PROPOSED AMENDMENTS TO THE
OHIO TWELFTH DISTRICT COURT OF APPEALS
LOCAL RULES OF PROCEDURE

The Twelfth District Court of Appeals will accept public comments until **March 15, 2021**, on the following proposed amendments to the Twelfth Appellate District Local Rules of Procedure.

Comments on the proposed amendments should be submitted in writing to: Bennett Manning, Court Administrator, Ohio Twelfth District Court of Appeals, 1001 Reinartz Blvd., Middletown, Ohio 45242, or rulecomments@12thdca.com not later than March 15, 2021. Please include your full name and mailing address in any comments submitted by email.

Key to Proposed Amendments:

1. Existing language appears in regular type. Example: **text**

2. Existing language to be deleted appears in strikethrough. Example: ~~**text**~~

3. New language to be added appears in underline. Example: **text**

TWELFTH APPELLATE DISTRICT
LOCAL RULES
Effective ~~January 1, 2010~~ May 1, 2021

Counties of Brown, Butler, Clermont, Clinton,
Fayette, Madison, Preble and Warren

RULE

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RULE 1. SCOPE AND APPLICATION OF RULES.

The following rules have been adopted by the judges of the Twelfth District Court of Appeals pursuant to Section 5(B), Article IV of the Ohio Constitution, as amended, and App.R. 41 in the interest of promoting the administration of justice and increasing the efficiency of the court's operation. They shall be cited as follows: "12th Dist. Loc. App.R. _____ ."

These rules and the Ohio Rules of Appellate Procedure shall govern all procedures in appeals to the Twelfth District Court of Appeals from trial courts of record within the jurisdictional boundaries of the Twelfth District. The Rules of Appellate Procedure and these rules prescribe the procedures to be followed in this court by all parties, whether represented or unrepresented.

The Ohio Rules of Civil Procedure, as supplemented by the Rules of Appellate Procedure and these rules, shall govern all procedures in original actions filed in the Twelfth District Court of Appeals.

RULE 2. COST DEPOSIT.

(A) **Appeals.** After the initial filing, no notice of appeal or cross-appeal shall be permitted to proceed in the court ~~of appeals~~ unless the party bringing the appeal or cross-appeal first deposits with the clerk of the trial court a deposit in the sum of $225 as security for payment of costs, except ~~in criminal actions~~ where the party who proffers the filing makes and files with the clerk a sworn affidavit of inability to secure costs by such prepayment or produces evidence that the trial court determined that the appellant is indigent for purposes of appeal. In the event the affidavit is filed by an inmate of a state institution, it shall be accompanied by a certificate by the warden or other appropriate officer of the institution setting forth the amount of funds, if any, that the inmate has on deposit with the institution available to the inmate to secure costs. No security shall be required on appeals by the state or any of its subdivisions. R.C. 109.19.

The deposit for costs shall be forwarded upon receipt by the clerk of the trial court to the clerk of the court of appeals along with a copy of the notice of appeal, a copy of the entry or order appealed from, a copy of the listing of docket and journal entries and a copy of the docket statement required by Loc.R. 4 . Any personal check given for the deposit amount shall be made payable to the clerk of the court of appeals. The deposit for costs shall be in addition to any other fees or deposits required by law, including the lawful fees of the clerk of the trial court prescribed

by R.C. 2303.20 and 2303.31. The deposit for costs shall be applied by the clerk of the court of appeals to the costs, if any, assessed against the respective appellant(s) or cross-appellant(s) during the appeal, as determined by this court, and any balance remaining shall be returned by the clerk to the depositor.

(B) **Original Actions.** ~~After the initial filing,~~ Nno complaint in an original action (mandamus, prohibition, procedendo, or quo war~~r~~anto, and except where prohibited by law, habeas corpus) shall be permitted to proceed in the court of appeals unless the party bringing the action shall have first deposited with the clerk the sum of $225 as security for payment of the costs that may accrue in the action. The deposit for costs shall be in addition to any other fees or deposits required by law. A subpoena shall not be issued for any witness in an action unless an additional deposit in the amount of $20 as security for costs is deposited with the clerk together with a praecipe for subpoena. A $20 deposit and praecipe shall be submitted for each subpoena to be issued.

If the party bringing the action or the party seeking the attendance of witnesses makes and files with the clerk a sworn affidavit of inability to secure costs by such prepayment, the clerk shall receive and file the complaint and subpoena witnesses without such deposits, subject to the approval of the court of appeals. In the event the affidavit is filed by an inmate of a state institution, it shall be accompanied by a certificate by the warden or other appropriate officer of the institution setting forth the amount of funds, if any, that the inmate has on deposit with the institution available to the inmate to secure costs.

RULE 3. NOTICE OF APPEAL.

(A) The notice of appeal shall comply in all respects with App.R. 3(D) and shall be accompanied by a docket statement as required by Loc.R. 4. If the docket statement is not filed with the notice of appeal, it shall be filed with the clerk of the court of appeals no later than five (5) days after filing of the notice of appeal. Filing of the docket statement is not jurisdictional, but omission of the docket statement may be a basis for dismissal, or may result in assessing against the appellant such court costs as may be attributable to failure to file the docket statement.

(B) The appellant shall file with the notice of appeal a praecipe directing the clerk of the trial court to prepare a record of the original papers and exhibits, and a copy of the docket and journal entries, as specified in App.R. 9(A).

(C) Upon filing of the notice of appeal, the clerk of the trial court shall within 5 days promptly forward to the clerk of the court of appeals (1) a copy of the notice of appeal and docket statement; (2) a copy of the entry or order appealed from; (3) a copy of the opinion or decision supporting such entry or order if any, and a copy of any findings of fact and conclusions of law filed in the trial court; (4) a copy of the transcript of docket and journal entries; and (5) the deposit amount or ~~an~~ affidavit of indigency, with Loc.R. 2 certificate of funds if applicable.

RULE 4. DOCKET STATEMENT; SCHEDULING ORDER.

(A) Upon every appeal filed in the court of appeals, counsel of record for the appellant, or the appellant when unrepresented and acting *pro se*, shall complete a docket statement (criminal appeal - Form 1; civil appeal - Form 2) and file the completed docket statement with the notice of appeal in the trial court clerk's office ~~of the trial court~~ as set forth in Loc.R. 3(A). The clerk of the trial court shall then forward the notice of appeal, ~~and~~ the docket statement and the other items required by Loc.R. 3(C) to the clerk's office of the court of appeals within five (5) days. Failure to file a docket statement may result in dismissal of the appeal, or may result in assessing against the appellant such court costs as may be attributable to failure to file the docket statement.

(B) Upon receipt of the notice of appeal and the docket statement, the court will cause a scheduling order to be issued pursuant to Loc.R. 7 directing when the record and the briefs are to be filed.

(C) If necessary, the court administrator/magistrate or the court conference attorney may schedule a pre-scheduling order conference with counsel of record to resolve preliminary issues such as (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) the time needed for briefing and oral argument, and (6) other matters of relevance to the appeal.

RULE 5. NOTIFICATION OF LACK OF TRANSCRIPT OR NARRATIVE STATEMENT; APP.R. 11(B) NOTICE.

(A) In every appeal taken in which no transcript of proceedings or narrative statement or agreed statement as described in App.R. 9 will be filed, or if such transcript or narrative statement is already a part of the trial court record, counsel

for the appellant shall file a notice of such fact with the clerk of the court of appeals for the county from which the appeal is being taken.

(B) Counsel for the appellant need not file the statement required by paragraph (A) above if the docket statement (see Loc.R. 4) indicates that no transcript or App.R. 9 statement will be filed, or that such transcript or narrative statement is already a part of the trial court record.

(C) Upon the filing of a complete record for purposes of an appeal, the clerk of the court of appeals shall serve upon all parties to the appeal notice as required by App.R. 11(B). Simultaneously with service ~~serving~~ of said notice upon the parties, the clerk shall forward a copy of the notice to the Court of Appeals at 1001 Reinartz Blvd., Middletown, Ohio 45042 (see Form 3 – suggested App.R. 11(B) Notice). Service of the App.R. 11(B) notice shall begin the time for filing the appellant's brief as set forth in the scheduling order (see Loc.R. 7).

RULE 6. ACCELERATED CALENDAR.

Pursuant to App.R. 11.1, this court hereby adopts an accelerated calendar, which shall be administered as follows:

(A) Each appellant and cross-appellant when filing the docket statement required by Loc.R. 4, and each appellee within ten (10) days thereafter, may request that the case be placed on the court's accelerated calendar. Based upon a review of the docket statement and pursuant to App.R. 3(G), the court may issue a scheduling order accelerating the appeal. The court in its discretion may *sua sponte* assign or remove any appeal from the accelerated calendar at any stage of the proceedings. Cases accepted for mediation may be removed from the accelerated calendar to accommodate scheduling.

(B) Counsel for the party not requesting acceleration may, within ten (10) days after journalization of the scheduling order accelerating the appeal, file a motion requesting that the appeal be removed from the accelerated calendar. The motion shall be supported by a memorandum setting forth good cause for such request.

(C) Cases typically considered appropriate for assignment to the accelerated calendar include the following:

(1) Cases where:

a. No transcript of proceedings is required.
b. Length of the transcript is such that preparation time will not be a source of delay.
c. The record was made in an administrative hearing and filed with the trial court.
d. All parties to the case approve assignment to the accelerated calendar.

(2) Criminal cases involving:
a. Crim.R. 11 challenge.
b. Challenge to sentencing involving revocation of community control or failure to impose community control.
c. Crim.R. 29 or weight of the evidence challenge, especially if a lesser crime is involved.
d. Routine OVI or other minor traffic offense.
e. Expungement.

(3) Civil cases involving:
a. Administrative appeal.
b. Action on an account.
c. Slip and fall.
d. Civ.R. 60(B) motion.
e. Simple contract action.
f. Minor negligence action.
g. ~~Property division or P~~post-decree support motion in a custody ~~divorce~~ case.
h. Foreclosure.

(D) All briefs filed in a case that has been accelerated shall conform to the appellate rules and the local rules of this court as to form and content; however, such briefs shall not exceed fifteen (15) pages or 4,500 words excluding table of contents and appendices. The appellant shall serve and file a brief within fifteen (15) days of the date on which the record is filed. The appellee shall serve and file a brief within fifteen (15) days after service of the brief of the appellant. Reply briefs may be filed within five (5) days after service of the brief of the appellee and shall not exceed five (5) pages or 1,500 words in length.

(E) Total extensions granted to either party on a case on the accelerated calendar shall not exceed seven (7) days.

(F) In its discretion, the court may issue a memorandum decision, an entry or a full opinion. Pursuant to App.R. 11.1(E), the court may state the reasons for its finding on each assignment of error in brief and conclusory form.

(G) All cases placed on the accelerated calendar shall be so designated following the case number on the caption of each brief, pleading or other document ~~paper~~ filed in the case.

RULE 7. SCHEDULING ORDER.

Upon receipt of the notice of appeal and docket statement, the court will issue a scheduling order of events with respect to the appeal. The scheduling order will be modified only upon written motion establishing good cause or pursuant to Loc.R. 21(D) [Prehearing Mediation Conference Procedure]. An unexcused failure to comply with the scheduling order in any respect may result in dismissal of the appeal. No scheduling order will be issued on appeals from orders denying bail (~~see~~ Loc.R. 2~~2~~3).

RULE 8. STAYS; BAIL; SUSPENSION OF EXECUTION OF SENTENCE.

All motions for stay, motions for bond pending appeal and motions for suspension of execution of sentence pending appeal shall be made in the first instance in the trial court as required by App.R. 7 and 8. If any such motion is denied by the trial court, it may be made in the court of appeals. Service shall be made upon all other parties, and absent exigent circumstances~~,~~ the motion will be decided in accordance with Loc.R. 13.

RULE 9. COUNSEL.

(A) Every notice of appeal, pleading, motion and brief filed shall have typed or printed thereon the name, Ohio Supreme Court registration number, address, telephone and/or cell phone number, and e-mail address of all counsel (or parties, if not represented by counsel). Where a party is represented by more than one attorney ~~counsel~~, or by a firm of attorneys, one attorney ~~counsel~~ shall be designated as having primary responsibility for the appeal. Counsel so designated shall be responsible for conducting the appeal, including the filing of briefs and other memoranda, attending and preparing for mediation, presenting oral argument, and receipt of notices and pleadings from the court and all other parties.

(B) Counsel seeking to withdraw shall, with a written application showing good cause, submit proof of service of the notice of withdrawal upon the client,

and the name and address of any substitute counsel, or if none, the name and address of the client.

(C) In cases where appointment of appellate counsel is necessary, such appointment shall be sought in the first instance in the trial court.

(D) Admission of an out-of-state attorney pro hac vice will be allowed only following compliance with Gov.Bar. R. XII, Rules for the Government of the Bar promulgated by the Supreme Court of Ohio. Prior to being granted permission to appear pro hac vice, the attorney shall have applied for registration with the Supreme Court Office of Attorney Services, paid the annual registration fee and been issued a certificate of pro hac vice registration. A motion for admission pro hac vice shall briefly and succinctly state the qualifications of the attorney seeking admission and comply with the requirements of Gov.Bar R. XII. It shall be filed with the first pleading or brief in which the attorney seeks to participate or at least thirty (30) days before argument if the attorney seeks only to participate in oral argument. The court may withdraw admission to participate ~~-~~pro hac vice at any time.

RULE 10. FILING OF THE RECORD.

(A) If a transcript of proceedings is to be filed in accordance with App.R. 9(B), a copy of the notice of appeal with praecipe shall be served by the appellant upon the court reporter. The appellant is responsible for contacting the court reporter and ordering the transcript of proceedings, and filing the transcript with the clerk of the trial court in accordance with App.R. 9(B). The court reporter shall comply and prepare those portions of the record enumerated in the praecipe, subject to being made secure in the payment of fees by the party who ordered the transcript.

(B) If a statement of evidence or agreed statement is to be filed in lieu of a transcript pursuant to App.R. 9(C) or (D), the statement of evidence or agreed statement approved by the trial court shall be filed with the clerk of the trial court within the time permitted for transmission of the record pursuant to the scheduling order. A Loc.R. 5 notice shall not be filed with the clerk of the court of appeals if a statement of evidence or agreed statement will be filed. ~~pursuant to App.R. 9(C) or (D).~~

(C) Additional material filed after the clerk has filed an App.R. 11(B) notice that the record on appeal is complete will not be considered by the court unless a motion to supplement the record is filed within 14 days and granted by the court.

(D) Extensions of time by trial court and court of appeals.

(1) The appellant is responsible for causing timely transmission of the record and for obtaining such extensions as are necessary to discharge this responsibility. The appellant shall file with the clerk of the court of appeals a copy of any extension obtained from the trial court.

(2) The trial court shall not extend the time for transmitting the record beyond eighty (80) days after the filing of the notice of appeal, and the court of appeals will not recognize an order of the trial court purporting to do so. Extensions of time for transmitting the record beyond the eightieth day may be granted only by the court of appeals.

(3) See Loc.R. 14 for additional requirements applicable to motions for extension of time.

(E~~D~~) The transcript of proceedings or Loc.R. 5 notice shall be filed with the clerk of the trial court ~~of appeals~~ of the county from which the appeal is being taken. It should then be forwarded to the clerk of the court of appeals for filing in the court of appeals. No filings of any kind ~~nature~~ can be made at the court's central office in Middletown.

RULE 11. BRIEF.

(A) **Form.** An original brief and three copies shall be filed and shall be stapled once in the upper left corner. It is not necessary or desirable to enclose any brief in a paper or plastic cover or binder. Carbon copies are not acceptable without prior permission of the court. Typewritten copies must appear on opaque, unglazed paper. Written material should be double-spaced and appear on only one side of each page. Briefs prepared with word processing software must use a minimum font size of 12. Briefs prepared using other typewriting equipment shall use characters equivalent in size. The front cover of every brief filed shall include the name, address, Ohio Supreme Court registration number, telephone and/or cell phone number, and e-mail address of all counsel, or parties if not represented by counsel. Citations to authority shall appear in the body of the brief, not in footnotes. See App.R. 19 for additional form requirements.

(1) **References to the Record.** Suggested abbreviations for transcript of the proceedings, and transcript of docket and, journal entries and original papers are T.p. and T.d. respectively. Where documents are relied upon which consist of more than one page, citations shall be to the document number assigned by the clerk of courts in preparing the transcript of docket and journal entries followed by the page number integral to the document, *e.g.*, "defendant's deposition, T.d. 10, p. 50."

(2) **Contents of Brief.** The briefs of the appellant and the appellee shall consist of six (6) parts satisfying App.R. 16 as follows:

(a) Table of Contents, including Table of Cases, Statutes and Authorities and Assignments of Error and Issues Presented for Review

(b**)** Statement of the Case (Procedural Posture)

(c) Statement of Facts

(d) Argument

(e) Conclusion

(f) Appendix

(3) **Length of Brief.** The initial and answer briefs of the parties shall not exceed twenty (20) pages or 6,000 words, exclusive of the table of contents, table of cases and authorities, assignments of error and issues presented for review, and appendix. The Ppages shall be numbered in a manner such that the court can easily determine the length of the brief filed. No brief may be

filed which exceeds such limitations except by permission of the court. Application for such permission shall be made by motion specifying the number of extra pages or words requested~~ired~~ and the reason why the extra pages or words are required.

Reply briefs shall be restricted to matters in rebuttal of the answer brief, and shall not exceed ten (10) pages or 3,000 words, exclusive of the table of contents, lists of authorities, and appended material except by permission of the court.

Amicus curiae briefs filed pursuant to App.R. 17 shall not exceed twenty (20) pages or 6,000 words in length without leave of court.

Briefs in accelerated calendar cases shall not exceed fifteen (15) pages or 4,500 words; accelerated calendar reply briefs shall not exceed five (5) pages or 1,500 words. See Loc. R. 6(D).

(4) Word Count Requirements. If any party elects to file a brief or other document with the court relying upon a word count requirement, all of the following apply:

(a) Included words. Headings, footnotes and quotations count toward the word limitation. The cover page, index, table of contents, table of authorities, certificate of service, certificate of compliance and the appendix do not count toward the word limitation.

(b) Certificate of Word Count Compliance. Any document submitted in reliance upon a word count requirement must include a certificate, signed by the responsible attorney or unrepresented party, indicating that the document complies with the applicable word count limitation. The person signing the certificate may rely on the word or line count of the word processing system used to prepare the document. The certificate must state the number of words contained in the document as calculated under (a~~1~~) above. The following certificate or equivalent may be used:

Certificate of Word Count Compliance

I certify that this document complies with the word count requirements contained in the local rules of the Twelfth Appellate District. This document was printed using a minimum font size of 12 and contains _____ words.

(B) **Substance.**

(1) **Table of Contents.** The principal function of the table of contents is to list and index the assignments of error and issues presented for review. The table of contents shall also serve as, and consist of, a combined index of the table of authorities with page references to each item listed. Indented as numbered sub-paragraphs under each assignment of error shall be the issues presented for review applicable to that assignment. The authorities cited in support of each assignment of error shall be set out in alphabetical order in another indented subparagraph. For the form of the assignments of error and issues, see Form 4. The appellee may recast or substitute issues to demonstrate the absence of error. (2) **Statement of the Case; Statement of Facts.** App.R. 16(A)(5) and (6) pertaining to statement of the case and statement of facts may be complied with in this court by stating the case in two sections, *i.e.*, procedural posture and statement of facts. There should be no inconsistency between the statement of the case and the stated actions of the lower court set forth in the argument portion of the brief.

The procedural posture, including a statement of the relevant procedural history and status of the litigation and the relief sought, shall be succinctly set out and should rarely require more than one paragraph. Normally, a chronology of the events leading to the complaint or commencement of trial is neither necessary nor desired. The purpose is to convey a digest of those relevant, necessary, and essential procedural events critical to the appeal accurately describing "the course of proceedings and *** disposition *** below." App.R. 16(A)(5).

The statement of facts shall consist of a recitation of those portions of the record which support the appellant's contentions, and shall contain citations to the record as necessary. See Section (A)(1) above.

(3) **Argument.** The argument shall comprise the main body of the brief, and shall be organized consistently with the assignments of error and issues presented for review set forth in the table of contents. See Section (B)(1) above. The assignments of error and issues presented for review shall be fully set forth verbatim as in the table of contents. The argument under each assignment of error and issue shall be organized accordingly.

Each assignment of error shall assert precisely the manner in which the trial court is alleged to have erred, *e.g.*, THE TRIAL COURT ERRED IN OVERRULING APPELLANT'S MOTION TO SUPPRESS HIS CONFESSION FROM EVIDENCE. An assignment of error shall not be set forth as a proposition of law as envisioned by Rule 6.2 of the Rules of Practice of the Supreme Court of Ohio~~:.~~ s ~~S~~uch a statement is ~~wholly~~ inappropriate at this appellate level. Assignments of error filed by an appellee pursuant to R.C. 2505.22 shall be filed with the appellee's brief in response to the assignments of error raised in the appellant's brief.

The argument portion of the brief shall include citations to the portion of the record before the court on appeal wherein the lower court committed the error complained of, *e.g.*, "The trial court erred in overruling plaintiff-appellant's motion for summary judgment (T.p. 25)," or "(opinion and entry, T.d. 50, p. 3)."

(4) **Conclusion.** The conclusion shall briefly summarize the argument and state the precise relief sought on appeal.

(C) **Citations.** All citations to cases in briefs or memoranda shall be in the format set forth in the most recent edition of the *Supreme Court of Ohio Writing Manual* found at http://www.supremecourt.ohio.gov/ROD/manual.pdf with the following exceptions~~:.~~ Ohio cases shall recite the volume and page of the official Ohio report (where available), and the Ohio Supreme Court web citation (where available), but not the parallel Northeastern Reporter citation, *e.g.*, *State v.Watkins*, 99 Ohio St.3d 12, 2003-Ohio-2419; *Barnett v. Beagen Home Invests. L.L.C.*, 180 Ohio App.3d 272, 2008-Ohio-6756 (12th Dist.). Citations to United States Supreme Court cases shall appear with citations to United States Reports and the parallel citation to the United States Supreme Court Reporter, *e.g.*, *Paul v. Davis*

(1976), 424 U.S. 693, 96 S.Ct. 1155, rehearing denied (1977), 425 U.S. 985, 96 S.Ct. 2194. Cases that are not cited in an Ohio official reporter but appear on the Ohio Supreme Court website shall be cited as follows: *State v. Hobbs*, 12th Dist. Warren No. CA2012-11-117, 2013-Ohio-3089. Cases that are not cited in an Ohio official reporter and do not appear on the Ohio Supreme Court website shall be cited as follows: *In re Combs*, 12th Dist. Butler No. CA97-10-191, 1998 WL 142407 (Mar. 30, 1998).

(D) **Appendices.**

(1) Every appellant's or cross-appellant's brief shall have attached thereto a copy of the following:

(a) The final appealable entry or order;

(b) All entries or orders which are the basis of any assigned error;

(c) All trial court, magistrate or arbitration decisions or opinions explaining the basis for an entry or order in either (a) or (b);

(d) All ordinances, local rules or ~~and~~ regulations that are ~~in~~ themselves dispositive of an assignment of error or are to be given consideration in connection with any assignment of error.

(2) A cross-appellant's or appellee's brief should not include these items if they are the same as those attached to the appellant's brief. ~~If any of these documents are handwritten and not clearly legible, a typed copy should be attached in addition to the handwritten copy.~~

(3) Written material should appear on only one side of each page. If any document is handwritten or not clearly legible, a separate typewritten copy should be attached.

(E) **Supplemental Authority.** If counsel wishes to present or call the court's attention to additional authorities not discussed in the briefs, a notice of supplemental authority shall be filed with the court and served upon opposing counsel at the earliest possible opportunity. ~~Absent exceptional circumstances, a~~

~~n~~Notice of supplemental authority should~~all~~ be filed only when counsel could not, with due diligence, have been aware of the additional authority at the time the brief was filed.

(F) **Filing and Service.** All briefs shall be filed with the clerk of the court of appeals for the county from which the appeal is being taken. Briefs cannot be filed at the court's central office in Middletown. If the brief is fax-filed, three (3) hard copies shall be mailed to the clerk. All briefs must include a certificate of service upon the opposing party(s) that indicates who was served, the date and manner of service, and certification by the person who made service.

(G) **Failure to Comply.** Failure to comply with the requirements of this rule may result in the brief or notice of supplemental authority being stricken on motion or *sua sponte*, and/or dismissal of the appeal.

RULE 12. ORAL ARGUMENT.

(A) **Request for Oral Argument.** No oral argument will be heard on any appeal unless requested by counsel for either party. Oral argument may be requested within the time provided for the filing of the appellant's reply brief. A request for oral argument may be made on the cover of a brief or by a separate pleading. If any party fails to appear to present oral argument, the court shall hear argument on behalf of the opposing party, if present. The court may~~, if it so desires,~~ in its discretion require oral argument in any case.

(B) **Length of Oral Argument.** Oral argument shall be limited to fifteen (15) minutes per side. In those cases where counsel deems additional time for argument is needed, counsel shall file a motion requesting the additional time setting forth the grounds upon which the additional time is sought. Any party opposing such motion shall file a response within ten (10) days.

(C) **Supplemental Authority.** A notice of supplemental authority may be filed prior to argument as provided by App.R. 21(I~~H~~) and Loc.R. 11(E).

RULE 13. MOTIONS AND MEMORANDA.

(A) **Content.** All motions must be in writing. All motions must be served upon opposing counsel, or upon the opposing party if not represented by counsel, and filed with proof of service with the clerk of the court of appeals. Every motion

shall set forth in detail the relief requested, and shall be accompanied by a memorandum setting forth the reasons and authorities that support granting the requested relief. Every motion and response shall have typed or printed thereon the name, Ohio Supreme Court registration number, address, telephone and/or cell phone number, and e-mail address of counsel, or the party filing the motion or response if not represented by counsel. Any party opposing a motion shall file a written response within ten (10) days or as otherwise permitted by the court or the Ohio Rules of Appellate Procedure.

(B) **Number of Copies/Place of Filing.** The original and one additional copy of all motions and memoranda shall be filed with the clerk of the court of appeals in the county from which the appeal is being taken. No filings of any ~~nature~~ kind can be made at the court's central office in Middletown.

(C) **Oral Argument.** All motions will be ruled upon without oral argument, except where the court requests such argument and notifies counsel to appear.

(D) **Filing by Facsimile or Other Electronic Transmission.** The filing of pleadings not requiring a security deposit pursuant to Loc.R. 2 may be accomplished by telephonic facsimile or other electronic transmission in compliance with the local rules of the clerk of the court of appeals for the county where the appeal is pending.

RULE 14. EXTENSIONS OF TIME.

(A) Except as provided in Loc.R. 22~~1~~(D) [Prehearing Mediation Conference], applications to the court of appeals for extensions of time to file briefs and other motions and memoranda shall be made by written motion and supported by a memorandum which sets forth facts demonstrating good cause for the extension. Motions for extension of time filed after the time sought to be extended has expired will generally not be granted.

(B) All motions for extension of time shall state whether the court has previously granted the movant an extension of time in the case, and the length of the extension of time that was previously granted.

(C) See Loc.R. 10(~~C~~D) for additional requirements regarding extensions of time for transmitting the record.

RULE 15. FAILURE TO PROSECUTE.

(A) Unless it is demonstrated that no undue delay and no prejudice has been caused to the opposing party by the failure to comply with these rules or the Rules of Appellate Procedure, the following shall be deemed good cause for dismissal of an appeal ~~pursuant to App.R. 3(A), 11(C), or 18(C)~~:

(1~~A~~) Failure to file a docket statement as required by Loc.R. 4.

(2~~B~~) Failure to file with the notice of appeal ~~the appropriate~~ filings required by App.R. 9(B).

(3~~C~~) Failure to timely order in writing from the court reporter any necessary transcript of proceedings, or to timely file any necessary statement of evidence or agreed statement pursuant to App.R. 9(C) or (D), or a notice that no transcript or narrative statement will be filed as required by Loc.R. 5.

(4~~D~~) Failure to cause the record on appeal to be timely transmitted to the clerk of this court.

(5~~E~~) Failure to timely file a brief and assignments of error presented for review.

(6~~F~~) Any other non-compliance with the appellate rules or the rules of this court.

For any failure to comply with the appellate rules of procedure or the rules of this court, the court may, at its discretion, dismiss the appeal or issue a show cause order directing the party to show cause for the failure to comply.

(B) If a brief is not timely filed on behalf of the appellee, the court may, at its discretion, submit the case for decision on the appellant's brief only, or issue a show cause order directing the appellee to show cause for the failure to comply.

RULE 16. JUDGMENT ENTRIES; RECONSIDERATION.

(A) Decisions of the court will be announced by way of a judgment entry, usually accompanied by an opinion or decision. Upon filing of the judgment entry, the time for appeal to the Supreme Court of Ohio will begin to run.

(B) Pursuant to App.R. 26(A), an application for reconsideration may be filed within ten (10) days after the judgment entry is filed. Pursuant to S.Ct.

Prac.R. 7.012.2(A)(5)(b), a timely application for reconsideration tolls the time for filing an appeal to the supreme court.

RULE 17. MOTIONS TO CERTIFY.

Motions to certify to the supreme court because of conflict with a judgment of another court of appeals upon the same question shall be filed within ten (10) days after the journal entry of judgment is filed with the clerk in accordance with App.R. 25(A). The motion to certify shall set forth specifically the rule of law upon which the alleged conflict between the two judgments exists, stated in such form that it can be readily incorporated in a journal entry in the event the motion is granted. App.R. 25, App.R. 15 and Loc.R. 13 shall apply to motions to certify and memoranda in support and opposition.

RULE 18. EN BANC CONSIDERATION.

(A) **Scope of Review.** The court shall consider an appeal en banc in accordance with App.R. 26(A)(2) and the procedures set forth in that rule. En banc consideration is not favored.

(B) **Request for En Banc Consideration.** App.R. 26(A)(2) governs parties' applications for en banc consideration. The parties must strictly comply with the time limits of App.R. 26(A)(2) for filing an application, an opposing brief, or a reply brief. The application and opposing brief shall not exceed ten pages or 3,000 words.. The reply brief shall not exceed five pageses or 1,500 words. The parties shall file an original and three copies of the application, opposing brief, or reply brief. Pursuant to S.Ct. Prac.R. 7.01(A)(6), a timely request for en banc consideration tolls the time for filing an appeal to the supreme court.

(C) **Contents of the Application.** An application for en banc consideration shall (a) disclose the dispositive point of law upon which the panel's decision conflicts with the decision of another panel of this court; (b) specifically cite the conflicting authority and the point of law stated therein that conflicts with the present case; and (c) explain why en banc consideration is necessary to secure and maintain uniformity throughout the district.

(D) **Procedure.** The administrative judge or a magistrate may summarily dismiss any application for en banc consideration that does not comply with the requirements of App.R. 26(A)(2) orand this local rule. If a majority of the court votes to consider a case en banc, the administrative judge shall call an en banc

conference at the earliest convenient date, which may be at the next regularly scheduled administrative conference. Additional briefing and/or oral argument will be permitted only at the court's request. A decision reached by a majority of the en banc court will be binding upon the entire ~~whole~~ court. In the event a majority of the judges of the court are unable to concur in a decision, the decision of the original panel shall remain the decision in the case.

RULE 19. PRESIDING JUDGE.

(A) The presiding judge of this court shall be elected by a majority vote of the judges of this court to serve for a term of one calendar year. The election shall be made no later than December 31st of the preceding calendar year. A presiding judge may succeed himself or herself in that position. A judge who holds office by appointment to fill a vacancy may not serve as the presiding judge.

(B) The presiding judge shall preside over all court sessions and meetings of the court en banc. In court sessions where the elected presiding judge is not a member of the three-judge panel, the administrative judge shall serve as the presiding judge. The presiding judge shall also serve as the administrative judge in the absence or disability of the administrative judge. In the absence of the presiding judge and the administrative judge, the available judge who is senior in service on the court shall perform the duties of the presiding judge.

RULE 20. ADMINISTRATIVE JUDGE.

(A) The administrative judge of this court shall be elected by a majority vote of the judges of this court to serve for a term of one calendar year. The election shall be made no later than December 31st of the preceding calendar year. An administrative judge may succeed himself or herself in that position. A judge who holds office by appointment to fill a vacancy may not serve as the administrative judge.

(B) The administrative judge shall be responsible for supervising the administration, docket and calendar of the court. The administrative judge shall rule upon all ~~requests for extension of time and other motions and~~ matters to be handled by a single judge. The administrative judge may refer any such ~~motion or~~ matter to a magistrate or three-judge panel. The administrative judge shall also assist the presiding judge in the performance of his or her duties, and shall serve as the presiding judge during the absence or disability of the presiding judge.

RULE 21. ORIGINAL ACTIONS.

(A) **How Instituted.** An original action, other than habeas corpus which shall be governed by the provisions of R.C. Chapter 2725, shall be instituted by the filing of a complaint, together with three copies thereof. Service shall be made by the clerk and such action shall proceed as any civil action under the Ohio Rules of Civil Procedure. Original actions shall be filed with the clerk of the court of appeals for the county in which the action is filed. No original action or subsequent motions, memoranda or briefs will be accepted for filing at the court's central office in Middletown.

(B) **Deposit for Costs.** A deposit for costs in an original action and for subpoenas issued shall be paid as set forth in Loc.R. 2.

(C) **Alternative Writs.** In the absence of extraordinary circumstances, no alternative writ will be issued in an original action, other than a habeas corpus action.

(D) **Motion to Dismiss.** When a motion to dismiss is filed, an original and three (3) copies of a brief or memorandum in support of the motion shall be filed with the motion, and the movant shall indicate whether ruling on the motion will dispose of the merits.

(E) **Brief or Memorandum in Opposition to Motion to Dismiss.** An original and three (3) copies of a brief or memorandum in opposition to a motion to dismiss shall be filed within fifteen (15) days and include ~~of the filing of such motion with~~ an indication ~~-~~whether ruling on the motion will dispose of the merits.

(F) **Oral Argument on Motion to Dismiss.** ~~All~~ M~~m~~otions to dismiss will be ruled upon without oral argument before the court, except where the court requests such argument.

(G) **Presentation of Evidence.** 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, or stipulations, or depositions; oral testimony will not be heard. The evidence in ~~actions in~~ habeas corpus actions shall be similarly submitted whenever practicable.

(H) **Time for Briefs.** The petitioner's brief shall be filed within thirty (30) ~~fifteen (15)~~ days after completion of the presentation of evidence pursuant to Section (G); the respondent's brief shall be filed within ~~fifteen (15)~~ thirty (30) days thereafter; a reply brief may be filed by the petitioner within ten (10) days after the filing of the respondent's brief.

(I) **Service of ~~Copy of~~ Brief.** Service of a copy of any brief shall be made upon opposing counsel or the opposing party if not represented by counsel forthwith, and proof of service shall be filed with the clerk.

(J) **Briefs.** Briefs shall conform to App.R. 19 and Loc.R. 11 except as described below. The brief of the petitioner shall contain, under appropriate headings and in the following order:

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

(2) A statement of the issues presented.

(3) A statement of the case and a statement of the facts. The statement of the case shall indicate briefly the nature of the case. A statement of the facts relevant to the issues presented shall follow.

(4) An argument. The argument shall include the contentions of the petitioner with respect to the issues presented and the reasons therefor with citations to the authorities and statutes relied on.

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

(6) The brief of the respondent shall conform to the foregoing requirements, except that a statement of the issues, a statement of the case and/or a statement of the facts relevant to the issues need not be made unless the respondent is dissatisfied with the statements made by the petitioner.

(K) **Election Matters.** Because of the necessity of promptly disposing of original actions relating to pending elections, and in order to give the court adequate time for full consideration of such cases, if an original action relating to a pending election is filed within ninety (90) days prior to the election, answer day shall be five (5) days after service of summons and the brief of the petitioner must be filed within five (5) days after the filing of the answer. The respondent's brief must be filed no later than five (5) days after the filing of the petitioner's brief. The petitioner may file a reply brief within three (3) days after the respondent's brief is filed. Only in exceptional cases will time be extended, even if counsel for all parties consent.

(L) **Oral Argument.** In any original action in this court, oral argument may be had only on approval of a request therefor, provided that the court may, if it so desires, requirest oral argument in any case. A request for oral argument shall be made by any party in writing at any time prior to the filing of the petitioner's reply brief., or the petitioner or respondent's reply memorandum filed in connection with a motion for summary judgment or motion to dismiss. The party having the affirmative shall have the right to open and close the argument and the right to divide the allotted time as desired. Time provided for oral argument shall be as detailed in Loc.R. 12(B).

(M) **Referral to Magistrate.** Original actions may, either upon motion of a party or of the court, be referred to a magistrate pursuant to Civ.R. 53. Unless otherwise indicated in the order of reference, the magistrate shall have all powers specified in Civ.R. 53, and the proceedings and report of the magistrate and objections thereto shall be governed by Civ.R. 53.

(N) **Dismissal for Want of Prosecution.** Unless all evidence is presented and the petitioner's brief is filed within four (4) months after the filing of the complaint, an original action shall be dismissed, after notice to counsel of record, for want of prosecution, unless good cause is shown to the contrary.

(O) **Filing by Facsimile or other Electronic Transmission.** The filing of pleadings that do not require a security deposit may be accomplished by telephonic facsimile transmission or other electronic transmission in compliance with the local rules of the clerk of the court of appeals for the county where the original action is filedpending.

RULE 22. PREHEARING MEDIATION CONFERENCE PROCEDURE.

Pursuant to App.R. 20, this court hereby adopts the following prehearing mediation conference procedure, applicable only to civil and administrative appeals and original actions filed in this court:

(A) Requesting and Scheduling a Prehearing Mediation Conference. The court shall review the required docket statement filed pursuant to Loc.R. 4 or complaint filed pursuant to Loc.R. 20 to determine whether a prehearing mediation conference would be of assistance to the parties or the court. If a prehearing mediation conference is deemed advisable, the court shall notify the parties of the date, time and location of the prehearing mediation conference.

In addition, any party may request a prehearing mediation conference by contacting the conference attorney or by written motion to the court. Such requests may be made confidentially if the requesting party desires. Such requests shall be submitted as soon as possible after initiation of the appeal. Requests for a prehearing mediation conference may or may not be granted by the court.

(B) Purposes and Procedure of Prehearing Mediation Conference. The prehearing mediation conference shall be held with the court's conference attorney. Conferences conducted in person shall be subject to the attendance requirements of Section (C) of this rule. Follow-up conferences may be conducted, attended either in person or by telephone, as directed by the court. The primary purposes of the prehearing mediation conference are: (1) to explore settlement possibilities through mediation, (2) to simplify the issues in the appeal or original action if settlement is not possible, and (3) to address any anticipated procedural problems. Additionally, any other matters that the conference attorney determines may aid in handling the disposition of the proceedings will be considered.

It is desirable to hold the prehearing mediation conference before the parties incur additional expense. Therefore, the court will make every effort to schedule the prehearing mediation conference before the transcript of proceedings is to be filed or before the appellant's brief is due if no transcript of proceedings is to be filed. Because this is not always possible, the parties are cautioned that the scheduling of a prehearing mediation conference **does not** automatically stay the time in which the transcript of proceedings or briefs must be filed.

(C) Attendance. Unless otherwise instructed by the court, the following persons shall attend the prehearing mediation conference in person: Counsel, the parties necessary for full settlement authority including insurance adjustors, and litigants not represented by counsel. "Counsel," for purposes of this rule, means the attorney with primary responsibility for the case and upon whose advice the party relies. Persons excused in advance by the court from attending in person shall be available by telephone during the scheduled conference.

(D) Extension of Time to File Record and Briefs. If a prehearing mediation conference is scheduled after the date the record is to be transmitted or after a brief is to be filed, the affected party may telephone the court's conference attorney and request that the court issue a sua sponte order extending the time in which to transmit the record or file the brief. Requests for extensions may also be made orally at the prehearing mediation conference. Thereafter, such requests may be made by telephone; however, the court may require the request be made by written motion pursuant to App.R. 10 or 14 and Loc.R. 10 or 14. In all instances, the request shall be made prior to the time sought to be extended has expired and shall

~~indicate whether any other party opposes the request for extension. Requests for extension made pursuant to this section may be granted if the court deems it would facilitate settlement.~~

~~**(E) Privilege and Confidentiality.** The privilege and confidentiality provisions of the Uniform Mediation Act, R.C. Chapter 2710, apply to all prehearing mediation conferences. Mediation communications shall be privileged and therefore shall not be disclosed by the conference attorney or by the parties and shall not be used by the parties when presenting or arguing the case. Mediation communications shall also be confidential unless all parties and the conference attorney consent to disclosure.~~

~~**(F) Prehearing Mediation Conference Order.** At the conclusion of the prehearing mediation conference, a judge or magistrate, upon recommendation of the conference attorney, may enter an order setting forth the actions taken based on the agreements reached by the parties. Such order shall govern the subsequent course of proceedings, unless modified by the Court.~~

~~**(G) Noncompliance Sanctions.** Failure to comply with the provisions of this rule or any order of the court relating to a prehearing mediation conference may result in dismissal of the proceeding or assessment of such costs as may be attributable to noncompliance including, but not limited to, attorney fees and court costs.~~
Pursuant to App. R. 20, Sup.R. 16, and the R.C. 2710 "Uniform Mediation Act" ("UMA"), including all definitions found in R.C. 2710.01, this court hereby adopts the following prehearing mediation conference procedure:

(A) Cases Eligible for Mediation

1) The court has discretion to schedule mediation in any civil, domestic relations, juvenile custody or support, probate, or administrative appeal, as well as original actions.

2) Mediation is prohibited in the following situations:

i. As an alternative to the prosecution or adjudication of domestic violence;

ii. In determining whether to grant, modify, or terminate a protection order;

iii. In determining the terms and conditions of a protection order; and

iv. In determining the penalty for violation of a protection order.

3) Nothing in this rule shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile court delinquency case, even if the case involves juvenile-perpetrated domestic violence.

(B) ~~Requesting and Scheduling a~~ Prehearing Mediation Conference.

1) The court shall review the docket statement filed pursuant to Loc. R. 4 or complaint filed pursuant to Loc. R. 20 to determine whether a prehearing mediation conference would be of assistance to the parties or the court. If a prehearing mediation conference is deemed advisable, the court will notify the parties of the date, time, and location/format of the prehearing mediation conference.

2) In addition, any party may request a prehearing mediation conference by contacting the conference attorney or by written motion to the court. Such requests may be made confidentially if the requesting party desires. Such requests shall be submitted as soon as possible after initiation of the appeal. Requests for a prehearing mediation conference may or may not be granted by the court.

~~**Purposes and Procedure of Prehearing Mediation Conference.**~~

3) The prehearing mediation conference shall be held with the court's conference attorney. Conferences conducted in person shall be subject to the attendance requirements of Section (D) of this rule. Follow-up conferences may be conducted, and may be attended either in person, by video conference or by telephone as directed by the court. The primary purposes of the prehearing mediation conference are:

(1) to explore settlement possibilities through mediation;

(2) to simplify the issues in the appeal or original action if settlement is not possible; and

(3) to address any anticipated procedural problems.

Additionally, any other matters that the conference attorney determines may aid in handling the disposition of the proceedings will be addressed.

4) It is desirable to hold the prehearing mediation conference before the parties incur additional expense. Therefore, the court will make every effort to schedule the prehearing mediation conference before the transcript of proceedings is to be filed or before the appellant's brief is due if no transcript of proceedings is to be filed. Because this is not always possible, the parties are cautioned that the scheduling of a prehearing mediation conference **does not** automatically stay the time to file the transcript of proceedings or briefs.

5) ~~**Prehearing Mediation Conference Order.**~~ At the conclusion of the prehearing mediation conference, a judge or magistrate, upon recommendation of the conference attorney, may enter an order setting forth the actions taken based on the agreements reached by the parties, or may order a limited remand to the trial court for entry of such an order. Such order shall govern the subsequent course of proceedings unless modified by the court. The parties shall discuss any orders necessary for the furtherance of their agreement with the conference attorney.

(C) Attendance at Mediation Proceedings ~~Hearing~~. Unless otherwise instructed by the court, the following persons shall attend the prehearing mediation conference in person: counsel, the parties necessary for full settlement authority including insurance adjustors, and litigants not represented by counsel. "Counsel," for purposes of this rule, means the attorney with primary responsibility for the case and upon whose advice the party relies. When counsel who primarily advises the client is not the attorney primarily responsible for the matters on appeal, both attorneys are required to participate unless otherwise directed in advance by the conference attorney. Persons excused in advance by the conference attorney from attending in person shall be available by telephone or video conference during the scheduled conference or as otherwise directed by the conference attorney.

Prehearing Mediation Conference Order. At the conclusion of the prehearing mediation conference, a judge or magistrate, upon recommendation of the conference attorney, may enter an order setting forth the actions taken based on the agreements reached by the parties, or may order a limited remand to the trial court for entry of such an order. Such order shall govern the subsequent course of proceedings unless modified by the court. The parties shall discuss any orders necessary for the furtherance of their agreement with the conference attorney.

(D) Extensions of Time to File Record and Briefs.

(1) If a prehearing mediation conference or other mediation activity is scheduled shortly before or after a deadline for filing some or all of the trial court record, some or all of the transcript, a motion, or a brief, the affected party may telephone or email the conference attorney and request that the court issue a *sua sponte* order extending the time in which to transmit the record or transcript or file the motion or brief.

(2) Requests for extensions may be made orally at the prehearing mediation conference. While the case is active in the mediation program, such requests may be made by telephone or email to the conference attorney.

(3) While the court and the mediation program will make every effort to minimize filings related to mediation, the court has discretion to require that the request be made by written motion pursuant to App. R. 10 or 14 and Loc. R. 10 or 14.

(4) In all instances, the request shall be made prior to the time sought to be extended has expired and shall indicate whether any other party opposes the request for extension. Requests for extension may be granted if the court deems the extension would facilitate settlement.

(E) Privilege and Confidentiality. The privilege and confidentiality provisions of the Uniform Mediation Act, R.C. Chapter 2710, apply to all prehearing mediation conferences and mediation communications. Mediation communications shall be privileged and therefore shall not be disclosed by

the conference attorney or by the parties and shall not be used by the parties when presenting or arguing the case. Mediation communications shall remain confidential unless all parties and the conference attorney consent to disclosure.

(F) Noncompliance; Sanctions. Failure to comply with the provisions of this rule or any order of the court relating to a prehearing mediation conference may result in dismissal of the proceeding or assessment of such costs as may be attributable to noncompliance, including but not limited to attorney fees and court costs.

RULE 23. APPEAL FROM ~~OF~~ ORDER DENYING BAIL.

Appeals taken from orders denying bail pursuant to R.C. 2937.222(D)(1) shall be expedited as follows:

(A) (1) The appellant shall complete the record on appeal and file a brief as quickly as possible after filing a timely notice of appeal. (See ~~[~~(D)~~]~~ below.) No scheduling order will be issued, and the filing of the appellant's brief shall serve as notice that the record on appeal is complete. The brief may be filed in the form of a memorandum to the court, shall not exceed fifteen (15) pages or 4,500 words and shall contain at least one assignment of error. A copy of the trial court's order denying bail shall be attached.

(2) The appellee's brief shall not exceed fifteen (15) pages or 4,500 words and shall be filed within ten (10) days of the date that the appellant's brief is filed. The appellee may supplement the record, if necessary, on or before the date the appellee's brief is filed. If the appellee supplements the record, the appellant may file a reply brief, no more than five (5) pages or 1,500 words in length, within five (5) days of the date the appellee's brief is filed.

(B) Oral argument will not be held unless ordered by the court. Oral argument may be requested by either party on or prior to the date the ~~appellee's brief or~~ appellant's reply brief is due for filing. ~~or ordered by the court.~~ Oral argument, if held, will be expedited by the court.

(C) The decision issued by the court may be in the form of an accelerated calendar entry as contemplated by App.R. 11.1 and Loc.R. 6.

(D) If the appellant's brief is not filed within twenty (20) days after the date the notice of appeal is filed, the appeal may be dismissed by the court for failure of prosecution.

RULE 24. AUTHORIZED SIGNATURES.

The signature of any judge, magistrate or court employee on any document may be executed manually or by means of any device or machine, including electronic signature or signature stamp. No document shall be signed for any judge, magistrate or court employee manually or by means of any device or machine, including electronic signature or signature stamp, without first obtaining permission indicating the intention of the signer to authenticate the signature and the document.

RULE 25. FRIVOLOUS ACTIONS; SANCTIONS; VEXATIOUS LITIGATION.

(A) If the court sua sponte, or upon the motion of a party, determines than an appeal, original action or motion is frivolous or prosecuted for the purpose of delay, harassment, or other improper purpose, the court may impose appropriate sanctions upon the person who signed the appeal, original action or motion, a represented party, or both. Sanctions imposed may include an award to the opposing party of reasonable expenses, reasonable attorney fees, costs, and/or any other sanction the court finds just and appropriate. An appeal, original action or motion shall be considered frivolous if it is not reasonably well-grounded in fact or warranted by existing law, or by a good faith argument for the extension, modification or reversal of existing law.

(B) If a party or other litigant habitually, persistently and without reasonable cause engages in frivolous conduct as set forth in section (A) of this rule, the court may, sua sponte or upon the motion of a party, find the offending party or litigant to be a vexatious litigator. If a party or litigant is found to be a vexatious litigator, the court may impose filing restrictions which may include prohibiting the party or litigant from continuing or instituting legal proceedings in the Twelfth District Court of Appeals without first obtaining leave of court, prohibiting filing of an action without paying the filing fee or posting

security for costs, and/or any other sanction or restriction the court considers just and appropriate.

(C) Any party or litigant that has been declared a vexatious litigator under R.C. 2323.52 or this rule must obtain leave of court before filing any appeal or original action in this court. Failure to obtain leave to proceed shall result in dismissal of the appeal or original action.

RULES ~~24~~26-~~26~~29. RESERVED.

RULE ~~27~~30. EFFECTIVE DATE AND APPLICABILITY.

These rules shall take effect May 1, 2021.~~———————~~, ~~2013.~~ They shall govern all proceedings in actions brought after they take effect and all further proceedings in actions then pending, except to the extent that, in the opinion of the court, ~~their~~ application in a particular action pending when these rules take effect would not be feasible or would work an injustice. These rules supersede all prior versions of t~~T~~welfth d~~D~~istrict l~~L~~ocal r~~R~~ules.