Fourth District Court of Appeals Local Rules
(Effective November 19, 2025)

Local Rule 42 – Title

Local Rule 43 – Effective date

Local Rule 1 – Scope of Rules

(A) Purpose and Intent. The rules are not intended to provide a comprehensive scheme of appellate practice. They are intended merely to supplement the Ohio Rules of Appellate Procedure concerning local practice before the Fourth District Court of Appeals and shall be amended or revised at the discretion of the court.

(B) Application of Rules of Civil Procedure. In cases on appeal when the Ohio Rules of Appellate Procedure or these Local Rules cannot be applied, the Ohio Rules of Civil Procedure will apply, unless they are clearly inapplicable.

(C) General Definitions. As used in these rules, unless the context otherwise requires or the court otherwise orders:

(1) "Appellant" is any party who has filed a notice of appeal.

(2) "Appellee" is any party to the proceedings from which the appeal is taken whom appellant designates as an appellee on the docketing statement or who, upon written motion of the party, is given leave by the court to proceed as an appellee in the appeal.

(3) As used in these rules, "appellant" includes a cross-appellant, "appellee" includes a cross-appellee, and "appeal" includes a cross-appeal. "Trial court" includes the court or agency from which the appeal is directly taken.

(4) "Party to the appeal" includes an appellant, cross-appellant, appellee, or cross-appellee.

(5) "Counsel of record" includes only those attorneys who are listed on the docketing statement as representing an appellant or appellee or who have filed a notice of appearance in the case on behalf of such a party.

Local Rule 2 – Law and Fact Appeals Abolished

Reserved

Local Rule 3 – Appeal as of Right – How Taken

(A) Notice of Appeal

(1) Content. The notice of appeal shall specify the party or parties taking the appeal; shall designate the judgment, order or part thereof appealed from; and shall name the court to which the appeal is taken. The title of the case shall be the same as in the trial court with the designations of appellant and appellee added, as appropriate. The notice of appeal shall include a certification that the judgment or order appealed from is a judgment or order that is final under both R.C. 2505.02 and Civ.R. 54(B). If applicable, the notice of appeal shall include a notification to the court that the

matter being appealed requires mandatory expedition citing the applicable statute or rule under which expedition is required. The notice of appeal shall include the name, address, telephone number, email address, Supreme Court of Ohio registration number, and the designation and name of the party represented by the attorney. An appellant shall file the original plus four copies with the clerk of the trial court.

(2) **In Civil Cases.** When filing a notice of appeal more than 30 days from journalization of a final judgment in a civil case in which the appellant claims that the trial court did not properly serve notice of the final judgment, the appellant shall attach to the notice of appeal a certified copy of the trial court docket. If the appellant fails to comply with this subsection, the court may dismiss the appeal without notice to the parties. *See* App.R. 4(A); Civ.R. 58(B).

(3) **Subsequent Notices of Appeal and Cross-Appeal**. If a party timely files a notice of appeal, any other party may file a notice of appeal or cross-appeal within the time prescribed by the Ohio Rules of Appellate Procedure. A notice of appeal shall be designated and treated as a notice of cross-appeal if both of the following requirements are met: (i) it is filed after the original notice of appeal was filed in the case; and (ii) it is filed by a party against whom the original notice of appeal was filed.

(4) **Multiple Cases.** A party is required to file *only one* notice of appeal from a judgment entered in cases *consolidated* in the trial court. The notice of appeal must list all consolidated case numbers. The appeal will proceed under one case number unless otherwise ordered by the court. A party is required to file one notice of appeal from *each* judgment entered in cases that were considered together in the trial court *but not consolidated*.

(5) **Consolidated Cases.** Cases involving related transactions and the same or similar principles of law may be consolidated at the discretion of the court of appeals either upon motion or sua sponte. Once two or more cases have been consolidated in the court of appeals, the first case shall be deemed the "lead case." Thereafter, all filings and entries pertaining to the consolidated matter shall contain all case numbers, with the lead case number appearing first, but shall be filed in only the lead case. Dispositive motions pertaining to fewer than all cases within a consolidated matter shall contain only the case numbers to which they pertain and shall be docketed in only those cases.

(B) **Docketing Statement.** At the time the notice of appeal is filed, the appellant shall file a completed docketing statement on the form prescribed by this court, which is reproduced on the court's website. An appellant shall file the original plus four copies with the clerk of the trial court.

(C) **Trial Court Judgment Entry.** At the time the notice of appeal is filed, the appellant shall include a copy of the final judgment entry of the trial court or agency from which the appeal is taken and any other orders that demonstrate that this court has jurisdiction to hear the appeal. If copies do not show a legible time-stamp, the appellant must include other evidence of the date on which each entry or order was journalized by the clerk of the trial

court or, if the appeal is taken from an order of another agency, was finalized by that agency pursuant to law. An appellant shall file the original plus four copies with the clerk of the trial court.

(D) **Praecipe to the Court Reporter.** If applicable, at the time the notice of appeal is filed, the appellant shall file and serve the court reporter with a praecipe ordering the court reporter to prepare the designated parts of the transcript of proceedings to be included in the record. An appellant shall file the original plus four copies with the clerk of the trial court.

(E) **Duty of the Clerk of the Trial Court.** The clerk of the trial court shall transmit a copy of the notice of appeal, the docketing statement, the trial court judgment entry, and a copy of the praecipe to the court reporter, if any, to the clerk of the court of appeals, and to counsel of record for each party to the proceedings from which the appeal is taken, or, if a party is not represented, to the party, within three business days after the filing of the notice of appeal.

(F) **Notification of Change of Address.** If the address listed on the docketing statement for any party to the appeal or for counsel of record is incorrect or changes during the course of an appeal, the party or attorney shall file a written notice of change of address with the clerk of the appellate court. The clerk of the appellate court shall note upon the docket the change of address of the party or attorney.

Local Rule 3.1 – Costs Deposits in Appeals and Original Actions

(A) **Appeal.** At the time of filing a notice of appeal in the trial court, the appellant or cross-appellant shall deposit with the Clerk of Courts the sum of $85 as security for the payment of costs that may accrue in the court of appeals. The clerk of the trial court shall forward the deposit to the clerk of the court of appeals with the copy of the notice of appeal and other papers as required by Loc.R. 3(E).

(B) **Original Actions.** At the time of filing a complaint in an original action (habeas, corpus, mandamus, prohibition, procedendo, or quo warranto), the relator shall deposit with the clerk of the court of appeals the sum of $85 as security for the payment of costs that may accrue in the action.

(C) **Inability to Secure Costs**. If the appellant, the cross-appellant, or the party bringing an original action either files with the clerk a sworn affidavit or affirmation of inability to secure costs by prepayment, or produces evidence that the trial court determined that the appellant was indigent for purposes of appeal, no deposit shall be required. Failure to make this deposit for costs shall not prevent the filing of a notice of appeal in the trial court, but will be a ground upon which the court may dismiss the appeal.

(D) **Failure to Pay Deposit.** If the party bringing the appeal or original action files with the clerk a sworn affidavit of inability to secure costs by prepayment, the clerk shall receive and file the appeal, complaint, or subpoena the witnesses without security deposits.

Local Rule 4 – Appeal as of Right-When Taken

Reserved

Local Rule 5 – Appeals by Leave of Court in Criminal Cases

Reserved

Local Rule 6 – Concurrent Jurisdiction in Criminal Actions

Reserved

Local Rule 7 – Stay or Injunction Pending Appeal – Civil and Juvenile Actions

(A) **Service required.** All motions to stay must be accompanied by proof of service to all other parties.

(B) **Filing.** All motions to stay an appealed judgment shall be made in the first instance in the trial court as required by App.R. 7 and 8. No motion seeking such relief will be considered by this court unless accompanied by a copy of the entry of the trial court denying a similar motion. In addition to filing the motion with the clerk, the moving party shall serve a copy of such application upon opposing counsel or party.

(C) **Briefing.** A motion or application shall be accompanied by a memorandum that sets forth specific facts demonstrating why it should be granted. The movant shall discuss whether a bond should be required and, if so, in what amount. The failure to comply with this section may result in the denial of the motion. Within seven (7) days of the date upon which the moving party serves the motion, the opposing party shall file a response addressing the same factors noted above. The failure of the responding party to file a response does not affect this court's discretion to grant or deny the motion. However, the court may deem the absence of a response as acquiescence in the motion and thus grant it, if it seems reasonable upon its face.

Local Rule 8 – Bail and Suspension of Execution of Sentence in Criminal Cases

(A) **Service required.** All motions for granting or reduction of bond must be accompanied by proof of service to all other parties.

(B) **Filing.** All motions to stay an appealed judgment, motions for bond pending appeal, and motions to suspend execution of sentence and admission to bail pending appeal shall be made in the first instance in the trial court as required by App.R. 7 and 8. No motion seeking such relief will be considered by this court unless accompanied by a copy of the entry of the trial court denying a similar motion. In addition to filing the motion with the clerk, the moving party shall serve a copy of such application upon opposing counsel or party.

(C) **Briefing.** A motion shall be accompanied by a memorandum that sets forth specific facts

demonstrating why it should be granted with specific references to the factors in R.C. 2937.011. The movant shall discuss whether a bond should be required and, if so, in what amount. The failure to comply with this section may result in the denial of the motion. Within seven (7) days of the date upon which the moving party serves the motion, the opposing party shall file a response addressing the same factors noted above. The failure of the responding party to file a response does not affect this court's discretion to grant or deny the motion. However, the court may deem the absence of a response as acquiescence in the motion and thus grant it, if it seems reasonable upon its face.

Local Rule 9 – The Record on Appeal

(A) **Duty of the Appellant**. It is the duty of the appellant 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.

(1) **Court Reporter.** The court reporter is the person appointed by the trial court to transcribe the proceedings for the trial court. *See* App.R. 9(B)(2).

(a) **Praecipe**.

(i) If the appellant desires a transcript of proceedings to be prepared for inclusion in the record, the appellant must serve the court reporter with a praecipe that designates the dates and parts of the proceedings to be included. A copy of the praecipe, which has been signed by the court reporter, shall be filed in the trial court with the notice of appeal. *See* App.R. 9(B).

(ii) No praecipe to the court reporter is necessary if the docket of the trial court reflects that the transcript was filed with the trial court, either as an exhibit to an original paper filed in the trial court, or independent of any other filings, provided it was submitted to the trial court for its consideration in the matter then pending before it. For example, no praecipe is necessary if a transcript of proceedings before a magistrate was filed in the trial court with objections to a magistrate's decision.

(iii) No praecipe to the court reporter is necessary if the proceedings were transcribed for, and filed in, a prior appeal; however, if a party desires a transcript of proceedings from a prior appeal to be included in the record of a pending appeal, the party must move the court to supplement the record with that transcript.

(B) **Exhibits.** In addition to the requirements in App.R. 9, a transcript of proceedings prepared by a court 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).

(C) **Certificate of Court 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) Electronic Copy of the Transcript. The court reporter should include an electronic copy of the written transcript of proceedings if it is available. *See* App.R. 9(B)(6)(i). As an alternative to including it in the record, the court reporter may email an electronic copy of the transcript to transcript@4thdistrictappeals.com and include the case number in the subject of the email address.

Local Rule 10 – Transmission of the Record

(A) Duty of the Clerk of the Trial Court.

(1) Time for Filing the Record. Unless otherwise ordered by the court of appeals, the clerk of the trial court shall prepare, assemble and transmit the record to the clerk of the court of appeals when the record is complete. The record shall be deemed to

be complete as set forth in App.R. 10(B).

(2) **Exhibits.** Unless otherwise directed by the court of appeals, the clerk of the trial court shall not transmit to the clerk of the court of appeals any trial exhibits consisting of weapons, ammunition, money, drugs, or valuables. The list of documents that the trial court clerk transmits with the record (App.R. 10(B)) shall designate which exhibits are not being transmitted pursuant to this rule as well as the custodian and location of the exhibits.

(3) The clerk shall include on the pagination sheet (App.R. 10(B)) the filing date and a brief description of each document filed in the trial court;

(4) **Supplementation of the Record after the Record Has Been Filed.** No additions may be made to the record after the date on which the notice of the filing of the record is mailed to the parties except upon leave of the court of appeals to supplement the record.

(B) **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 provide notice to all parties of the date on which the complete record was filed. The clerk shall also forward four copies of the notice to the administrative office of the court of appeals.

(C) **Extensions of Time.** The trial court shall not extend the time for transmitting the record, pursuant to App.R. 10(C), more than once and no such extension shall exceed 40 days. Any party who obtains an order granting an extension of time for filing the record or an order supplementing the record from the trial court shall file a copy of the order with the clerk of the court of appeals. Thereafter, any request for extension of time shall be made to the court of appeals. Applications to the court of appeals for extensions of time to transmit the record and applications to supplement the record shall be made by written motion filed by counsel or a party acting pro se. Such motions shall be supported by affidavit or affidavits based on personal knowledge, which set forth facts demonstrating good cause for the extension or supplementation.

(D) **Removal of the Record.** The clerk of the court of appeals shall not permit any party or counsel to remove from its possession any part of the original papers, exhibits, or docket and journal entries unless prior permission has been given by the court of appeals to the party or counsel seeking to remove it.

(E) **Failure to Cause Transmission of the Record.** If the appellant fails to make reasonable arrangements to cause the record to be filed with the clerk of the court of appeals in the time provided by this rule, or as extended by the court, the court may dismiss the appeal.

Local Rule 11 – Docketing the Appeal; Filing of the Record

Reserved

Local Rule 11.1 – Accelerated Calendar

The Fourth District Court of Appeals has not adopted an accelerated calendar.

Local Rule 11.2 – Expedited Appeals

(A) **Priority Cases.** Appeals described in App.R. 11.2 are hereby assigned to the priority calendar and shall be expedited over all other cases on the docket.

(B) **Transmission of the Record in Priority Cases.** The appellant is responsible for causing the timely transmission of the record in such cases and for obtaining such extensions as are necessary to discharge this responsibility. No extensions of time to transmit the record shall be granted in cases described in App.R. 11.2(B). For those cases described in App.R. 11.2(C) and (D), motions for extension of time to transmit the record shall be granted only by the court of appeals. The court of appeals will not recognize orders from the trial court granting extensions in these cases. Motions for extensions of time to transmit the record beyond the twentieth (20th) day after the filing of the notice of appeal shall be made by written motion to the court of appeals, filed by the appellant or the appellant's counsel, and supported by an affidavit from the court reporter, setting forth facts demonstrating good cause for the extension and verifying that the requested extension is for the shortest amount of time possible. Extensions of more than fifteen (15) days shall not be granted except in extraordinary circumstances and only for the most compelling reasons in the interest of justice.

(C) **Filing of Briefs.** Filing of the briefs shall be in accordance with App.R. 11.2. If the time for the filing of the brief is not specified in App.R. 11.2, appellant shall serve and file appellant's brief within fifteen (15) days after the date on which the record is filed. The appellee shall serve and file appellee's brief within fifteen days after service of the brief of the appellant. Reply briefs shall not be filed unless ordered by the court. Extensions of time for filing of briefs shall not be granted except in the most unusual circumstances and only for the most compelling reasons in the interest of justice.

(D) **Submission to Panel; Oral Argument.** After the briefs have been filed the case shall be considered submitted for immediate decision, unless a request for oral argument has been filed with the brief. If oral argument has been requested in a case described in App.R. 11.2(C) or (D), oral argument shall be scheduled at the earliest convenience of the court, but no later than thirty (30) days after the briefs have been filed, whether in the county of origin or not. If oral argument is requested in a case described under App.R. 11.2(B), oral argument shall be scheduled in compliance with App.R. 11.2(B)(3)(c). No continuance of oral argument shall be granted. Pursuant to App.R. 21(C), oral argument will be fifteen (15) minutes per side.

(E) **Expedited by Statute.** Matters, other than those specified above that are designated "expedited" by statute shall be expedited pursuant to the applicable statute.

Local Rule 12 – Determination and Judgment on Appeal

Reserved

Local Rule 13 – Filing and Service

(A) The clerks of the courts of common pleas of the counties Adams, Athens, Gallia, Highland, Hocking, Jackson, Lawrence, Meigs, Pickaway, Pike, Ross, Scioto, Vinton, and Washington serve as the clerks of this court of appeals in their respective counties pursuant to R.C. 2303.03.

(B) 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.

(C) Items sent directly to this court at its administrative office will not be considered filed.

Local Rule 13.1 – Fax Filing

(A) **Fax filing.** The Clerk of Courts is authorized, but not required, to prepare and maintain operating procedures and instructions for fax filing. If a Clerk of Courts accepts fax filings, documents in appeals and original actions, including the notice of appeal or complaint, may be transmitted by fax to the Clerk of Court for filing, consistent with the procedures outlined by the Clerk of Courts. A document filed by fax is the original document; a copy of the document should not also be mailed or hand-delivered to the clerk for filing.

(1) **Procedural requirements.**

(a) **Fax cover page.** All documents sent by fax shall be accompanied by a cover page containing the following information:

(i) the name of the Court;
(ii) the caption of the case;
(iii) the case number;
(iv) the title of the document being filed;
(v) the date of transmission;
(vi) the name, address, telephone number, facsimile number, Supreme Court registration number, and e-mail address of the person filing the fax document.

(b) **Faxed documents without a complying cover page.** If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk will:

(i) Enter the document in the Case Docket and file the document, if possible.

(ii) If the faxed document does not contain sufficient information to file the document, the Clerk of Court will deposit the document in a file of failed faxed documents (which will be retained for 14 days) with a notation of the reason for the failure and the document shall not be considered filed with the Clerk of Courts.

(iii) The Clerk of Court is not required to send any form of notice to the

sending party of a failed fax filing. However, if practicable, the Clerk may attempt to inform the sending party of a failed fax filing.

(c) **Attorney's/Filing Party's Signature.** Documents filed by fax with the clerk that require an attorney's or a filing party's signature may be signed or signed with a signature of "/s/ (name)."

(i) The format for an attorney's signature is: Signature or /s/Attorney Name

(ii) Attorney Name

Supreme Court ID Number 1234567
Attorney for (Plaintiff/Defendant) XYZ Corporation ABC Law Firm
Address Telephone Email
Fax

(iii) This signature on a fax filed document is deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure and/or any other law.

(d) **Multiple Signatures.** When a stipulation or other document requires two or more signatures:

(i) The filing party or attorney shall first 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 other counsel and/or parties at the appropriate place in the document, usually on the signature line.

(ii) The filing party or attorney shall then file the document electronically, identifying all of the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.

(e) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, this Court shall order the filing stricken.

(f) Fax filings shall not exceed twenty (20) pages in length.

(B) **Time of filing.** Documents filed by fax shall be considered as filed with the Clerk of Courts when the document submission is complete. Each page of any document received by the Clerk will be automatically imprinted with the date and time of receipt. A fax filing may be submitted to the clerk 24 hours a day, 7 days a week. Any document filed after 11:59 p.m. Eastern Standard Time or Eastern Daylight Time shall be deemed to have been filed on the next court day.

(C) Fax filings may not be sent directly to the Court's main office for filing but may only be transmitted directly through the fax equipment operated by the appropriate Clerk of Courts.

(D) The Clerk of Courts may, but need not, acknowledge receipt of a fax.

(E) The risks of transmitting a document by fax to the Clerk of Courts or delay in the document being filed shall be borne entirely by the sending party.

(F) No additional fee shall be assessed for fax filings.

(G) **Rejection of fax filing.** Any document filed by fax that requires a filing fee may be rejected by the Clerk of Court unless the filer has complied with the mechanism established by the court for the payment of filing fees.

Local Rule 13.2 – Electronic Filing (Reserved)

Local Rule 14 – Computation and Extension of Time

Reserved

Local Rule 15 – Motions

Proposed Journal Entries Not Required. Parties should not file proposed journal entries with motions. The Court will prepare all journal entries.

Local Rule 16 – Briefs

(A) **Appellant's Brief.** Appellant's brief shall contain, under appropriate headings, and in the order here indicated:

(1) A cover page, which shall contain:

(a) The case caption, including the name of the court, the names of the parties together with their respective party designation (e.g., "Appellant" or "Appellee"), the court of appeals' case number, the name of the trial court and the trial court case number from which the appeal is taken;

(b) The title of the document (e.g., Brief for Appellant);

(c) The name, address, phone number and Ohio Supreme Court registration number of counsel representing the party on whose behalf the brief is being filed, or, if a party is not represented by counsel, the name, address and phone number of the party filing the brief;

(d) The name of the party or parties on whose behalf the document is being filed;

(e) If the party requests oral argument, "ORAL ARGUMENT REQUESTED" shall be included on the cover of the brief-in-chief as required by App.R. 21

and Local Rule 21.

(2) A table of contents, with page references, and a table of cases (alphabetically arranged), statutes and other authorities cited, with references to the pages of the brief where they are cited.

(3) A statement of the assignments of error. The assignments of error may be single spaced.

(4) A statement of the issues presented. The statement of the issues shall be a succinct, clear, and accurate statement of the arguments made in the body of the brief.

(5) A statement of the case. The statement shall indicate briefly the nature and history of the case, where it was filed, and the result below.

(6) A statement of the facts. The statement of the facts shall be relevant to the assignments of error presented for review. It should always be completely accurate, contain reference to all material facts, both favorable and unfavorable, and each fact stated should be supported by references to the record in accordance with subsection (F) of this rule.

(7) Argument and law. The argument shall contain the contentions of the appellant with respect to the assignments of error and the supporting reasons with citations to the authorities and statutes on which the appellant relies. Each assignment of error shall be separately discussed and shall include the standard or standards of review applicable to that assignment of error under a separate heading placed before the discussion of the issues.

(8) A short conclusion stating the precise relief sought.

(9) A signature of counsel or unrepresented party submitting the brief.

(10) A certificate of service.

(11) If applicable, an appendix at the end of the brief. Any item included in the appendix must be cited in the brief.

(a) The appendix shall consist of legibly reproduced copies of the following items only:

(i) The judgment entry appealed from;

(ii) Any opinion of the court announcing the decision reflected by the judgment entry appealed from;

(iii) Any written findings of fact and conclusions of law in the record on appeal;

(iv) All magistrate decisions containing findings of fact and

recommendations which are partially or totally adopted by the court in its final order; and

(v) If it would aid the judges' understanding of an issue on appeal, a map or diagram, properly admitted into evidence and made a part of the trial court record, may be included in the appendix.

(b) Each page in the appendix shall be sequentially numbered. Numbering shall begin with the first item in the appendix and continue through the last item (e.g., A-1, A-2, A-3, etc.). References in the brief to any item that is contained in the appendix shall include the specific page(s) to which the court should refer.

(c) Unreported and unpublished cases, statutes, rules, regulations, ordinances, and constitutional provisions shall not be included in the appendix.

(B) Appellee's Brief. The brief of the appellee shall conform to the requirements set forth in subsection (A) of this rule except that a statement of the issues and a statement of the case, or of the facts relevant to the issues, need not be made unless the appellee determines that the statements provided by the appellant are not complete or accurate. Appellee's Brief does not need to include an appendix if the materials that would be required are already attached to appellant's brief.

(C) Reply Briefs. Reply briefs shall be restricted to matters in rebuttal of the appellee's brief. Proper rebuttal is confined to new matters in the appellee's brief. Reply briefs must conform to the requirements set forth in subsection (A) of this rule except that the reply brief need not set forth the statement of the issues, statement of the case, statement of the facts, or appendix materials already attached to appellant's or appellee's brief.

(D) References to the Record. References to the pertinent parts of the record shall be included in the statement of facts and in the argument section of the brief. If a party fails to include a reference to a part of the record that is necessary to the court's review, the court may disregard the assignment of error or argument. References must be sufficiently specific so as to identify the exact location in the record of the material to which the court must refer and, where applicable, shall include the title of the item, volume or reel number, and page or counter number.

(E) Case Citations. Case citations must include volume number, page number, and the particular page numbers relevant to the point of law for which the case is cited. Where available, case citations must include the webcite and paragraph reference in accordance with the Supreme Court of Ohio's citation format.

(F) Failure to Comply. A brief not prepared in accordance with these rules, including the general appellate rules, may be stricken with an order for a conforming brief to be filed within a specified time. An appellant's failure to conform may result in dismissal of the appeal; an appellee's failure to conform may result in the brief being stricken and the right to argue being denied.

Local Rule 17 – Brief of an Amicus Curiae

(A) The brief of an amicus curiae shall conform to the requirements of App.R. 17, Local Rule 16 and Local Rule 19.

(B) The cover page of an amicus brief shall identify the party on whose behalf the brief is being submitted or indicate that the brief does not expressly support the position of any parties to the appeal.

Local Rule 18 – Filing and service of briefs

(A) An original and four legible copies of briefs shall be filed. All briefs shall be secured with a staple at the top left margin. The use of binder or spring clips is not permitted. If an appendix is too large to bind with the brief, it shall be given a separate cover page identifying it as the party's appendix to the brief and bound separately. Parties do not need to include unreported and unpublished cases, statutes, rules, regulations, ordinances, and constitutional provisions in the appendix.

Local Rule 19 – Form of briefs and other papers

(A) **General Requirements for all briefs.** Except as otherwise provided in this rule, briefs shall conform strictly to App.R. 19.

(1) Briefs shall be either typewritten or printed by standard typographic or other mechanical printing process in at least a twelve point type.

(2) Briefs shall be double spaced except for quoted matter, headings, and assignments of error, which shall be single spaced.

(3) Briefs should minimize use of the terms "appellant" and "appellee" but should use the parties' actual names or descriptive terms (for example, "the injured person," "the employer," or "the administrator").

(4) Briefs should not use the names of minors or individual victims or contain personal identifiers. *See* Sup.R. 45.

(B) **Length of Brief.** The appellant's and the appellee's briefs shall not exceed thirty (30) pages, exclusive of the table of contents, table of cases, and appendices. Reply briefs shall not exceed ten (10) pages, exclusive of the appendix, if any. No brief may be filed which exceeds these limitations except by prior permission of the court obtained by motion specifying why extra pages are required. Reply briefs shall be restricted to new matters raised in the answer brief.

Local Rule 20 – Prehearing Conference; Mediation

(A) **Ohio Uniform Mediation Act.** The Fourth District Court of Appeals incorporates by reference the "Uniform Mediation Act," R.C. 2710.

(B) **Mediator Training and Education.** The Court's Mediation Attorney shall meet the

qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediation.

(C) Cases Eligible for Mediation.

(1) This Court has discretion to encourage parties to use mediation in any civil appeal or any other action filed in this Court that can be legally mediated. This Court may issue an order for mediation sua sponte, upon the motion of counsel, upon the request of a party, or upon referral by the mediator. Any party may telephone the Mediation Attorney to make a confidential request for mediation or to request that a scheduled mediation be canceled.

(2) Mediation is prohibited in cases identified in Sup.R. 16.21. Nothing in this division shall prohibit the use of mediation in cases where it is authorized by Sup.R. 16.21.

(A) Scheduling.

(1) The Court's Mediation Attorney will review the notice of appeal, the trial court's judgment from which the appeal is taken, the docketing statement, or any other relevant appellate or trial court filings to determine whether a mediation conference will be scheduled.

(2) When an appeal is selected for a mediation conference, the Mediation Attorney will notify the attorneys of record, or the parties if unrepresented, of the date, time, and location of the mediation. At the discretion of the Mediation Attorney, mediation will be conducted in person, by telephone, by video, or a combination of telephone, in person, or video conferences.

(B) Purposes and Conduct of the Mediation Conference. The person conducting the mediation will be the court's mediator. 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 consider any procedural problems that exist, may arise, or be 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, that is, before the transcript of proceedings, if any, is filed or before appellant's brief is due, if no transcript of proceedings is to be filed.

(C) Extensions of Time to Transmit Record and File Briefs. The Mediation Attorney will attempt to schedule mediation conferences as expediently as possible after the notice of appeal is filed. The scheduling of a mediation conference, however, does not automatically stay the time in which the transcript of proceedings must be transmitted or the briefs must be filed. Upon referral of a case to mediation, the court may elect to stay all filings for up to sixty (60) days. Thereafter, if the mediator determines that the parties are negotiating in good faith, additional extensions of time will be recommended on a party's oral request.

(D) Privilege and Confidentiality.

(1) Privilege. Mediation communications are privileged pursuant to R.C. 2710.03 and exceptions to the privilege apply as outlined in R.C. 2710.05. The privileges may be waived under R.C. 2710.04.

(2) Confidentiality. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This Court may impose penalties for any improper disclosures made in violation of this rule. The following mediation communications are not confidential:

(a) Parties may share all mediation communications with their attorneys;
(b) Certain threats of abuse or neglect of a child or an adult;
(c) Statements made during the mediation process to plan or hide an ongoing crime;
(d) Statements made during the mediation process that reveal a felony.

(3) By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

(E) The Mediation Attorney shall maintain information for mediation parties, including victims and suspected victims of domestic violence. The Mediation Attorney will have information regarding referrals for legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse, and mental health services. Any information provided shall not be construed as a recommendation of the resource. The recipient of the information has a duty to investigate the resource independently.

(F) It is the goal of the Court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible that maintains the trust and confidence of the participants. Any mediation participant may provide comments, complaints, or feedback regarding the performance of the Mediation Attorney to the Mediation Attorney or the Court Administrator.

Local Rule 21 – Oral Argument

(A) **Oral Argument Procedure.** If a party wishes to present oral argument, the request must be made in writing. The request for oral argument shall be in the form of the words "ORAL ARGUMENT REQUESTED" displayed prominently on the cover page of the appellant's opening brief or the appellee's brief. If either party requests oral argument on the cover page of their opening brief, all parties who filed a brief will be permitted to argue. However if one of the parties has not formally requested oral argument on the cover page of the brief and they now desire to present oral argument, they must provide notice to the court that they intend to present oral argument no later than seven (7) days prior to the oral argument date. The failure of a party to notify the court may result in a reduction of allotted time for argument. The court may require oral argument in any case.

The court is not required to schedule oral argument, even if requested, if any of the parties are both incarcerated and proceeding pro se. When no oral argument is scheduled, the date of the submission of the appeal for decision as well as the composition of the

panel will be posted on the court of appeals' website.

(B) **Time Allowed for Argument.** Pursuant to App.R. 21(B), oral argument will be fifteen (15) minutes per side. The appellant shall open oral argument and may reserve time for rebuttal. The time limit applies to all appeals, including cases involving cross-appeals and cases in which there are multiple appellants or multiple appellees. However, the court may, in its discretion, grant additional time for argument.

(C) **Persons Permitted to Argue.** Only counsel of record or a party to the appeal who is not represented by counsel may present oral argument to the court. Counsel of record includes only those attorneys who are listed on the docketing statement, who have filed a notice of appearance in the case, or who are legal interns authorized under the Supreme Court of Ohio's Rules for the Government of the Bar and who have received this Court's permission to appear. No time for oral argument shall be allotted to counsel who have filed amicus curiae briefs. However, with leave of court and the consent of counsel for the side whose position the amicus curiae supports, counsel for the amicus curiae may present oral argument within the time allotted to that side. If an amicus curiae wishes to participate in oral argument but either does not receive the consent of counsel of the side whose position the amicus curiae supports or does not expressly support the position of any parties to the case, the amicus curiae may seek leave from the court to participate in oral argument but such leave will be granted at the discretion of the court.

(D) **Continuance of Argument.** The court shall notify the parties or their attorneys in writing of the date, time, and location of the oral argument, as well as the composition of the oral argument panel. No continuance of oral argument will be granted unless a written motion establishing exceptional circumstances and good cause for the continuance is filed not later than seven (7) days after the date of the written notice. If a continuance is requested based on an earlier scheduled event in another court, proof of the earlier scheduled event must be attached to the motion for continuance. Additionally, the party requesting the continuance must contact opposing counsel or the opposing party, if pro se, to determine if they object to the continuance and notify the court of the objection or lack of objection in the motion for continuance.

(E) **Supplemental Authority.** If counsel or a party at oral argument intends to rely on authorities not cited in the brief, counsel or the party shall file a Notice of Supplemental Authority with the new material attached to the Notice. The court may accept the supplemental authority and allow other parties to the appeal to respond to the supplemental authority at oral argument or in writing after oral argument. The Notice should not include argument or be in the form of a brief.

(F) **Media broadcasting, recording or photographing court proceedings.** All media representatives who seek to televise, record or photograph specific court proceedings shall request permission from the Court in writing at least three days prior to the date on which the proceedings are scheduled to occur. The Court shall issue a written order authorizing the request in those proceedings that are open to the public, as provided by Ohio law.

Local Rule 22 – Entry of Judgment

(A) **Form of Decisions.** Decisions of the court will be announced in a document entitled "Decision and Judgment Entry." Upon receipt by the clerk of the court of appeals, the clerk shall immediately stamp and file the "Decision and Judgment Entry" at which time it will become the journal entry of judgment and the time for appeal to the Supreme Court of Ohio will begin to run.

Local Rule 23 – Damages for Delay

Reserved

Local Rule 24 – Costs

Reserved

Local Rule 25 – Motion to Certify a Conflict

Reserved

Local Rule 26 - Application for reconsideration; application for en banc consideration; application for reopening

Reserved

Local Rule 27 – Execution, Mandate

Reserved

Local Rule 28 – Voluntary Dismissal

Reserved

Local Rule 29 – Substitution of Parties

Reserved

Local Rule 30 – Duties of Clerks

(A) **Service of Journal Entries and Court Notices.** In accordance with App.R. 30(A), the clerk of the court of appeals shall mail copies of judgment entries, court notices, orders, and the final decision and judgment entry to counsel of record for a party to the appeal at the last known address of counsel as listed in the court of appeals' record. If a party is not represented by counsel, the clerk of the court of appeals shall mail copies of judgment entries, court notices, orders, and the final decision and judgment entry to the party at the last known address of the party as listed in the court of appeals' record. The clerk of the court of appeals shall note the service, including the address of mailing and the method of service, on the docket.

(B) **Service on parties formerly represented by counsel.** If a party who had previously been represented by counsel intends to appear pro se when filing a post-judgment motion, the party shall file a notice with the Clerk of Courts to direct the clerk to serve journal entries and court notices on the party at the party's address specified in the notice rather than on the former counsel of record.

Local Rules 31 – 33

Reserved

Local Rule 34 – Appointment of Magistrates

(A) Pursuant to App.R. 34, the court may appoint a magistrate to whom, by general or specific order of reference, are referred categories of motions and other matters filed by a party or by the court on its own motion in an appeal or an original action, to enter orders thereon as necessary to regulate proceedings.

Local Rule 35 – 41

Reserved

Local Rule 41.1 – Original actions

(A) **Commencement of Action.** An original action, other than habeas corpus, shall be instituted by the filing of a complaint, together with four copies thereof, and service shall be made, and such action shall proceed, as in any civil action under the Ohio Rules of Civil Procedure. The court will sua sponte dismiss any complaint found to be frivolous, malicious, or abusive. In the absence of extraordinary circumstances, no alternative or preemptive writs will be issued, other than in a habeas corpus action.

(B) **Pretrial Proceedings.** Whenever possible, original actions shall be decided upon either a motion to dismiss or upon a motion for summary judgment. If a dispositive motion is not filed or has not been filed at the time the answer is filed or due, the court will issue a schedule for the presentation of an agreed statement of facts or stipulations and for the submission of briefs. 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, depositions, interrogatories, requests for production of documents, requests for admissions, affidavits, or certified copies of official records. The evidence in actions in habeas corpus shall be submitted with the petition, where practicable, and with the return of the writ, when a return is ordered by the court, and may be submitted with any response to the return authorized by the court.

(C) **Trial**. If the action is not decided pursuant to subsection (B), the action may be referred to a magistrate, pursuant to App.R. 34 and Civ.R. 53. Oral testimony will be heard only in cases referred to a magistrate. Court reporters will not be in attendance at a

magistrate's hearing unless arranged and paid for by one or more of the parties and appointed by the court.

(D) **Habeas Corpus.** An action for a writ of habeas corpus shall be similarly submitted whenever practicable and when the interests of justice will not be defeated by delay.

(E) **Briefs.** Parties submitting briefs shall adhere to the form and procedure provided by the Ohio Rules of Appellate Procedure and this court's local rules, except that a "statement of issues presented" will be substituted for the "statement of the assignments of error presented for review" when appropriate. *See* App.R. 16(A)(3).

Local Rule 41.2 – Counsel on appeal

(A) **Appearance of Counsel.** Any attorney representing a party on appeal, but who was not listed on the docketing statement, must file a notice of appearance in the case with the clerk of the court of appeals. An attorney shall include the attorney's registration number issued by the Supreme Court of Ohio on all documents filed with the court.

(B) **Appointment of Counsel.** Except in appeals pursuant to App.R. 5, a request for appointment of counsel shall be made in the first instance in the trial court. A motion to appoint counsel that is filed in the court of appeals must be accompanied by proof that the trial court denied a request for appointment of counsel.

(C) **Selection of Counsel.** The court shall maintain a list of attorneys who have notified the court of their interest in serving as appointed counsel in criminal cases. 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 and counsel's management of his/her current appellate caseload. Whenever possible, the court shall appoint counsel practicing in the county in which the case is filed.

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

(D) **Withdrawal of Counsel.** A motion to withdraw as counsel must be supported by a showing of good cause for withdrawal and be accompanied by proof of service of the motion upon the client**.** The motion shall also show the name and address of any substitute counsel and the name and address of the client. Appointed counsel must also demonstrate that counsel has moved the trial court to appoint new counsel for the appeal.

(E) **Attorney's Fees.**

(1) **Application**. Application by appointed counsel for attorney's fees on appeal shall be completed on the most recent forms prescribed by the Ohio Public Defender.

(a) Appointed counsel must use the current version of the form issued by the Ohio Public Defender.

(b) Appointed counsel must attach the current version of the financial disclosure/affidavit of indigency form. The form must either be signed by the represented party or the appointing judge. An entry appointing counsel cannot be filed instead of a financial disclosure form.

(c) Incomplete applications, applications submitted without the proper financial disclosure/affidavit of indigency form, or applications submitted on the wrong forms shall be denied but may be resubmitted with the proper forms.

(2) Limitations on Compensation. Payments for services will not exceed the schedule of fees established by each county pursuant to law unless counsel also files a motion for extraordinary fees with reasons supporting the request.

(3) Time for Filing. All applications for payment of attorney's fees shall be filed with the clerk of the appellate court within 28 days of the entry of the decision and journal entry or order that disposes of the appeal.

(4) Untimely or improper application. The Ohio Public Defender does not reimburse counties for fees paid pursuant to an untimely or improper application. Accordingly, the failure to timely file a proper application and financial disclosure/affidavit of indigency form may result in reduction or non-payment of fees.

Local Rule 41.3 – Presiding Judge and Administrative Judge

(A) Presiding Judge.

(1) Selection and Term. The presiding judge shall be elected by a majority vote of the judges of this court and designated by a journal entry filed with each of the Clerk of Courts. The presiding judge shall serve for a three-year period commencing January 1 of each year and may serve consecutive terms.

(2) Powers and Duties. The presiding judge shall have the powers and duties set forth in Sup.R. 3.01, except as set forth elsewhere in this rule.

(a) The presiding judge shall preside over all panels on which the presiding judge sits as a member.

(B) Administrative Judge.

(1) Selection and Term. The administrative judge shall be elected by a majority vote of the judges of this court and designated by a journal entry filed with each of the Clerk of Courts. The administrative judge shall serve for a three-year period commencing January 1 of each year and may serve consecutive terms.

(2) Powers and Duties. The administrative judge shall have the powers and duties set forth in Sup.R. 4.01, in addition to all of the following:

(a) The administrative judge shall preside over all panels on which the administrative judge sits unless the presiding judge is also a member of the panel.

(b) The administrative judge shall call and conduct judges meetings as necessary.

Local Rule 41.4 – Admission pro hac vice

(A) An attorney who is not licensed to practice law in the State of Ohio who seeks permission to appear pro hac vice in this Court must first register with the Supreme Court Office of Attorney Services pursuant to Gov.Bar R. XII.

(B) After the attorney completes the registration requirements and receives a Certificate of Pro Hac Vice Registration, the attorney must file a Motion for Permission to Appear Pro Hac Vice with this Court. The motion must succinctly state the qualifications of the attorney seeking admission, include the certificate of registration furnished by the Supreme Court Office of Attorney Services, and shall contain all of the information required by Gov.Bar R. XII(2)(A)(6)(a) through (e).

Local Rule 41.5 – Records retention

Pursuant to Sup.R. 26(G), this Court adopts as its records retention schedule Sup.R. 26, 26.01, and 26.02.

Local Rule 41.6 – Technology Plan

Pursuant to Sup.R. 5(E), this Court adopts a technology plan that ensures the efficient and effective use of technology in the delivery of services of the Court.

Local Rule 42 - Title

These rules shall be known as the Local Rules of the Fourth District Court of Appeals and may be cited as “Fourth District Local Rules” or “Loc.R.____”

Local Rule 44 – Effective date

Effective November 19, 2025 all currently existing local rules of this court are repealed and these local rules are adopted. These rules will govern all proceedings brought after the effective date and all pending proceedings, except to the extent that their application in a particular pending action would not be feasible or would work injustice.