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**SIXTH DISTRICT COURT OF APPEALS  
LOCAL RULES**

Pursuant to App.R. 1, the following local rules have been adopted by this court.

These rules are available on the Internet at [www.co.lucas.oh.us/171/Ohio-Sixth-District-Court-of-Appeals](http://www.co.lucas.oh.us/171/Ohio-Sixth-District-Court-of-Appeals) by selecting “Rules.” (Amended, effective July 1, 2001; July 1, 2006; March 1, 2009; April 30, 2009; January 1, 2011; October 1, 2018.)

**RULE 1. REQUIREMENTS OF COUNSEL**

(A) **General Requirements.** All attorneys shall include their Ohio Supreme Court registration number on the first page of all documents filed with the court of appeals clerk. In addition, all attorneys, or parties if not represented by counsel, shall include their address, telephone number and fax number, if any.

(B) **Withdrawal of Counsel.** Counsel who has entered an appearance in this court may not withdraw representation without leave of court. Counsel seeking to withdraw shall, with a motion showing good cause, submit proof of service of the motion to withdraw upon the client and the name and address of any substitute counsel, or, if none, the name and address of the client.

(C) **Admission Pro Hac Vice.** An out-of-state attorney may file a motion to appear in this court pro hac vice. The attorney shall attach to the motion a copy of the certificate of pro hac vice registration issued by the Ohio Supreme Court under Gov. Bar R. XII, Section II. The motion shall contain the following:

(1) The attorney’s residential address, office address, and the name and address of the attorney’s law firm or employer, if applicable;

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(2) The jurisdictions in which the attorney has ever been licensed to practice law, including the dates of admission to practice, resignation, or retirement, and any attorney registration numbers;

(3) An affidavit stating that the attorney has never been disbarred and whether the attorney is currently under suspension or has resigned with discipline pending in any jurisdiction the attorney has ever been admitted;

(4) A statement that the attorney has not been granted permission to appear pro hac vice in more than three proceedings before Ohio tribunals in the current calendar year pursuant to Section 2(A)(5);

(5) The name and attorney registration number of an active Ohio attorney, in good standing, who has agreed to associate with the out-of-state attorney.

The motion shall be filed prior to the first pleading, memorandum, brief, or other document the attorney seeking admission pro hac vice files in the court of appeals or at least 14 days before oral argument if the attorney seeks only to participate in oral argument. Responses to the motion may be filed in accordance with App.R. 15(A). The court may withdraw admission pro hac vice at any time. Admission pro hac vice in the trial court does not waive the requirement that counsel must seek admission pro hac vice in the court of appeals.

(D) – **Requirements of Counsel.** Upon reversal and remand of a decision from this court by the Ohio Supreme Court, the attorney for the appellant and appellee shall each file a separate notice, or a joint notice with the court of appeals clerk advising of the Ohio Supreme Court’s decision within 14 days of that decision.

(Former rule rescinded and new rule adopted effective June 30, 1994; amended, effective March 1, 2006; July 1, 2006; January 1, 2011; May 1, 2021.)

## **RULE 2. EXTENSION OF TIME FOR TRANSMITTING RECORD**

Prior to the date that the record is originally due to be filed, a motion for extension of time to transmit the record must be filed in the court of appeals. See App.R. 10(C).

The time for transmitting the record shall not be extended for any period of time by this court in appeals involving adoption of a minor child; termination of parental rights; dependent, neglected, unruly or delinquent children; those assigned to the accelerated calendar; and any criminal appeal by the state, except in extraordinary circumstances.

(Amended, effective July 1, 1981; July 1, 1984; June 1, 1985; October 1, 1991; July 1, 1992; July 1, 1995; January 1, 1998; July 1, 2000; July 1, 2006; August 10, 2020.)

## **RULE 3. NOTICE OF APPEAL, PRAECIPE AND DOCKETING STATEMENT**

(A) **Notice of Appeal.** The notice of appeal shall have attached to it a copy of the judgment or order from which the appeal is taken, signed by the trial court judge and indicating the date the judgment or order was entered on the journal. Failure to attach the final judgment entry or order may be grounds for dismissal.

(1) **Consolidated Appeals.** If appealing from a judgment that has more than one trial court case number and the cases were not consolidated by the trial court, a party must file a separate notice of appeal for each trial court case number. A party is required to file only one notice of appeal from a judgment entered in cases which were consolidated in the trial court. The notice of appeal must list all consolidated trial court case numbers.

(2) **Amending the Notice of Appeal.** Where leave of court is required under Ohio App.R. 3(F), an Amended Notice of Appeal shall accompany a motion for leave to file an Amended Notice of Appeal. Any party may file a response in opposition to the motion within three days after service of the motion.

(B) **Praecipe.** A party shall file, with the notice of appeal, a fully completed [praecipe](#), directing the clerk of the trial court to prepare a record of the original papers and exhibits thereto, and a certified copy of the docket and journal entries as specified in App.R. 9(A). The praecipe shall state whether the record will contain a transcript of proceedings pursuant to App.R. 9(B), or a statement pursuant to App.R. 9(C) or (D). If a party has filed a praecipe, a subsequent party filing an appeal need not file a praecipe unless the party requests additional parts of the record. If the record will contain a transcript of proceedings, the party shall take the praecipe to the court reporter who shall complete and sign the “court reporter’s certification” at the end of the praecipe. A court reporter’s certification that it will take longer than 40 days to prepare a transcript does not relieve the party of the obligation to get an extension of time to file the record. The court reporter who completes and signs the certification shall be the same individual who prepares the transcript of proceedings. The clerk of the trial court will provide the [praecipe form](#) required by this court. This form is also available in pdf format on the [Ohio Sixth District Court of Appeals](#) webpage at the “[Forms](#)” tab.

If a party designates in the praecipe that the record will include a transcript of proceedings, the party shall specify and enumerate with particularity those segments of

the trial or hearing (i.e., voir dire, opening statements, testimony, closing arguments, charge of court, etc.), to be transcribed.

If a transcript of proceedings is to be filed in accordance with App.R. 9(B), a copy of the notice of appeal with the praecipe shall be served by the clerk of the trial court upon the court reporter. The party requesting a transcript of proceedings is responsible for contacting the court reporter to order the transcript of proceedings. The court reporter shall prepare only those portions of the transcript enumerated in the praecipe, subject to being made secure in the payment of his or her fees.

If a praecipe is required and is not filed with the notice of appeal in the trial court, it may be grounds for dismissal of the appeal.

**(C) Docketing Statement.** A party shall file a [docketing statement](#) with the notice of appeal or cross-appeal. The purpose of the docketing statement is to determine whether an appeal will be assigned to the accelerated or regular calendar and the suitability of the appeal for a mediation. The clerk of the trial court will provide the [docketing statement form](#) required by this court. This form is also available in pdf format on the [Ohio Sixth District Court of Appeals](#) webpage at the “[Forms](#)” tab.

If a party fails to file a docketing statement with the notice of appeal in the trial court, it may be grounds for dismissal of the appeal.

**(D) Number and Transmittal of Copies.** A party shall file with the trial court clerk an original and a sufficient number of copies of the notice of appeal (with a copy of the judgment entry from which the appeal is taken attached), praecipe and docketing statement to enable the clerk to transmit them as follows. Immediately upon receipt and

in no event later than the next business day, the trial court clerk shall: (1) place the original documents in the case jacket and keep one copy for his or her discretionary use; (2) transmit 2 copies to the clerk of the court of appeals, along with the costs deposit and 2 copies of the trial court's appearance docket; (3) transmit one copy to the court reporter if a transcript of proceedings has been ordered; and (4) serve one copy on each counsel of record and each unrepresented party.

(Amended, effective June 1, 1982; August 1, 1989; September 1, 1990; October 1, 1991; July 1, 1992; July 1, 1995; January 1, 1998; July 1, 2001; July 1, 2006; January 1, 2011; July 1, 2013, October 1, 2018.)

#### **RULE 4. JUDGMENT ENTRIES**

Appealable decisions of the court are announced when they are entered on the court's journal. Upon receipt by the court of appeals clerk, the clerk shall immediately file-stamp and journalize the decision, at which time it will become the entry of judgment and the period of review will begin to run. See S.Ct.Prac.R. 7.01.

The court of appeals may transmit by fax or email to the court of appeals clerk any decision, judgment entry or order which will be accepted as the original and the signatures of the judges shall be accepted as originals consistent with Civ.R. 5(E).

(Amended, effective January 1, 1980; July 1, 1992; January 1, 1998; July 1, 2006; January 1, 2020, January 1, 2022.)

#### **RULE 5. TIME FOR FILING BRIEFS**

(A) **Extensions.** The time for filing briefs as provided by App.R. 11.1(C), 11.2(B)(3)(c) and 18; and 6th Dist.Loc.App.R. 11 and 12(B) is mandatory. In appeals involving adoption of a minor child; termination of parental rights; dependent, neglected, 7.

unruly or delinquent children; those assigned to the accelerated calendar; and any criminal appeal by the state, the time for filing briefs shall not be extended for any period of time except in extraordinary circumstances. In all other appeals, either party, upon timely notice, may be granted one automatic extension not to exceed 10 days (or an extension of more than 10 days for good cause shown) for filing any brief by filing a notice with the clerk specifying that the party is taking a ten-day extension of time to file its brief. Extensions to file briefs subsequent to the first extension will only be granted for good cause shown.

**(B) Effect of Failure to File Briefs Timely.**

If the appellant/cross-appellant fails to timely file the assignments of error and brief, the court may dismiss the appeal/cross-appeal without prior notice. If an appellee files a brief late, the brief may be stricken. If appellee's brief is stricken or not filed, appellee will not be allowed to participate in oral argument on the merits.

(Amended, effective July 1, 1981; June 1, 1984; June 1, 1985; September 1, 1990; October 1, 1991; July 1, 1992; July 1, 1995; July 1, 1996; January 1, 1998; July 1, 2000; July 1, 2006; amended, effective March 1, 2010; amended, effective October 1, 2018; amended May 1, 2021.)

**RULE 6. ORIGINAL ACTIONS INCLUDING EXPEDITED "PENDING ELECTION" CASES**

(A) Habeas Corpus actions shall be brought and proceed in accordance with R.C. Chapter 2725. Petitioner shall file an original and three copies of a complaint in habeas corpus.

(B) Mandamus, Procedendo, Quo Warranto, and Prohibition actions shall be instituted by filing an original and one copy of a complaint for the court's use, plus



additional copies as necessary for service to each respondent. The complaint shall contain the name, title, and address of each respondent. The clerk of the court of appeals shall serve a copy of the complaint and summons upon each respondent by certified mail to the address(es) indicated on the complaint. The summons shall state that respondent need not file an answer until directed by the court of appeals to do so. If the complaint appears to properly set forth a claim for relief, the court will issue an alternative writ which will indicate the time for filing an answer or a motion to dismiss pursuant to Civ.R. 12(B)(6). In expedited “pending elections” cases under section (C) of this rule, the alternative writ will state that respondent shall file an answer to the complaint within eight days of the date the alternative writ is served. Except as delineated below, the original action shall proceed as any civil action under the Ohio Rules of Civil Procedure, as may be applicable to original actions.

Except in (1) habeas corpus and (2) expedited “pending elections” cases under section (C) of this rule, if either party intends to file a motion for summary judgment, the motion shall be filed within 20 days of the date of service of the answer filed by respondent, unless otherwise directed by the court. A response to the motion for summary judgment shall be due within 20 days of the date of service of the motion and a reply shall be due within 10 days of the date of service of the response, at which time the motion will be decisional. No hearing will be held on a motion for summary judgment unless ordered by the court.

In the event that neither party files a motion for summary judgment or a motion to dismiss in the time allowed, or if a motion for summary judgment or a motion to dismiss

is filed and denied, the parties shall submit their case to the court within 20 days of the date that the motion for summary judgment or motion to dismiss was due or is denied. Each party's case shall be submitted by a brief on the law, an agreed statement of facts, if applicable, and/or stipulations, depositions, and/or affidavits. No hearing will be held unless ordered by the court. If the court orders a hearing, court stenographers will not be in attendance unless arranged for and employed by one or more of the parties and appointed by the court, or unless, because of exceptional circumstances, otherwise ordered by the court. Such recordings will be by reliable method, which may include a stenographic/shorthand reporter, audio-recording device, and/or video-recording device.

(C) Expedited "Pending Election" Cases.

(1) Procedure

(a) Because of the necessity of a prompt disposition of an original action relating to a pending election, and in order to give the 6th District Court of Appeals adequate time for full consideration of the case, if the action is filed within ninety days prior to the election, and if the court issues an alternative writ, the court will order the respondent to file an answer to the complaint within eight days (including weekends) of the date the alternative writ is served by the clerk of court.

(b) Unless otherwise ordered by the 6th District Court of Appeals, original actions in expedited "pending elections" cases shall proceed as follows:

(i) Relator shall file any evidence and a merit brief in support of the complaint within five days (including weekends) after service of the answer or, if no answer is filed, within three days after the answer was due.

(ii) Respondent shall file any evidence and a merit brief within five days (including weekends) after service of relator's merit brief, and

(iii) Relator may file a reply brief within three days (including weekends) after service of respondent's merit brief.

(c) Motions to dismiss, motions for summary judgment, and motions for judgment on the pleadings shall not be filed in expedited "pending election" cases.

(d) Reconsideration

A motion for reconsideration may be filed in an expedited "pending election" case. Any motion for reconsideration shall be filed within three days (including weekends) after the 6th District Court of Appeals' judgment entry or order is served by the clerk pursuant to App.R. 30(A). A memorandum in opposition may be filed within three days (including weekends) of service of the motion for reconsideration.

(e) Service of documents

All documents in expedited election cases shall be served on the date of filing by personal service, facsimile transmission, or e-mail.

(Effective January 1, 1980; August 1, 1989; September 1, 1990; July 1, 1992; effective January 1, 1998; July 1, 2006; July 1, 2013.)

## **RULE 7. COST DEPOSITS**

(A) **In Original Actions.** No complaint in non-criminal habeas corpus, mandamus, prohibition, procedendo, or quo warranto may be accepted for filing in this court unless the party bringing the action deposits with the clerk of the sum of \$100.00 as security for the payment of the costs that may accrue in the action. A security deposit is

not required in a criminal habeas corpus in accordance with R.C. 2725.28. Security for costs, and the taxing of costs and fees in a habeas corpus action are governed by R.C. 2725.28. Except in criminal habeas corpus actions, subpoenas may not issue for witnesses unless an additional deposit in the amount of \$10.00 per subpoena as security for costs is deposited with the clerk together with the praecipe(s) for subpoena. If the party bringing the action or the party seeking the attendance of witnesses files with the clerk his sworn [Financial Disclosure/Affidavit of Indigency](#), the clerk shall file the complaint and subpoena the witnesses without the deposits. The party must use the [Financial Disclosure/Affidavit of Indigency](#) approved by the Ohio Public Defender's Office and can be found on the Ohio Public Defender's website, and must be filed with current financial information for each original action. Except in a criminal habeas corpus action, if the [Financial Disclosure/Affidavit of Indigency](#) is filed by an inmate of a state institution it shall be accompanied, as an exhibit thereto, by a certificate of the superintendent or other appropriate officer of the institution stating the amount of funds, if any, which the inmate has on deposit with the institution available to the inmate to secure costs. If the certificate demonstrates that the inmate has sufficient funds available to him to secure costs the clerk shall not file the complaint until the costs are secured.

(B) **In Appeals.** At the time of filing a notice of appeal or cross-appeal, the appellant/cross-appellant shall either deposit with the clerk of the trial court the sum of \$150.00 as security for payment of costs, submit a sworn [Financial Disclosure/Affidavit of Indigency](#), or produce evidence that the trial court determined that the party was indigent for purposes of appeal. The party must use the [Financial Disclosure/Affidavit of](#)

[Indigency](#) approved by the Ohio Public Defender's Office and can be found on the Ohio Public Defender's website, and must be filed with current financial information for each appeal. No security deposit is required in appeals by the state or any of its subdivisions. R.C. 109.19. The deposit for costs, [Financial Disclosure/Affidavit of Indigency](#), or trial court determination of indigency shall be forwarded immediately upon receipt (and in no event later than the next business day) by the trial court clerk to the court of appeals clerk. Any personal check given for the security deposit shall be made payable to the court of appeals clerk. The deposit for costs shall be in addition to any other fees or deposits required by law, including the lawful fees of the trial court clerk prescribed by R.C. 2303.20 and 2303.31. Failure to comply with this rule shall be grounds for dismissal of the appeal.

(Effective January 1, 1980; amended, effective October 1, 1987; July 1, 1992; June 30, 1994; July 1, 1995; July 1, 1996; January 1, 1998; July 1, 2006; October 1, 2018.)

#### **RULE 8. FAX FILING, MOTIONS AND ELECTRONIC FILING**

(A) **Fax Filing.** Appellate court filings, except complaints or petitions in original actions, appellate briefs, and additional authorities submitted pursuant to App.R. 21(I), may be filed with the court of appeals clerk by telephonic facsimile (fax) by following the same requirements and procedures as set forth in the local rules of the court of appeals clerk where the appeal is pending.

(B) **Motions.** The content of motions for procedural orders shall be in the form prescribed by App.R. 15. In the event the court has set a motion for telephonic or in-person hearing, and the party files a pleading in advance of the hearing, the party shall

also serve a copy of the pleading electronically on the Court of Appeals at the following email address: [mailto: 6thFilings@co.lucas.oh.us](mailto:6thFilings@co.lucas.oh.us). The subject line of the email shall disclose the name of the pleading, the case number, and the date and time of the scheduled hearing.

(C) **Internet electronic filings.** The clerk of courts is authorized to prepare and maintain operating procedures and instructions for electronic filing. Where an e-filing system is available for use by the clerk of court, pleadings and other papers shall be filed with the clerk of court electronically via the internet subject to the following conditions:

(1) **Application of rules and orders.** All rules of procedure, local rules, and court orders shall continue to apply to documents electronically filed. Documents submitted for e-filing must be in a digitized format specified by the clerk of courts.

(2) **Leave to file in paper form.** An attorney wishing to file a specific document or all documents in a given case in paper form may file a motion requesting leave to do so file. Such motion may itself be filed in paper form and shall set forth the exceptional circumstances justifying the request.

(3) **Filings not accepted.** An appointed counsel's application for attorney fees will not be accepted for electronic filing.

(4) **Pro se filings.** Parties not represented by counsel are not required to utilize an e-filing system and may file documents in paper form.

(5) **Paper form documents.** Documents filed in paper form shall be scanned and uploaded to the e-filing system by the clerk of court. In such case, the uploaded electronic version of the document shall constitute the original document.

(6) **Electronic file stamp.** Upon successful completion of acceptance processing by the clerk of courts, a document filed electronically will be electronically file-stamped. This stamp will include the date and time that the receiving device of the clerk of courts received the entire transmission, as well as the confirmation number of the filing. A document filed electronically that is not successfully processed by the clerk of courts will not receive an electronic file stamp, but the filer will receive a rejection e-mail.

(7) **Time for Filing.** An electronic filing may be submitted to the Clerk twenty-four (24) hours a day, seven (7) days a week for review. However, received documents are only reviewed and deemed filed twenty-four (24) hours a day, five (5) days a week. Documents electronically submitted for review for e-filing shall be deemed accepted and filed on the date and time as outlined below. All items listed herein refer to Eastern Standard Time or Eastern Daylight Savings Time. If the document is accepted for filing, the date and time reflected in the confirmation notice shall serve as the date and time of filing if filed prior to 11:59 p.m. during a business day. Any documents received after 11:59 p.m. on a Friday, anytime Saturday, anytime Sunday, or anytime during a Court holiday, will be deemed filed on the following business day. This does not in any way alter the provision in Civil Rule 6 that filing deadlines that fall on a Saturday, a Sunday, or a legal holiday run until the end of the following day that is not a Saturday, Sunday, or legal holiday.

(8) **System or User Filing Errors.** If a party attempts to file a document electronically and the document is not accepted for filing because of an error in the transmission of the document to the electronic filing system, the court may, upon satisfactory proof, enter an order permitting the document to be filed nunc pro tunc to the date it was sent electronically.

(9) **Fees.** Normal filing fees and case deposits will be collected via user credit card or debit card, or such other method as may be approved by the clerk, at the time the document that requires such a fee or deposit is filed.

(10) **Service.** Service of documents filed electronically shall be accomplished in the manner prescribed by the appellate rules. See App.R. 3 and 13.

(11) **Time to Respond or Act.** Whenever a time period is measured from the time after a document is filed, the time will be measured from the date the electronically filed document is deemed to have been filed.

(12) **Disposition and Maintenance of Source Documents.** The person filing a document electronically shall maintain an exact copy of the source document upon which the electronic filing was based, either in an unalterable electronic format or on paper. The filing person shall retain this source document until final disposition of the case and through any appeal period. The filing person shall make the source document or a facsimile thereof available for production at the request of the court, the clerk, other counsel or parties representing themselves.

(13) **Signatures of Parties and Counsel.** The signature of an attorney or a party on a document that is filed electronically shall be represented with a conformed signature  
16.



of “/s/ [name].” The conformed signature on an electronically filed document is a legal signature for purposes of the signature requirements of the civil and criminal rules of procedure, the rules of superintendence, and any other law, and will be considered the signature of the person it purports to be for all purposes. See App.R. 13(A)(1).

(a) **Multiple Signatures.** When a stipulation or other document requires two or more signatures, the filing party or attorney will confirm in writing that the contents of the document are acceptable to all persons required to sign the document. The filer will indicate the agreement of all necessary parties at the appropriate place in the document, usually, the signature line(s). If it is established that the documents were transmitted without authority, the court shall order the filing stricken.

(b) **Signature of Third Parties.** Documents containing signatures of third parties, including signatures of notaries public, shall be scanned as an image and filed electronically.

(14) **Judge/Judicial Officer Signature.** All court documents may be signed by means of an electronic signature. An electronic signature shall consist of a digitized image of the signer’s longhand signature. All decisions, orders, decrees, judgments and other documents signed by means of an electronic signature shall have the same force and effect as if the signer had affixed his or her signature to a paper copy of the document.

(Effective January 1, 1980; effective July 1, 1992, amended, effective January 1, 2005; July 1, 2006; amended, effective January 1, 2016; amended, effective October 1, 2018, amended, effective August 10, 2020.)

## **RULE 9. ORAL ARGUMENT**

(A) **Scheduling of argument.** No oral argument will be scheduled unless the court orders it sua sponte or if any party to the appeal files a written notice requesting oral argument. Such request shall be in the form of the words “ORAL ARGUMENT REQUESTED” displayed prominently on the cover page of any appellant’s or cross-appellant’s opening brief or any appellee’s or cross-appellee’s brief. If oral argument by Zoom is requested, the party requesting the Zoom oral argument shall specify such on the cover page of the party’s opening brief and designate “Zoom Oral Argument Requested.” The party requesting the Zoom argument shall also file a motion with its brief detailing the extraordinary circumstances underlying the request for Zoom argument in lieu of in-person oral argument. The court, in its discretion, shall determine whether to grant or deny the request to hold oral argument via Zoom, or to require in-person oral argument. For briefs filed prior to the effective date of this rule, once a party has been notified of oral argument, the party shall within 7 days of notification of said argument file a motion to hold the oral argument via Zoom. The court also reserves the right to sua sponte convert an in-person argument to a Zoom argument if extraordinary circumstances arise.

(1) A party who has requested oral argument cannot waive appearance at oral argument. A party who has not requested oral argument may waive the party’s appearance by filing a waiver of oral argument no later than seven days before the date on which oral argument is scheduled.

(2) When oral argument is scheduled, all parties who file a brief will be permitted to argue.

(3) When no oral argument is scheduled, the court will notify the parties of the date the appeal is submitted for determination.

(4) No oral argument will be scheduled in appeals in which appellant is acting pro se and is incarcerated.

**(B) Continuance of Oral Argument.** Parties or their attorneys will be notified in writing of the date and time oral argument of their case is scheduled. No continuances of oral argument will be granted unless the party requesting a continuance applies by written motion demonstrating exceptional circumstances, filed within seven (7) days after the date of the written notice of scheduling of oral argument. If no written motion for continuance is filed within seven (7) days, the case will be heard on the date and time contained in the court's written notice to the parties. Continuances beyond this period will be granted only upon a showing of extraordinary circumstances as determined by the court.

**(C) Length of Time.** In accordance with App.R. 21(C), oral argument shall be 15 minutes per side. A party may file a motion for additional time to argue. The motion must be filed as a separate document and no later than 14 days after the date that appellee's brief is filed or due to be filed. The motion shall be determined by at least two judges. If the motion is granted, appellant and appellee will receive equal time. Unless the court otherwise orders, if there are multiple appellants and/or appellees, then all appellants and all appellees shall share the time allotted for each side.

**(D) Settlement Prior to and After Oral Argument or Submission for Determination.** When the court has scheduled or heard a case for oral argument or it has

been submitted for determination and is subsequently notified that the case is settled and/or will be dismissed, appellant/cross-appellant shall file a notice of dismissal with the court of appeals clerk within 30 days from the date of notification that the case is settled and/or will be dismissed. If appellant/cross-appellant fails to file a notice of dismissal within 30 days, the court shall sua sponte dismiss the appeal.

(E) **Audio Transcripts.** Pursuant to App.R. 21(J), a party wishing to request an audio recording of oral argument shall file a notice with the court of appeals clerk requesting the recording no less than 10 days before the scheduled argument.

(Effective January 1, 1980; effective October 1, 1986; August 1, 1989; October 1, 1991; July 1, 1992; June 30, 1994; January 1, 1998, amended, effective July 1, 2002; July 1, 2006; January 1, 2011; amended effective September 1, 2011; July 1, 2013; January 1, 2020; amended, effective August 24, 2021.)

## **RULE 10. BRIEFS**

(A) **Filing, Number and Length of Briefs.** All parties shall file an original and 4 copies of their briefs. In addition, all parties shall email their briefs, in Microsoft Word or Adobe Acrobat (R) PDF format, to the court at [6thbriefs@co.lucas.oh.us](mailto:6thbriefs@co.lucas.oh.us) within seven days of the date the brief is filed. A party may apply to the court for a waiver of the email requirement by filing a “Motion for Waiver of Email Requirement” at the time he or she files the brief. If a waiver motion is filed, the seven day time limit will begin to run after the motion is ruled on. The motion shall state why the waiver is requested. Failure to comply with this rule may result in sanctions.

Initial briefs of appellant and appellee, and reply briefs shall not exceed the limitations in App.R. 19(A). Reply briefs are not permitted in accelerated calendar

appeals except with leave of court. All page limits are exclusive of the table of contents, lists of authorities, and appendix. For good cause shown, the court may grant a party's motion for leave to file a brief in excess of the page limitation. The motion shall specify the number of extra pages requested and the reasons extra pages are required.

(B) **General Requirements.** The body text of a brief must be set in a plain legible typeface of at least 12 points, such as Times New Roman or Arial. Footnotes are discouraged but when necessary must be set in the same typeface as the body text of no less than 12 points. The body of the text of a brief and footnotes must be double-spaced, but quotations of fifty words or more may be single spaced and blocked. The excessive use of single spaced block quotations to meet page limitations for briefs, i.e., reduced font size or condensed type style, shall result in a brief being stricken sua sponte.

(C). **Citations.** Reference to the record must include reference to the volumes and page number of transcript. Juveniles shall be referred to by means of the juvenile's initials, or a generic term or abbreviation such as "child," however, this does not apply to juveniles who have been bound over to the court of common pleas and convicted of criminal charges. Victims of criminal offenses shall be referred to by the victim's initials or a generic term or abbreviation such as "Victim 1" or V1. Case citations and other legal authorities must appear in the text of the argument after the point of law for which the case or legal authority is cited, NOT in a footnote, and must include the volume and page number of the case, and the particular page or paragraph number where the point of law is found. Citations shall conform to the [Writing Manual A Guide to Citations, Style, and Judicial Opinion Writing issued by the Supreme Court of Ohio \(2013\)](#).

(D) **Contents of Briefs.** Reply briefs shall be restricted to matters in rebuttal of appellee's brief. It is not necessary to include copies of any cases cited in the briefs. An official citation shall be used in the table of cases. In addition to the requirements of App.R. 16, the appendix of appellant's brief shall contain a copy of the judgment entry from which the appeal is taken. If the parties to the appeal base their arguments for or against reversal of the trial court judgment on a contract in a civil or administrative action, the parties shall include a copy of that contract in their appendix. If the contract is voluminous, the parties may file a motion with the court seeking to waive this requirement. The motion shall state the length of the contract and/or any other ground for which the party seeks waiver.

(E) **Appendix.** When the appendix to a brief contains three or more items, each item must be separately identified by consecutive numbers or letters or by name of the document and referred to in the brief by the corresponding number, letter or name.

(F) **Non-conforming Briefs.** A brief not prepared in accordance with this rule, as well as App.Rs. 16 and 19, may be stricken. The court may permit a party to file a revised brief which conforms to the rules.

(G) **Supplemental Authorities.** Supplemental or additional authorities filed with the court after briefing has been completed shall be limited to citation of authorities issued in the interim after briefing was completed.

(H) **Conceding Error.** If a party has conceded reversible error in the filing of a brief, that party and/or the opposing party, shall file a notice or a joint notice of conceded error with the clerk within 10 days advising the court of the conceded error.

**(I) Suggestion of Mootness:** If any party believes that the appeal has become moot, the party shall address the issue in its brief. If the question of mootness arises after the parties file their respective briefs, then the party raising the issue of mootness shall file a Notice with the court advising of the argument for mootness. The opposing party may file a response to the suggestion of mootness within the 14-day period provided by App.R. 15. If the matter has been scheduled for oral argument or determination, the court may, by order, shorten the 14-day response time for the opposing party to respond to the suggestion. No further briefing of the issue will be permitted unless ordered by the court.

(Effective January 1, 1980; effective October 1, 1986; August 1, 1989; October 1, 1991; July 1, 1992; June 30, 1994; January 1, 1998, amended, effective July 1, 2002; July 1, 2006; January 1, 2011; amended effective September 1, 2011; July 1, 2013; July 1, 2014, September 15, 2017, January 1, 2018, October 1, 2018, amended, effective August 10, 2020, amended January 25, 2021, amended, effective June 1, 2021, amended effective January 1, 2022.)

#### **RULE 11. BRIEFING SCHEDULE ON APPEAL--CROSS-APPEAL**

Where two or more notices of appeal are filed in the same case and the parties filing the notices of appeal are opposing each other, the party filing the appeal later in time (App.R. 4(B)(1)), shall be referred to as “appellee/cross-appellant” and shall caption the notice of appeal as a cross-appeal. The briefing schedule for both appellant/cross-appellee and appellee/cross-appellant pursuant to App.R. 3(C)(1) and (2) shall be as follows, except as provided in App.R. 14(C):

**Filing No. 1:** Assignments of error and brief of appellant/cross-appellee: 20 days after the date on which the clerk has mailed the notice required by App.R. 11(B) (15 days from the date the record is filed in accelerated calendar appeals).

**Filing(s) No. 2:** Assignments of error and brief of appellee/cross-appellant: 20 days after service of appellant's assignments of error and brief (15 days in accelerated calendar appeals).

Appellee/cross-appellant's brief in response to appellant/cross-appellee's assignments of error: 20 days after service of appellant/cross-appellee's assignments of error and brief (15 days in accelerated calendar appeals).

These two briefs may be combined into one document provided it is clearly designated as both briefs and each brief within the document is labeled so that the court can determine that neither brief exceeds the page limit described in 6th Dist.Loc.App.R. 10(A).

**Filing(s) No. 3:** Appellant/cross-appellee's brief in response to appellee/cross-appellant's assignments of error and brief: 20 days from the date of service of appellee/cross-appellant's assignments of error and brief (15 days in accelerated calendar appeals).

Appellant/cross-appellee's reply brief: 20 days from the date of service of appellee/cross-appellant's brief in response to appellant/cross-appellee's assignments of error and brief. No reply brief is allowed in accelerated calendar appeals without leave of court.

These two briefs may be combined into one document provided it is clearly designated as both briefs and each brief within the document is labeled so that the court can determine that neither brief exceeds the page limit described in 6th Dist.Loc.App.R. 10(A).



**Filing No. 4:** Appellee/cross-appellant's reply brief: 10 days from the date of service of appellant/cross-appellee's brief in response to appellee/cross-appellant's assignments of error and brief. No reply brief is allowed in accelerated calendar appeals without leave of court.

(Effective March 15, 1983; amended, effective October 1, 1991; July 1, 1992; July 1, 2006.)

## **RULE 12. ACCELERATED CALENDAR**

Pursuant to App.R. 11.1, this court adopts an accelerated calendar. Accelerated calendar appeals have a shortened time to file briefs and strict limitations on extensions of time to file briefs, see 6th Dist.Loc.App.R. 5(A).

(A) Based upon a review of the docketing statement(s), this court may issue a scheduling order placing the appeal on the accelerated calendar. Any party may file a motion to remove an appeal from the accelerated calendar. The court may assign an appeal to, or remove an appeal from, the accelerated calendar at any stage of the proceedings.

(B) All briefs filed in an accelerated calendar appeal shall conform to 6th Dist.Loc.App.R. 10 as to form and content; however, briefs shall not exceed 15 pages, excluding table of contents, lists of authorities and appendix. Appellant's brief shall be filed within 15 days after the date on which the clerk has mailed the App.R. 11(B) notice that the record is filed.

(Former rule rescinded and new rule adopted effective October 1, 1991; July 1, 1995; January 1, 1998; January 1, 2000; July 1, 2000; July 1, 2006; amended effective March 22, 2010; July 1, 2013.)

### RULE 13. **MEDIATION**

The court offers a mediation service to litigants who have a case pending in the court and provides a mediator at no charge. The following mediation procedures apply to this service.

(A) **Scheduling a Mediation.** The court's mediation attorney shall review the notice of appeal, the trial court's judgment from which the appeal is taken, and the docketing statement in all civil and administrative appeals to determine whether a mediation will be scheduled.

(1) **Exceptions.** As set forth in Sup.R. 16.21, mediation is prohibited in the following:

- (a) As an alternative to the prosecution or adjudication of domestic violence;
- (b) In determining whether to grant, modify, or terminate a protection order;
- (c) In determining the terms and conditions of the protection order;
- (d) In determining the penalty for violation of a protection order.

(2) Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

If a mediation is scheduled, the court will notify the attorneys, or the parties if unrepresented, of the name of the mediator and the date, time and location of the mediation.

Any party may telephone the court to make a confidential request for mediation or to request that a scheduled mediation be canceled.

**(B) Purposes and Procedure of the Mediation.** Only the court's mediation attorney will conduct mediations. The attorneys primarily responsible for the case, as well as their clients, are required to attend the mediation in person, or with the approval of the mediator, by telephone. The goals of the mediation are: (1) to explore settlement possibilities, (2) to simplify the issues in the appeal if settlement is not achieved, and (3) to deal with any procedural problems which exist, may arise, or are anticipated in connection with the appeal.

The court will attempt to schedule the mediation before any additional expense is incurred by the parties in proceeding with the appeal, i.e. preparation of the transcript of proceedings or briefs.

**(C) Automatic Stay of Filing Deadlines.** Unless otherwise provided by court order, referral of a case for mediation stays all filing deadlines up to 60 days, including the record and briefs, in a case until further notice. The clerk shall not accept for filing any documents while a case is in mediation unless expressly permitted 6th Dist.Loc.App.R. 13(C)(1) or by court order.

- (1) Only the following documents may be filed while a case is in mediation:
  - (a) A motion to lift the mediation stay;
  - (b) A response to a motion to lift the mediation stay;
  - (c) A second notice of appeal or notice of cross-appeal;
  - (d) A motion to dismiss;

(e) A notice related to counsel

(f) A motion for leave to redact personal identifiers as defined by Sup.R. 44(H);

(g) A motion to remand.

**(D) Privilege and Confidentiality.**

(1) The R.C. 2710 “Uniform Mediation Act” (UMA), is incorporated by reference and adopted by this court through this local rule.

(2) The definitions contained in R.C. 2710.01 apply to all mediation conferences.

(3) The privileges contained in R.C. 2710.03 and the exceptions contained in R.C. 2710.05 apply to mediation communications. The privileges may be waived under R.C. 2710.04.

(4) Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure.

**(E) Noncompliance Sanctions.** If a party or attorney fails to comply with the provisions of this rule, the court may impose appropriate sanctions.

**(F) Referral to Resources.** The court administrator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services, such as Children Services, domestic violence prevention, counseling, substance abuse, and mental health services.

**(G) Evaluation, Comments, and Complaints.** Any mediation participant may submit written comments, complaints, or feedback regarding the performance of the mediator to the court administrator.

(Effective July 1, 1992; effective January 1, 1998; effective November 1, 2000, amended, effective March 15, 2005; July 1, 2006; July 1, 2013; January 1, 2020; February 12, 2020.)

#### **RULE 14. APPOINTMENT OF COUNSEL**

(A) **Request for Counsel.** Except in appeals filed pursuant to App.R. 5(A) Delayed Appeals, requests for appointment of counsel and a transcript of proceedings at state expense shall be made in the first instance in the trial court. If the request is denied by the trial court, a subsequent motion may be filed in the court of appeals.

(B) **Selection of Counsel.** The court shall maintain a list of qualified attorneys who have notified the court of their interest in serving as appointed counsel. Counsel shall be selected in a continual rotation from a list maintained by the court, except that the court may consider the experience and expertise of counsel in making an appointment.

The court shall keep a record of all counsel appointments made in each calendar year and shall annually review that record to assure that appointments are equitably distributed among counsel on the appointment list.

#### **(C) Appointed Counsel Fees.**

(1) Appointed counsel's "[Motion for Approval of Payment of Appointed Counsel Fees and Expenses](#)" on appeal shall be submitted on the form prescribed by the [Ohio Public Defender](#). Except in cases where appointed counsel withdraws from representation, the motion shall be filed with the court no earlier than the date that the appeal is argued at oral argument or submitted to the court for determination without argument, and no later than 30 days after the date that the appeal is decided on the merits

or is dismissed. In cases where appointed counsel withdraws from representation, motions shall be filed no later than 30 days after counsel withdraws.

Attorney fees and expenses may be reduced or denied if the motion is not timely filed.

(2) The rate of compensation for appointed counsel shall be in accordance with the rate and fee schedule as adopted by the applicable county commissioners. Copies of each fee schedule can be obtained in the Sixth District Court of Appeals Court Administrator's Office.

(Effective July 1, 1995; July 1, 1996; amended, effective January 1, 1998; January 1, 2004; July 1, 2006; May 21, 2012; March 10, 2020.)

#### **RULE 15. RECORDS RETENTION**

Pursuant to Sup.R. 26(G), this court adopts, as its records retention schedule, Sup.R. 26, 26.01, and 26.02. In no event shall any record of this court be retained for a period less than the time established in Sup.R. 26, 26.01 or 26.02.

(Effective July 1, 1995; amended, effective January 1, 1998, January 1, 2000; July 1, 2006.)

#### **RULE 16. BROADCASTING AND PHOTOGRAPHING COURT PROCEEDINGS BY MEDIA**

Requests for permission for broadcasting, televising, recording, or taking photographs in the courtroom must be submitted to the court administrator, in writing, on the designated form, at least 24 hours prior to the scheduled time of commencement of the proceeding.

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

The court administrator shall specify the place or places in the courtroom where the operators and equipment are to be positioned. The equipment and operators are limited to the following:

- (A) One portable camera with one operator
- (B) One still photographer
- (C) One audio system for radio broadcast purposes.

Filming, videotaping, recording, or taking photographs of victims or witnesses, who object is not permitted.

All pooling arrangements are the responsibility of the media representatives. Such arrangements must be made without involving the court. If any disputes arise, the judge may exclude all disputing media representatives.

Upon the failure of any media representative to comply with the conditions prescribed by the judge, the judge may revoke the permission to broadcast, televise, record, or photograph the hearing or oral argument.

Permission under this rule will only be granted to media.

(Effective July 1, 1996; amended, effective July 1, 2006.)

**RULE 17. BAIL AND SUSPENSION OF EXECUTION OF SENTENCE IN CRIMINAL CASES**

When a party files an application for release on bail and suspension of execution of sentence pursuant to App.R. 8(B), a memorandum in support shall be filed with the application in this court. In any case where the conviction from which the appeal is taken is rendered on a no contest or guilty plea, the defendant shall also accompany his application with a listing of the assignments of error he intends to assert on his appeal. The party's memorandum shall also contain, but is not limited to, the following information, which shall be supported by the papers, affidavits, and portions of the record referred to in App.R. 8(B): (1) confirmation that the motion for release on bail was denied by the trial court, (2) a statement of the offense for which the party was found guilty and the sentence imposed by the trial court, (3) a listing of the party's prior convictions, if any, and if there are none, a statement to that effect, (4) a listing of current charges pending against the party, if any, and if there are none, a statement to that effect, (5) a statement as to whether the party is currently employed, the name of the party's employer and for how long the party has been employed, (6) a statement of the amount of bail the party is requesting and in what manner the bail will be secured, and (7) a statement of defendant's family or other community ties. Failure to comply with this rule may result in the automatic denial of the application.

(Effective July 1, 2000; amended July 1, 2006; amended March 1, 2010; amended May 1, 2021.)



**RULE 18. REPORTING OF DECISIONS**

Pursuant to Rule 3(C) of the Supreme Court Rules for the Reporting of Opinions, each of this court’s decisions, excluding orders on procedural matters, orders without opinion, memorandum decisions, and judgment entries under App.R. 11.1(E), will be sent to the Supreme Court Reporter who will determine whether the decisions will be reported in the Ohio Official Reports.

(Effective July 1, 2000; amended, effective July 1, 2006.)

**RULE 19. RECORD ON APPEAL**

In addition to the requirements in App.R. 9, a transcript of proceedings prepared by a reporter to be included in the record on appeal shall state “NO EXHIBITS IDENTIFIED” if there are no exhibits identified or otherwise referred to in the transcript. This statement shall be in place of the “index to exhibits” required in App.R. 9(B)(6).

(Effective November 1, 2000; amended, effective July 1, 2006.)

**RULE 20. WEAPONS PROHIBITED**

(A) The court prohibits all persons, with the exceptions listed in Section B of this rule, from conveying or attempting to convey a deadly weapon or dangerous ordnance into the Sixth District Court of Appeals Courthouse. This includes anyone who has a concealed handgun permit issued pursuant to R.C. 2923.125 or 2923.123. This courthouse does not provide the service of securing handguns, except for authorized law enforcement personnel. See R.C. 2923.123 (C)(6).

(B) The following persons are allowed to convey a deadly weapon or dangerous ordnance into the Sixth District Court of Appeals Courthouse: (1) judges of this court, (2) a peace officer as defined in R.C. 2935.01(B) who is acting within the scope of that individual's duties, (3) a bailiff or deputy bailiff, (4) a prosecutor or secret service officer as defined in R.C. 2923.123(C)(5).

(Effective April 8, 2004, amended, effective July 1, 2006.)

**RULE 21. RESERVED**

**RULE 22. PRESIDING/ADMINISTRATIVE JUDGE**

Pursuant to Sup.R. 3 and 4, one judge shall be elected to be both the presiding judge and the administrative judge, hereinafter designated as presiding judge. In addition to the powers and duties set forth in Sup.R. 3 and 4, the presiding judge shall rule upon all requests for extensions of time and other motions and matters authorized to be handled by a single judge. The presiding judge may refer any such motion or matter to a three-judge panel. The presiding judge shall preside over all sessions and meetings of the court en banc and over any three-judge panel of which the presiding judge is a member. In the absence of the presiding judge, the available judge who is senior in service on the court shall perform the duties of the presiding judge. The judge who is senior in service on the court shall preside over any three-judge panel of which the presiding judge is not a member.

(Effective June 1, 1985; amended, effective July 1, 1992; July 1, 1993; July 1, 1995; January 1, 1998.)

**RULE 23. TITLE**

These rules shall be known as the Local Rules of the Sixth District Court of Appeals of Ohio and may be cited as 6th Dist.Loc.App.R. \_\_\_\_.

(Effective July 1, 1992; amended, effective July 1, 1995.)