

OHIO APPELLATE BRIEF CHECKLIST

Prepared by...

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Ohio Rules of Appellate Procedure

- If separately bound, front cover must include the following (App.R. 19(A)):
 - name of court,
 - number of case,
 - title of case,
 - nature of proceeding (e.g. "appeal"),
 - name of lower court,
 - title of document (e.g. "Brief for Appellant"),
 - names & addresses of counsel representing party
- Must be typed, or produced by typographic printing, duplicating, or copying in manner that produces clear black image on white paper (carbon copies only if proceeding in forma pauperis and with permission of court) (App.R. 19(A))
- Font = at least 12 point (App.R. 19(A))
- Double spaced, except quotes are single spaced (App.R. 19(A))
- Margins = 1 inch sides and 3/4 inch top/bottom, unless produced by "standard typographic process," then text 4 1/6 x 7 1/6 (App.R. 19(A))
- Must contain the following in the order listed (App.R. 16(A)):
 - Paginated table of contents (App.R. 16(A)(1))
 - Paginated table of cases arranged alphabetically, statutes, & other authorities (App.R. 16(A)(2))
 - Statement of assignments of error w/ cites to the record (App.R. 16(A)(3))
 - Statement of issues w/ references to assignment of error to which each issue relates (App.R. 16(A)(4))
 - Statement of the case describing nature of proceedings & disposition in lower court (appellee need not include this) (App.R. 16(A)(5) & (B))
 - Statement of facts w/ cites to the record (appellee need not include this) (App.R. 16(A)(6) & (B))

- Argument regarding each assignment of error w/ cites to authorities & record (App.R. 16(A)(7))
- Conclusion stating relief requested (App.R. 16(A)(8))
- Necessary constitutional provisions, statutes, rules, or regulations must be reproduced in brief, in an addendum, or in pamphlet form (App.R. 16(E)) [WARNING: a pending amendment to this rule provides that parties need only attach authorities that are not available online]
- Page limit = 35 (15 for reply brief), not counting table of contents, table of authorities, & appendix (App.R. 19(A)) [WARNING: may be altered by local court rules]
- Paper = opaque & unglazed (App.R. 19(A))
- Paper size = 8.5 x 11 inches, unless produced by “standard typographic process,” then 6 1/8 x 9 1/4, or any size when necessary to utilize copies of pertinent documents (App.R. 19(A))
- File 4 copies with the court (App.R. 18(B)) [WARNING: may be altered by local electronic filing rules]
- Serve 1 copy on each party (App.R. 18(B))

Local Rule additions and modifications...

First District

- Counsel filing brief must include name, *attorney registration number*, address, *e-mail address*, & *telephone number* (Loc.R. 3.1(A)(1))
- The Table of Contents should list the assignments of error and issues for review, and act as the table of authorities, by taking the following form: Under each assignment of error, the issues for review shall be listed in indented numbered subparagraphs; any authorities cited in support of each issue shall be set out alphabetically in further indented subparagraphs. (Loc.R. 16.1(A)(1))
- The Statement of the Case shall be followed by two additional sections: a Statement of Jurisdiction addressing timeliness and whether the order appealed is final, and a Procedural Posture stating the relevant procedural events leading to the appealed order (Loc.R. 16.1(A)(2))
- Each Assignment of Error section must be organized according to, and contain verbatim recitations of, the issues for review as set out in the table of contents (Loc.R. 16.1(A)(3))
- Refer to transcript of proceedings as “T.p.” followed by the page number, and refer to transcript of docket, journal entries, and original papers as “T.d.” followed by the page number; if “T.d.” document more than one

- page, then cite to document number as assigned by clerk of courts, followed by page number within that document, e.g. “defendant’s deposition T.d. 10 at 50” (Loc.R. 16.1(D))
- The appellant must attach to the brief a copy of the final order being appealed, along with any related opinion, decision, or finding of fact, and any authorities not available in electronic format (Loc.R. 16.1(A)(6))
 - Page limit = 35 (10 for reply briefs), not including table of contents, assignments of error, and appendix; for accelerated case = 15 pages excluding table of contents and appendix (Loc.R. 19.1(A) & 11.1.1(D))
 - Original brief shall be unbound and without dividers or tabs, and copies shall be bound along the left margin; if staples are used then they must be covered (Loc.R. 18.1(B))
 - Briefs may be filed electronically via the internet without filing any copies with the clerk, but party must maintain original brief (Loc.R. 13.1(B))
 - Handwritten brief may be accepted in an emergency if legible and with leave of court (Loc.R. 19.1(B))

Second District

- Legibly typed or printed on 8.5 x 11 paper (Loc.R. 5.1)
- Include case caption and attorney’s name, registration number, office address, and telephone number (Loc.R. 5.1)
- Leave 4 inch blank space at top of first page (Loc.R. 5.1)
- Attach copy of any unreported opinion relied upon (Loc.R. 9)
- Page limit = 25 pages (15 for accelerated case) exclusive of table of contents, table of authorities, and appendixes (Loc.R. 2.2(A) & 2.7(B))

Third District

- Title page must indicate “REGULAR CALENDAR” or “ACCELERATED CALENDAR” beneath the case number (Loc.R. 7(A))
- References to the transcript shall include volume and page number (Loc.R. 7(C))
- Citations to legal authorities must be in text, NOT in footnotes (Loc.R. 7(C))
- Do not use “Propositions of Law” (Loc.R. 11(A))
- Separately argue each assignment of error, unless the same argument applies to more than one (Loc.R. 11(A))
- Assignments of error should be reasonably specific; general claim that judgment is contrary to law will be rejected (Loc.R. 11(B))

- Appendix shall include all the following (Loc.R. 7(D)):
 - the judgment entry appealed from;
 - any related opinions or decisions of court or magistrate;
 - any written findings of fact and conclusions of law;
 - all statutes, rules, regulations, ordinances, and constitutional provisions cited in the brief;
 - any cited unpublished opinion not already posted on the Supreme Court website
- Must include attorney's registration number and signature (Loc.R. 10(D)&(E))
- Page limit=25 pages (10 for reply briefs), 15 pages for accelerated appeal, not include table of contents, assignments of error, and appendix (Loc.R. 7(B))
- Securely fastened along left margin in at least two places; if staples used, care must be taken to ensure that the points do not protrude (Loc.R. 7(E))
- Plastic covers are not permitted unless they are attached to the pages by staples or fasteners (Loc.R. 7(E))

Fourth District

- Must contain attorney name, address, telephone number, email address, registration number, and name and designation of represented party (Loc.R. 8)
- Page limit = 35, excluding appendix (10 for reply brief, excluding index, list of authorities, and appendix) (Loc.R. 10)
- Stapled or securely bound along left margin; no binder or spring clips; if staples protrude from back, they must be covered (Loc.R. 10)
- If appendix too large to bind with brief, must have separate cover page identifying it as the appendix (Loc.R. 10)
- Do not need to include authorities in appendix (Loc.R. 10)
- Original and 4 copies of briefs to be filed with court (Loc.R. 8)

Fifth District

- If consolidated case, parties "shall endeavor" to prepare a common brief (Loc.R. 12)
- Include name, registration number, address, & telephone number (Loc.R. 3(A))
- Where appeal from summary judgment, include statement on separate page after assignments of error declaring whether the judgment is

- inappropriate as a matter of law on undisputed facts or there is a genuine dispute on a material fact, couple with a separate statement of the specific disputed facts (Loc.R. 9(B)(4))
- Page limit = 30 (15 for reply), excluding table of contents, table of authorities, statement of assignments of errors, statement of issues, and appendix (Loc.R. 9(C))
 - Include copy of judgment appealed, any opinion announcing the decision, and any written findings of fact or conclusions of law (Loc.R. 9(B)(1),(2),(3))
 - If possible, file an electronic version of brief on CD-ROM or floppy disk saved in Word, Wordperfect, or PDF format; mark disk with case name, county, and case number; affix disk to copy of the brief; if unable to comply, file a notice indicating why (Loc.R. 9(A)) [WARNING: this rule may be obsolete, Fifth District website states: "Effective immediately, diskettes are no longer required when filing briefs."]

Sixth District

- Attorneys must include registration number on first page, and shall include address, telephone number, and fax number (Loc.R. 1(A))
- Official citation shall be used in table of cases (Loc.R. 10(D))
- Footnotes discouraged, but if used must be in same 12 point typeface as body of brief, and citations should not be put in footnotes (Loc.R. 10(B)&(C))
- Refer to volume and page number of transcript (Loc.R. 10(C))
- Appendix must contain copy of judgment entry appealed; not necessary to include copies of any cases (Loc.R. 10(D))
- If appendix contains 3 or more items, then each must be separately tabbed and identified by consecutive numbers, letters, or name, and referred to in the brief accordingly (Loc.R. 10(E))
- Page limit = 30 (10 for reply), 15 for accelerated cases, excluding table of contents, table of authorities, and appendix (Loc.R. 10(A) & 12(B))
- File original and 4 copies of briefs (Loc.R. 10(A))
- Briefs may be filed by fax pursuant to local clerk's rules (Loc.R. 8(A))
- Shall email brief to court within 7 days of filing in Word or PDF format, unless files request for waiver when brief is filed (Loc.R. 10(A))

Seventh District

- ❑ Page limit = 35, not including appendix, “synopsis of argument,” and list of authorities; 10 for reply, excluding index, list of authorities, and appendix (Loc.R. IV(1))
- ❑ Appendix to include the trial court’s opinion, findings of fact, or conclusions of law, if any (Loc.R. IV(2))

Eight District

- ❑ Page limit = 40, 10 for reply, 25 for cross-appeals, 15 for accelerated cases, all excluding table of contents, table of authorities, and appendix (Loc.R. 11.1(B)(4)(e) & 16(A))
- ❑ Citations must be in body of text, not in footnotes (Loc.R. 16(B))
- ❑ Must attach copies of any unreported trial court opinions that are cited (Loc.R. 16(C))

Ninth District

- ❑ Typeface = plain, Roman style; italics or boldface may be used for emphasis; case names must be italicized or underlined (Loc.R. 7(A)(1))
- ❑ Double spaced, except quotations, headings, and assignments of error (Loc.R. (7)(A)(2))
- ❑ Cover page with caption; name of trial court and trial court case number; title of document; name, address, phone number, and registration number for counsel filing brief, or just name, address, and phone if not an attorney; name of party on whose behalf document is filed; and, if expedited appeal, specify “App.R. 11.2 Appeal” (Loc.R. (7)(B)(1))
- ❑ In argument section, before discussion of each assignment of error, provide the standard of review under a separate heading (Loc.R. (7)(B)(7))
- ❑ Appendix shall only contain (1) the judgment entry appealed, (2) any opinion announcing the decision, any written findings of fact and conclusions of law, any magistrate report containing findings and recommendations adopted by the trial court, and (3) any map or diagram from record that may help with judge’s understanding (Loc.R. (7)(B)(9)(a))
- ❑ Appendix must be sequentially numbered and references in the brief should cite to those page numbers (Loc.R. (7)(B)(9)(b))
- ❑ Appellee’s brief may omit statement of issues, statement of case, or statement of facts (Loc.R. 7(C))

- ❑ Reply brief may omit statement of issues, statement of case, statement of facts, or appendix (Loc.R. 7(D))
- ❑ Page limit = 30 (10 for reply), including all pages from statement of assignments of error through the certificate of service (Loc.R. (7)(E)(1))
- ❑ Alternatively, brief length may be based on word count = 9,000 (3,000 for reply), including headings, footnotes, and quotations, but excluding the cover, tables of contents, table of authorities, certificate of service, certificate of compliance, and appendix; must be printed with all text, including footnotes, in Times New Roman or Georgia typeface with at least 14 point typeface; must include certificate of compliance stating the number of words (sample provided); may rely on the count function of word processor (Loc.R. (7)(E)(2))
- ❑ Do not bind original, instead secure with clip or rubber band (Loc.R. (7)(A)(3))
- ❑ Binding = any manner that is secure, does not obscure the text, and permits brief to lie reasonable flat when open; staples are encouraged; paper or plastic covers are prohibited (Loc.R. (7)(A)(4))
- ❑ File original and 4 copies with court (Loc.R. (7)(A)(3))

Tenth District

- ❑ Text in plain legible typeface such as Times New Roman or Arial and at least 12 point font (Loc.R. 7(A)(2))
- ❑ Footnotes discouraged, but must be in 8 point typeface (Loc.R. 7(A)(2))
- ❑ Text must be double-spaced, but quotations of 50 words or more may be single-spaced and blocked (Loc.R. 7(A)(2))
- ❑ Margins = 1 inch on all four sides; page numbers may be in margins, but nothing else (Loc.R. 7(A)(2))
- ❑ Title page must indicate “REGULAR CALENDAR” or “ACCELERATED CALENDAR” beneath the case number (Loc.R. 7(A)(3))
- ❑ Citations must be in text (Loc.R. 7(A)(4))
- ❑ Briefs must be paginated (Loc.R. 7(B))
- ❑ Appendix must contain materials essential to determination of assignments of error, such as judgment, findings of fact or conclusions of law, evidence pertinent to summary judgment, pleadings material to motions to dismiss, and portions of relevant documents construed by the trial court (Loc.R. 7(E))
- ❑ Appendix must include table of contents indexed to the numbered or tabbed pages (Loc.R. 7(E))
- ❑ Appendix containing 5 or more documents must be tabbed (Loc.R. 7(E))

- Appendix of more than 50 pages must separately bound, with the table of contents placed at the front (Loc.R. 7(E))
- One copy of brief filed unfolded and submitted in plain envelope to facilitate scanning; three other copies permanently bound in manner that is secure, does not obscure the text, and permits brief to lie reasonably flat when open; preferred method is a single staple in upper left corner; ring binders, spring clips, and rubber bands are prohibited (Loc.R. 7(A)(1))
- Page limit = 35 (10 for reply), 15 for accelerated case, not including cover page, tables of contents, table of authorities, statement of assignments of error, statement of issues, and appendix (Loc.R. 7(B))

Eleventh District

- Must include name, address, telephone number, fax number, e-mail address, if available, and registration number of counsel (Loc.R. 3(C)(1))
- Text in medium weight, 12-point, noncondensed style with no more than 80 characters to a line, such as Arial (Loc.R. 16(A))
- Double-spaced, except quotations may be single spaced (Loc.R. 16(A))
- Italics only for case citations and emphasis (Loc.R. 16(A))
- Suggests "T.p." and "T.d." as abbreviations for transcript of proceedings and transcript of docket and journal entries; for docket entries, cite document number and page number "T.d. 10, p. 50" (Loc.R. 16(A)(1))
- Brief must have five parts (Loc.R. 16(B)):
 - o Table of Contents and Assignments of Error: listing and indexing the assignments of error, issues presented for review, and authorities; the issues must be indented and set out as separate paragraphs under each assignment of error; the authorities shall be set out in alphabetical order in further indented paragraph (Loc.R. 16(C)(1))
 - o Statement of the Case
 - o Statement of Facts
 - o Argument: reiterate verbatim the assignments of error and the issues presented for review as stated in the table of contents (Loc.R. 16(C)(4))
 - o Conclusion
- Footnotes discouraged (Loc.R. 16(B)(3))
- Appendix shall include the judgment appealed, any opinion announcing the decision, any written findings of fact and conclusions of law, any magistrate decision/report that was adopted, anything otherwise required by App.R. 16(E), and a copy of any case not available in electronic format

- indicating any subsequent Supreme Court disposition; anything else is prohibited (Loc.R. 16(B)(1), (2), & (4)(B))
- ❑ Stapled, bound, or otherwise securely fastened along left margin; not necessary or desirable to enclose in paper or plastic cover or binder (Loc.R. 16(A))
 - ❑ Page limit = 35, 10 for reply, 45 on cross-appeal, 15 for accelerated case, not including table of contents, assignments of error, certificate of service, and appendix (Loc.R. 11.1(D) & 16(D))

Twelfth District

- ❑ Must include name, attorney registration number, address, telephone number, and e-mail address of all counsel or parties (Loc.R. 9(A) & 11(A))
- ❑ Carbon copies only with prior authorization (Loc.R. 11(A))
- ❑ If typed, must be on opaque, unglazed paper (Loc.R. 11(A))
- ❑ If prepared with word processing software, minimum font size of 12; if prepared on typewriter, must use characters equivalent to 12 (Loc.R. 11(A))
- ❑ Suggests “T.p.” and “T.d.” as abbreviations for transcript of proceedings and transcript of docket and journal entries; cite to document number and page number “T.d. 10, p. 50” (Loc.R. 11(A)(1))
- ❑ Brief must have six parts (Loc.R. 16(A)(2)):
 - o Table of Contents, including Table of Authorities, Assignments of Error, and Issues Presented for Review: listing and indexing the assignments of error, issues presented for review, and authorities; the issues must be indented and set out as separate paragraphs under each assignment of error; the authorities shall be set out in alphabetical order in further indented paragraph (Loc.R. 11(B)(1))
 - o Statement of the Case (Procedural Posture): should include relevant procedural history, status of litigation, and relief sought; should rarely require more than a paragraph (Loc.R. 11(B)(2))
 - o Statement of Facts
 - o Argument: Reiterate verbatim the assignments of error and the issues presented for review as stated in the table of contents (Loc.R. 11(B)(3))
 - o Conclusion: summarize argument and state precise relief sought (Loc.R. 11(B)(4))
 - o Appendix: include entry or order appealed; entries or orders that are the basis for an assigned error; trial court, magistrate, or arbitration decisions explaining the basis for an entry or order; and

ordinance, local rule, or regulation to be considered in connection with an assignment of error (Loc.R. 11(D))

- [Provide their own citation formats for cases] (Loc.R. 11(C))
- Stapled, bound, or otherwise securely fastened along left margin; not necessary or desirable to enclose in paper or plastic cover or binder (Loc.R. 11(A))
- Page limit = 20, excluding table of contents, table of authorities, assignments of error and issues presented for review, and appendix; 10 for reply, excluding table of contents, table of authorities, and appendix; 15 for accelerated case, excluding table of contents and appendix; 5 for reply brief in accelerated case; 20 for amicus curiae (Loc.R. 6(D) & 11(A)(3))