

**AMENDMENTS TO THE RULES OF PRACTICE OF
THE SUPREME COURT OF OHIO**

The following amendments to the Rules of Practice of the Supreme Court of Ohio (S.Ct.Prac.R. 3.02, 3.03, 3.05, 3.06, 3.09, 3.11, 3.13, 12.08, and 13.03) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

August 19, 2020	Initial publication for public comment
November 17, 2020	Final adoption by conference
January 1, 2021	Effective date of amendments

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

RULES OF PRACTICE OF THE SUPREME COURT OF OHIO

S.Ct.Prac.R. 3.02. Filing with the Supreme Court.

(A) Filing

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

(2) Filing paper documents

(a) Filing paper documents with the Supreme Court shall be made by submitting the documents to the Clerk of the Supreme Court during the regular business hours of the Clerk's Office. Only documents that are timely received and in compliance with these rules shall be filed by the Clerk.

(b) Paper documents may be submitted for filing in person; by delivery service; by mail addressed to the Clerk, The Supreme Court of Ohio, 65 S. Front St., 8th Floor, Columbus, Ohio 43215-3431.

(c) Paper documents received in the Clerk's Office after 5:00:00 p.m. ~~shall not be considered for filing~~ local observed time in Columbus, Ohio will not be reviewed by the Clerk's Office until the next business day. They will be considered timely if the documents comply with these rules and were received on or before the date they were due.

(3) Filing electronic documents through the E-Filing Portal

(a) Filing of electronic documents shall be made by submitting the documents through the E-Filing Portal. Confirmation of receipt by the E-Filing Portal is only a confirmation of receipt of the documents, not a confirmation that the documents were accepted for filing.

(b) Any document filed through the E-Filing Portal pursuant to division (A)(3) of this rule shall meet all requirements of these rules, except that multiple copies of a document are not required unless requested by the Clerk pursuant to S.Ct.Prac.R. 3.10.

(c) A document filed through the E-Filing Portal pursuant to division (A)(3) of this rule shall be submitted as a Portable Document Format ("PDF") file.

(d) Filing documents through the E-Filing Portal does not alter any filing deadlines imposed by the Rules of Practice of the Supreme Court of Ohio.

(e) (i) Documents received after ~~5:00:00~~ 11:59:59 p.m. local observed time in Columbus, Ohio through the E-Filing Portal shall not be considered for filing until the next business day. The time of receipt of a document is the

time-stamp provided by the Supreme Court's E-Filing Portal, and the time-stamp provided by any other computer system shall not alter the time of receipt and effect of this rule.

(ii) Documents submitted through the E-Filing Portal after 5:00:00 p.m. local observed time in Columbus, Ohio will not be reviewed by the Clerk's Office until the next business day. They will be considered timely if the documents comply with these rules and were received on or before the date they were due in accordance with division (A)(3)(e)(i) of this rule.

(f) After review by the Clerk's Office, a separate communication that indicates whether the documents were accepted for filing will be sent to the e-mail address registered with the account of the person who submitted the documents through the E-Filing Portal.

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

Effective Date: June 1, 1994

Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; April 14, 2015; July 22, 2015; January 1, 2017; March 1, 2019; January 1, 2021

S.Ct.Prac.R. 3.03. Computation and Extension of Time.

(A) Computation of time

(1) In computing any period of time prescribed or allowed by these rules or by an order of the Supreme Court, the day of the act from which the designated period of time begins to run shall not be included, and the last day of the period shall be included. If the last day of the period is a Saturday, Sunday, or legal holiday, the period runs until ~~5:00:00~~ 11:59:59 p.m. local observed time in Columbus, Ohio on the next day that is not a Saturday, Sunday, or legal holiday.

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

(B) Extension of time

(1) General prohibition against extensions of time

Except as provided in division (B)(2) of this rule, the Supreme Court will not extend the time for filing a document as prescribed by these rules or by court order, and the Clerk of the Supreme Court shall refuse to file requests for extension of time.

(2) Extension of time to file certain documents

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

(b) (i) In an expedited election case or any other case where a stipulation to an extension of time cannot be obtained, a party may file a request for extension of time to file a merit brief, including a reply brief, the response to a complaint. The Supreme Court will grant a party only one extension of time, not to exceed ten days, provided the request for extension of time states good cause for an extension and is filed with the Clerk within the time prescribed by the rules for filing the brief or other document that is the subject of the request.

(ii) The Clerk shall refuse to file a request for extension of time that is not tendered timely in accordance with this rule or if a stipulation to an agreed extension of time has already been filed under division (B)(2)(a) of this rule by the party filing the request.

(iii) The filing of a request for extension of time automatically extends the time for filing the document for which the extension is sought until the Supreme Court rules on the request.

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

Effective Date: June 1, 1994

Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010; January 1, 2013; March 1, 2019; March 1, 2020; January 1, 2021

S.Ct.Prac.R. 3.05. Security Deposits in Original Actions.

~~Original~~ Except for original actions in habeas corpus, original actions also require a deposit in the amount of one hundred dollars as security for costs. The security deposit shall be paid before the case is filed. In extraordinary circumstances, the Supreme Court may require an additional security deposit at any time during the action.

Effective Date: June 1, 1994

Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2021

S.Ct.Prac.R. 3.06. Affidavit of Indigence or Entry of Appointment of Counsel in Lieu of Fees.

(A) Affidavit of indigence

An affidavit of indigence may be filed in lieu of filing fees or security deposits. The affidavit shall be notarized and executed within six months prior to being filed in the Supreme Court by the party on whose behalf it is filed. The affidavit shall state the specific reasons the party does not have sufficient funds to pay the filing fee or the security deposit. ~~The Clerk of the Supreme Court shall refuse to file an affidavit of indigence that does not comply with this rule.~~

(B) Entry appointing counsel

Where counsel has been appointed by a trial or appellate court to represent an indigent party, a copy of the entry of appointment may be filed in lieu of an affidavit of indigence.

Effective Date: June 1, 1994

Amended: April 1, 1996; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2021

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

(A) Applicability to paper and electronic documents

The requirements of this rule apply to both paper documents and electronic documents submitted through the E-Filing Portal, unless a provision is clearly inapplicable to electronically filed documents.

(B) General

(1) Typeface

(a) Every original document filed with the Supreme Court shall be single-sided, shall be typewritten or prepared by computer, word processor or other standard typographic process, and shall comply with the requirements of this rule. Only the single-sided portions of a document will be scanned and made part of the official record in the case.

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

Effective Date: June 1, 1994

Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; March 1, 2019; January 1, 2021

S.Ct.Prac.R. 3.11. Service of Documents; Notice When Documents Are Rejected for Filing.

(A) Applicability to paper and electronic documents

The requirements of this rule apply to both paper documents and electronic documents submitted through the E-Filing Portal or by e-mail. The E-Filing Portal does not provide service of documents, and all parties submitting documents through the E-Filing Portal shall still comply with all the requirements imposed by this rule.

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

(D) Certificate of service; certificate of filing

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

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

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

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

Effective Date: June 1, 1994

Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; September 29, 2017; September 13, 2018; March 1, 2019; January 1, 2021

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

(A) General

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

(B) Time to file

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

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

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

(C) Revised document supersedes original

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

Effective Date: June 1, 1994

Amended: April 1, 1996; June 1, 2000; February 1, 2001; July 1, 2004; February 1, 2007; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2015; January 1, 2021

S.Ct.Prac.R. 12.08. Expedited Election Cases.

(A) Procedure

(1) Because of the necessity of a prompt disposition of an original action relating to a pending election, and in order to give the Supreme Court adequate time for full consideration of the case, if the action is filed within ninety days prior to the election, the respondent shall file an answer to the complaint within five days after service of the summons.

(2) Unless otherwise ordered by the Supreme Court, and pursuant to the provisions of S.Ct.Prac.R. 12.07, original actions governed by this rule shall proceed as follows:

(a) Relator shall file any evidence and a merit brief in support of the complaint within three days after the filing of the answer or, if no answer is filed, within three days after the answer was due;

(b) Respondent shall file any evidence and a merit brief within three days after the filing of relator's merit brief;

(c) Relator may file a reply brief within three days after the filing of respondent's merit brief.

(3) Motions to dismiss and for judgment on the pleadings shall not be filed in expedited election cases.

(4) If any motion is filed in an expedited election case under this rule, any other party to the case shall have three days from the date of the filing of the motion to file a response.

(B) Reconsideration

A motion for reconsideration may be filed in an expedited election case. Any motion for reconsideration shall be filed within three days after the Supreme Court's judgment entry or order is filed with the Clerk of the Supreme Court. A memorandum in response may be filed within three days of the filing of the motion for reconsideration.

(C) Service of documents

All documents in expedited election cases, except those filed to initiate a case under this rule, shall be served on the date of submitted for filing by personal service, facsimile transmission, or e-mail.

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Amended: April 1, 1996; April 1, 2000; August 1, 2002; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; January 1, 2017; January 1, 2021

S.Ct.Prac.R. 13.03. Briefing.

(A) Time to file

The filing of objections or an answer along with the accompanying brief required by the Rules for the Government of the Bar or the Rules for the Government of the Judiciary shall proceed as ordered by the Supreme Court.

(B) Form

All briefs filed in support of objections or an answer shall conform to the requirements set forth in S.Ct.Prac.R. 3.07 through 3.12 and the page limitations for briefs imposed by S.Ct.Prac.R. 16.02 and 16.03.

Effective Date: January 1, 2013; January 1, 2021