

# **LOCAL RULES OF THE THIRD APPELLATE JUDICIAL DISTRICT**

## **TITLE I.      APPLICABILITY OF RULES.**

### **LOCAL RULE 1.                      Applicable Rules.**

**(A) Appeals.** The Ohio Rules of Appellate Procedure, as supplemented by these local rules, shall govern procedure in appeals to this Court.

**(B) Original Actions.** The Ohio Rules of Civil Procedure, as supplemented by the Ohio Rules of Appellate Procedure and these local rules, shall govern procedure in original actions filed in this Court.

**(C) Numbering of Local Rules.** These local rules are organized to numerically align with the Ohio Rules of Appellate Procedure.

Effective Date: August 1, 2025

**LOCAL RULE 2. [RESERVED].**

## **TITLE II. APPEALS FROM JUDGMENTS AND ORDERS OF COURT RECORD.**

### **LOCAL RULE 3.**

### **Cost Deposit.**

**(A) In Original Actions.** No complaint in an original action (mandamus, prohibition, procedendo, quo warranto or habeas corpus) may be accepted for filing in this Court unless the party bringing the action shall have first deposited with the clerk of this Court the sum of \$150.00 as security for the payment of the costs that may accrue in the action.

Subpoenas may not issue for witnesses in actions in habeas corpus unless an additional deposit in the amount of \$20.00 as security for costs shall be deposited with the clerk together with the praecipe for subpoena.

Provided, however, that if the party bringing the action or the party seeking the attendance of witnesses makes and files with the clerk his sworn affidavit of inability to secure costs by such prepayment, the clerk shall, as appropriate, receive and file the complaint and subpoena the witnesses without such deposits.

In the event the affidavit is filed by an inmate of a state institution it shall be accompanied as an attached exhibit to a certificate of the superintendent, or other appropriate officer of the institution setting forth the amount of funds, if any, which the inmate may have 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 thus secured.

**(B) In Appeals.** A notice of appeal or cross-appeal shall be accompanied by a deposit with the clerk of the trial court of the sum of \$150.00 as security for the payment of the costs that may be assessed on the appeal. However, if the appellants or cross-appellants make and file with the clerk their sworn affidavit of inability to secure costs for such prepayment, the clerk shall receive and file the notice of appeal without such deposit. The deposit shall be applied by the clerk of the trial court to the costs, if any, assessed against the respective appellants or cross-appellants during the appeal, as determined by this Court, and any balance remaining shall be returned by the clerk of the trial court to the depositor.

Failure to make this deposit (or affidavit of inability) for costs shall not prevent the filing of a notice of appeal in the trial court but may be cause for appropriate action by the court pursuant to Loc.R. 22.1 (A).

**(C) Exceptions.** No undertaking, security or sworn affidavit of inability to secure costs is required on behalf of the state or an officer thereof. R.C. 109.19. This exception shall also be considered applicable to prosecuting attorneys and directors of law when acting on behalf of the State of Ohio, their respective counties or municipalities.

Effective Date: October 8, 1982

Renumbered from Rule 1 and amended, effective August 1, 2025

### **LOCAL RULE 3.1. Notice of Appeal, Docketing Statement, and Praecipe.**

**(A) Notice of Appeal and Docketing Statement.** Each appellant and cross-appellant shall file a notice of appeal, with an attached copy of the trial court judgment(s) from which the appeal is taken, together with a docketing statement.

**(B) Praecipe.** Each appellant and cross-appellant shall file a praecipe with their respective notice of appeal. This praecipe shall be combined with and shall additionally constitute the document prescribed by App.R. 9 to be filed with the clerk of the trial court. A copy of the praecipe shall be served by the appellant on the appellee in fulfillment of the requirements of App.R. 9(B). No oral direction by counsel will be recognized.

**Form.** The praecipe shall be in substantially the same form as the one provided in the appendix of these local rules or on the Court's webpage, and the clerk shall not accept a praecipe in any other form.

**(C) Obligations of Clerk.** The clerk of the trial court shall provide docketing statement forms as prescribed by the Court. The clerk of the trial court shall transmit a copy of the notice of appeal, the judgment(s) from which the appeal is taken, the praecipe, and the docketing statement to the clerk of the court of appeals, and transmit a copy of the notice of appeal to the appellee(s).

Effective Date: July 1, 1984

Renumbered from Rule 3 and amended, effective August 1, 2025

**LOCAL RULE 4.**

**Multiple Appeals.**

**(A) Notice of Appeal.** A separate notice of appeal shall be filed in the trial court for each case appealed therefrom whether or not the case was consolidated in the trial court for hearing with one or more other cases.

**(B) Consolidation of Appeals for Hearing.** Either on motion by any party or sua sponte, this Court may order the filing of a single transcript of proceedings, a single set of briefs, and a single oral argument in two or more cases appealed, provided that the assignments of error and arguments are sufficiently defined as to which case, or cases, they pertain.

Effective Date: June 30, 1996

Renumbered from Rule 6 and amended, effective August 1, 2025

## **LOCAL RULE 4.1.**

### **Indigent Appeals.**

**(A) Appointment of Counsel and Payment for Transcript.** Requests for appointment of appellate counsel and payment for transcript shall be filed in the trial court.

**(B) Payment of Counsel for Services and Expenses.** Applications by appointed counsel for payment of attorney fees and expenses on appeal shall be filed with the clerk of this Court, and shall be completed on the most current reimbursement form prescribed by the Ohio Public Defender Commission. The application must also include a completed copy of the Financial Disclosure/Affidavit of Indigence form prescribed by the Ohio Public Defender Commission.

**(C) Time for Filing.** All applications for payment of attorney fees must be filed within thirty (30) days after the entry of the date of the final judgment or order disposing of the appeal. Applications filed before the date of the final judgment will not be accepted. Periodic billing for appointed counsel fees will not be permitted.

**Withdrawal.** In cases where appointed counsel has been removed or permitted to withdraw from representation, application for payment of appointed counsel fees shall be filed no later than thirty (30) days after the judgment permitting counsel to withdraw.

**(D) Limitations on Compensation.** Payments for services will not exceed the schedule of fees established by the respective boards of county commissioners pursuant to R.C. 120.33(A)(3), unless counsel also files a motion for extraordinary fees with reasons supporting the request. Items of expense which are part of the normal overhead expenses of counsel's office are considered included in the hourly charge of counsel and will not be additionally compensated. Except in special cases where the expense is authorized in advance, extra compensation will not be allowed for engaging other counsel or experts, making copies of briefs and other documents or utilization of research services.

Effective Date: June 16, 1994

Renumbered from Rule 8 and amended, effective August 1, 2025

**LOCAL RULES 5-7.      [RESERVED].**

## **LOCAL RULE 8. Suspension of Execution of Sentence and Admission to Bail.**

**(A) Filing.** In addition to the requirements of App.R. 8, no application for suspension of execution of sentence and admission to bail will be treated by this Court unless accompanied by a copy of the journal entry of the trial court denying a similar application. Concurrently with such filing counsel for the defendant, or the defendant if proceeding without counsel, shall serve a copy of such application upon the prosecuting attorney.

**(B) Briefs.** The application shall be accompanied by a brief or memorandum directed primarily toward the factors set forth in R.C. 2937.011(E) showing justification for the release sought. Within seven (7) days of the date upon which the application is served, the prosecuting attorney shall file a response directed primarily to the same factors. The requirement for such response shall not be deemed as a waiver of the discretion of this Court to grant the application, without response, when the Court deems such action appropriate.

**(C) Conviction on Pleas of Guilty or of No Contest.** In any case where the conviction from which the appeal is taken is rendered by the trial court on a no contest or guilty plea, the defendant shall also accompany the application with a listing of the assignments of error intended to be asserted on appeal.

**(D) Pre-Sentence Investigation.** Upon request by this Court, the trial court shall transmit under seal to this Court any pre-sentence investigation or any report which was considered or reviewed by the trial court, with the understanding that the privilege of confidentiality shall be observed.

Effective Date: July 1, 1986

Renumbered from 16 and amended, effective August 1, 2025



## **LOCAL RULE 9.**

### **The Record on Appeal.**

**(A) Duty of Appellant.** It is the duty of the appellant, and not that of any court reporter, the clerk of the trial court, or the clerk of the appellate court, to arrange for the timely transmission of the record, including any transcripts of proceedings, App.R. 9(C) statement, or App.R. 9(D) statement, as may be appropriate, and to ensure that the appellate court file actually contains all parts of the record that are necessary to the appeal.

In no event shall the reporter be deemed either the agent or officer of the trial court, the appellate court, or of the clerks of either court with respect to the timely preparation, delivery, or filing of any document pertaining to the appeal, and no motion for an extension of the time for the filing of any such document shall be received or considered by the trial court or will be received or considered by this Court from any person other than respective counsel for the parties to an appeal, or from a party if not represented by counsel.

#### **(B) Transcript of Proceedings.**

**(1) Complete Transcript.** A “complete transcript” of a jury trial shall exclude voir dire, unless a party specifically gives notice by proper praecipe, pursuant to Loc.R. 3.1, that voir dire should be included in the record.

**(2) Length.** No volume of a transcript of proceedings filed by a court reporter shall be more than two hundred and fifty (250) pages in length, except that a volume may extend to a maximum of three hundred (300) pages if such extra pages are necessary to complete the testimony of a witness or to complete a part of the proceedings such as voir dire, opening statements, closing arguments, or jury instructions.

**(3) Exhibits.** Unless otherwise directed by this Court, the clerk of the trial court shall not transmit to the clerk of the court of appeals any physical trial exhibits (e.g., weapons, ammunition, money, drugs, clothing, or valuables). Where exhibits are retained pursuant to this rule, the clerk shall identify the retained exhibits and the custodian on the transcript of docket and journal entries transmitted pursuant to App.R. 10(B).

**(C) Certificate of Reporter.** The certificate of the court reporter selected by the trial court, pursuant to App.R. 9, must be signed by the court reporter and must reflect the court reporter’s appointment by the trial court. The following forms are suggested:

#### **(1) Complete Transcript.**

I, \_\_\_\_\_, court reporter for the [name of court], duly appointed therein, do hereby certify that the foregoing transcript of proceedings, consisting of \_\_\_\_ pages together with exhibits, is a true and complete transcript of the proceedings conducted before the Honorable \_\_\_\_\_, judge of said court, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, as transcribed by me.

Subscribed this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_ [type name here]

**(2) Partial Transcript.**

I, \_\_\_\_\_, court reporter for the [name of court], duly appointed therein, do hereby certify that the foregoing transcript of proceedings, consisting of \_\_\_\_ pages together with exhibits, is a true partial transcript, as transcribed by me, of the proceedings conducted before the Honorable \_\_\_\_\_, judge of said court, on the \_\_\_\_ day of \_\_\_\_, 20\_\_, including the testimony of the witnesses named in the index to the transcript.

Subscribed this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_ [type name here]

**(D) Transcript Included in the Record on Appeal.** No transcript of proceedings shall be considered as a part of the record on appeal unless one of the following applies:

- (1) The court reporter has certified the transcript as provided in subsection (C) of this rule;
- (2) The record contains an entry of the trial court appointing the court reporter who has certified the transcript;
- (3) The transcript is a part of the original papers and exhibits filed in the trial court;
- (4) The transcript has been incorporated into an App.R. 9(C) statement that has been approved by the trial court; or,
- (5) The court of appeals has granted a motion to supplement the record with a transcript that was filed in a prior appeal.

**(E) Electronic Copy of the Transcript.** In all cases where a transcript is part of the record on appeal, the court reporter shall provide a paper copy and an electronic copy of the transcript of proceedings to be filed pursuant to App.R. 9(B)(6). The electronic copy of the transcript shall be searchable in PDF form.

Effective Date: June 16, 1994

Renumbered from Rule 5 and amended, effective August 1, 2025

**LOCAL RULE 10.**

**Extensions of Time for Filing the Record.**

**(A) Regular Calendar.** Motions for extensions of time for transmission of the record must first be made to the trial court for cases placed on the regular calendar. The trial court shall closely limit its extensions of time for transmission of the record (App.R. 10(C)), and shall overrule any motion for an extension of time where good cause is not set forth.

**Limitation.** In no event may the trial court extend such time beyond the eightieth (80<sup>th</sup>) day after the filing of the notice of appeal. Motions for extensions of time beyond the eightieth (80<sup>th</sup>) day may be made only to this Court and must be filed before the expiration of the last extension granted by the trial court.

**(B) Accelerated Calendar.** Motions for extensions of time for transmission of the record must first be made to this court for cases placed on the accelerated calendar. Where good cause has been shown, extensions of time for transmission of the record may be granted up to the sixtieth (60<sup>th</sup>) day after the filing of the notice of appeal.

**(C) Inability of Court Reporter to Supply a Necessary Part of the Record.** When an extension is needed by reason of a claimed inability of the court reporter to supply a necessary part of the record, the appellant shall file a motion for an extension of the time accompanied by an affidavit of the court reporter as to the circumstances relied on as justifying the extension.

Amended effective: June 16, 1994

Renumbered from Rule 4 and amended, effective August 1, 2025

**LOCAL RULE 11.****Docketing the Appeal; Filing of the Record.**

**Duty of the Clerk of the Court of Appeals.** Upon receipt of the record, the clerk of the court of appeals shall file the record and immediately give written notice to all parties of the date on which the complete record was filed. The clerk shall also forward a copy of the notice to the office of the court of appeals located in Lima, Ohio, and shall indicate on the copy of the notice the date that the notice was mailed to the parties.

Effective Date: August 1, 2025

## **LOCAL RULE 11.1.**

## **Accelerated Calendar.**

**(A) Accelerated Calendar Adopted.** 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.

**(B) Assignment to the Accelerated Calendar.** All appeals shall proceed on the regular calendar under the rules of appellate procedure, unless the Court upon review of the docketing statement issues a scheduling order accelerating the appeal. The scheduling order shall set forth the day for filing the record, briefs, and requests for oral argument. An unexcused failure to meet the schedule as set forth in the order may result in sanctions pursuant to App.R. 18(C) and Loc.R. 22.1. The Court may assign an appeal to the accelerated or regular calendar at any stage of the proceedings.

**(C) Applicability.** An appeal may be assigned to the accelerated calendar if any of the following apply:

- (1) No transcript is required (e.g. summary judgment or judgment on the pleadings);
- (2) The transcript consists of fifty (50) or fewer pages, or is of such length that its preparation time will not be a source of delay;
- (3) An agreed statement is submitted in lieu of the record pursuant to App.R. 9;
- (4) The record was made in an administrative hearing and was filed with the trial court;
- (5) All parties to the appeal agree to the accelerated calendar.

**(D) Exclusion.** Unless otherwise ordered by the Court, an appeal *shall not* be assigned to the accelerated calendar if any of the following apply:

- (1) The brief will contain more than two assignments of error and more than fifteen (15) pages is necessary to set forth the facts and argue the issue in the case;
- (2) The appeal concerns a unique issue of law of substantial precedential value.

**(E) Judgment.** Pursuant to App.R. 11(E), the Court may state the reasons for its ruling on each assignment of error by a brief conclusion. The Court may render its decision by summary judgment entry in which event it will not be published in any form. In its discretion, the Court may render its decision in a full opinion subject to the provisions of Rule 3 of the Supreme Court Rules for the Reporting of Opinions.

**(F) Oral Argument.** After briefs have been filed, the case shall be considered submitted for immediate decision unless oral argument is requested on the cover page of the appellant's opening brief or the appellee's response brief, or otherwise ordered by this Court.

Effective: July 1, 1984

Renumbered from Rule 12 and amended, effective August 1, 2025

**LOCAL RULE 12. [RESERVED].**

### **TITLE III. GENERAL PROVISIONS.**

#### **LOCAL RULE 13. Clerk of Courts; Filing Documents.**

**(A) Clerk of this Court.** The clerks of the courts of common pleas of the counties of Allen, Auglaize, Crawford, Defiance, Hancock, Hardin, Henry, Logan, Marion, Mercer, Paulding, Putnam, Seneca, Shelby, Union, Van Wert, and Wyandot serve as the clerk of the court of appeals in their respective counties pursuant to R.C. 2303.03.

**(B) Filing Documents.** All documents required to be filed in this Court shall be filed with the clerk of the court of appeals of the county in which the appeal or original action originated.

**\*Documents mailed, faxed, emailed or otherwise delivered directly to this Court at its administrative office in Lima will not be considered filed.**

**(C) Fax & E-mail Filing.** For purposes of this rule, **fax filing** refers to the submission of legal documents from litigants to a clerk of courts by a telephonic facsimile (fax) device. **E-mail filing** refers to the submission of legal documents from litigants to a clerk of courts by an email account. Fax filing and e-mail filing do not include e-filing. *A clerk of courts must make fax filing and/or e-mail filing available if e-filing of appellate documents under section (D) of this rule is not available.*

**(1) Availability.** The clerk of courts is authorized to prepare and maintain operating procedures and instructions for fax and e-mail filing. A document filed by fax or e-mail is the original document; a copy of the document should not also be mailed or hand-delivered to the clerk of this Court for filing.

**(2) Applicability.** Only motions to this Court and their responses, subsequent to a notice of appeal or original action complaint, may be transmitted by fax or e-mail to the appropriate clerk of this Court for filing.

**(a) Notice of Appeal.** A notice of appeal and accompanying paperwork to initiate an appeal may be filed with the clerk of the trial court by fax or e-mail *only if* permitted under the rules of the trial court from which the appeal is taken.

**(b) Briefs.** Briefs shall not be filed by fax or e-mail.

**(3) Cover Page-Fax-Filing Only.** All documents sent by fax shall be accompanied by a cover page containing the following information:

- (a)** name of the Court;
- (b)** title of the case;

- (c) case number;
- (d) title of the document being filed;
- (e) date of transmission;
- (f) transmitting fax number;
- (g) number of pages included in the transmission, including cover page;
- (h) name, address, telephone number, fax number, Supreme Court registration number (if applicable) and e-mail address.

**(4) Time of Filing.** Subject to the provisions of these rules, all documents sent by fax or e-mail and accepted by the clerk shall be considered filed with the clerk of courts as of the date and time the clerk time-stamps the document, as opposed to the date and time the document is transmitted or received. The risk of transmitting a document by fax or e-mail to the clerk of courts or delay in the document being time-stamped shall be borne entirely by the sender.

**(5) Fees and Costs.** No document requiring prepayment of a fee or cost deposit shall be filed by fax or e-mail, unless a method of payment has been paid or arranged to be paid pursuant to terms acceptable to the respective clerk of this Court.

**(D) E-Filing.** For purposes of this rule, e-filing refers to the submission of legal documents from litigants to a clerk of courts' e-filing system in a digitized format pursuant to that clerk of courts' procedures and instructions, and does not include facsimile (fax) filing or e-mail filing as described in section (C) of this rule.

**(1) Availability.** The clerk of courts is authorized to implement an e-filing system and prepare and maintain operating procedures and instructions for their e-filing system. The clerk of courts' operating procedures and instructions shall determine the days and hours during which the e-filing system is available.

**(2) Applicability.** Only motions to this Court and their responses, subsequent to a notice of appeal or original action complaint, may be e-filed with the appropriate clerk of this Court.

**(a) Notice of Appeal.** A notice of appeal and attendant paperwork may be filed with the clerk of a trial court by e-filing *only if* permitted under the rules of the trial court from which the appeal is taken.

**(b) Briefs.** Briefs shall not be e-filed.

**(3) Time of Filing.** Upon successful submission, receipt, and acceptance by the clerk of courts, e-filed documents will be electronically file-stamped and deemed filed as of the date of the file-stamp.



**(4) Fees and Costs.** Any e-filed document that requires a filing fee may be rejected by the clerk of courts unless the filer has complied with the mechanism established by the clerk of courts for the payment of the cost deposit or fees.

**(E) Filings Out of Rule.** The Court shall strike (and not consider) any document filed out of rule, unless the document is accompanied by a motion for leave setting forth good cause to file out of rule. The Court will ratify the filing upon granting the motion.

**(F) Signatures Required.** Consistent with the subsections of this rule, notices of appeal, briefs, motions, and all respective copies filed with the clerk of this Court shall bear the signature by hand or, where applicable the electronic signature, of counsel or the filing party if not represented by counsel. The clerk of this Court shall not accept any document for filing which does not bear the required signature.

**(1) Original.** The original of every pleading, memorandum, brief, or other document filed with this court shall be signed by hand by an attorney representing the party on whose behalf the document is filed. A party who is not represented by an attorney shall sign by hand the document being filed. If more than one party who is not represented by an attorney is participating in an appeal, each party shall provide individual signatures by hand on all documents. Failure to comply may result in the document being stricken from the record on appeal.

**(2) Electronic.** The signature of an attorney or a party on a document that is filed electronically shall be represented with a conformed signature of “/s/ [name].” The conformed signature on a document filed by electronic means 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. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken. See App.R. 13(A)(1).

**(3) 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.

**(G) Attorney Registration and Email Address.** All documents and copies filed in this Court or with the clerk of this Court by counsel shall bear the filer’s attorney registration number issued by the Supreme Court of Ohio (if applicable) and email address.

Effective Date: January 1, 1982

Renumbered from Rule 10 and amended, effective August 1, 2025

**LOCAL RULES 14-15. [RESERVED].**

## **LOCAL RULE 16.**

### **Briefs.**

**(A) General Requirements.** Briefs shall contain the matter provided by App.R. 16 and be in the form provided by App.R. 19. The title page of briefs shall include the appropriate designation “REGULAR CALENDAR” or “ACCELERATED CALENDAR” beneath the case number assigned to the appeal or action.

**(B) Length of Briefs.** The appellant’s initial brief and the appellee’s response brief in an appeal on the regular calendar shall not exceed twenty-five (25) pages in length, exclusive of the table of contents, assignments of error, and appendix. The appellant’s reply brief shall be restricted to matters in rebuttal of the appellee’s response brief, and shall not exceed ten (10) pages in length. The length of briefs in a cross-appeal shall be governed by Loc.R. 16.1.

**Accelerated Calendar.** Initial and response briefs in an appeal on the accelerated calendar shall not exceed fifteen (15) pages in length, exclusive of the table of contents, assignments of error, and appendix.

These maximums may be exceeded only with the permission of the Court upon a finding of extraordinary circumstances which necessitate the filing of a brief that exceeds the limits imposed by this rule.

**(C) Citations.** References to the record must include the volume and page number of the transcript of proceedings. 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 and should be in the format prescribed by the Supreme Court of Ohio Writing Manual.

**(D) Appendix.** The parties shall include in the appendix, at the end of the brief, legibly reproduced copies of:

- (1) The final appealable order or judgment entry appealed from;
- (2) Any opinion of the trial court and/or decision of a magistrate setting forth the rationale for the judgment entry appealed;
- (3) Any written findings of fact and conclusions of law in the record;
- (4) Any statute, rule, regulation, or ordinance cited in the brief that may not be readily available through an internet search;
- (5) All opinions that are non-print published and have no available WebCite.

Documents included in the appellant’s initial brief need not be duplicated in the appendix to the appellee’s response brief.

**(E) Binding of Briefs.** All briefs shall be securely fastened in the upper left corner, except for one copy that shall be unbound without dividers or tabs and secured by a binder clip in the upper left-hand corner.

**(F) Number of Copies to be Filed and Served.** Pursuant to App.R. 18, four (4) copies of each brief shall be filed with the clerk, unless the Court orders a different number in a particular case, and one copy shall be served on counsel for each party separately represented.

**(G) Noncompliance.** A brief not prepared in accordance with these rules may be returned by the Court to counsel to be conformed to the rules within a specified time period. Failure to conform by an appellant may result in dismissal of the appeal; failure to conform by an appellee may result in the brief being stricken and the denial of the right to orally argue the case.

**(H) *Anders* Briefs.** The Court will only accept *Anders* no-merit briefs in criminal appeals. The Court will not accept *Anders* no-merit briefs in non-criminal appeals, including termination of parental rights, legal custody, and adoption appeals. Appointed counsel shall follow procedure identified in *Anders v. California*, 386 U.S. 738 (1967).

(1) An *Anders* brief must contain potential assignments of error along with law and argument with reference to the record. Counsel must simultaneously file a separate motion requesting leave to withdraw as counsel with the *Anders* brief. Counsel shall serve the appellant with the motion to withdraw and the *Anders* brief. Service shall be noted in the proof of service.

(2) The Court will conduct an independent review of the record by a three-judge panel to determine if it discloses an issue of arguable merit prejudicial to the appellant. The appeal shall be submitted on the *Anders* brief, with no oral argument scheduled. Upon review, should the panel find arguable merit, the Court shall order the appointment of new counsel and the matter will be set for briefing by the parties in accordance with App.R. 18(A).

Effective Date: July 1, 1984

Renumbered from Rule 7 and amended, effective August 1, 2025

## **LOCAL RULE 16.1.**

### **Briefs on Cross-Appeals.**

Where two or more notices of appeal are filed in the same cause and the parties filing the notices of appeal are opposing each other, the party filing the appeal later in time (App.R. 4(A)) shall caption the notice of appeal as a cross-appeal, and the briefing schedule for all parties shall be as follows:

**Brief No. 1.** Assignments of error and brief of the appellant/cross-appellee shall be filed twenty (20) days after notice of filing record is mailed, and shall not exceed twenty-five (25) pages in length, exclusive of the table of contents, assignments of error and appendix;

**Brief No. 2.** Response brief, and the assignments of error and brief, of the appellee/cross-appellant shall be bound and filed as one brief twenty (20) days from service of Brief No. 1, and shall not exceed thirty-five (35) pages in length, exclusive of the table of contents, assignments of error and appendix;

**Brief No. 3.** Reply brief and response brief of the appellant/cross-appellee shall be bound and filed as one brief twenty (20) days from service of Brief No. 2, and shall not exceed thirty-five (35) pages in length, exclusive of the table of contents, assignments of error and appendix;

**Brief No. 4.** Reply brief of the appellee/cross-appellant shall be filed ten (10) days from service of Brief No. 3, and shall not exceed ten (10) pages in length.

Effective Date: July 1, 1984

Renumbered from Rule 14 and amended, effective August 1, 2025

**LOCAL RULE 17. [RESERVED].**

**LOCAL RULE 18.**

**Time for Filing Briefs.**

**(A) Time.** The time for filing appellate briefs shall follow the schedule set forth in App.R. 18 for appeals on the regular calendar and the scheduling order issued for appeals on the accelerated calendar pursuant to Loc.R. 11.1.

**(B) Extension Policy.** A request for an extension of time within which to file a brief shall be by written motion and shall be supported by a memorandum setting forth facts establishing good cause for an extension. The motion shall be filed with the clerk of the court of Appeals for the county in which the appeal originated prior to the due date of the brief. A subsequent extension will only be granted for exceptional circumstances.

Effective Date: July 1, 1984

Renumbered from Rule 7 and amended, effective August 1, 2025

**LOCAL RULE 19. [RESERVED].**



**LOCAL RULE 20.****Pre-Hearing Conference.**

Upon receipt of the docketing statement (See Loc.R. 3.1), the Court Administrator or designee for the Court shall review the statement and may, if necessary, schedule a pre-hearing conference with counsel of record. Said conference may include a discussion of: (1) the finality of the order being appealed, (2) the type of record to be filed, (3) the probable time required to complete preparation of the record on appeal, (4) the assignments of error and issues to be raised, (5) any prior court decisions on similar issues, (6) the time needed for briefing and oral argument, (7) the identity and address of all counsel involved and, (8) other matters of particular relevance to the action.

If it is determined that a pre-hearing conference is necessary and after it has been held, the Court shall enter a scheduling order of events on appeal which will be excused or extended only by an order of the Court for good cause shown.

Any failure to comply with the foregoing rule may result in a dismissal of the appeal.

Effective Date: October 1, 1991

Renumbered from Rule 19, effective August 1, 2025

## **LOCAL RULE 21.**

### **Oral Argument.**

**(A) Request for Oral Argument.** Each party in an appeal must claim the right to present oral argument. The Court will issue a judgment entry assigning a case for oral argument. The judgment entry will contain the name of the case, the time and place of oral argument, and the date upon which the parties must notify the Court in writing of their desire to present or waive oral argument.

Failure to notify the Court in writing of counsel's intention to present oral argument shall constitute a waiver of oral argument by counsel, or the party if unrepresented.

Requests for oral argument may be effectuated by the following:

**(1) Cover of Brief.** Pursuant to App.R. 21(A) in the form of the words "ORAL ARGUMENT REQUESTED" displayed prominently on the cover page of the appellant's initial brief or the appellee's response brief; no separate notice or other filing is necessary to secure oral argument; or

**(2) Separate Notice.** If oral argument is not requested pursuant to Loc.R. 21(A)(1), each counsel of record, or a party if unrepresented, must notify the Court in writing, by mail, fax, or other electronic means at its administrative office in Lima, Ohio, that argument is being requested or is waived. A request for argument is effective upon timely receipt at the Court's administrative office in Lima. A copy of the response requesting or waiving oral argument shall be served upon opposing counsel.

**\*A party will not be granted oral argument merely because another party has claimed the right to argue.**

**(B) Continuance of Oral Argument.** Cases set for oral argument will not be continued except under circumstances where counsel has a conflicting assignment in the Supreme Court of Ohio, the federal circuit court of appeals, or the Supreme Court of the United States.

**(C) Submission of Case without Oral Argument.** If a more expeditious submission of the appeal than permitted by scheduling for oral argument is desired, parties may submit the case on the briefs by a waiver signed by all counsel and received by the Court at its administrative office in Lima, Ohio, no later than the time of the filing of the appellee's response brief. When such stipulation is received within such time, the appeal shall be submitted to the Court for determination at the earliest feasible time after the filing of the appellant's reply brief.

**(D) Time Allowed.** In accordance with App.R. 21(C), each side will be allowed fifteen (15) minutes for argument. However, the Court may order additional time for argument.

**(E) Motions.** All motions will be ruled upon without oral argument before the Court, except where the Court requests such argument and notifies counsel to appear.

**(F) Recording of Oral Arguments.** Oral arguments before the Court will be recorded by means of the Court's digital recording devices. Any person may obtain a copy of the recording free-of-charge by submitting a written request to the Court along with a USB flash drive (or other approved digital storage device) and a self-addressed stamped envelope.

Effective Date: July 1, 1984

Renumbered from Rule 13 and amended, effective August 1, 2025

**LOCAL RULE 22.****Entry of Judgment.**

A judgment entry on administrative matters may be signed by a single judge on behalf and for all judges. A final judgment entry filed in original actions and appeals, including per curiam decisions, shall be signed by all judges concurring in the decision.

Effective Date: July 1, 1984

Renumbered from Rule 13 and amended, effective August 1, 2025

**LOCAL RULE 22.1. Dismissals for Failure to Prosecute Appeal.**

Unless the appellant demonstrates that no undue delay and no prejudice to the appellee has been caused by the failure to comply with the rules, the following shall be deemed good cause for dismissal of an appeal pursuant to App.R. 3(A), 11(C), or 18(C):

(A) Failure to make deposit for costs (or affidavit of inability) and file with the notice of appeal the appropriate filing in accordance with Loc.R. 3.

(B) Failure to cause the record on appeal to be timely transmitted to the clerk of the appellate court.

(C) Failure to timely serve and file the brief and assignments of error.

(D) Any other noncompliance with the Appellate Rules or the Local Rules of this Court.

Effective Date: July 1, 1984

Renumbered from Rule 15 and amended, effective August 1, 2025

**LOCAL RULES 23-33.     [RESERVED].**

**LOCAL RULE 34.****Appointment of Magistrates.**

Pursuant to App.R. 34, the Court may appoint one or more magistrates for the limited purposes of ruling on routine procedural motions and entering routine procedural orders, consistent with the Court's General Order of Reference to Magistrate(s).

Effective Date: August 1, 2025

**LOCAL RULES 35-49.     [RESERVED].**



#### **TITLE IV. ADMINISTRATIVE RULES.**

##### **LOCAL RULE 50. Evidence in Original Actions and for Interlocutory Orders.**

**(A) Original Actions.** Unless consent of the Court is otherwise obtained the evidence in all original actions, except actions in habeas corpus, shall be submitted to the Court by means of an agreed statement of facts, stipulations or depositions, and oral testimony will not be heard. The evidence in actions in habeas corpus shall be similarly submitted whenever practicable and where the interests of justice will not be defeated by delay. Court stenographers will not be in attendance at the trial of the action unless arranged for and employed by one or more of the parties and appointed by the Court, except as otherwise ordered by the Court due to exceptional circumstances.

**(B) Trial Briefs.** All parties shall file trial briefs with the Court on or before the date any original action is assigned for trial pursuant to the issuance of an alternative writ or otherwise.

**(C) Interlocutory Orders.** No evidentiary hearing on the merits shall be held on interlocutory orders, unless the Court determines that one is necessary. In the event such a circumstance arises, the provisions of the foregoing subdivisions shall be applied except to the extent that they would by their nature be clearly inapplicable.

Effective Date: July 1, 1984

Renumbered from Rule 2 and amended, effective August 1, 2025

**LOCAL RULE 51. Presiding and Administrative Judge.**

A presiding judge and an administrative judge shall be designated by journal entry signed by a majority of the judges of this Court effective January 1<sup>st</sup> of the current calendar year pursuant to rules 3 and 4 of the Rules of Superintendence for the Courts of Ohio.

Effective Date: March 1, 1987

Renumbered from Rule 18 and amended, effective August 1, 2025

**LOCAL RULE 52.****Court Security.**

The Third District Court of Appeals is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Court.

Accordingly, appropriate levels of security should exist in the Court to protect the integrity of court procedures, protect the rights of individuals before it, deter those who would take violent action against the Court or litigants, sustain the proper decorum and dignity of the Court, and assure that court facilities are secure for all those who visit and work there.

Therefore, pursuant to the Rules of Superintendence for the Courts of Appeals, the Court has implemented a Local Security Policy and Procedure Plan which addresses the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

Effective Date: June 30, 1995

Renumbered from Rule 21 and amended, effective August 1, 2025

**LOCAL RULE 53.****Court Technology Plan.**

In accordance with rule 5(E) of the Rules of Superintendence for the Courts of Ohio, the Court has adopted and maintains a court technology plan which includes:

(A) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the Court or division; and

(B) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the Court and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the Americans with Disabilities Act.

The Court's technology plan is available through the Court's administrative office in Lima, Ohio.

Effective Date: July 1, 2025

**LOCAL RULE 54. Notification of Proposed Changes to the Local Rules of Court.**

This Court shall send to the clerk of the court of appeals for each county in the Third Appellate District (see Loc.R. 13(A)) a copy of the proposed changes to the Local Rules of Court. The respective clerks of courts shall make the proposed changes readily available to the public upon request, and send (by hand delivery or electronic means) a copy of the proposed changes to each trial judge in the county for which the clerk serves for distribution to members of the bar. The proposed changes shall be open to public comment for a period of thirty (30) days after which time this Court will consider any comments received in adopting said changes to its Local Rules.

Effective Date: June 20, 1994

Renumbered from Rule 20 and amended, effective August 1, 2025