

## **1. How do I file an appeal?**

A Notice of Appeal should be filed within 30 days of the date of the judgment being appealed. A civil or criminal Docket Statement should be filed with the Notice of Appeal.

## **2. If there is a holiday or weekend during the 30 day time period, does it count?**

Yes. Count all days unless the final day on which the document is due falls on a holiday or weekend-then the due date falls on the next business day. [App .R. 14(A)]

## **3. Where do I file an appeal?**

The Notice of Appeal is filed in the trial court. This means that the heading (the words at the very top) of the Notice of Appeal should read the “In the Court of Common Pleas, Domestic Relations Court, Juvenile Court, Probate Court, or Municipal Court.”

The Appellate Division of the Clerk’s Office located on the 12th floor of 230 East Ninth Street will accept Notices of Appeal from:

- Common Pleas: Criminal or Civil
- Domestic Relations
- Domestic Violence
- Miscellaneous

The Appellate Division of the Clerk’s Office will not accept Notices of Appeal from:

- Municipal-Civil or Criminal
- Probate
- Juvenile

You must go to the clerk for those courts.

## **4. How long do I have to file a Docket Statement after I have filed the Notice of Appeal?**

The Appellate and Local Rules [App. R. 3(G) and Loc. R. 3.2] require that the Docket Statement be filed when the Notice of Appeal is filed. Usually, however, you have about a week before an Order to Show Cause (giving you 7 days to file the Docket Statement) is sent out.

## **5. What is an Order to Show Cause?**

If the appellant does not file a Docket Statement with the Notice of Appeal the Court will issue an Order to Show Cause warning the appellant that unless a Docket Statement is filed within 7 days, the appeal will be dismissed. [Loc.R.13.2(C)]

## **6. What is a Scheduling Order, when is one sent out?**

A Scheduling Order is a document that sets the dates that the record and briefs are due to be filed with the Court. It is generally sent to the parties within 2 weeks of the Notice of Appeal and Docket Statement being filed by the appellant. (Loc.R. 3.3)

## **7. What does an appellate brief look like?**

See the forms section of our website ([www.hamilton-co.org/appealscourt](http://www.hamilton-co.org/appealscourt)) for a sample copy.

## **8. How many pages can my brief have?**

If your case is on the Accelerated Calendar-15 pages with an optional 5 page reply brief. [Loc.R. 11.1.1(F) and 19.1(A)(2)]

If your case is on the Regular Calendar-35 Pages and the Appellant can file up to 10 pages in a reply brief. [App. R. 19 and Loc. R. 19.1(A)(1)]

## **9. What is the font size required for briefs?**

12 point. [App. R. 19(A)]

## **10. How should a brief be bound?**

The Local Rules call for a brief to be bound securely along the left margin. The Court does not care how it's bound. Usually, people use a staple in the upper left corner or a spiral binding. If you use staples, you must tape the back of the staples to ensure they do not protrude from the back of the brief. If you do not cover the staples, the brief will probably be stricken. [Local Rule 18.1(B)]

## **11. Is there a special cover required for a brief?**

No. No special colors are required. See App. R. 19(A) for what's required to be on the cover.

## **12. What should I do if I can't get my brief filed by 4:00 PM?**

The Appellate Division of the Clerk's Office is open from 8:00AM to 4:00PM but there is a 24-hour Clerk's Office located in the Justice Center to accept filings after 4:00PM.

## **13. Can I file by fax?**

Only certain documents can be filed by fax. Notices of Appeal, Notices of Cross Appeal, or Original Actions are not accepted by fax. Briefs and records are also not accepted. Any other motion or document cannot exceed 10 pages. The fax number of the Appellate Division of the Clerk's office is 513-946-3744. Be sure to use a cover page with the information required by Loc. R. 13.1(A)(4).

## **14. What if I forgot to put something in my brief, tape the staples of the brief, or append the final order?**

You need to either: 1) Let us strike the brief and extend time for you to file a new brief or: 2) File a motion to file an amended brief. Once the brief is filed, it cannot be changed.

**15. Can I file a reply brief?**

If you are the appellant and your case is on the Accelerated Calendar, you can file a reply brief of up to 5 pages within 5 days after service of the appellee's brief. Regular Calendar, you can file a reply brief of up to 10 pages within 10 days after service of the appellee's brief. [App R. 18(A)] An appellant with a case on the accelerated calendar may file a 5 page reply brief within the 10 day period.

**16. How do I get an extension of time?**

File a motion to extend time to file brief (or transcript). [App. R. 14(B) and App.R. 15(B)] We need an original and one copy of the motion. We also need an entry granting the motion with a specific date when the brief (or transcript) can be filed. [Loc. R. 15.1(A) and (D)]

**17. What if I file my motion to extend time to file my brief the day before it's due?**

Once it is filed, a motion to extend time to file a brief (or transcript) stops the time from running. It usually takes 3 days for a procedural motion to be ruled upon.

**18. If the appellant receives an extension of time to file their transcript or brief, is the appellee automatically granted an extension of time to file their brief?**

Yes. Without further order of the Court, appellee shall file and serve the appellee's brief within 30 days after the appellant's brief is served. [Loc.R. 18.1(A)] This provision does not apply to an expedited appeal under App.R. 11.2.

**19. How long does it take between the filing of the Notice of Appeal and oral argument?**

Civil cases take about 9 months. Criminal cases take about 7 months.

**20. How long should my oral argument be?**

Each side gets 15 minutes no matter how many parties are on each side. [Loc. Rule 21(B)]

**21. What if I want to submit a case on the briefs alone and not attend oral argument?**

The Court must receive, at least three days prior to the setting of oral argument, either a fax or letter addressed to the Court Administrator requesting that the case be submitted on the briefs. Both parties should agree to submitting the case on the briefs; however, the Court reserves the right to require that the case be argued. [App. R. 21(F)]

**22. After argument, how long does it take to get a decision?**

Once a case is submitted, it takes an average of 30-60 days for a decision to be released.

**23. Where can I find a copy of a decision of the Court?**

1) Court of Appeals website at [www.hamilton-co.org/appealscourt](http://www.hamilton-co.org/appealscourt) contains opinions, decisions, and judgment entries for the past several years, with additional archived cases being added at regular intervals.

2) Clerk of Courts website at [www.courtclerk.org](http://www.courtclerk.org)

3) Ohio Supreme Court website at [www.sconet.state.oh.us](http://www.sconet.state.oh.us) contains only opinions and decisions since 2002 and some from 2001.