



10th District Court of Appeals *for the State of Ohio*

Website: <https://tenthdistrictcourt.org/>

Pro Se Actions: Guide to Self- Representation



Effective June 2022



TABLE OF CONTENTS

Table of Contents	1
Introduction	2
Basic Procedures	5
Filing an Appeal	7
Brief	9
Oral Argument	13
Do's and Don'ts.....	14
Definitions	16
Prisoner Filings.....	21
Other Resources.....	22

INTRODUCTION

Ohio's Tenth District Court of Appeals

The Courts of Appeals of Ohio are located within twelve distinct jurisdictional districts throughout the state. Though most of these districts encompass multiple counties, the jurisdictional boundary of the Tenth District Court of Appeals encompasses only Franklin County.

The Court hears appeals from all divisions of the Franklin County Court of Common Pleas (General, Domestic Relations, Juvenile, and Probate), the Franklin County Municipal Court, the Ohio Court of Claims, and numerous state agencies. The Tenth District Court of Appeals also has original jurisdiction over the extraordinary writs of Mandamus, Habeas Corpus, Procedendo, Prohibition, and Quo Warranto.

Each case is heard and decided by a three-judge panel. Ohio appellate judges are elected in even-numbered years to six-year terms. Appellate judges must be attorneys with at least six years of experience in the practice of law. The Governor of Ohio makes appointments to fill vacancies in courts of appeals that occur between elections.



INTRODUCTION

Disclaimer

This guide has been prepared as a courtesy to explain the basic steps and procedures for filing and litigating appeals in the Tenth District Court of Appeals. Both the [Ohio Rules of Appellate Procedure](#) and the [Local Rules of the Tenth District Court of Appeals](#) apply to all appeals filed in this court. This guide is not legal authority or a substitute for the requirements of these rules. Parties appearing in the Tenth District Court of Appeals should consult and rely on these rules.

Location

The Tenth District Court of Appeals is located in the tower of the Franklin County Government Center, 373 S High St., Columbus, Ohio. The entrance is at the corner of Mound Street and High Street, and once through security, the courtrooms are located on the 23rd floor and administrative offices are on the 24th floor.



INTRODUCTION



Any documents that you file with the court may be available on the court's docket and available for public view online.

Be sure that the information provided is acceptable to be seen by the public, as filings may become public records. Be mindful when presenting personal identifying information.



Filing the Appeal

- Within 30 days of a final order, the appealing party must file a notice of appeal with the clerk of the trial court. You should also file a Docketing Statement, as well as \$75 for costs or an affidavit of indigency. App.R. 3 and 4; Loc.R. 4 and 6.
- The case will be assigned to the regular calendar or the accelerated calendar. **Be advised: Cases on the accelerated calendar may not be decided more quickly than those on the regular calendar.**

Transmission of the Record

- The clerk will transmit the record to the appellate court within 40 days (accelerated calendar – 20 days) after the notice of appeal is filed. App.R. 10.
- It is appellant's duty to ensure that necessary portions of the record, such as hearings, are transcribed. App.R. 9.

Briefing

- Appellant's brief is due within 20 days (accelerated calendar – 15 days) after the clerk gives notice that the record was filed. App.R. 11.1(C) and 18.
- Appellee's brief is due within 20 days (accelerated calendar – 15 days) after service of the appellant's brief. App.R. 11.1 and 18.
- Appellant's reply brief, if appropriate, is due within 10 days after service of the appellee's brief. App.R. 18. No reply brief is permitted in appeals on the accelerated calendar unless ordered by the court. App.R. 11.1.

Oral Argument

- After briefing is complete, the appellate court will schedule the case for oral argument or submission on briefs. Appearance at oral argument may be waived by filing a notice of waiver of oral argument with the court. Loc.R. 11.
- Only parties that have filed a brief are permitted to participate in oral argument.

Decision

- After review of the case, the court of appeals will render a written decision and notify the parties.
- The court of appeals will affirm, modify, reverse, or dismiss the judgment or final order appealed from. App.R. 12.

Post-Judgment Motions

- Within ten days after the entry is journalized, parties may file post judgment motions, if appropriate. App.R. 25 and 26; Loc.R. 26.

Appeal to the Ohio Supreme Court

- After the opinion of the appellate court has been journalized and any applications for reconsideration and/or en banc consideration have been decided, the parties have 45 days to file an appeal to the Supreme Court of Ohio. S.Ct. Prac.R. 7.01(A)(5) and (6).

Filing an Appeal

How Do I File an Appeal?

You **MUST** file a Notice of Appeal with the **clerk of the trial court** (ex. municipal, probate, court of claims, or common pleas) **within 30 days** of the date of the judgment being appealed. With the Notice of Appeal, you should attach a copy of the judgment entry **and** file a Docketing Statement. You must also submit the filing fee (\$75) at the time of filing the Notice of Appeal unless you satisfy the exception of Loc.R. 4.

What is a Docketing Statement?

A Docketing Statement provides the court of appeals important information about your appeal and the order you are appealing. The Docketing Statement Form is found the court's website under Forms.

Where do I file the Docketing Statement?

You should file the Docketing Statement with the clerk of the trial court at the same time that you file your Notice of Appeal.



Filing an Appeal

Are there any costs involved with filing an appeal?

A \$75 filing fee is required. There may be an additional fee required by the trial court from whose judgment you are appealing. If you cannot afford the filing fee, you may demonstrate that fact to the court by filing an Affidavit of Indigency or Financial Disclosure demonstrating that you were determined to be indigent in the trial court. You may file the affidavit or other proof in place of the filing fee.

Do I have to e-file?

If you are not represented by counsel on appeal, you are permitted to file documents in paper form or through the e-filing system. Make sure to include the necessary number of copies and to serve the documents on all parties.

What if I will be unable to meet a deadline?

If you need more time to meet a deadline, such as to complete your brief, you may file a motion for an extension of time. A motion for extension of time to file the record usually requires an affidavit from the court reporter. *In most cases, the court has no authority to grant an extension of time to file a Notice of Appeal.*



What is a brief?

A brief is a written document that explains your position to the court of appeals. If you are the appellant, your brief must state and argue what errors you believe that the trial court made and set forth the relief that you are seeking in the appellate court. If you are the appellee, your brief should inform the court why the trial court's judgment is correct and should be upheld.

When must I file my brief?

The appellant's brief is due within 20 days after the clerk gives notice that the record was filed. The appellee's brief is due within 20 days after service of the appellant's brief. The appellant's reply brief, if appropriate, is due within 10 days after service of the appellee's brief. See App.R. 18(A). The court of appeals, however, may extend these time limits upon motion. See App.R. 14(B). *Accelerated deadlines apply to cases assigned to the accelerated calendar: appellant's brief is due within 15 days after notice that the record was filed; appellee's brief is due within 15 days after service of appellant's brief; and no reply is permitted unless ordered by the court.*



Note: If you fail to file your appellant's brief within the time provided, the court may dismiss your case.

What are the requirements for my brief?

There are strict time limitations and form requirements that must be followed. These requirements are contained in App.R. 16, App.R. 18, App.R. 19, Loc.R. 8. Please consult these rules when preparing your brief. Also, a sample copy of an appellant's brief is available on the court's website for use as a point of reference.

Checklist for Briefs

Form:

- ◀ Your brief must be typewritten or reproduced utilizing any word processing system that produces clear printed matter in Arial or Times New Roman and in at least 16-point font. Only one side of the paper may be used.
- ◀ Each page of the brief must be paginated.
- ◀ The brief must be on 8 ½ by 11 inch paper. Text must be doubled-spaced between lines, except quotations more than four lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. All margins must be at least one inch.

Brief

- ▶ For cases on the regular calendar, page limitations on briefs are as follows: 60 pages for appellant's brief; 60 pages for appellee's brief; and 20 pages for appellant's reply brief.
- ▶ For cases on the accelerated calendar, both the appellant's and appellee's briefs are limited to 30 pages. No reply brief is allowed unless ordered by the court.
- ▶ The table of contents, table of authorities, certificate of service page, and any appendices are not included when calculating page count under Loc.R. 8.

Brief Components:

- ▶ In addition to the items required by App.R. 16, briefs must include a table of contents, statement of the assignments of error, statement of the case and facts, an argument section setting forth the grounds for each assignment of error and citing to the authorities and parts of the record the appellant relies on in support of the arguments stated, and a conclusion section briefly stating the precise relief you are seeking.

Brief

Citation to the Record:

- ▶ Identify the record item with a short description and identify the specific pages of the parts of the record that are relevant. For example, Defendant's Motion for Summary Judgment, pgs. 15-17. You may utilize abbreviations as long as it is clear what you are referencing. For example, Defs. Mtn. SJ., pgs. 15-17.

Citation to Authorities

- ◀ Citation to legal authority should conform to the Writing Manual issued by the Supreme Court of Ohio's Reporter of Decisions:
<http://www.supremecourt.ohio.gov/ROD/manual.pdf>
The court must be able to find the case or other legal authority that you rely on in support of your argument.

Service of Brief:

- ◀ You must serve a copy of the brief on the opposing party. Service must be completed by email, mail, or personal service. Proof of service must be attached to every filing. NOTE: *The e-filing notice of filing does not constitute valid service.* Loc.R. 2(E).

Copies:

- ◀ If you are filing in paper form, please bring an original and any additional copies you would like to have time-stamped and returned to you.
- ◀ If filing electronically, no copies are required.

Oral Argument



Only parties that filed a brief are permitted to participate in oral argument. The judges may ask questions about your case, such as to clarify what your argument is or what relief you want the court to provide. The appellant may reserve some or all of its 15 minutes for rebuttal. Those participating at oral argument are asked to stand, if able, at the podium when presenting to the judges.

What if I have a conflict with the scheduled oral argument date?

You can request that your oral argument be postponed. Cases already scheduled for oral argument may be continued only upon the filing of a motion and are generally determined by the presiding judge of the panel.

Who may attend an oral argument?

Oral arguments are open to the public and anyone is permitted to attend. However, only parties that filed a brief are permitted to argue before the court.

How do I waive oral argument?

Appearance at oral argument may be waived in accordance with Loc. R. 11(B). Please note that a party's notice of waiver of oral argument will not automatically result in cancellation of the scheduled argument.



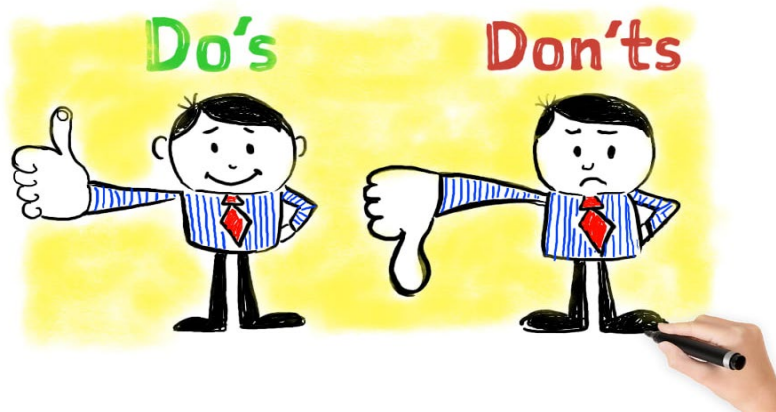
Do's and Don'ts

- **DO wear appropriate courtroom attire when appearing in court. No tank tops, shorts, flipflops, or other informal attire.**
- **DO be on time for all court conferences and proceedings. (The best practice is to arrive at least ten minutes in advance of the scheduled time.)**
- **DO call the courtroom if you are going to be late so those who are waiting are properly informed.**
- **DO turn your cell phone and all other electronic devices off or to silent mode before entering a courtroom.**
- **DO be courteous when addressing the judge(s) and opposing counsel.**
- **DO refer to the judge(s) as "Your Honor" or "Judge."**
- **DO stand, if able, whenever you address the judge(s) in the courtroom.**
- **DO speak clearly and enunciate when addressing the judge(s).**
- **DO treat court personnel with the same respect you show the judge(s).**



Do's and Don'ts

- **DO** be accurate when setting forth pertinent facts and rules of law.
- **DO** answer questions from the judge(s) directly and forthrightly.
- **DO** refrain from displaying angry or other emotional outbursts in the courtroom.
- **DO** be prepared for your participation in any court conference or proceeding.
- **DON'T** make personal attacks on opposing counsel or be sarcastic in either your oral arguments or written briefs.
- **DON'T** shout when in a court proceeding.
- **DON'T** interrupt opposing counsel or the judge(s), no matter how strongly you disagree with what is being said.
- **DON'T** react negatively to the judge(s).



DEFINITIONS

Accelerated Calendar

Appeals assigned to the accelerated calendar do not necessarily result in an accelerated determination. Appeals should be assigned to the accelerated calendar when no transcript is required, the transcript consists of 50 or fewer pages, or an administrative record was filed in the trial court. Appeals on the accelerated calendar are permitted briefs of up to 30 pages and reply briefs are not permitted.

Appeal

A review by the court of appeals of the proceedings in the trial court to determine if mistakes occurred and, if so, whether the mistakes adversely affected the outcome.

Appellant

The party filing an appeal from a trial court to the court of appeals.

Appellee

The party who prevailed in the trial court and opposes a reversal or modification of the judgment.

Assignment of Error

A statement describing the error the appellant believes justifies the reversal or modification of the trial court's judgment.

Brief

A written argument by the parties in support of their claims in the case. The brief will address specific errors that the appellant asserts occurred in the trial court or, if filed by the appellee, inform the court of appeals why the trial court's judgment should be affirmed.

Case law

A synonym for legal precedent that means the law as established in previous court decisions.

DEFINITIONS

Citation

A reference to legal authority, such as a case or statute, or a reference to the record.

Clerk of Court

The official whose office manages court filings and the court's docket.

Court reporter

A person who makes a word-for-word record of what is said in court, generally by using a stenographic machine, shorthand or audio recording, and then produces a transcript of the proceedings upon request.

Cross-Appeal

A second appeal filed by a party to the action whose interests are not the same as the first appellant's interests but who still wishes to reverse or modify the trial court's judgment.

Dismissal with prejudice

Court action that prevents an identical lawsuit from being filed later.

Dismissal without prejudice

Court action that allows the later filing.

Docket

A log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings.

Docketing Statement Form

This is a single form that should be filed with your Notice of Appeal. The Docketing Statement provides the court with important information about your appeal and the order you are appealing. A copy of the Docketing Statement Form is found on the court's website under Forms.

Exhibit

A document or object formally presented to the trial court as evidence.

DEFINITIONS

Interlocutory Order

An intermediate order that decides a particular issue in a case but not the entire case itself. Some interlocutory orders are immediately appealable. Most, however, cannot be appealed until the entire case is finished.

Judgment

The official decision of a court finally resolving the dispute between the parties to the lawsuit.

Jurisdiction

The authority of a court to consider a case and take action. If a court does not have jurisdiction, it cannot proceed and must dismiss the case.

Magistrate

A judicial officer of a court who may hear matters pursuant to appointment by the court. Other than procedural orders, all final magistrate determinations must be reviewed and adopted, rejected, or modified by the court. The court will also review and rule upon objections filed to a magistrate's determination. A magistrate's decision is not effective unless adopted by the court.

Mediation Settlement Conference

A conference held in the beginning stages of the appeal where the parties and counsel meet with a conference attorney who is trained in conflict resolution as a mediator for the court. Through a mediation settlement conference, the parties may be able to focus the scope of the appeal, avoid procedural difficulties and resolve the case without having to expend more resources.

Motion

A written request asking the court to make a specific ruling or grant a form of relief.

Notice of Appeal

The document filed with the clerk of the trial court giving notice that the person appealing is dissatisfied with the judgment of that court and is seeking review of the case by a higher court.

DEFINITIONS

Opinion

The final written decision of the court of appeals, including the legal reasons for that decision and the facts on which it is based.

Oral Argument

An in-court oral presentation by the parties or counsel giving the reasons the court of appeals should affirm, reverse, or modify a trial court's judgment.

Party

Someone who has the legal right to participate in the appeal.

Proof of Service

When a party files a document, a certificate of service is required to demonstrate that a copy of the document has been served on the opposing party. It must include the date of service, the manner of service, and the names of the persons served. If a party is represented by counsel, service must be made on counsel.

Pro Bono

Legal services provided voluntarily and without requiring payment.

Pro Se

A person who appears before a court without counsel and represents himself or herself.

Record

The record consists of (1) all original papers and any exhibits filed in the trial court, (2) the transcript of proceedings (if requested), and (3) a certified copy of the docket and journal entries prepared by the clerk of the trial court.

Regular Calendar

Appeals on the regular calendar are permitted briefs of up to 60 pages and reply briefs are permitted.

DEFINITIONS

Relief

The result that the party seeks from the court.

Reply Brief

A reply brief is what the appellant files in response to an appellee's brief. The reply brief must not exceed 20 pages and is limited to the issues raised in the other briefs. A reply brief is not an opportunity to raise new arguments. Reply briefs are not permitted in cases assigned to the accelerated calendar.

Statement of the Case

The procedural history of the case on appeal.

Statement of Facts

The facts as found by a jury or the trial court.

Table of Authorities

A listing of all cases, statutes, and other authorities in a brief with the page number on which each was used.

Table of Contents

A listing of all sections of a brief in the order that they appear along with their page number.

Transcript of Proceedings

The typewritten record of everything that occurred at a trial or hearing that is prepared by the official court reporter.

Transmission of Record

The transfer by the trial court clerk of the papers defined as the record to the clerk of the court of appeals.

Trial Court

The court that the case is appealed from.

Prisoner Filings



If incarcerated and filing an original action, you must comply with Ohio Revised Code 2969.25 and file certain documents, including, but not limited to an affidavit that contains a description of each action or appeal that the inmate has filed in the **previous five years** in any state or federal court. If indigent, you must also file an affidavit certified by your institution's cashier setting forth the balance in your inmate account.

NOTE: The filing of such affidavits do not guarantee that your case is properly filed. The requirements for filing are complex, you should carefully review R.C. 2969.25 as well as other cases and statutes governing indigent prisoner filings.

Other Resources

- [Franklin County Municipal Court Self-Help Resource Center](#)
 - 369 South High Street, 10th Floor Columbus, Ohio 43215
- [Franklin County Domestic Relations & Juvenile Self-Represented Resource Center](#)
 - 373 South High Street, 4th Floor Columbus, Ohio 43215
 - Phone: 614-525-7531
- [Franklin County Law Library](#)
 - 369 South High Street, 10th Floor Columbus, Ohio 43215
 - Phone: 614-525-4971
- [Supreme Court Law Library](#)
 - 65 South Front Street, 11th Floor Columbus, Ohio 43215-3431
 - Phone: 614-387-9680
- [Ohio Legal Help](#)
 - 1-866-791-8362
- [Columbus Bar Association Lawyer Referral](#)
 - 614-221-4112
- [Legal Aid Society of Columbus](#)
 - 614-241-2001
- [Capital University Law School Clinics](#)
 - 614-236-6245
- [The Ohio State University College of Law Clinic](#)
 - 614-292-6821
- [Ohio State Legal Services Association](#)
 - 614-221-7201
- [Franklin County Public Defenders Office](#)
 - 373 S. High St, 12th Floor Columbus, Ohio 43215
 - 614-525-3194
- [Office of the Ohio Public Defender](#)
 - 614-466-5394