Table of Contents

CHAPTER 1. OVERVIEW AND GENERAL PRINCIPLES

I. IN GENERAL

- § 1:1 Appeals—Introduction
- § 1:2 —Principle of "one trial, one review"

II. FORUMS FOR APPEAL

- § 1:3 Ohio Supreme Court—In general
- § 1:4 —Appellate jurisdiction
- § 1:5 —Original jurisdiction
- § 1:6 —Rule-making powers
- § 1:7 Courts of appeals—In general
- § 1:8 —Appellate jurisdiction
- § 1:9 —Original jurisdiction
- § 1:10 Appellate jurisdiction of courts of common pleas
- § 1:11 Appellate jurisdiction of municipal and county courts
- § 1:12 Non-judicial administrative appeals

III. NATURE OF APPEAL

- § 1:13 Nature of appeal—Historic significance; appeal on law and fact; appeal on law alone
- § 1:14 —Abolition of law and fact appeals to court of appeals
- § 1:15 —Law and fact appeal from administrative agency to court of common pleas
- § 1:16 Effect of entry of final order on jurisdiction of court below— Generally
- § 1:17 —Criminal cases
- § 1:18 —Civil cases
- § 1:19 Effect of appeal on jurisdiction of court below—Generally
- § 1:20 —Relief from judgment
- § 1:21 —Stays and injunctions pending appeal—Civil cases
- § 1:22 —Stays pending appeal—Criminal cases
- § 1:23 ——Contempt proceedings

IV. RIGHT TO APPEAL

- § 1:24 Right to appeal—Created only by constitution or statute
- § 1:25 —Appeal from lower to higher court
- § 1:26 —Administrative
- § 1:27 —Necessity for compliance with statute or rule to claim right
- § 1:28 —Government's right to appeal in criminal case
- § 1:29 Who may appeal—In general
- § 1:30 —Parties to administrative appeals

§ 1:31 —Amicus curiae § 1:32 Abuse of right to appeal Withdrawal of counsel in criminal appeals § 1:33 V. LAYING THE FOUNDATION FOR APPEAL § 1:34 Record on appeal—Need to make the record complete, accurate, and clear § 1:35 -Making and preserving § 1:36 —Raising issues and objections § 1:37 -Proffer of evidence —Interrogation of witnesses § 1:38 VI. APPELLATE PROCEDURE § 1:39 Rules and statutes governing appeals—Supreme Court Rules of Practice -Rules of Appellate Procedure § 1:40 § 1:41 —Statutes governing appeals § 1:42 —Local rules of court § 1:43 Basic steps in appeal to court of appeals; checklist § 1:44 Papers in court of appeals—Filing -Service § 1:45 -Proof of service § 1:46 APPELLATE REVIEW VII. § 1:47 Appellate review—Limits § 1:48 —Assignments of error and propositions of law § 1:49 —Prejudicial error § 1:50 —Criminal defendant's right to effective assistance of counsel on appeal § 1:51 —Decision and disposition § 1:52 —Reporting of decisions § 1:53 —Availability of unpublished decisions CHAPTER 2. APPEALABLE ORDERS I. GENERAL PRINCIPLES § 2:1 Introduction to appealable orders Final orders—Requirements of form and clarity § 2:2 § 2:3 ——Special rules in magistrate cases § 2:4 —R.C. 2505.02—Generally **II. FINAL ORDERS UNDER R.C. 2505.02**(B)(1) § 2:5 Final orders—R.C. 2505.02—Order affecting a substantial right that in effect determines the action and prevents a judgment—Definition of "substantial right" § 2:6 ——Determining what "affects" a substantial right § 2:7 ———Meaning of "determines the action and prevents a

judgment"—Civil cases

- § 2:8 ————Order that resolves all claims against all parties
- § 2:9 ————Order that resolves at least one claim or rights and obligations of at least one party as to which trial court enters final judgment under Civ. R. 54(B)
- § 2:10 ———Criminal cases
- $\S 2:11$ ——Juvenile cases

III. FINAL ORDERS UNDER R.C. 2505.02(B)(2)

- § 2:12 Final orders—R.C. 2505.02—Order affecting a substantial right in a special proceeding or upon a summary application in an action after judgment—Definition of "substantial right"
- § 2:13 Order affecting a substantial right in a special proceeding or upon a summary action after judgment—Definition of "special proceeding"
- § 2:14 ———Definition of "summary application in an action after judgment"
- § 2:15 ———Definition of "affects a substantial right" in context of special proceeding
- § 2:16 Order affecting a substantial right in a special proceeding or upon a summary application in an action after judgment—Application of Civ. R. 54(B)

IV. FINAL ORDERS UNDER R.C. 2505.02(B)(3)

§ 2:17 Final orders—R.C. 2505.02—Order that vacates or sets aside a judgment or grants a new trial

V. FINAL ORDERS UNDER R.C. 2505.02(B)(4)

- § 2:18 Final orders—R.C. 2505.02—Order granting or denying a provisional remedy—In general
- § 2:19 ———Definition of "provisional remedy"
- § 2:20 ———Orders that determine the action and prevent a judgment in favor of the appealing party with respect to the provisional remedy
- § 2:21 ———Orders from which the appealing party would not be afforded a meaningful or effective remedy by an appeal following final judgment
- § 2:22 ———Interplay with Civ. R. 54(B)

VI. FINAL ORDERS UNDER R.C. 2505.02(B)(5)

§ 2:23 Final orders—R.C. 2505.02—Order that determines that an action may or may not be maintained as a class action

VII. FINAL ORDERS UNDER R.C. 2505.02(B)(6) AND R.C. 2505.02(B)(7)

§ 2:24 Final orders—R.C. 2505.02—Other types of final orders

VIII. FINAL ORDERS UNDER OTHER STATUTES

§ 2:25 Final orders—Bases for appealing other than R.C.

- 2505.02—State's right of appeal in criminal and juvenile cases under R.C. 2945.67(A)
- § 2:26 ——Discretionary appeals in criminal and juvenile cases under R.C. 2945.67(A)
- § 2:27 Other miscellaneous statutory provisions granting right of appeal
- § 2:28 ——Questions regarding finality
- § 2:29 Motion for DNA testing
- § 2:30 —Restrictions on right to appeal criminal sentences

IX. PENDENT APPELLATE JURISDICTION

§ 2:31 Final orders—Pendent appellate jurisdiction

CHAPTER 3. COMMENCEMENT OF APPEAL

I. NOTICE OF APPEAL

- § 3:1 Commencing appeal as of right—Notice of appeal
- § 3:2 —Joint or consolidated appeals
- § 3:3 —Cross-appeals
- § 3:4 Time for filing notice of appeal—In general
- § 3:5 —Delayed service of a final order under Civ. R. 58(B)
- § 3:6 —Option to defer appeal until conclusion of entire case for certain final orders
- § 3:7 —Cross-appeal after notice of appeal filed by another party
- § 3:8 —Appeal by State in criminal case
- § 3:9 —Tolling the time limit
- § 3:10 —Court may not change time for filing notice of appeal
- § 3:11 —Consequences of late filing
- § 3:12 Contents of notice of appeal and amendments
- § 3:13 Filings required with notice of appeal—Order for transcript or partial transcript
- § 3:14 —Additional filings when no transcript, partial transcript, or substitute contemplated
- § 3:15 —Docketing statement and praecipe
- § 3:16 Service of notice—Notice to parties by clerk
- § 3:17 —Notice to court of appeals by clerk
- § 3:18 —Appellant's duty to serve additional filings on other parties
- § 3:19 Premature appeals
- § 3:20 Commencing delayed appeal by defendant in criminal case or delinquent juvenile—In general
- § 3:21 —Motion for leave to appeal
- § 3:22 —Conditional notice of appeal
- § 3:23 Motion to reopen appellate proceedings
- § 3:24 Leave to appeal by defendant from certain felony-sentencing decisions
- § 3:25 Leave to appeal by State in criminal case
- § 3:26 Determination of motion for leave to appeal
- § 3:27 State's appeal of suppression ruling—Certification requirement

II. DOCKETING; REGULAR, ACCELERATED, AND EXPEDITED CALENDARS

- § 3:28 Docketing the appeal
- § 3:29 Accelerated-calendar cases—In general
- § 3:30 —Time limits; briefs; decision of court
- § 3:31 —Docketing statement and factors in assigning cases
- § 3:32 —Transfer from regular to accelerated calendar or vice-versa
- § 3:33 Expedited cases

CHAPTER 4. RECORD ON APPEAL

- § 4:1 Contents of record on appeal
- § 4:2 Agreed statement of case in lieu of record—Contents and time for submission
- § 4:3 —Notice of assignments of error and intention to use
- § 4:4 —Review by trial court
- § 4:5 Transcript—What constitutes a transcript
- § 4:6 —Ordering and payment arrangements
- § 4:7 —Formatting
- § 4:8 Partial transcript—Use
- § 4:9 —Notice of assignments of error and parts of transcript to be used
- § 4:10 —Appellee's option to order additional parts
- § 4:11 Statement of evidence or proceedings in lieu of transcript— In general
- § 4:12 —Procedure to be followed by the parties
- § 4:13 —Procedure to be followed by the trial court
- § 4:14 Transmission and receipt of record on appeal—Duties of trial court clerk
- § 4:15 —Retention of record by trial court
- § 4:16 —Early transmission of part of record to support motion
- § 4:17 Correction of record—In general
- § 4:18 —Supplemental transcript and record
- § 4:19 —Additions improper when not part of actual proceedings
- § 4:20 —Extraordinary writs

CHAPTER 5. BRIEFS AND ORAL ARGUMENT

I. BRIEFS

- § 5:1 Briefs—Requirement, purpose and importance
- § 5:2 —Consequences of failure to file on time
- § 5:3 —Filing
- § 5:4 —Service
- § 5:5 —Time for filing and service
- § 5:6 —Extension of time for filing
- § 5:7 —Specifications for production
- § 5:8 —Contents—In general
- § 5:9 ——Appellant's brief—Cover page
- $\S 5:10$ — Table of contents

§ 5:11 ———Table of cases (or table of authorities) § 5:12 ———Assignments of error ———Statement of issues § 5:13 — — —Introduction § 5:14 ———Statement of the case § 5:15 § 5:16 ———Statement of facts § 5:17 — — —Argument § 5:18 — — — Conclusion § 5:19 —Addenda or appendices § 5:20 —References to the record § 5:21 —Appellee's brief—In general -- Organization of argument § 5:22 § 5:23 — Whether assignments of error are optional § 5:24 — Effect of assignments of error on cross-appeal § 5:25 —Reply and other briefs of parties § 5:26 —Amicus curiae § 5:27 —Anders —Length § 5:28

II. PREHEARING CONFERENCE/MEDIATION

§ 5:30 Prehearing conference/mediation

—Suggestions for writing them

III. ORAL ARGUMENT

- § 5:31 Oral argument—In general
- § 5:32 —Notice and failure to appear
- § 5:33 —Order of presentation and time allowed
- § 5:34 —Content

§ 5:29

§ 5:35 —Waiver of oral argument

CHAPTER 6. MOTION PRACTICE

- § 6:1 Introduction to motion practice
- § 6:2 Types of motions—Procedural
- § 6:3 —Merit
- § 6:4 Motions—Form and content
- § 6:5 —Filing
- § 6:6 —Time of filing and extension of time
- § 6:7 —Service
- § 6:8 —Responses and replies
- § 6:9 —Consideration and ruling—No oral argument unless ordered
- § 6:10 ——When ruling may be made
- § 6:11 ——Number of judges required to rule on motions

CHAPTER 7. CONSIDERATION AND DECISION

- § 7:1 Merit determination or dismissal
- § 7:2 Merit determination—Effect of events rendering appeal moot or of uncertainty that affects ripeness
- § 7:3 Scope of review by court of appeals—In general

Table of Contents

| § 7:4 | —Errors raised for first time on appeal |
|--------|--|
| § 7:5 | — Requirement that party move to set aside a |
| | magistrate's order or object to a magistrate's decision |
| | before challenging order or decision on appeal |
| § 7:6 | —Invited Error |
| § 7:7 | —Errors raised in trial court but not decided |
| § 7:8 | —Errors not subject to waiver or forfeiture |
| § 7:9 | —Errors not assigned, improperly assigned, or not argued |
| § 7:10 | —Plain error |
| § 7:11 | —Factual issues |
| § 7:12 | —Errors not shown by record |
| § 7:13 | —Errors involving constitutional questions |
| § 7:14 | Prejudicial error—In general |
| § 7:15 | —Correct judgment rendered for incorrect reason |
| § 7:16 | —Two-issue rule |
| § 7:17 | —Summary judgment—Error rendered moot by trial result |
| § 7:18 | —Criminal cases—Generally |
| § 7:19 | — —When entire record to be reviewed |
| § 7:20 | —Cumulative error |
| § 7:21 | Judgment—Final judgment as a matter of law |
| § 7:22 | —Reversal on manifest weight of evidence |
| § 7:23 | —Reversal and remand in other cases |
| § 7:24 | Decision—Requirement for written decision |
| § 7:25 | —Judges participating in decision |
| § 7:26 | —Journal entry |
| § 7:27 | Costs—In general |
| § 7:28 | —Items included |
| § 7:29 | —Frivolous or unreasonable appeal |
| § 7:30 | Order of remand—Judgment entry constitutes mandate |
| § 7:31 | —Stay of execution |
| § 7:32 | —Effect of remand |
| § 7:33 | Reconsideration |
| § 7:34 | <i>En banc</i> consideration to resolve inconsistent holdings within the district |
| § 7:35 | Reconsideration and <i>en banc</i> consideration proceedings toll time for appeal to Supreme Court |
| § 7:36 | Application for reopening due to ineffective assistance of appellate counsel—Generally |
| § 7:37 | —Content |
| § 7:38 | —Service, length, and oral argument |
| § 7:39 | —Two-step process |
| § 7:40 | Certification to Supreme Court in cases of conflict— Generally |
| § 7:41 | —Motion to certify and certification order |
| § 7:42 | —Filing in Supreme Court |
| § 7:43 | —Appeal to Supreme Court |

CHAPTER 8. APPEALS TO THE OHIO SUPREME COURT

I. CLASSIFICATION OF APPEALS TO SUPREME COURT

- § 8:2 Appeals of right
- § 8:3 —Cases originating in courts of appeals
- § 8:4 —Capital cases
- § 8:5 Jurisdictional appeals—Constitutional questions
- § 8:6 —Other categories
- § 8:7 Cases certified for conflict between courts of appeals
- § 8:8 Direct administrative appeals

II. COMMENCING APPEAL TO SUPREME COURT

- § 8:9 Commencing appeal to Supreme Court—Filing notice of appeal
- § 8:10 —Time and place of filing—Appeal from court of appeals
- § 8:11 ——Appeal from Board of Tax Appeals
- § 8:12 ——Appeal from Public Utilities Commission
- § 8:13 ——Appeal from Power Siting Board
- § 8:14 —Joint appeals
- § 8:15 —Cross-appeals
- § 8:16 Contents of notice of appeal—In general
- § 8:17 —Memorandum in support of jurisdiction
- § 8:18 —Delayed appeal in criminal case
- § 8:19 Notice of appeal or cross-appeal—Time of filing
- § 8:20 —Service and proof of service
- § 8:21 —Filing fee
- § 8:22 Commencement of original action
- § 8:23 Federal certification of question of state law
- § 8:24 Commencement of appeal in case certified for conflict—In general
- § 8:25 —Filing certification order
- § 8:26 —Consequences of failure to comply with rule
- § 8:27 —Determination of conflict
- § 8:28 —Remand for clarification

III. DEMONSTRATING JURISDICTION

- § 8:29 Demonstrating jurisdiction of Supreme Court— Requirements
- § 8:30 —Procedure for accepting or refusing appeal
- § 8:31 —Jurisdictional memorandum—Form and contents
- § 8:32 ——Filing and service
- § 8:33 —Memorandum in opposition to jurisdiction
- § 8:34 —Supplemental or reply memorandum
- § 8:35 —Jurisdictional memorandum for cross-appeal
- § 8:36 Refusal or dismissal of appeal

IV. RECORD ON APPEAL

- § 8:37 Record on appeal to Supreme Court
- § 8:38 —Transmission
- § 8:39 —Supplement containing important items from record

V. MERIT BRIEFS

- § 8:40 Merit briefs—General requirements
- § 8:41 —Form and contents—In general
- § 8:42 ——Appellant's brief
- $\S 8:43$ ——Appellee's brief
- § 8:44 —Filing and service
- § 8:45 —Statement of additional authorities not included in brief
- § 8:46 —Consequences of failure to comply with rules

VI. ORAL ARGUMENT

- § 8:47 Oral argument—In general
- § 8:48 —Order of presentation and time allotted
- § 8:49 —Attorneys of record not admitted to Ohio bar

VII. REVIEW AND DECISION

- § 8:50 Scope of review by Supreme Court—In general
- § 8:51 —Remand for determination of undecided issues
- § 8:52 —Waiver of rule
- § 8:53 Decision, mandate, and reconsideration

VIII. MISCELLANEOUS PROVISIONS

- § 8:54 Computation of time
- § 8:55 Motions—In general
- § 8:56 —For extension of time
- § 8:57 —For stay
- § 8:58 Mediation
- § 8:59 Frivolous appeals and sanctions
- § 8:60 Vexatious litigators
- § 8:61 General filing requirements

CHAPTER 9. APPEALS FROM ADMINISTRATIVE PROCEEDINGS

I. GENERAL PRINCIPLES

- § 9:1 Introduction
- § 9:2 Statutes and rules governing administrative appeals
- § 9:3 —Administrative Procedure Act and appeals from state agencies
- § 9:4 —R.C. Chapter 2506 and appeals from local agencies
- § 9:5 —Miscellaneous statutes
- § 9:6 —Procedural rules and administrative regulations
- § 9:7 Right to appeal administrative actions—In general

| § 9:8 | —Who may appeal |
|--------|---|
| § 9:9 | —Necessity for strict compliance with statutes |
| § 9:10 | Right to appeal adjudicatory proceedings |
| § 9:11 | Right to appeal rule-making proceedings |
| § 9:12 | Requirement for exhaustion of administrative remedies |
| § 9:13 | Appeals from administrative agencies to courts—Appeals to |
| | court of common pleas |
| § 9:14 | —Direct appeals to court of appeals or Supreme Court |
| § 9:15 | — — Table |
| § 9:16 | Further appeals |
| § 9:17 | Judicial review of administrative actions other than through appeal |
| | |

II. APPEALS UNDER ADMINISTRATIVE PROCEDURE ACT

| § 9:18 | Agencies subject to Administrative Procedure Act |
|-----------|--|
| § 9:19 | —Officers and agencies subject to Act |
| § 9:20 | —Agencies and actions excluded from Act |
| § 9:21 | Right to appeal under R.C. 119.12—In general |
| § 9:22 | —Party adversely affected |
| § 9:23 | —Appealable adjudications |
| § 9:24 | Venue of appeal under R.C. 119.12 |
| $\S 9:25$ | Notice of appeal under R.C. 119.12 |
| § 9:26 | Suspension pending appeal under R.C. 119.12 |
| $\S 9:27$ | Record on appeal under R.C. 119.12—Certification of record |
| § 9:28 | —Complete record required |
| § 9:29 | —Failure to certify record in time |
| § 9:30 | Proceedings on appeal under R.C. 119.12—In general |
| § 9:31 | —Requirement for hearing |
| § 9:32 | —No trial <i>de novo</i> ; exceptions |
| § 9:33 | —Admission of newly discovered evidence |
| § 9:34 | Scope and standards of review under R.C. 119.12—In general |
| § 9:35 | —Consideration and quality of evidence |
| § 9:36 | —Court not to substitute its judgment for that of agency |
| § 9:37 | —Interpretation of regulations |
| § 9:38 | —Constitutional questions |
| § 9:39 | —Modification of penalty |
| § 9:40 | Further appeal to court of appeals under R.C. 119.12—Appellant's right to appeal |
| § 9:41 | —Agency's limited right to appeal |
| § 9:42 | —Standard of review by court of appeals |
| | |

III. APPEALS FROM LOCAL AGENCIES

| § 9:43 | Scope of appeal from local agencies; venue; procedure |
|--------|---|
| § 9:44 | Agencies subject to R.C. Chapter 2506 |
| § 9:45 | Right to appeal local administrative actions—Who may |
| | appeal |
| § 9:46 | —Appealable actions |

§ 9:47 Notice of appeal from local administrative agencies—Notice of appeal and praccipe § 9:48 —When time for appeal begins to run —Filing copy of notice of appeal and praccipe with court § 9:49 § 9:50 —Stays pending appeal Record of local agency proceedings on appeal § 9:51 § 9:52 Proceedings on appeal in local administrative appeals —Introduction of additional evidence and *de novo* nature of § 9:53 proceeding § 9:54 —Constitutional questions § 9:55 Scope and standards of review in local administrative appeals

Further appeal to court of appeals under R.C. 2506.04

IV. STATE ADMINISTRATIVE AGENCIES

- § 9:57 Proceedings of selected state agencies
- § 9:58 —Civil service

§ 9:56

- § 9:59 —Environmental protection
- § 9:60 —Workers' compensation
- § 9:61 —Unemployment compensation
- § 9:62 —Liquor control
- § 9:63 —Public utilities
- § 9:64 —Public assistance
- § 9:65 —Taxation
- § 9:66 —Oil and Gas Commission
- § 9:67 —Civil Rights Commission
- § 9:68 Directory of state agencies

CHAPTER 10. ORIGINAL ACTIONS ON EXTRAORDINARY WRITS

I. GENERAL PRINCIPLES

- § 10:1 General principles—Introduction
- § 10:2 —Effect of statutes and rules on original jurisdiction over writs
- § 10:3 —Necessity for demonstrating clear right to extraordinary writ
- § 10:4 —Writs not available when other adequate remedy available
- § 10:5 —Extraordinary writs cannot be used as substitute for appeal
- § 10:6 —Extraordinary writs cannot be used for interlocutory review
- § 10:7 —Procedural statutes and rules in extraordinary-writ cases
- § 10:8 —Alternative and peremptory writs
- § 10:9 —Appeal of allowance or denial of extraordinary writ

II. QUO WARRANTO

§ 10:10 Quo warranto—Nature and purpose in general

| | OHIO APPELLATE P | |
|--|--|--|
| \$ 10:11 \$ 10:12 \$ 10:13 \$ 10:14 \$ 10:15 \$ 10:16 \$ 10:17 \$ 10:18 \$ 10:19 \$ 10:20 | | |
| III. M | IANDAMUS | |
| | —Nature of duty to be performed—Clear legal duty versus discretionary duties — Existing duty; act capable of performance —Prerequisites—Beneficial interest of relator — Right to have act performed by respondent — Only remedy and exhaustion of administrative remedies | |
| IV. HABEAS CORPUS | | |
| § 10:30 | | |
| § 10.30 § 10:31 | Habeas corpus—Nature and purpose —In general and Ohio practice | |
| § 10:31 § 10:32 | Exhaustion of state remedies before invoking relief under federal law | |
| § 10:33 | —Nonavailability—In general | |
| § 10:34 | — — Criminal cases—Availability of appeal | |
| § 10:35 | ———Availability of post-conviction relief proceedings | |
| § 10:36 | ——Custody cases | |
| § 10:37 | —Jurisdiction | |
| § 10:38 § 10:39 | —Procedure —Sanctions | |
| V. PR | ROHIBITION | |
| § 10:40 | Prohibition—In general | |
| § 10:41 | —Injunction and mandamus distinguished | |
| § 10:42 | —When prohibition lies | |
| § 10:43 | —When prohibition will not lie—Writ premature until court has determined its jurisdiction | |
| § 10:44 | — —No exercise of judicial or quasi-judicial power | |
| § 10:45 | ——Prohibition not corrective remedy | |
| § 10:46 | — Writ not available for interlocutory review or as substitute for appeal | |
| § 10:47 | — — Writ not available if other adequate remedy available | |
| § 10:48 | —Jurisdiction and procedure | |

VI. PROCEDENDO

- § 10:49 Procedendo—In general
- § 10:50 —Mandamus distinguished
- § 10:51 —Necessity for demonstrating clear legal right to writ
- § 10:52 —Writ cannot be used for interlocutory review or as substitute for appeal
- § 10:53 —Writ cannot control nature of judgment
- § 10:54 —Jurisdiction and procedure
- § 10:55 —Interim action by judge renders proceeding moot

CHAPTER 11. GENERAL FORMS

- § 11:1 Caption—Trial court
- § 11:2 —Court of appeals
- § 11:3 —Administrative agency
- § 11:4 Cover page in the Supreme Court
- § 11:5 Proof/certificate of service

CHAPTER 12. COMMENCEMENT OF APPEAL FROM TRIAL COURT—FORMS

- § 12:1 Notice of appeal to court of appeals—Civil case
- § 12:2 Docketing statement
- § 12:3 Clerk's notice that notice of appeal filed
- § 12:4 Motion for leave to file delayed appeal in criminal case or delinquent juvenile
- § 12:5 Affidavit of indigency and request for appointment of counsel and leave to proceed *in forma pauperis*
- § 12:6 State's motion for leave to appeal in criminal case
- § 12:7 Prosecuting attorney's certificate in appeal from order suppressing evidence, requiring return of seized property, or requiring discovery

CHAPTER 13. RECORD ON APPEAL—FORMS

- § 13:1 Order for transcript of proceedings
- § 13:2 Order for partial transcript of proceedings
- § 13:3 Appellant's statement—Partial transcript
- § 13:4 —No transcript necessary
- § 13:5 —Statement of evidence or proceedings in lieu of transcript
- § 13:6 —Agreed statement in lieu of record to be filed
- § 13:7 Appellee's notice to appellant to order additional parts of transcript
- § 13:8 Motion to require appellant to order additional parts of transcript
- § 13:9 Appellee's objections to appellant's statement in lieu of transcript; motion to amend
- § 13:10 Motion to appoint transcriber
- § 13:11 Stipulation for retention of parts of record by trial court
- § 13:12 Motion to trial court to extend time to transmit record
- § 13:13 Motion to court of appeals to extend time to transmit record

- § 13:14 Transcriber's certificates—Written transcript
- § 13:15 Clerk's certificates—Docket and journal entries
- § 13:16 —List of documents in record
- § 13:17 Clerk's notice to parties of filing of record

CHAPTER 14. BRIEFS AND ORAL ARGUMENT—FORMS

- § 14:1 Motion to extend time to file brief
- § 14:2 Motion for leave to file amicus curiae brief
- § 14:3 Motion to permit *amicus curiae* to participate in oral argument
- § 14:4 Motion to allot more time for oral argument

CHAPTER 15. MOTION PRACTICE—FORMS

- § 15:1 Motion for stay of execution pending appeal in a civil case
- § 15:2 Motion to suspend, modify, or grant injunction pending appeal
- § 15:3 Motion for bail pending appeal in a criminal case
- § 15:4 Motion to consolidate appeals
- § 15:5 Motion to dismiss—Late notice of appeal
- § 15:6 —Lack of final order
- § 15:7 —Late transmission of record
- § 15:8 —Late filing of brief
- § 15:9 Motion for payment of appellee's expenses for frivolous or unreasonable appeal

CHAPTER 16. CONSIDERATION AND DECISION—FORMS

- § 16:1 Application for reconsideration
- § 16:2 Application for en banc consideration
- § 16:3 Motion to certify record to Supreme Court for conflict
- § 16:4 Order certifying record to Supreme Court for conflict

CHAPTER 17. APPEALS TO THE OHIO SUPREME COURT—FORMS

- § 17:1 Stipulated extension of time to file appellant's brief
- § 17:2 Motion for extension of time to file appellant's brief
- § 17:3 Motion for stay of execution
- § 17:4 Motion for reconsideration

CHAPTER 18. APPEALS FROM ADMINISTRATIVE PROCEEDINGS—FORMS

- § 18:1 Notice of appeal from administrative order, decision, or action
- § 18:2 —Copy of notice of appeal filed in appropriate court
- § 18:3 Praecipe for transcript
- § 18:4 Agency's certification of transcript
- § 18:5 Motion to present new or additional evidence

§ 18:6 Judgment entry

APPENDICES

| Appendix A. | Map of the Appellate Districts |
|-------------|--|
| Appendix B. | Addresses of the Appellate Courts |
| Appendix C. | Judges of the Appellate Districts |
| Appendix D. | Outlines and Timetables of Appellate Practice |
| Appendix E. | Duties and Timetable—Clerks of Ohio Trial Courts |
| Appendix F. | Duties and Timetable—Clerks of Ohio Courts of Appeals |
| Appendix G. | Standards of Review |
| Appendix H. | Procedural Highlights—U.S. Sixth Circuit Court of Appeals |
| Appendix I. | Model Brief |
| Appendix J. | Rules of Practice of the Supreme Court of Ohio |
| Appendix K. | Rules of Appellate Procedure |
| Appendix L. | Rules of Superintendence for the Courts of Ohio (Selected Rules) |
| Appendix M. | Local Appellate Rules |
| Appendix N. | Miscellaneous Ohio Rules of Procedure (Selected Rules) |
| Appendix O. | Constitution of the State of Ohio |
| Appendix P. | Ohio Revised Code |
| Appendix Q. | Federal Material |

Table of Laws and Rules

Table of Cases

Index