency from which it is being appealed
- iv. The title of the document (that is, “Notice of Appeal”)
- v. Filing party or attorney’s name
- vi. Filing party or attorney’s address
- vii. The name and address for the other party’s attorney in the case.  
If the party does not have an attorney, include the party’s name and address instead.

#### NOTE

The first page of Appendix C to the Rules of Practice is an example of a cover page.

**b. SECOND PAGE**

The second page of your notice of appeal must include:

- i. The case name assigned by the court of appeals
- ii. The case number assigned by the court of appeals
- iii. The date the court of appeals filed the judgment entry with the clerk
- iv. A statement that the case involves a felony
- v. Your signature.

**c. CERTIFICATE OF SERVICE**

A certificate of service, or statement, indicating that you provided a copy of the document to the attorney for the other party in the case. If the other party is not represented by an attorney, you should provide a copy directly to the party.



You are still responsible for including a certificate of service and serving your documents even if you file your case through the e-Filing Portal.

**NOTE**

Appendix C to the Rules of Practice is a sample notice of appeal. The sample notice also is available at [www.supremecourt.ohio.gov/clerk](http://www.supremecourt.ohio.gov/clerk).

**2. MOTION FOR DELAYED APPEAL**

The motion for delayed appeal is a written statement that includes the reasons the appeal was not filed on time. The motion for delayed appeal must include a cover page, some specific information in the body of the motion, a certificate of service, and some specific attachments.

**a. COVER PAGE**

The cover page must include:

- i. The case name assigned by the court of appeals
- ii. The case number assigned by the court of appeals
- iii. An indication that the case is an appeal and the name of the court or agency from which it is being appealed
- iv. The title of the document (that is, "Motion for Delayed Appeal")
- v. Filing party or attorney's name
- vi. Filing party or attorney's address
- vii. The name and address for the other party's attorney in the case. If the party does not have an attorney, include the party's name and address instead.



**a. BODY**

The motion for delayed appeal should contain the following information:

- i. The date of the court of appeals decision being appealed
- ii. The reason or reasons you did not file the case on time.

**b. CERTIFICATE OF SERVICE**

A certificate of service indicating that you provided a copy of the document to the attorney for the other party in the case. If another party is not represented by an attorney, you should provide a copy directly to that party.



You are still responsible for including a certificate of service and serving your documents even if you file your case through the e-Filing Portal.

**c. ATTACHMENTS**

The following documents must be attached to the motion for delayed appeal:

- i. A notarized affidavit containing facts that support your motion for delayed appeal
- ii. A date-stamped copy of the court of appeals opinion being appealed
- iii. A date-stamped copy of the court of appeals judgment entry being appealed.

Do not submit a memorandum in support of jurisdiction when you submit a motion for delayed appeal. If the Supreme Court grants the motion for delayed appeal, it will issue an order that requires you to submit your memorandum in support of jurisdiction within 30 days.



The Supreme Court of Ohio Office of the Clerk cannot file your memorandum in support of jurisdiction unless the Supreme Court grants your motion for delayed appeal. You will receive a copy of the court's decision on your motion by mail.

## C. Filing Fee

A \$100 filing fee is required to file all appeals with the Supreme Court.

You may pay the fee with cash; American Express, MasterCard, or VISA; or a check or money order made payable to “Clerk, Supreme Court of Ohio” or “Supreme Court of Ohio.”

If you cannot afford to pay the fee, you can file your case by filing one of two documents:

1. A copy of an entry from a court appointing counsel to represent you
2. A notarized affidavit of indigence (see pp. 14 and 15).

### III. HOW TO FILE AN ORIGINAL ACTION

#### A. Types of Original Actions

To initiate an original action you must file a complaint (or petition if you are filing for a writ of habeas corpus) that identifies which type or types of original action you are filing. The five types of original actions that may be filed with the Supreme Court of Ohio are:

**writ**

A court order directing an agency or person to take action.

#### 1. MANDAMUS

A writ issued by the Supreme Court to compel a lower court or a government officer to perform mandatory or purely ministerial duties correctly.

#### 2. PROHIBITION

A writ issued by the Supreme Court to prevent a lower court from exceeding its jurisdiction or to prevent a non-judicial officer or entity from exercising a power.

#### 3. PROCEDENDO

A writ issued by the Supreme Court directing a lower court to enter a judgment in a case.

#### 4. QUO WARRANTO

A writ issued by the Supreme Court to a public officer to vacate the office for lack of authority.

#### 5. HABEAS CORPUS

A writ issued by the Supreme Court to inquire into the legality of a party's imprisonment or detention.

## SAMPLE COVER PAGE - COMPLAINT

**a. Nature of the proceeding**

**b. Caption**

IN THE SUPREME COURT OF OHIO

**c. Title of document**

**d. Name and address of respondents**

**e, f. Relator's name and address**

**Complaint**

 **relator**  
The person filing the original action.

 **re-spond-ent**  
The person(s) or agency against whom the original action is being filed.

## B. Complaint

You must file a complaint (or petition if filing for a writ of habeas corpus) in order to initiate an original action. The requirements for the complaint are listed below:

### 1. COVER (FRONT) PAGE

The cover page must include:

- a. The nature of the proceeding – is it a mandamus, procedendo, prohibition, quo warranto, or habeas corpus case
- b. Caption
- c. The title of the document (i.e., complaint for procedendo)
- d. The name, title, and address of all of the respondents in the case. The address of the respondents must be included and accurate because the clerk's office will serve a copy of your complaint at the address that you provide for the respondents
- e. Filing party or attorney's name
- f. Filing party or attorney's address.

### 2. SECOND PAGE

The second page (and additional pages as needed) of your complaint must include:

- a. Specific statements of fact that support your claim for relief
- b. A statement of all the relief sought (i.e. tell the court what action you want the court to take).

### 3. AFFIDAVIT IN SUPPORT

All original actions must have an affidavit in support attached to the complaint, or made part of the complaint. The affidavit must meet the following requirements:

- a. Specifically state the details of the claim
- b. The affidavit in support must indicate that the facts were made on personal knowledge and show that the affiant (the person swearing to the truth of the affidavit) is competent to testify to all matters stated in the affidavit.

### 4. CERTIFICATE OF SERVICE

A certificate of service is not required for a complaint in an original action because the clerk's office serves the complaint on the addresses listed for the respondents.

## C. Filing Fee and Security Deposit

### 1. FILING FEE

A \$100 filing fee is required to file all original actions with the Supreme Court.

You may pay the fee with cash, American Express, MasterCard, or VISA; or a check or money order made payable to “Clerk, Supreme Court of Ohio” or “Supreme Court of Ohio.”

### 2. SECURITY DEPOSIT

A \$100 security deposit is required to file all original actions with the Supreme Court. The security deposit is used for postage costs to serve the complaint by certified mail on the respondents. Any unused portion of the security deposit will be refunded to the person who initiated the case within 2 to 4 months after completion of the case.

You may pay the security deposit with cash, American Express, MasterCard, or VISA; or a check or money order made payable to “Clerk, Supreme Court of Ohio” or “Supreme Court of Ohio.”

### 3. AFFIDAVIT OF INDIGENCE

If you cannot afford to pay the filing fee and security deposit to initiate an original action, you can file a case by submitting a notarized affidavit of indigence with the complaint (see pp. 14 and 15).

## IV. MOTIONS

Motions are written statements to a court asking for a particular result. For example, a motion to “stay” a court of appeals decision asks the Supreme Court to issue an order delaying the date the court of appeals decision takes effect.



### mo·tion

A written statement asking a court for a specific result.

If a motion is filed, any other party may file a memorandum opposing the motion. A memorandum opposing a motion must be filed within 10 days of the date the motion was filed.

There is no page limit for a motion or memorandum opposing a motion, but both documents should be written concisely and clearly.

### A. Mechanical Requirements

Any motion or memorandum opposing a motion must have a cover page and a certificate of service.

#### 1. COVER (FRONT) PAGE

The cover page must include:

- a. The case name assigned by the court of appeals, agency, or the relator in an original action
- b. The case number assigned by the court of appeals or agency
- c. An indication whether the case is an appeal or original action and the name of the court or agency from which it is being appealed
- d. The title of the document (for example, “Motion to Stay”)
- e. Filing party or attorney’s name
- f. Filing party or attorney’s address
- g. The name and address for the other party’s attorney in the case. If the party does not have an attorney, include the party’s name and address instead.



Does your appeal have an eight-digit Supreme Court case number yet? If so, you should use that case number on the cover page of your motion. Ask a Supreme Court deputy clerk if you are not sure.

#### 2. CERTIFICATE OF SERVICE

A certificate of service, or statement, indicating that you provided a copy of the document to the attorney for the other party in the case. If the other party is not represented by an attorney, you must provide a copy directly to the party.



You are still responsible for including a certificate of service and serving your documents even if you file your case through the e-Filing Portal.



THE NEXT SECTION WILL DISCUSS SOME COMMONLY FILED MOTIONS.

## SAMPLE MOTION

IN THE SUPREME COURT OF OHIO

2015-1409

# Motion to Stay

**ORIGINAL**  
**+10**  
COPIES  
REQUIRED

**NO**  
COPIES  
REQUIRED

**NOTE** If your affidavit of indigence is accepted by the Supreme Court of Ohio Office of the Clerk, you may file the original motion only. You do not have to file the copies required by **Rule 3.10**.

Your eight-digit Supreme Court case number starts with the year your case was filed.

## B. Commonly Filed Motions

### 1. MOTION FOR REDUCED NUMBER OF COPIES

- a. If you file an affidavit of indigence  
When a party files an affidavit of indigence, a motion for a reduced number of copies is unnecessary. The court will automatically allow the party to file an original of each document, along with as many copies as the party can afford.
- b. If you do not file an affidavit of indigence  
If you do not file an affidavit of indigence, you can file a document with a motion for a reduced number of copies. If, however, the motion for a reduced number of copies is denied, then the court may strike the document accompanying the motion. Having the court strike a document is the same as having never filed it.

### 2. MOTION FOR STAY

If you want an immediate stay of a court of appeals decision and are within the 45-day time frame for filing a new case, **Rule 7.01(A)(3)** permits you to file a notice of appeal and motion for immediate stay without a memorandum in support of jurisdiction before the 45th day.

Please note that your memorandum in support of jurisdiction is still required by the 45th day. In a **jurisdictional appeal**, the memorandum in support of jurisdiction must be filed within the original 45-day time period for filing the notice of appeal or the case will be dismissed.

A motion for stay is not granted automatically. Relevant information regarding bond must be included in the motion. A copy of the court of appeals decision (judgment entry and opinion) must be attached to the motion for stay. There is no page limit for the motion for stay.

A motion for stay may be filed after the memorandum in support of jurisdiction is filed.

### 3. MOTION FOR RECONSIDERATION

If the Supreme Court issues a decision ending the case and you are not satisfied with the decision, you can file a motion for reconsideration within 10 days of the decision date (if the case is an expedited election case, the motion must be filed within three days of the decision date). No attachments are required and there is no page limit. The motion must explain to the court why it should reconsider its decision, but cannot re-argue the case.

## SAMPLE TABLE OF AUTHORITIES

CASES	PAGE NO.
<i>Cafeteria Workers v. McElroy</i> (1961), 367 U.S. 886, 81 S.Ct. 1743	8
<i>California v. Brown</i> (1987) 479 U.S. 538, 107 S. Ct. 837	18
<i>In re Adrian R.</i> , 5 <sup>th</sup> Dist., No. 08-CA-17, 2008-Ohio-6581	1, 7
<i>McKeiver v. Pennsylvania</i> (1971), 403 U.S. 528, 91 S. Ct. 1140	8, 11, 12
<i>Smith v. Doe</i> (2003), 538 U.S. 84, 123 S. Ct. 1140	19
<i>State v. Ferguson</i> , 120 Ohio St.3d 267, 2007-Ohio-4919	8
<i>State v. Longnecker</i> , 4 <sup>th</sup> Dist. No. 02CA76, 2003-Ohio-6042	8
<i>State v. Williams</i> , 88 Ohio St.3d 513, 2000-Ohio-428	12, 17
<i>Tison v. Arizona</i> (1987), 481 U.S. 137, 107 S. Ct. 1676	13
<b>CONSTITUTIONAL PROVISIONS</b>	
Eighth Amendment, U.S. Constitution	8
Fourteenth Amendment, U.S. Constitution	8
Section 16, Article I, Ohio Constitution	17, 21
<b>STATUTES</b>	
R.C. 2151.357	17, 21
R.C. 2152.02	
R.C. 2152.12	



**table of authorities**  
**[Rule 16.02(B)(2)]**  
 An alphabetical list of all cases, constitutional provisions, statutes, or other legal authorities referred to (or “cited”) in a brief. It must reference the page or pages on which each legal authority is cited.

**NOTE** Appendix D to the Rules of Practice is a sample merit brief.

## V. MERIT BRIEFS

You cannot file a merit brief unless your case is an appeal of right, an administrative agency appeal, or the Supreme Court accepts your appeal or issues an alternative writ in an original action.

### A. Appeals

Three merit briefs are usually filed:

1. Appellant's merit brief (filed first)
2. Appellee's merit brief (filed second)
3. Appellant's reply brief (filed last).

#### 1. APPELLANT'S MERIT BRIEF

- a. 50-page limit (the required cover page, table of contents, table of authorities cited, and certificate of service are not included in the page count)
- b. Due 40 days after the record is filed
- c. The appellant's merit brief must have attached:
  - i. A date-stamped copy of the notice of appeal
  - ii. The court of appeals judgment entry and opinion being appealed
  - iii. Any other relevant decisions issued in the case.

#### 2. APPELLEE'S MERIT BRIEF

- a. 50-page limit (the required cover page, table of contents, table of authorities cited, and certificate of service are not included in the page count)
- b. Due 30 days after appellant's merit brief is filed
- c. No required attachments.

#### 3. APPELLANT'S REPLY BRIEF

- a. 20-page limit (the required cover page, table of contents, table of authorities cited, and certificate of service are not included in the page count)
- b. Due 20 days after appellee's merit brief is filed
- c. No required attachments.



You will receive a decision through the mail telling you if the Supreme Court has accepted or declined your appeal. If the court accepts your appeal, you will receive a notice of the date the record was filed. The deadline for your merit brief is computed **from the date the record is filed**, not from the date you receive the notice.



Does your appeal involve the **TERMINATION OF PARENTAL RIGHTS OR ADOPTION**? If so, you have shorter deadlines for filing merit briefs. Please refer to the table on p. 6 as well as the timelines on pp. 46 & 47.

## B. Original Actions

If an alternative writ is issued, then evidence and merit briefs will be filed by all parties to the case. The alternative writ order will state the time for filing, but generally the order for filing is as follows:

1. Evidence submitted by both relator and respondent(s)
2. Relator's merit brief (filed after the evidence)
3. Respondent's merit brief
4. Relator's reply brief.

### 1. EVIDENCE

The due date for the evidence will be set by the court's alternative writ order. Permissible forms of evidence that may be filed are listed in S.Ct. Prac.R. 12.06 and include:

- a. Agreed statement of facts (both parties agree to the facts in the document)
- b. Affidavits – made on personal knowledge
- c. Depositions
- d. Exhibits
- e. Stipulations.

### 2. RELATOR'S MERIT BRIEF

- a. 50-page limit (the required cover page, table of contents, table of authorities cited, and certificate of service are not included in the page count)
- b. Due date will be determined by the court's alternative writ order.

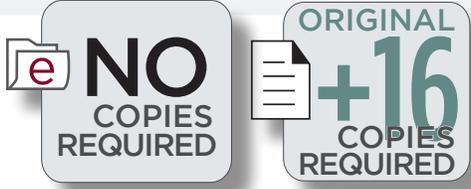
### 3. RESPONDENT'S MERIT BRIEF

- a. 50-page limit (the required cover page, table of contents, table of authorities cited, and certificate of service are not included in the page count)
- b. Due date will be determined by the court's alternative writ order.

### 4. RELATOR'S REPLY BRIEF

- a. 20-page limit (the required cover page, table of contents, table of authorities cited, and certificate of service are not included in the page count)
- b. Due date will be determined by the court's alternative writ order.

**REQUIREMENTS - MERIT BRIEFS**

<p><b>CONTENT</b> The information that must be included in the brief.</p>	<p><b>MECHANICAL - Rules 3.07-3.09 &amp; 3.11</b> The format of the brief.</p>
<p>Appellant/Relator’s Merit Brief - <b>Rule 16.02</b></p> <p>Table of contents.</p> <p>Table of authorities cited.</p> <p>Statement of facts.</p> <p>Arguments supported by propositions of law.</p> <p>Appendix (does not apply to relator’s merit brief in original action)</p> <ul style="list-style-type: none"> <li>• Date-stamped copy of notice of appeal to the Supreme Court</li> <li>• Order and opinion, if any, from which the appeal is taken</li> <li>• See Rule 16.02(B)(5), for additional information that should be contained in the appendix.</li> </ul>	<p>Appellant/Relator’s Merit Brief Appellee/Respondent’s Merit Brief Reply Brief</p> <p>Cover page [Rule 3.07]</p> <ul style="list-style-type: none"> <li>• Supreme Court case number</li> <li>• Supreme Court case name</li> <li>• Title of document (e.g., “Merit Brief of Appellant”)</li> <li>• Nature of proceeding (i.e., appeal) and name of court from which your case is being appealed</li> <li>• Name, address, and telephone number of filing party</li> <li>• Name, address, and telephone number for opposing party and opposing party’s attorney (if applicable).</li> </ul> <p>Paper: 8½ x 11, white [Rule 3.09(B)(2)].</p> <p>Type: Times New Roman, Cambria, Calibri, Arial, or Palatino Linotype, 12-point [Rule 3.09(A)(1)(b)].</p>
<p>Appellee/Respondent’s Merit Brief - <b>Rule 16.03</b></p> <p>Table of contents.</p> <p>Table of authorities cited.</p> <p>Statement of facts.</p> <p>Arguments supported by propositions of law.</p>	<p>Text: double-spaced [Rule 3.09(B)(3)].</p> <p>Original document must:</p> <ul style="list-style-type: none"> <li>• Be single-sided [Rule 3.09(B)(1)(a)]</li> <li>• Include signature of filing party [Rule 3.08]</li> <li>• Include statement describing when and how the document was provided to other side [Rule 3.11(C)(1)(a)].</li> </ul>
	<p><b>MECHANICAL - Rules 16.02 - 16.04</b> The page limit for the brief.</p> <p>Page limit:</p> <ul style="list-style-type: none"> <li>• Appellant/Relator’s brief - 50 [Rule 16.02(C)]</li> <li>• Appellee/Respondent’s brief - 50 [Rule 16.03(C)]</li> <li>• Reply brief - 20 [Rule 16.04(B)].</li> </ul>

**NOTE** If your affidavit of indigence is accepted by the Supreme Court of Ohio Office of the Clerk, you may file the original brief only. You do not have to file the copies required by **Rule 3.10**.

## VI. SUPREME COURT RESOURCES

### A. Supreme Court of Ohio Office of the Clerk

The Supreme Court of Ohio Office of the Clerk provides information in a prompt, courteous and professional manner. Employees of the Supreme Court of Ohio Office of the Clerk treat all parties fairly. Employees are not permitted to give legal advice, nor are they permitted to provide guidance regarding how a party should respond to any aspect of a legal process. If asked for legal advice, employees will encourage parties to seek the assistance of an attorney.

EMPLOYEES OF THE SUPREME COURT OF OHIO OFFICE OF THE CLERK	
CAN	CANNOT
Provide information on how to appeal a case or file an original action	Tell you whether you should file an appeal or an original action
Provide you with contact information for resources where you can get legal help	Tell you what words to use in your documents
Give you general information about the Supreme Court Rules of Practice	Give you an opinion about what will happen if your case is accepted for review
Provide oral argument schedules	Tell you what to say in oral arguments
Answer questions about filing deadlines	Tell you when the Supreme Court will rule on a particular matter
	Let you talk with a justice outside of court
	Change an order signed by the chief justice

## B. Contact Information

The Supreme Court of Ohio Office of the Clerk is located at 65 South Front Street, 8th Floor, Columbus, Ohio 43215-3431. The phone numbers are 614.387.9530 and 614.387.9531.

Hours of operation are from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays.

Filings are accepted through the e-Filing Portal, by hand delivery, or by mail addressed to the following address:

Office of the Clerk  
Supreme Court of Ohio  
65 South Front Street, 8th Floor  
Columbus, Ohio 43215-3431

All filings must be made during the regular business hours of the Supreme Court of Ohio Office of the Clerk, 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

### **SUPREME COURT HOLIDAYS**

#### **NEW YEAR'S DAY**

January 1

#### **MARTIN LUTHER KING JR. DAY**

Third Monday in January

#### **PRESIDENTS DAY**

Third Monday in February

#### **MEMORIAL DAY**

Last Monday in May

#### **INDEPENDENCE DAY**

July 4

#### **LABOR DAY**

First Monday in September

#### **VETERANS DAY**

November 11

#### **THANKSGIVING DAY**

Fourth Thursday in November

#### **DAY AFTER THANKSGIVING**

#### **CHRISTMAS**

December 25

## C. Driving Directions

### 1. FROM THE NORTH

Take I-71S to I-670 (exit 109A); go west and follow to Third Street (exit 4B). Take Third Street to State Street. Turn right onto State Street. Follow State Street two blocks to Front Street. Turn right onto Front Street. The Moyer Judicial Center will be on the left side of Front Street.

### 2. FROM THE SOUTH

Take I-71N to I-70E. Stay on the right. Exit at Front Street/High Street (exit 100A). Turn left onto Front Street. The Moyer Judicial Center is about five blocks on the left.

### 3. FROM THE EAST

Take I-70W to I-71N (exit 101A); exit immediately at Broad Street (exit 108B). Turn left onto Broad Street. Follow Broad Street west to Front Street. Turn right onto Front Street. The Moyer Judicial Center is the second building on the right side of Front Street.

### 4. FROM THE WEST

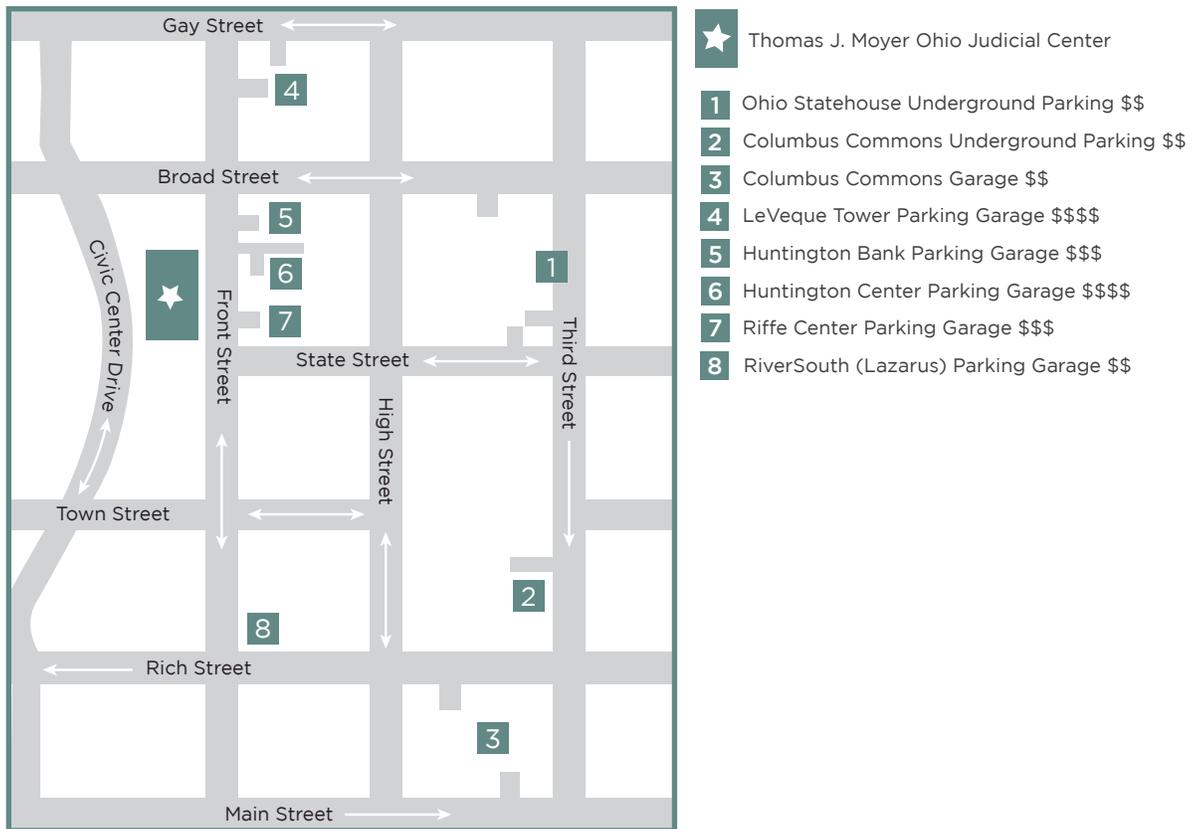
Take I-70E to the Front Street/High Street exit (exit 100A). Turn left onto Front Street. The Moyer Judicial Center is about five blocks on the left.

## D. Parking Information

Parking is available in the LeVeque Tower Parking Garage on Front Street just north of the Moyer Judicial Center, with entrances on Front Street and Gay Street.

Visitors also can park in the Huntington Center Garage across Front Street from the Moyer Judicial Center by turning right onto Capital Street from the easternmost lane of Front Street and then turning right immediately into the garage.

### PARKING OPTIONS



## E. Security at the Moyer Judicial Center

All visitors to the Moyer Judicial Center must comply with security check-in requirements, which include presenting photo identification. All materials brought into the Moyer Judicial Center are X-rayed and all visitors must pass through a magnetometer staffed by court security personnel and Ohio State Highway Patrol officers.

Anyone hand-delivering documents to the Supreme Court of Ohio Office of the Clerk should plan extra time for these security procedures.

## F. The Supreme Court of Ohio Website

Answers to frequently asked questions and questions about filing documents with the Supreme Court of Ohio are available on the Supreme Court website and on p. 42 of this guide.

The court's online docket and the case activity notification service are located under the "Clerk of Court and Case Information" tab on the left side of the court's home page.

[www.supremecourt.ohio.gov/clerk](http://www.supremecourt.ohio.gov/clerk)

Court holidays when the court is closed are posted under "General Information" on the clerk's home page. Court holidays are also listed on pp. 35 and 45 of this guide.

## G. The Supreme Court of Ohio Law Library

The Supreme Court's Law Library is located on the 11th Floor of the Moyer Judicial Center. With a comprehensive collection of Ohio, federal, and other state laws, it is one of the largest state supreme court law libraries in the nation and includes a core collection of international and foreign law. The library's most notable and in-depth collections are its treatises and practice books, legal periodicals, and microforms.

In addition to providing library services to the justices and court staff, the Law Library also serves the need for legal information and materials for the state legislature, state administrative agencies, attorneys, and the general public.

## VII. OHIO JUDICIAL SYSTEM

### A. The Supreme Court of Ohio

The Supreme Court of Ohio is established by Article IV, Section 1, of the Ohio Constitution, which provides that “the judicial power of the state is vested in a Supreme Court, Courts of Appeals, Courts of Common Pleas and divisions thereof, and such other courts inferior to the Supreme Court as may from time to time be established by law.”

Article IV, Section 2, of the Constitution sets the size of the court at seven — a chief justice and six justices — and outlines the jurisdiction of the court.

Supreme Court justices are elected to six-year terms in even-numbered years. They must have been admitted to the practice of law in Ohio six years before their terms begin.

The Supreme Court is the court of last resort in Ohio. Most of the cases it hears are appeals from the 12 Ohio district courts of appeals. In addition to the types of appeals discussed in this guide, the court hears appeals of cases involving the death penalty and cases in which there are conflicting opinions from two or more courts of appeals. The court also hears appeals from such administrative bodies as the state Board of Tax Appeals and the Public Utilities Commission.

The court has original jurisdiction for certain special remedies that permit a person to file an action in the Supreme Court. These extraordinary remedies include writs of habeas corpus (involving the release of those allegedly unlawfully imprisoned or committed), writs of mandamus and procedendo (ordering a public official to perform a required act), writs of prohibition (ordering a lower court to cease an unlawful act), and writs of quo warranto (against a person or corporation for usurpation, misuse, or abuse of public office or corporate office or franchise).



#### rem·e·dies

The enforcement of rights and redress of wrongs.

### B. Courts of Appeals

The courts of appeals are established by Article IV, Section 1, of the Ohio Constitution and their jurisdiction is outlined in Article IV, Section 3. As the intermediate-level appellate courts, their primary function is to hear appeals from the common pleas, municipal, and county courts. Each case is heard and decided by a three-judge panel.

The state is divided into 12 appellate districts, each of which is served by a court of appeals that sits in each of the counties in the district. The number of judges in each district depends on a variety of factors, including the district's population and the court's caseload. Each district has a minimum of three appellate judges. Appeals court judges are elected to six-year terms in even-numbered years. They must have been admitted to the practice of law in Ohio six years before their terms begin.

In addition to their appellate jurisdiction, the courts of appeals have original jurisdiction, as does the Supreme Court, to hear applications for writs of habeas corpus, mandamus, procedendo, prohibition, and quo warranto. The Tenth District Court of Appeals in Franklin County also hears appeals from the Ohio Court of Claims.

### C. Courts of Common Pleas

The court of common pleas is the only trial court created by the Ohio Constitution and its duties are outlined in Article IV, Section 4.

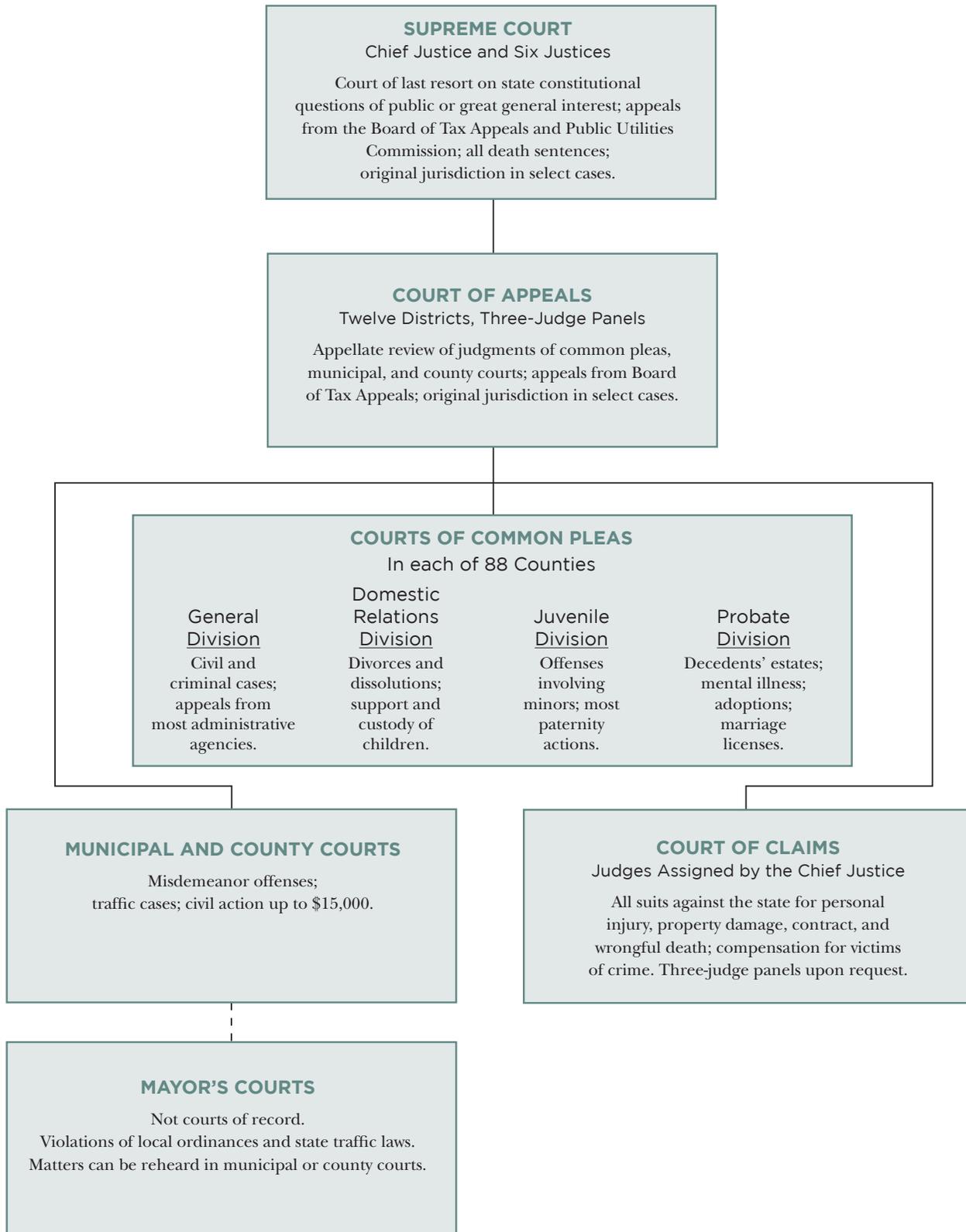
There is a court of common pleas in each of the 88 Ohio counties. The courts of common pleas have original jurisdiction in all criminal felony cases and original jurisdiction in all civil cases in which the amount in controversy is more than \$15,000. Courts of common pleas have appellate jurisdiction over the decisions of some state administrative agencies.

### D. Municipal and County Courts

Municipal and county courts were created by the General Assembly (see Ohio Revised Code Chapters 1901 and 1907). A county court is needed in an area of a county not served by a municipal court. Where a municipal court exercises county-wide jurisdiction, no county court is needed.

The subject-matter jurisdiction of municipal and county courts is nearly identical. Both municipal and county courts have the authority to conduct preliminary hearings in felony cases and both have jurisdiction over traffic and non-traffic misdemeanors. These courts also have limited civil jurisdiction. Municipal and county courts may hear civil cases in which the amount of money in dispute does not exceed \$15,000.

## OHIO JUDICIAL SYSTEM



## VIII. FREQUENTLY ASKED QUESTIONS (FAQ)

The Supreme Court of Ohio Office of the Clerk prepared these questions and answers to provide general information about filing cases in the Supreme Court of Ohio. This information is not a replacement for the Rules of Practice of the Supreme Court of Ohio. Attorneys and self-represented parties always should refer to the Rules of Practice for information that addresses their specific issues and circumstances. The information in the Rules of Practice takes precedence over the information in the FAQ.



### A. Filing an Appeal

#### **What documents do I need to file to appeal a court of appeals decision to the Supreme Court? [Rules 6.01, 7.01 and 7.02]**

This depends on the type of appeal. To file a **jurisdictional appeal**, you must file a notice of appeal and a memorandum in support of jurisdiction. A copy of the court of appeals opinion and judgment entry being appealed must be attached to your memorandum.

To file an **appeal of right**, you must file a notice of appeal. A copy of the judgment entry being appealed must be attached to your notice of appeal, but a memorandum in support of jurisdiction is not required in an appeal of right.

#### **When must the documents be filed? [Rule 6.01 and 7.01]**

Documents required to file a jurisdictional appeal, a claimed appeal of right, or an appeal of right are due no later than 45 days after the entry of the judgment being appealed.

#### **Is there a fee for filing an appeal? [Rules 3.04 and 3.06]**

Yes. A \$100 filing fee is required by statute and Supreme Court rule for filing an appeal. You can pay the fee with cash; check or money order; or American Express, MasterCard, or VISA. Checks or money orders should be made payable to “Clerk, Supreme Court of Ohio” or “Supreme Court of Ohio.” To file your appeal without the fee, you can file an entry appointing counsel or an affidavit of indigence that complies with the Supreme Court Rules of Practice. The Supreme Court of Ohio Office of the Clerk cannot file an appeal without the required fee, entry appointing counsel, or affidavit of indigence.

### Can I get an extension of time to file my notice of appeal and memorandum in support of jurisdiction? [Rule 7.01(A)(1)(b)]

No. The time period for filing a notice of appeal and memorandum in support of jurisdiction is mandatory. If you do not file your appeal within the 45-day time period, the Supreme Court will lose jurisdiction over your appeal.

### Are there any exceptions to the 45-day time period?

#### [Rule 7.01(A)(4)]

The Supreme Court Rules of Practice provide one very limited exception to this general rule. If you are appealing a felony decision after the time for filing a notice of appeal and memorandum in support of jurisdiction has passed, the Rules of Practice permit you to file a notice of appeal with a motion for delayed appeal. This exception does not apply to postconviction cases or to applications filed under Rule 26(B) of the Rules of Appellate Procedure (also called *Murnahan* appeals).

### How many copies of a notice of appeal are required?

#### [Rule 3.10]

The original, plus one copy (if e-filing, no copies are required). The Supreme Court of Ohio Office of the Clerk will send the copy to the clerk of the court of appeals whose judgment is being appealed. The original must be in “scan-ready” form.

### How many copies of a memorandum in support of jurisdiction are required?

#### [Rule 3.10]

The original, plus 8 copies (if e-filing, no copies are required). The Supreme Court of Ohio Office of the Clerk distributes these to the justices and court staff. The original must be in “scan-ready” form.



#### scan ready (Rule 3.09(B)(2)(b))

Single-sided, not stapled or otherwise bound, and not containing dividers or tabs.



The person filing a scan-ready document is responsible for removing personally identifying information, such as Social Security numbers, bank account numbers, and the names of juveniles (Rule 3.12(B)(1)). A personal identifier form is available as **Appendix B** to this guide and as Appendix F to the Rules of Practice of the Supreme Court.

**I received a copy of a notice of appeal and memorandum in support of jurisdiction from an attorney for another party, but neither document is file-stamped. How can I find out the Supreme Court case number and when my memorandum in response is due?**

To determine the Supreme Court case number assigned to a notice of appeal and memorandum in support, and when the documents were filed, you can access the court's online docket through its website:

[www.supremecourt.ohio.gov/clerk](http://www.supremecourt.ohio.gov/clerk).

After accessing the link for the online docket, use the case name or the court of appeals case number to search the docket and determine if the appeal has been filed. If the appeal has been filed, search results will indicate the Supreme Court case number that has been assigned to the case. After you find out when the case was filed, you can calculate the date your memorandum in response is due.

You can access the online case docket to determine the filing date of any pleading or other document served on you, and then calculate the due date for any responsive document. Note that **the date a document is filed in the Supreme Court frequently is different from the date it is received by you**. The only date you should use to calculate the time for filing your response, however, is the filing date indicated by the court's online docket.

If you do not have access to the Internet, a Supreme Court deputy clerk can access the online docket for you. You can reach a deputy clerk at 614.387.9530 or 614.387.9531.

**After an appeal is filed, when will the Supreme Court reach a decision on accepting the the appeal?**

Generally, the court announces its decision to accept or decline an appeal three to six months after the memorandum in response is filed.

If the appeal involves termination of parental rights or adoption of a minor child, or both, the Supreme Court will expedite its review and determination.

## B. General Filing Issues

### How do I file documents with the Supreme Court? [Rule 3.02(A)]

File your documents with the Supreme Court of Ohio Office of the Clerk through the e-Filing Portal, by mail, or in person during regular business hours. Letters, motions, memoranda, briefs, and other documents relating to a case are not considered filed and are not reviewed by the court if they are submitted directly to a justice.

**M-F**  
8a-5p

### What are the business hours of the Supreme Court of Ohio Office of the Clerk? [Rule 3.02(A)]

The Supreme Court of Ohio Office of the Clerk is open for filing from 8 a.m. to 5 p.m., Monday through Friday. Documents must be received by 5 p.m. local observed time in Columbus, Ohio, to be filed as of the date received. The Supreme Court of Ohio Office of the Clerk is closed on weekends, on all state holidays, except Columbus Day, and on the day after Thanksgiving.

To access the Supreme Court business floors, you must present valid photo identification and pass through the Moyer Judicial Center's security checkpoint. Please keep this in mind when calculating the time you need to reach the Supreme Court of Ohio Office of the Clerk, which is on the 8th Floor of the Moyer Judicial Center, before the close of business.

#### SUPREME COURT HOLIDAYS

##### NEW YEAR'S DAY

January 1

##### MARTIN LUTHER KING JR. DAY

Third Monday in January

##### PRESIDENTS DAY

Third Monday in February

##### MEMORIAL DAY

Last Monday in May

##### INDEPENDENCE DAY

July 4

##### LABOR DAY

First Monday in September

##### VETERANS DAY

November 11

##### THANKSGIVING DAY

Fourth Thursday in November

##### DAY AFTER THANKSGIVING

##### CHRISTMAS

December 25

### What if my filing deadline falls on a Saturday, a Sunday, a holiday or the day after Thanksgiving? When should I file to make sure my document is considered timely? [Rule 3.03(A)(1)]

If the Supreme Court of Ohio Office of the Clerk is closed on the day your document is due, your document is due on the next business day the office is open.



If your filing deadline falls on Columbus Day or on the day after Thanksgiving, your documents are due on the following business day.



FAQ CONTINUE ON P. 48.

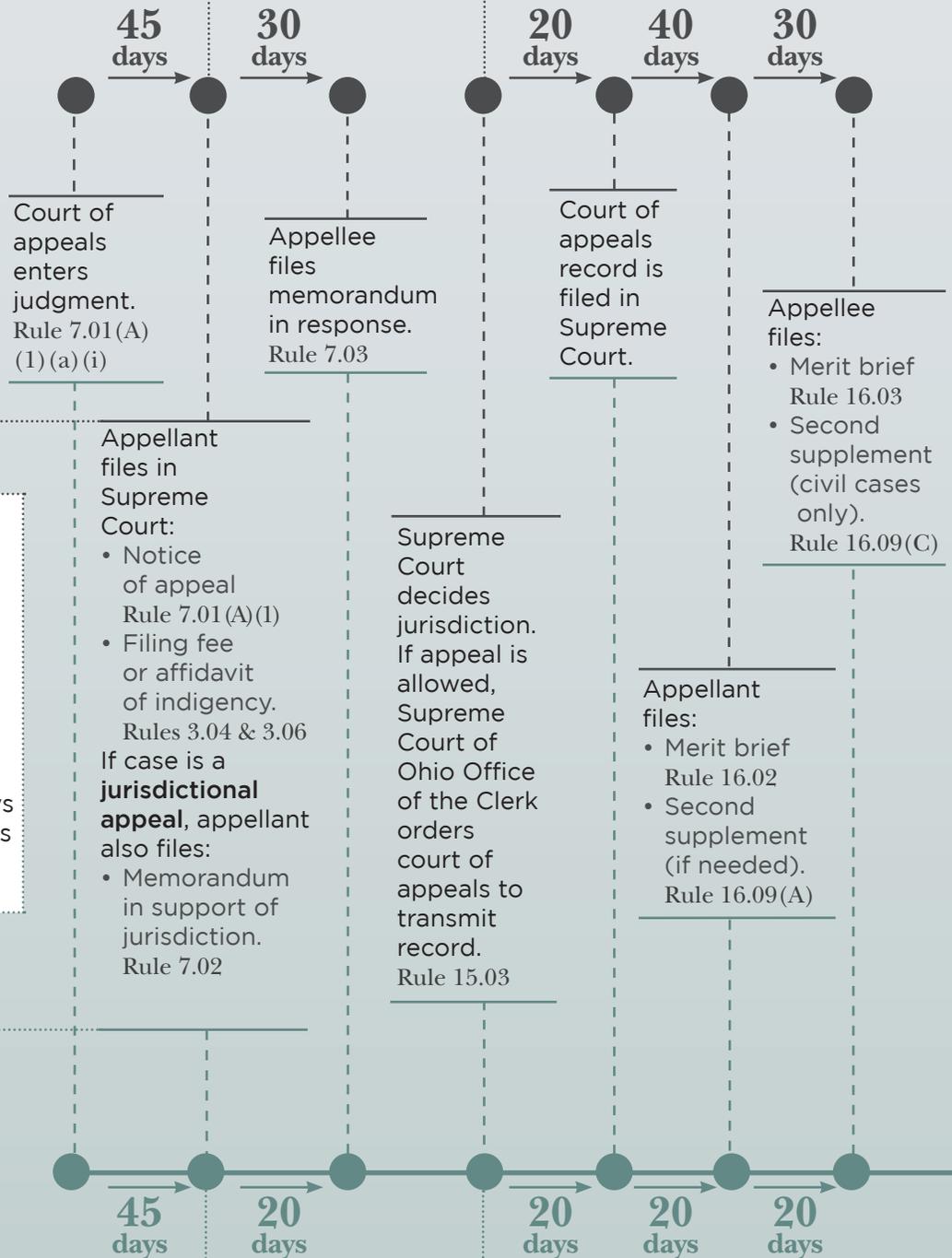
## SUPREME COURT OF OHIO - TIMELINES FOR APPEALS

### 1 Appeal NOT INVOLVING Termination of Parental Rights or Adoption

If no appeal is filed, the Supreme Court loses authority to review case. **STOP**

If an appeal is not allowed, the case is dismissed. **STOP**

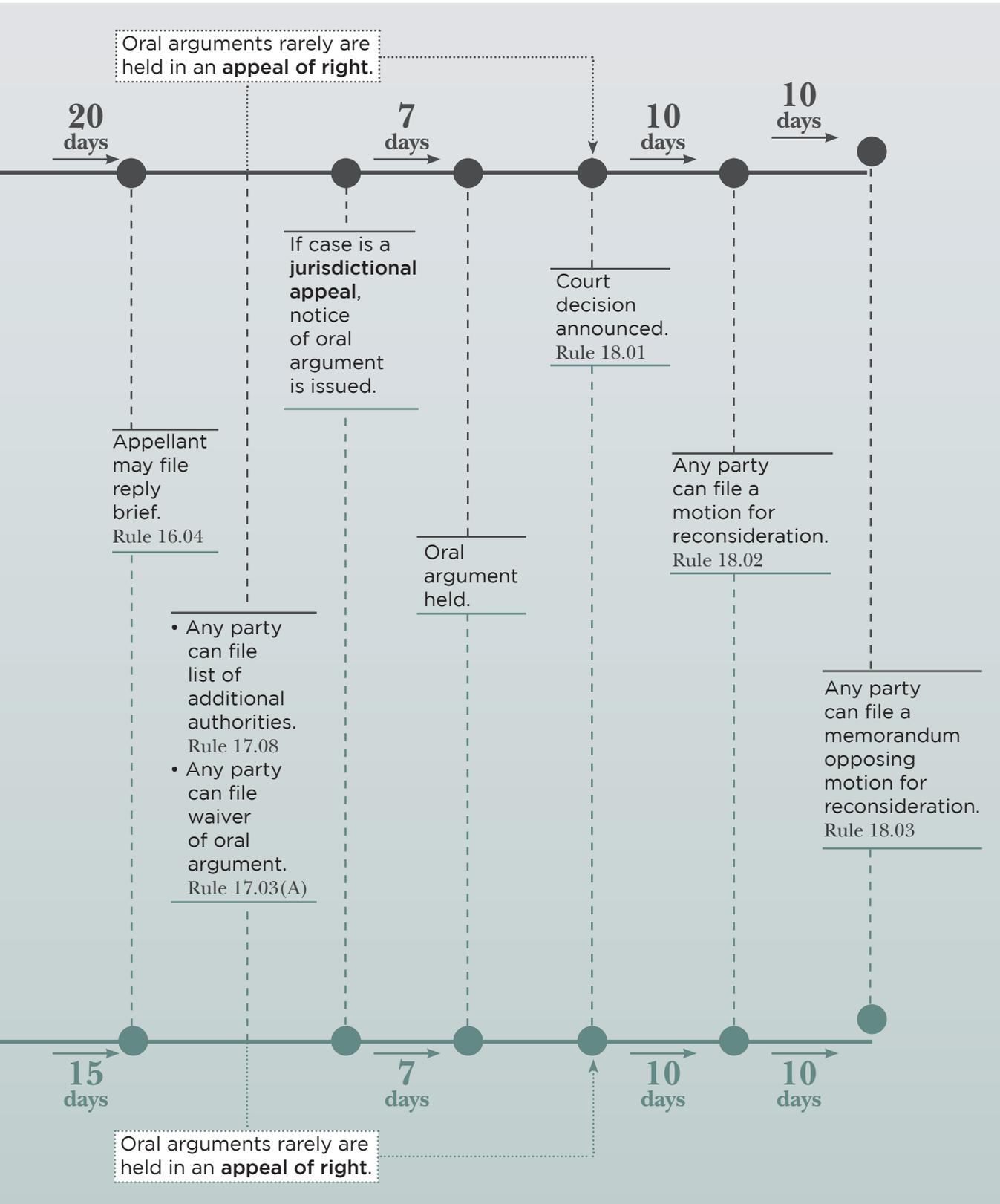
If case is an **appeal of right**, no jurisdictional memorandum is filed. The Supreme Court of Ohio Office of the Clerk will order the court of appeals to transmit the record (Rule 15.03) after the notice of appeal is filed. The appellant's merit brief is due 40 days after the court of appeals record is filed in the Supreme Court.



### 2 Appeal INVOLVING Termination of Parental Rights or Adoption

If an appeal is not allowed, the case is dismissed. **STOP**

If no appeal is filed, the Supreme Court loses authority to review case. **STOP**



The same is true if the Supreme Court of Ohio Office of the Clerk closes early for some reason on the day your document is due.

For example, if your filing deadline falls on Saturday, your document would be due Monday. If Monday is a state holiday, then your document would be due Tuesday.

Even though the Supreme Court of Ohio Office of the Clerk is open on Columbus Day, that day is considered a legal holiday for purposes of determining filing deadlines; therefore, documents that are due on Columbus Day are considered on time if filed the following day. Similarly, filings that fall due on the day after Thanksgiving, a day the Supreme Court of Ohio Office of the Clerk is closed, are considered timely if filed the following Monday.

**If I submit a document for filing by mail, is it considered filed with the Supreme Court when it is mailed? [Rule 3.02(A)(2)]**

No. Documents, submitted by mail or some other delivery service, are not considered filed until they are received in the Supreme Court of Ohio Office of the Clerk **and accepted for filing**. Therefore, if you submit documents by mail, you should send them far enough in advance of the due date so they arrive by the due date.

**Please note that a delivery confirmation indicating final delivery from the U.S. Postal Service or any other delivery service does not necessarily mean your package is in the Supreme Court of Ohio Office of the Clerk and does not mean your documents were received and accepted for filing by the Supreme Court of Ohio Office of the Clerk.**

To confirm the Supreme Court of Ohio Office of the Clerk has received your package, or to confirm that your documents have been filed, call 614.387.9530 or 614.387.9531 and ask to speak to a deputy clerk.

**Do I get three extra days to file if I am responding to a document that was served on me, or that I received, by mail?**

No. The Supreme Court Rules of Practice do not provide additional time to respond to documents served by mail.



The federal 3-day mail rule does not apply in the Supreme Court of Ohio.

### **Where do I mail my filings?**

Documents submitted by mail for filing with the Supreme Court of Ohio should be addressed directly to:

Office of the Clerk  
Supreme Court of Ohio  
65 South Front Street, 8th Floor  
Columbus, Ohio 43215-3431

### **Are extensions of filing deadlines ever allowed? [Rule 3.03(B)]**

The Supreme Court Rules of Practice allow for an extension of time for filing a merit brief.

You can get an extension of up to 20 days for filing a merit brief by agreement with the other side by filing a written stipulation to the extension that complies with the Supreme Court Rules of Practice. If you cannot agree to a 20-day extension with the other side, you can file a request for an extension of up to 10 days.

A stipulation to or request for an extension of time must be filed no later than the deadline for filing the brief that is the subject of the extension. A party is permitted only one extension of time in a case.

### **Can I file documents by e-mail? [Rule 3.02(C)]**

In an appeal or appeal of right, only the following documents can be filed by e-mail:

1. Waiver of a memorandum in response
2. Request for extension of time to file merit brief
3. Stipulation to an agreed extension of time to file merit brief
4. List of additional authorities
5. Application for dismissal
6. Waiver of oral argument
7. Notice related to attorney representation.

The e-mail address for filing these specified documents in the Supreme Court of Ohio Office of the Clerk is [filing@sc.ohio.gov](mailto:filing@sc.ohio.gov).

When filing by e-mail, documents must be submitted as a PDF file. If an e-mail transmission is not received by 5 p.m. local observed time in Columbus, Ohio, the document being transmitted will not be considered received in the Supreme Court of Ohio Office of the Clerk until the following day.

**What will happen if the document I want to file is submitted late?  
[Rules 3.02(B) and (C)]**

The Supreme Court Rules of Practice strictly prohibit late filings. The Supreme Court of Ohio Office of the Clerk is required to reject any document received after the filing deadline. Motions to file “instanter” or “out of rule” also are prohibited. If you submit a document that is not accepted for filing by the Supreme Court of Ohio Office of the Clerk, you must notify all parties you served with the document that the document was not filed.

**How should documents be bound? [Rule 3.09(B)(2)(b) and 3.10(D)]**

The original of any document being filed should be scan-ready, or single-sided, **not stapled or otherwise bound, and not containing dividers or tabs.**

Copies must be firmly stapled or bound on the left margin, but the Supreme Court Rules of Practice do not require a specific binding method. Plastic cover pages are prohibited, but you can use a plastic spiral binding if staples will not penetrate your document completely. Any document that is thicker than two inches must be bound in two or more numbered volumes.

**The Supreme Court Rules of Practice place page limitations on jurisdictional memoranda and merit briefs. Do these page limitations cover the table of contents and the appendix? [Rules 7.02(B), 16.02(C)(1) and 16.03(C)(1)]**

No. Regarding jurisdictional memoranda, the Supreme Court Rules of Practice specifically exclude the table of contents from the 15-page limit and provide that a limited appendix be attached to the memorandum. (The appendix to a jurisdictional memorandum is restricted to the court of appeals opinion and judgment entry, which are required attachments, and other relevant judgment entries and opinions issued in the case.)

Similarly, the Rules of Practice exclude the table of contents, the table of authorities, and the appendix from the 50-page limit imposed on a merit brief.

**Can I exceed the page limits?**

No. Memoranda and briefs that exceed the page limits cannot be accepted for filing.

### **How many copies of a motion are required?**

#### **[Rule 3.10]**

For all motions, except a request for extension of time, an original and 10 copies are required (if e-filing, no copies are required).

The original must be in “scan-ready” form, or single-sided, unstapled, and unbound. It cannot contain any dividers or tabs.

Only the original of a request for extension of time is required.

### **How many copies of other documents are required?**

#### **[Rule 3.10]**

- Notice of appeal — original, plus 1
- Jurisdictional memorandum — original, plus 8
- Merit brief — original, plus 16
- Supplement to brief — original, plus 2
- List of additional authorities — original, plus 16

The original of any document filed in the Supreme Court of Ohio must be in “scan-ready” form.

**NOTE:** If e-filing, no copies are required.

### **Are there any forms available to help self-represented parties prepare their documents for filing?**

The Supreme Court of Ohio Office of the Clerk has sample documents to assist people with cases before the Supreme Court, including:

- Notice of appeal from a court of appeals decision (or, notice of appeal “of” a court of appeals decision)
- Memorandum in support of jurisdiction
- Merit brief.

These sample documents, as well as a form for preparing an affidavit of indigence, are included with published versions of the Supreme Court Rules of Practice available from the Supreme Court of Ohio Office of the Clerk and online at:

[www.supremecourt.ohio.gov/clerk](http://www.supremecourt.ohio.gov/clerk).

**What are some common mistakes people make when filing documents in the Supreme Court?**

- Forgetting to submit a filing fee, entry appointing counsel, or affidavit of indigence with their notice of appeal
- Submitting documents after the filing deadline
- Not submitting enough copies of a document
- Exceeding the page limit for a jurisdictional memorandum or merit brief
- Forgetting to attach a copy of the decision being appealed to a memorandum in support of jurisdiction or to an appellant's brief
- Attaching a notice of appeal to the front of a memorandum in support of jurisdiction
- Including prohibited materials in the appendix to a memorandum in support of jurisdiction
- Submitting a memorandum in support of jurisdiction with the notice of appeal in an appeal of right
- Leaving the Supreme Court case number off a document's cover page
- Not fastening their documents securely
- Using plastic or colored covers, tabs, or inserts to bind their documents
- Using margins smaller than one inch, a font smaller than 12 points, or single-spaced, or condensed type
- Not including a certificate of service on a document submitted for filing, forgetting to sign the certificate of service, or forgetting to include the date on the certificate of service
- Forgetting to sign a document
- Submitting an affidavit without a sufficient notary's jurat (see pp. 14 and 15)
- Submitting a document with footnotes that are not in 12-point type
- Submitting a document that has double-sided and/or condensed text attachments
- Not including all the necessary party information on the document's cover page.

**If I have additional questions about filings or Supreme Court proceedings, who should I contact?**

Contact a deputy clerk in the Supreme Court of Ohio Office of the Clerk at:

614.387.9530

614.387.9531

**C. Merit Briefs in Appeals**

**What will happen if my appeal is accepted by the court?**

[Rules 16.02 and 16.03]

If your appeal is accepted, the Supreme Court of Ohio Office of the Clerk will order the record of the case from the court of appeals.

When the record is filed in the Supreme Court, the Supreme Court of Ohio Office of the Clerk will notify counsel or unrepresented parties in the case and refer them to the rules on filing merit briefs.

**What is the time frame for filing merit briefs? [Rules 16.02 - 16.04]**

1. The appellant's merit brief is due 40 days from the date the court of appeals record is filed in the Supreme Court.
2. The appellee's brief is due within 30 days after the filing of the appellant's brief.
3. The appellant can file the last brief — a reply brief — and it is due within 20 days after the filing of the appellee's brief.

In appeals involving termination of parental rights or adoption of a minor child, the briefing schedule is expedited:

1. The appellant's merit brief is due 20 days from the date the court of appeals record is filed in the Supreme Court.
2. The appellee's brief is due 20 days after the filing of the appellant's brief.
3. The reply brief is due 15 days after the filing of the appellee's brief.

**Am I required to file anything with my merit brief?**

[Rule 16.09]

In every appeal of a civil case, the appellant also must prepare and file a "supplement to the briefs" or a "notice of intention not to file a supplement."

The supplement includes those portions of the record that are necessary for the Supreme Court to determine the questions

presented on appeal. If the appellant concludes that a supplement is not necessary, then the appellant can file a notice of intention not to file a supplement.

The supplement or the notice must be filed with the appellant's merit brief.

**How will I know when the court takes action in my case or in a case I'm involved in?**

When the court issues an entry — or written decision — in a case, the entry is filed with the Supreme Court Office of the Clerk.

After the entry is filed, the Supreme Court Office of the Clerk will mail a copy of directly to you, if you are representing yourself in your case.

You also can check for court entries on the online docket and sign up for case-activity notices at:

[www.supremecourt.ohio.gov/clerk](http://www.supremecourt.ohio.gov/clerk).

## **IX. GLOSSARY**

### **AFFIDAVIT**

A voluntary written statement of facts that is sworn to or affirmed before a notary public. It is signed by the person making the statement and the notary and contains the notary's jurat.

### **AFFIDAVIT OF INDIGENCE**

An affidavit stating that the person who swears to it or affirms it cannot afford to pay the filing fee. The affidavit states the reasons the person is unable to pay the cost and must be prepared no more than six months before the case is filed.

### **APPEAL**

A higher court's review of a lower court or administrative agency decision. (See jurisdictional appeal.)

### **APPELLANT**

The party who appeals a lower court or administrative agency decision. The appellant believes the lower court or administrative agency decision contains errors and wants to have it reversed or modified.

### **APPELLEE**

The party who does not seek to oppose the decision of the lower court or administrative agency.

### **APPENDIX**

Materials attached to a memorandum or brief.

### **ARGUMENT**

A short and concise written statement in support of the position a party wishes the court to adopt.

### **ATTORNEY**

A person who is admitted to the practice law; also referred to as a lawyer, counselor, or counsel.

### **CASE NAME**

The name assigned to an appeal by the court of appeals.

### **CASE NUMBER**

A unique number assigned to a case by each court. In the Supreme Court, the case number is an eight-digit number that begins with the year the case is filed, for example, 1999-1673.

### **CERTIFICATE OF SERVICE**

A signed statement that indicates an exact copy of a document filed with the Supreme Court was provided to every other party in the case. The statement must indicate the names and addresses of everyone who receives a copy, when they were given a copy, and how the copy was given or sent to them (for example, by hand delivery or by first-class mail). All documents offered for filing in the Supreme Court of Ohio must contain a certificate of service.

### **CITATION (ALSO, “CITE”)**

A reference to a legal authority, such as a case, constitutional provision, or statute, that supports an argument. This term often is shortened to “cite.”

### **CIVIL CASE**

A non-criminal case that seeks a particular legal remedy. A civil case usually involves money damages.

### **COURTS OF APPEAL**

Courts that review decisions of a trial court. In Ohio, there are 12 appellate districts. Generally, a person must file an appeal in a court of appeals before asking the Supreme Court to review a case.

### **CRIMINAL CASE**

A proceeding that determines a person’s guilt or innocence or sentences a convicted person, or an appeal of those decisions.

### **DATE OF DECISION**

The date that is file-stamped (*right*) on the judgment by the clerk for the court of appeals. This date is the date the judgment was filed for journalization.



### **DECISION**

The court of appeals judgment entry and opinion being appealed.

**DELAYED APPEAL**

An appeal filed more than 45 days from the date of the court of appeals judgment. A delayed appeal can be filed only in a case convicting a defendant of a felony.

**DIVESTED OF JURISDICTION**

No longer having authority to review a case.

**DOCKET**

The list of all proceedings and filings in a case.

**ENTITY**

An organization (business, government, or otherwise) that exists separately from individual people.

**EXPEDITE**

To accelerate. The court can decide to accelerate the progress of a pending matter either on its own or in response to a motion to expedite.

**FELONY**

A criminal proceeding involving a serious crime as defined by statute. Felonies are usually punishable by imprisonment for more than one year.

**FILE**

The on-time submission of case-related documents in accordance with the Supreme Court Rules of Practice that are accepted and added to the docket by the Supreme Court of Ohio Office of the Clerk.

**FILING DEADLINE**

The date a document must be filed in the Supreme Court of Ohio Office of the Clerk. In order to be filed, the document and all required copies must be in the Supreme Court of Ohio Office of the Clerk and in full compliance with the Rules of Practice of the Supreme Court of Ohio by 5 p.m. local observed time in Columbus, Ohio, on the filing deadline.

**FILING FEE**

The sum of money that must be paid before a case can be filed with the Supreme Court.

**JUDGMENT ENTRY**

A court's written decision in a case.

**JURISDICTION**

A court's authority to decide a case or issue an order.

### **JURAT**

A statement at the end of an affidavit that indicates the date the affidavit was sworn to or affirmed and signed in a notary public's presence. A jurat must include the notary's signature and seal.

### **LEGAL AUTHORITY**

A source, such as a statute or case, cited in support of an argument.

### **MEMORANDUM**

A written statement explaining a party's argument and how it is supported by relevant legal authority.

### **MEMORANDUM IN OPPOSITION**

A written statement opposing a motion. The memorandum should be supported by relevant legal authority.

### **MEMORANDUM IN SUPPORT OF JURISDICTION**

A written statement explaining why the Supreme Court should accept an appeal. The memorandum should be supported by relevant legal authority.

### **MEMORANDUM IN RESPONSE**

A written statement explaining an appellee's position on whether the Supreme Court should accept an appeal. The memorandum should be supported by relevant legal authority.

### **MERIT BRIEF**

A document containing factual statements, legal arguments, and the authorities supporting those arguments.

### **MOTION**

A written request asking a court for a particular remedy or result.

### **MOTION FOR LEAVE**

A motion requesting permission to pursue a course of action that is not specifically addressed by the Supreme Court Rules of Practice.

### **MOTION FOR RECONSIDERATION**

A request for the Supreme Court to change its judgment. A motion for reconsideration can be filed only after the Supreme Court enters a judgment disposing of a case and must be filed within 10 days of the entry of that judgment.

### **NOTARY PUBLIC**

A person authorized to administer oaths, certify documents, and attest to the authenticity of signatures.

### **NOTICE OF APPEAL**

A document filed with the Supreme Court of Ohio Office of the Clerk to appeal a decision from a court of appeals to the Supreme Court. The notice of appeal identifies the date of the decision being appealed.

### **OHIO REVISED CODE**

The laws enacted by the Ohio General Assembly. The Ohio Revised Code is organized by subject matter and divided into general provisions, titles, chapters, and sections.

### **OPINION**

A court's written statement explaining its final decision in a case.

### **ORAL ARGUMENT**

A spoken presentation before the Supreme Court in support of the position the party wants the Supreme Court to adopt. The Supreme Court schedules oral argument only in limited circumstances.

### **ORIGINAL**

The document from which a copy is made; usually includes the original signature of the person filing the document.

### **PERFECT AN APPEAL**

To submit the documents and fees necessary to institute an appeal with the Supreme Court in a timely fashion and in compliance with the Supreme Court Rules of Practice.

### **PRO BONO**

From the Latin "pro bono publico," meaning, "for the public good." Legal services performed pro bono are performed by a licensed attorney without any expectation of compensation.

### **PRO SE**

Latin for "for one's self." A person appearing pro se or filing pro se in a court does so without the assistance of a licensed attorney.

### **PROPOSITION OF LAW**

A statement of the legal issues being raised for Supreme Court consideration.

## **RECORD**

The official report of the proceedings in a case that is being appealed. The record includes the original papers and exhibits to those papers, the transcript of proceedings and tangible exhibits, certified copies of the journal entries, and dockets. The record is filed in the Supreme Court only by court order.

## **REMEDIES**

The enforcement of rights and redress of wrongs.

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

The rules governing practice and procedure in cases before the Supreme Court of Ohio.

## **SCAN-READY**

Single-sided, not stapled or otherwise bound, and not containing dividers or tabs. The person filing a scan-ready document is responsible for removing personally identifying information, such as Social Security numbers, bank account numbers, and the names of juveniles.

## **STATEMENT OF THE CASE**

A written summary of the proceedings leading up to the matter being appealed. A statement of the case is included at the beginning of a brief or jurisdictional memorandum.

## **STATEMENT OF THE FACTS**

A written summary of the facts leading up to the matter being appealed. A statement of the facts follows, or is combined with, a statement of the case.

## **STAY**

An order suspending or postponing all or part of a judicial proceeding or the judgment from that proceeding. For example, a judge might issue an order postponing the date a defendant must pay a fine until the defendant appeals his or her conviction.

## **STIPULATION**

A voluntary agreement between parties. In the Supreme Court of Ohio, parties can file a stipulation to an agreed extension of time to file a merit brief, agreeing to give a party up to 20 extra days to submit a merit brief. Each party can receive only one extension of time to file a merit brief.

### **SUPPLEMENT TO THE BRIEF**

A document that contains only those portions of the record a party feels are necessary for the Supreme Court to determine the issues presented. A supplement is filed at the time a merit brief is filed and only is filed in a civil appeal. If the appellant concludes that a supplement is not necessary, then the appellant can file a notice of intention not to file a supplement. The supplement or the notice must be filed with the appellant's merit brief.

### **SUPREME COURT OF OHIO OFFICE OF THE CLERK**

The office where appeals to the Supreme Court of Ohio are filed. The Supreme Court of Ohio Office of the Clerk manages all cases filed with the Supreme Court and responds to questions related to the Supreme Court dockets, journals, and the lower court records in appeals.

### **TABLE OF AUTHORITIES**

An alphabetical list of all cases, constitutional provisions, statutes, or other legal authorities referred to (or, "cited") in a brief. It must reference the page or pages on which each legal authority is cited.

### **TABLE OF CONTENTS**

A list of the sections of a document and the page number on which each section begins.

### **WAIVER**

A document filed to notify the court and other parties that the filer will not respond to a pleading (a motion, memorandum, or brief) or participate in oral argument.



## APPENDIX A

### OHIO BAR ASSOCIATIONS AND LEGAL CLINICS



## OHIO BAR ASSOCIATIONS AND LEGAL CLINICS

You are strongly encouraged to hire an attorney if you are appealing a decision or defending an appeal. The booklet, *A Consumer's Practical Guide to Managing a Relationship with a Lawyer*, developed by the Lawyers' Fund for Client Protection and the Supreme Court Commission on Professionalism, will help you understand what services you should expect from an attorney and what is expected of you. An attorney may or may not agree to represent you in this matter.

You should be prepared to pay for the services performed by an attorney. Depending on your income, you may qualify for legal aid. To contact an Ohio civil legal aid provider, call 1-866-LAW-OHIO (1-866-529-6446).

The Supreme Court of Ohio does not appoint attorneys for purposes of filing an appeal. The organizations listed below may help you find an attorney, but they will not offer legal advice over the phone.

The Office of the Ohio Public Defender has pro se packets available through its website at [http://opd.ohio.gov/RC\\_MotionsManual/RC\\_MotionsManual.htm](http://opd.ohio.gov/RC_MotionsManual/RC_MotionsManual.htm).

### AKRON BAR ASSOCIATION LAWYER REFERRAL SERVICE

#### Contact Information

57 South Broadway Street  
Akron, Ohio 44308-1722  
330.253.5038 (phone)  
330.434.4759 (fax)

#### Notes

Serves Summit, Portage, and Wayne counties.

[www.akronbar.org](http://www.akronbar.org)

### BUTLER COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE

#### Contact Information

6 South 2nd Street  
Suite 720  
Hamilton, Ohio 45011  
513.896.6671 (phone)  
513.868.7022 (fax)

#### Notes

Serves Butler County.

[www.butlercountybar.org](http://www.butlercountybar.org)

### CAPITAL UNIVERSITY LAW SCHOOL LEGAL CLINIC

**Contact Information**

303 East Broad Street  
Columbus, Ohio 43215-3209  
614.236.6245 (phone)

**Notes**

Serves Franklin County.  
Civil cases only.

[http://law.capital.edu/Legal\\_Clinic/](http://law.capital.edu/Legal_Clinic/)

### CINCINNATI BAR ASSOCIATION LAWYER REFERRAL SERVICE

**Contact Information**

225 East 6th Street  
2nd Floor  
Cincinnati, Ohio 45202-3209  
513.381.8359 (phone)  
513.381.2920 (fax)

**Notes**

- In Ohio - Serves Hamilton, Butler, Warren, and Clermont counties.
- In Kentucky - Serves Campbell, Boone, and Kenton counties.
- In Indiana - Serves Dearborne County.

[www.cincybar.org](http://www.cincybar.org)

### CLERMONT COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE

**Contact Information**

Law Library  
270 East Main Street  
Batavia, Ohio 45103  
513.732.2050 (phone)  
513.732.0974 (fax)

**Notes**

Serves Clermont, Brown, and Hamilton counties.

### CLEVELAND METROPOLITAN BAR ASSOCIATION LRIS

**Contact Information**

1301 East 9th Street  
2nd Level  
Cleveland, OH 44114  
216.696.3525 (phone)  
216.696.2129 (fax)

**Notes**

Serves northeast Ohio.

[www.clemetrobar.org](http://www.clemetrobar.org)

### COLUMBUS BAR ASSOCIATION LAWYER REFERRAL SERVICE

**Contact Information**  
175 South 3rd Street  
Suite 1100  
Columbus, Ohio 43215  
614.221.0754 (phone)  
614.221.4850 (fax)

**Notes**  
Serves central Ohio.

[www.peoplesbar.org](http://www.peoplesbar.org)

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### CUYAHOGA COUNTY PUBLIC DEFENDER OFFICE

**Contact Information**  
Appellate Division  
310 Lakeside Avenue  
Suite 200  
Cleveland, Ohio 44113-1021  
216.443.7583 or  
216.443.7580 (phone)

**Notes**  
Serves Cuyahoga County.

<http://publicdefender.cuyahogacounty.us>

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### DAYTON BAR ASSOCIATION LRIS

**Contact Information**  
109 North Main Street  
Suite 600  
Dayton, Ohio 45402  
937.222.6102 (phone)  
937.222.1308 (fax)

**Notes**  
Serves Dayton and surrounding areas.

<http://www.daybar.org/public/lrs/>

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### FRANKLIN COUNTY PUBLIC DEFENDER

**Contact Information**  
373 South High Street  
12th Floor  
Columbus, Ohio 43215  
614.462.3194 (phone)

**Notes**  
Serves Franklin County.

### HAMILTON COUNTY PUBLIC DEFENDER OFFICE

**Contact Information**

230 East 9th Street  
2nd Floor  
Cincinnati, Ohio 45202  
513.946.3700 (phone)

**Notes**

Serves Hamilton County.

<http://www.hamiltoncountypd.org/>

### LORAIN COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE

**Contact Information**

401 Broad Street  
Suite 205  
Elyria, Ohio 44035  
440.323.8416 (phone)  
440.323.1922 (fax)

**Notes**

Serves Lorain County.

### MAHONING COUNTY BAR ASSOCIATION LRIS

**Contact Information**

114 East Front Street  
Suite 100  
Youngstown, Ohio 44503  
330.746.2737 (phone)  
330.746.7101 (fax)

**Notes**

Serves Mahoning, Columbiana,  
and Trumbull counties.

[www.mahoningbar.org](http://www.mahoningbar.org)

### MEDINA COUNTY BAR ASSOCIATION LRIS

**Contact Information**

93 Public Square  
Medina, Ohio 44256  
330.725.9794 (phone)  
330.723.9608 (fax)

**Notes**

Serves Medina, Summit, and  
Cuyahoga counties.

<http://www.medinabar.org/literature/>

**MILTON A. KRAMER LAW CLINIC  
CASE WESTERN UNIVERSITY SCHOOL OF LAW**

**Contact Information**  
11075 East Boulevard  
Cleveland, Ohio 44106  
216.368.2766 (phone)

**Notes**  
Serves Cuyahoga County.  
Civil cases only.

<http://law.case.edu/clinic>

**MONTGOMERY COUNTY PUBLIC DEFENDER OFFICE**

**Contact Information**  
Glen Dewar  
117 South Main Street  
Suite 400  
P.O. Box 972  
Dayton, Ohio 45422  
937.225.4652 (phone)

**Notes**  
Serves Montgomery County.

[www.mcohio.org/government/public\\_defender](http://www.mcohio.org/government/public_defender)

**NATIONAL ORGANIZATION OF  
SOCIAL SECURITY CLAIMANTS' REPRESENTATIVES**

**Contact Information**  
560 Sylvan Avenue  
Englewood Cliffs, New Jersey  
07632  
201.567.4228 (phone)  
201.567.1542 (fax)

**Notes**  
Nationwide service area.

<http://www.nosscr.org/>

**OFFICE OF THE OHIO PUBLIC DEFENDER**

**Contact Information**  
250 East Broad Street  
Suite 1400  
Columbus, Ohio 43215  
614.466.5394 or  
800.686.1573 (phone)

**Notes**  
Statewide service area.

<http://opd.ohio.gov>

### PRO SENIORS HOTLINE REFERRAL ATTORNEY PROGRAM

**Contact Information**

7126 Reading Road  
Suite 1150  
Cincinnati, Ohio 45237  
513.345.4160 (phone)  
513.621.5613 (fax)

**Notes**

Statewide service area.  
Serves Ohioans ages 60+.

[www.proseniors.org/legal\\_services.html](http://www.proseniors.org/legal_services.html)

### RICHLAND COUNTY BAR ASSOCIATION LRIS

**Contact Information**

50 Park Avenue East  
Mansfield, Ohio 44902  
419.524.9944 (phone)  
419.524.9979 (fax)

**Notes**

Serves Richland County.

### STARK COUNTY BAR ASSOCIATION LRIS

**Contact Information**

116 Cleveland Avenue North  
Suite 400  
Canton, Ohio 44702  
330.453.0686 (phone)  
330.453.0180 (fax)

**Notes**

Serves Stark County area.

<http://starkctybar.com/referrals.htm>

### TOLEDO BAR ASSOCIATION LRIS

**Contact Information**

311 North Superior Street  
Toledo, Ohio 43604  
419.242.2000 (phone)  
419.242.3614 (fax)

**Notes**

Serves northwest Ohio (Lucas County and surrounding areas).

[www.toledobar.org](http://www.toledobar.org)

### TRUMBULL COUNTY BAR ASSOCIATION LRIS

**Contact Information**

P.O. Box 4222  
Warren, Ohio 44482  
330.675.2415 (phone)  
330.675.2412 (fax)

**Notes**

Serves northeast Ohio and southwest Pennsylvania counties.

[www.tcba.net](http://www.tcba.net)

### UNIVERSITY OF AKRON SCHOOL OF LAW LEGAL CLINIC

**Contact Information**

C. Blake McDowell Law Center  
150 University Avenue  
Akron, Ohio 44325  
330.972.7331 or  
330.972.7751 (phone)

**Notes**

Serves northeast Ohio.



**APPENDIX B**  
**PERSONAL IDENTIFIER FORM**







## APPENDIX C

### AFFIDAVIT OF INDIGENCE FORM



**AFFIDAVIT OF INDIGENCE**

IN THE SUPREME COURT OF OHIO

Affidavit of Indigence

I, \_\_\_\_\_, do hereby state that I am without the necessary funds to pay the costs of this action for the following reason(s):

**[Note: S.Ct. Prac. R. 3.06 requires your affidavit of indigency to state the reason(s) you are unable to pay the docket fees and/or security deposit. Failure to state specific reasons that you are unable to pay will result in your affidavit being rejected for filing by the Clerk.]**

Pursuant to Rule 3.06, of the Rules of Practice of the Supreme Court of Ohio, I am requesting that the filing fee and security deposit, if applicable, be waived.

\_\_\_\_\_  
Affiant

Sworn to, or affirmed, and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

[Note: This affidavit must be executed not more than six months prior to being filed in the Supreme Court in order to comply with S.Ct. Prac. R. 3.06. Affidavits not in compliance with that section will be rejected for filing by the Clerk.]



## APPENDIX D

### CREDIT CARD FILING FEE FORM



# SUPREME COURT OF OHIO

## CREDIT CARD FILING FEE FORM

This form provides the Clerk's Office with the necessary information to process a new appeal or new original action and charge the one-hundred (\$100) dollar filing fee, and one-hundred (\$100) dollar security deposit, if applicable, to the credit card you have provided. Please note that you are responsible for providing correct information that is clear and legible. Incorrect or illegible information, or rejected credit cards, may result in the Clerk's Office rejecting your notice of appeal thus divesting the Supreme Court of jurisdiction or rejection of your original action. You may wish to contact the Clerk's Office to confirm that we were able to file your original action or timely file in your appeal. The phone number is **(614) 387-9530**.

NAME AS IT APPEARS ON CREDIT CARD \_\_\_\_\_

ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

CASE CAPTION \_\_\_\_\_

\_\_\_\_\_  
(Please use the caption and prior case number as provided on the entry that you are appealing)

CREDIT CARD NUMBER \_\_\_\_\_

EXPIRATION DATE \_\_\_\_\_ CORPORATE CARD \_\_\_ YES \_\_\_ NO

CARD TYPE MasterCard \_\_\_\_\_ Visa \_\_\_\_\_ American Express \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

**Please provide a number at which you can be reached from 8 a.m. to 5 p.m. Monday through Friday. The number will be used if the information you provided is incorrect or illegible. If we are unable to reach you and the charge is not accepted *for any reason* the appeal or original action will not be filed thus possibly divesting the Supreme Court of jurisdiction to consider your case.**

\_\_\_\_\_ \$100 Filing Fee      OR      \_\_\_\_\_ \$100 Filing Fee and \$100 Security Deposit

By initialing the appropriate line above and signing and dating below you authorize the Clerk's Office to deduct the specified amount required to initiate an appeal or original action with the Ohio Supreme Court from the credit card provided above.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**PLEASE NOTE THAT IT IS THE CLERK'S OFFICE POLICY TO DESTROY THIS FORM IMMEDIATELY UPON THE FILING OF THE CASE**



PUBLISHED BY  
THE SUPREME COURT *of* OHIO  
Office of the Clerk  
JULY 2015



## THE SUPREME COURT *of* OHIO

OFFICE OF THE CLERK  
65 South Front Street  
Columbus, Ohio 43215-3431  
614.387.9530  
[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)