COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT

LOCAL APPELLATE RULES
Effective September 1, 2026

Serving Champaign, Clark, Darke, Greene,
Miami, and Montgomery Counties.

TABLE OF RULES

Rule	Title	Page
1	Scope of rules	1
2	Law and fact appeals abolished	1
3	Appeal as of right – how taken	1
	(A) Security deposit and filing fee	
	(B) Notice of appeal – duty of trial court clerk	
	(C) Docketing statements	
4	Appeal as of right – when taken	2
5	Appeals by leave of court	2
6	Concurrent jurisdiction in criminal actions	2
7	Stay or injunction pending appeal – civil and juvenile actions	2
8	Bail and suspension of execution of sentence in criminal cases	2
9	The record on appeal	3
10	Transmission of the record	3
	(A) Extensions by the trial court	
	(B) Summary of docket page numbering	
11	Docketing the appeal; filing of the record	3
11.1	Accelerated calendar	4
11.2	Expedited appeals	4
	(A) Expedition required	
	(B) Discretionary expedition	
	(C) Oral argument in expedited cases	
12	Determination and judgment on appeal	5
13	Filing and service	5
	(A) Definitions	
	(B) Notice of appeal	
	(C) Other appellate filings	
	(D) Signatures	
	(E) Date and time of electronic filing	
	(F) Transmission and receipt	
	(G) Collection of filing deposit and fees	

(H) Pro se litigants
14 Computation and extension of time 6
15 Motions 6
16 Briefs 7
(A) Compliance with App.R. 16
(B) Conceded error
17 Brief of amicus curiae 7
18 Filing and service of briefs 7
(A) Copies
(B) Order of briefs in cross-appeals
19 Form of briefs and other papers 8
(A) Briefs
(B) Form
(C) Cited authority
(D) Signature of attorney or pro se party
(E) Use of generative artificial intelligence
(F) Failure to comply
20 Prehearing conference 9
21 Oral argument 9
(A) Oral argument procedure
(B) Time allowed for argument
(C) Persons permitted to argue
(D) Recording oral arguments
(E) Media broadcasting, recording, or photographing court proceedings
22 Entry of judgment 11
(A) Authorized signatures on judgment entries, decisions, and orders
23 Damages of delay 11
24 Costs 11
25 Motion to certify a conflict 11
26 Application for reconsideration; application for en banc consideration; application for reopening 11
27 Execution, mandate 11
28 Voluntary dismissal 12

29 Substitution of parties 12
30 Duties of clerks 12
31 Reserved.....12
32 Reserved.....12
33 Reserved.....12
34 Appointment of magistrates 12
35 Reserved 12
36 Reserved 12
37 Reserved 12
38 Reserved 12
39 Reserved 12
40 Reserved 12
41 Rules of courts of appeals 13
41.1 Original actions.....13
(A) Procedures governing original actions
(B) Institution of an original action
(C) Parties
(D) Response to complaint; court action
(E) Alternative and peremptory writs
(F) Presentation of evidence
(G) Briefing
(H) Oral argument
41.2 Appointment of counsel.....16
(A) Requests for counsel
(B) Selection of counsel
(C) Appointed counsel fees
(D) Appeals to the Supreme Court of Ohio
41.3 Election of presiding judge and administrative judge.....17
42 Title.....17
43 Effective date.....17

Local Rule 1 – Scope of rules

The Ohio Rules of Appellate Procedure and these rules prescribe the procedure to be followed in the Second District Court of Appeals. All parties, whether represented or unrepresented, must follow these rules.

Adoption, amendment, or modification of the local rules of practice for the Second District Court of Appeals is the prerogative of the court. Ordinarily, the court will post a new rule or an amendment or modification of an existing rule for public comment at least 30 days before the effective date of the new rule or amendment or modification of an existing rule. The court reserves the authority to increase or decrease the public comment period. Moreover, the court may immediately adopt a new rule or amend or modify an existing rule if, in the opinion of the court, exigent circumstances so require.

The court will post the new rule or amendment or modification of an existing rule on its website, with the clerks of the courts of appeals, with the judges of the trial courts in the Second Appellate District, and with local bar associations. During the public comment period, all interested persons may respond to the new rule or amendment or modification of an existing rule. Public comments should be submitted in writing to the Second District Court of Appeals, 41 N. Perry Street, 5th Floor, Dayton, Ohio 45422, or OhioSecondDistrict@mcohio.org.

Following the public comment period, the court in its discretion may amend or modify a proposed rule change or adopt the rule change as originally proposed.

Local Rule 2 – Law and fact appeals abolished

Reserved

Local Rule 3 – Appeals as of right – how taken

(A) Security deposit and filing fee

(1) A party filing a notice of appeal shall deposit with the clerk of the trial court the sum of $100.00, plus such other fees as the clerk is authorized by law to collect, except where the party who proffers the filing establishes by affidavit an inability to advance security or produces evidence that the trial court determined that appellant was indigent for purposes of appeal. Of that sum, $75.00 will be security for the payment of costs, and $25.00 is a court of appeals fee, authorized under R. C. 2501.16(B), for the operation of the court. Failure to make the required deposit may be grounds for dismissal of the appeal.

(2) A party filing a petition or complaint in an original action shall deposit with the clerk of the court of appeals the sum of $100.00, plus such other fees as the clerk is authorized by law to collect, except where the party who proffers the filing establishes by affidavit an inability to advance security. Of that sum, $75.00 will be security for the payment of costs, and $25.00 is a court of appeals fee, authorized under R. C. 2501.16(B), for the operation of the court. Failure to make the required deposit may be grounds for dismissal of the action.

If an inmate seeks waiver of the prepayment of the filing fees in an original action, the inmate must file with the petition or complaint an affidavit of waiver and affidavit of

indigency in compliance with R.C. 2969.25(C). Non-compliance shall result in dismissal of the action.

(B) Notice of appeal – duty of trial court clerk

The clerk of the trial court shall mail or otherwise forward to the clerk of the court of appeals a copy of the notice of appeal and docketing statement prescribed by Local Rule 3(C) within three business days of the filing of the notice with the clerk of the trial court.

(C) Docketing statements

(1) Civil appeals

In each civil appeal or cross-appeal filed in a trial court in the Second Appellate District, the appellant(s) or cross-appellant(s) shall complete a docketing statement on a form to be determined and prescribed by the court. Concurrently with the filing of the notice of appeal, the appellant or cross-appellant shall file with the clerk of the trial court a completed docketing statement. A copy of the court's docketing statement is available on its website.

(2) Criminal appeals

In each criminal appeal or cross-appeal filed in a trial court in the Second Appellate District, the appellant(s) or cross-appellant(s) shall complete a docketing statement on a form to be determined and prescribed by the court. Concurrently with the filing of the notice of appeal, the appellant or cross-appellant shall file with the clerk of the trial court a completed docketing statement. A copy of the court's docketing statement is available on its website.

Local Rule 4 – Appeal as of right – when taken

Reserved

Local Rule 5 – Appeals by leave of court

Reserved

Local Rule 6 – Concurrent jurisdiction in criminal actions

Reserved

Local Rule 7 – Stay or injunction pending appeal – civil and juvenile actions

Reserved

Local Rule 8 – Bail and suspension of execution of sentence in criminal cases

A motion for bail and suspension of execution of sentence pending review is to be determined promptly upon such paper, affidavits, and portions of the record as the parties shall present and after reasonable notice to the prosecution. The moving party may deliver a courtesy copy of the party's motion to the court's administrative office for immediate

review.

The prosecution shall promptly provide notice of the motion to the victim, if any, following receipt of the notice of the motion.

A party may ask this court to secure any presentence investigation report, to be delivered to the court under seal and subject to the confidential nature of the report, for use in review of a motion for release on bail and suspension of execution of sentence pending appeal from a judgment of conviction.

Local Rule 9 – The record on appeal

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 transcriber or such other person as the trial court may designate to receive such request. The appellant is responsible for ordering the transcript of proceedings and for the filing of such transcript of proceedings with the clerk of the trial court in accordance with App.R. 9(B). The transcriber shall comply and prepare those portions and only those portions of the record enumerated in the praecipe, subject to being made secure in the payment of his or her fees by the party who ordered the record or transcript.

Local Rule 10 – Transmission of the record

(A) Extensions by the trial court

The trial court shall not extend the time for transmitting the record beyond the eightieth day 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.

Motions to the court of appeals for extensions of time shall be in writing and shall set forth facts demonstrating good cause for the extension.

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.

This local rule does not relax any of the requirements of App.R. 10(C) pertaining to the trial court's authority to extend the time within which to transmit the record.

(B) Summary of docket page numbering

When numbering a document in the record pursuant to App.R. 10(B), the clerk shall inscribe the number on the lower right corner of the document.

Local Rule 11 – Docketing the appeal; filing of the record

Reserved

Local Rule 11.1 – Accelerated calendar

Pursuant to App.R. 11.1, this court adopts an accelerated calendar. The court may assign or remove an appeal from the accelerated calendar at any stage of the proceedings. Any party may file a motion setting forth good cause for removal of an appeal from the accelerated calendar, and the motion shall be granted if good cause is shown.

If the court assigns an appeal to the accelerated calendar prior to the filing of briefs, briefs shall not exceed 15 pages in length, exclusive of the cover page, table of contents, table of cases, statutes and other authorities cited, statement regarding oral argument, certificates of counsel, signature blocks, certificate of service, and appendices, if any. Appellant shall serve and file appellant's brief within 15 days after the date on which the clerk has mailed the notice required by App.R. 11(B). The appellee shall serve and file appellee's brief within 15 days after service of the brief of the appellant. Reply briefs shall not be filed unless ordered by the court.

Upon the filing of appellee's brief, or, if no appellee's brief is filed, upon the running of the time for filing appellee's brief, the appeal will be deemed ready for submission to the court for disposition on its merits unless the court orders oral argument, sua sponte, or unless a party has requested oral argument in the manner set forth in App.R. 21(A).

Pursuant to App.R. 11.1(E), the court may state the reasons for its ruling on each assignment of error in brief and conclusionary form.

Local Rule 11.2 – Expedited appeals

(A) Expedition required

The court will give calendar priority to and expedite for review and determination all appeals requiring expedition under App.R. 11.2 or an applicable statute. The appellant or cross-appellant shall provide notice on a docketing statement that the appeal must be expedited. The schedule for disposition of these cases will be set by special order of the court. All parties to the appeals shall give such cases due attention and abide by the scheduling orders of the court.

(B) Discretionary expedition

Except as provided in part (A) of this rule, any party to an appeal may at any time after the filing of the notice of appeal file a motion with the court requesting that a case be expedited for review and determination. The motion shall state the essential facts and circumstances supporting the request. The court of appeals reserves the right to determine whether the facts and circumstances warrant expedited review and determination of the case.

Where the court grants the motion, the schedule for disposition of the appeal shall be set by separate entry of the court and all parties shall give the case prompt attention and abide by the scheduling order(s) of the court. Where a request for expedited review is denied, the appeal shall proceed as provided in the Ohio Rules of Appellate Procedure. This rule shall not be construed as limiting the authority of the court to order on its own motion that a case not otherwise subject to section (A) be expedited for review and determination.

(C) Oral argument in expedited cases

Upon granting a motion for oral argument, argument shall be scheduled on the earliest available date. Once scheduled, oral argument will not be continued absent a showing of extraordinary circumstances. The application of section (A) of this rule or an order issued under section (B) of this rule shall constitute good cause under R.C. 2501.05 for moving argument to any county within the Second Appellate District for consideration.

Local Rule 12 – Determination and judgment on appeal

Reserved

Local Rule 13 – Filing and service

(A) Definitions

(1) “Electronic Filing” is the electronic transmission, acceptance, and processing of a filing. This definition of electronic filing applies to filing via an e-filing system, email, and facsimile.

(2) “Documents” include but are not limited to court-initiated filings, pleadings, motions, responses, briefs, and any other filings that request relief from the court of appeals. “Documents” do not include a notice of appeal.

(B) Notice of appeal

An appeal to the Second District Court of Appeals may be taken by filing a notice of appeal electronically with the clerk of the trial court in accordance with the trial court’s electronic filing procedures, except as provided otherwise by this rule or statute. The notice of appeal shall be in the format specified by the clerk of the trial court pursuant to the court’s electronic filing procedures. If a trial court’s electronic filing procedures mandate electronic filing, accommodations must be made to allow parties not represented by counsel to file a notice of appeal in paper form.

(C) Other appellate filings

Documents in an appeal subsequent to a notice of appeal and documents in an original action before the Second District Court of Appeals may be filed with the clerk of the court of appeals electronically in accordance with the electronic filing procedures adopted by the clerk of the court of appeals, except as provided otherwise by this rule or statute.

(D) Signatures

Any signature on an electronically transmitted notice of appeal or document shall be considered the signature of the attorney or party it purports to be for all purposes and shall be deemed to constitute a signature on the filing for the purposes of the signature requirements of the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure and/or any other law. If it is established that a notice of appeal or document was transmitted without authority, the court shall order the filing stricken.

(E) Date and time of electronic filing

(1) An electronically filed notice of appeal will be received by the clerk of the trial court twenty-four hours a day, seven days a week. An electronically filed notice of appeal received after 11:59 p.m. Eastern Standard Time shall be deemed to have been received

on the next day. The timeframes set forth in this section do not modify computations of any period of time prescribed or allowed by the Rules of Civil Procedure and the Rules of Appellate Procedure.

(2) All other electronically filed documents will be received by the clerk of the court of appeals twenty-four hours a day, seven days a week. Documents received after 11:59 p.m. Eastern Standard Time shall be deemed to have been received on the next day. The timeframes set forth in this section do not modify computations of any period of time prescribed or allowed by the Rules of Appellate Procedure.

(3) A notice of appeal or documents filed and received by email or fax may be accepted by the clerk of courts as the effective original filing.

(a) The clerk of courts may, but need not, acknowledge receipt of an email or fax.

(b) The risks of transmitting a notice of appeal or documents by email or fax to the clerk of courts or delay in the notice of appeal or documents being time-stamped shall be borne entirely by the sending party.

(F) Transmission and receipt

(1) A notice of appeal filed electronically shall be considered filed with the trial court when it is transmitted, accepted, and processed in accordance with the trial court's electronic filing procedures.

(2) Documents filed electronically with the court of appeals shall be considered filed when they are transmitted, accepted, and processed in accordance with the electronic filing procedures adopted by the clerk of the court of appeals.

(3) The notice of appeal and documents received by the clerk shall be imprinted with the date and time of receipt.

(G) Collection of filing deposit and fees

An electronically filed notice of appeal or documents that require a filing fee may be rejected by the clerk of courts unless the filer has complied with the mechanism established by the court for the payment of filing fees.

(H) Pro se litigants

To the extent a clerk of courts implements electronic filing procedures for filings in the Second District Court of Appeals, accommodations must be made to allow parties not represented by counsel to file documents in an appeal subsequent to a notice of appeal and documents in an original action in paper form.

Local Rule 14 – Computation and extension of time

A request for an extension of time within which to file a brief or other pleading shall be made by written motion, filed with the clerk of courts prior to the due date of the filing, and supported by a memorandum stating with specificity the reasons for the request and establishing good cause for an extension.

Local Rule 15 – Motions

Oral argument will not be scheduled on any motion except upon order of the court in exceptional circumstances.

Local Rule 16 – Briefs

(A) Compliance with App.R. 16

Briefs shall comply with the requirements of App.R. 16. Any brief that fails to comply with App.R. 16 may be returned by the court for reformation. Appellant's failure to reform a non-complying brief may result in the appeal being dismissed by this court, sua sponte. Appellee's failure to reform a non-complying brief may result in the brief being stricken and determination of the appeal as provided in App.R. 18(C).

(B) Conceded error

When a party concedes error in a responsive brief and that error is dispositive of the entire appeal (i.e., there are no material disputes remaining for decision on appeal), the party conceding the error shall file a separate notice of conceded error along with the responsive brief.

Local Rule 17 – Brief of amicus curiae

Reserved

Local Rule 18 – Filing and service of briefs

(A) Copies

An original and three copies of briefs shall be filed. If a clerk of courts permits electronic filing, and a brief is electronically filed, no paper copies of the brief are required to be filed with the clerk of courts.

(B) Order of briefs in cross-appeals

When an appeal also involves a cross-appeal, or where two appeals have been consolidated by order of the court thereby resulting in the parties to the appeal presenting competing assignments of error, the party first in time in filing a notice of appeal shall be designated appellant/cross-appellee and shall file a merit brief within the time provided by App.R. 18(A), or as may be extended by order of this court. The party second in time in filing a notice of appeal shall be designated appellee/cross-appellant. Upon the filing of appellant/cross-appellee's merit brief, the appellee/cross-appellant shall file as one brief a first response to appellant/cross-appellee's asserted errors and then set forth the cross assignments of error and arguments thereto. This brief shall be filed within the time provided by App.R. 18(A), or as may be extended by order of this court. Thereafter, appellant/cross-appellee shall file as one brief a responsive brief in answer to appellee/cross-appellant's assignments of error and a reply brief, if any, in rebuttal to the cross-appellee's answer brief. Appellee/cross-appellant shall then file a reply brief, if any, in rebuttal to the cross-appellee's answer brief.

Each brief shall clearly designate on its face the nature of the brief being filed and shall divide the brief into clearly designated sections. No other briefs shall be filed without leave of court.

Subject to Loc.App.R. 19(A), each division of the initial brief and answer brief shall not exceed 25 pages, and each reply section shall not exceed 10 pages.

Local Rule 19 – Form of briefs and other papers

(A) Briefs

No initial brief of appellant or cross-appellant and no answer brief of appellee or cross-appellee shall exceed 25 pages in length, exclusive of the cover page, table of contents, table of cases, statutes and other authorities cited, statement regarding oral argument, certificates of counsel, signature blocks, certificate of service, and appendices, if any, except by prior leave of the court. Application for leave to file a longer brief shall be by motion specifying the unusual circumstances which necessitate the filing of a brief that exceeds the limits imposed by this rule. Except upon prior leave of the court, no reply brief shall exceed 10 pages in length, exclusive of the cover page, table of contents, table of cases, statutes and other authorities cited, certificates of counsel, signature blocks, certificate of service, and appendices, if any. Reply briefs shall be restricted to matters in rebuttal of the answer brief.

Any brief that fails to comply with this rule or App.R. 19 may be returned by the court for reformation. Appellant's failure to reform a non-complying brief may result in the appeal being dismissed by this court, sua sponte. Appellee's failure to reform a non-complying brief may result in the brief being stricken and determination of the appeal as provided in App.R. 18(C).

No brief shall include photographs or digital images without prior court approval upon good cause shown.

(B) Form

All pleadings, motions, briefs, and other papers filed with the clerk of the court of appeals shall be legibly typewritten or printed on 8½ x 11 paper. All typewritten matter must appear in at least a twelve-point type. Every filing shall contain the appropriate case caption; attorney's name and Supreme Court registration number; attorney’s firm, if any, and office address; attorney’s telephone number and email address; or, if a party is not represented by counsel, every filing shall contain the appropriate case caption, the party’s printed name, street address, email address, and telephone number. In all filings, a blank space of at least four inches shall be left at the top of the first page for endorsements thereon.

(C) Cited authority

Opinions and other authorities shall be cited in accordance with the Supreme Court of Ohio Writing Manual, Third Edition (Part I. Manual of Citations), which is available on the Supreme Court of Ohio’s website.

(D) Signature of attorney or pro se party

All documents filed with the clerk of the court of appeals shall bear the signature by hand or, where applicable, electronic signature of counsel or self-represented pro se party. The signature of an attorney or self-represented pro se party constitutes a certificate that the attorney or party has read the document, that to the best of the attorney’s or party’s knowledge the document is accurate, there are good grounds to support it, and that it is not interposed for delay.

(E) Use of generative artificial intelligence

(1) Definitions

(a) Artificial intelligence (“AI”) is defined as a machine-based system that can analyze data, recognize patterns, and make predictions, recommendations, or decisions that impact real or virtual environments.

(b) Generative AI is defined as a type of artificial intelligence that generates new content such as text, images, audio, or video when prompted by a user, including but not limited to LexisNexis Protege, Westlaw Precision, ChatGPT, Microsoft Copilot, Google Gemini, and DALL-E. Generative AI models analyze vast datasets to recognize patterns and create content that mimics human-like responses.

(2) An attorney and pro se party may use generative AI to prepare documents. Documents that have been prepared using generative AI must comply with all formatting requirements identified in the Rules of Appellate Procedure and the local rules of this court if they are filed. An attorney and pro se party shall review, validate, and correct any content of a document that has been prepared using generative AI before filing the document with the clerk.

(3) The signature of an attorney or pro se party on a document constitutes a certificate that the attorney or party has complied with subsection (b)(2) of this rule.

(F) Failure to comply

If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken and the action may proceed as though the document had not been served. For a willful violation of this rule, an attorney or pro se party, upon motion of a party or upon the court's own motion, may be subjected to appropriate sanctions, which may include reasonable expenses such as attorney fees and costs of the opposing party.

Local Rule 20 – Prehearing conference

Reserved

Local Rule 21 – Oral argument

(A) Oral argument procedure

A case will not be set for oral argument unless a party requests it. If any party requests oral argument, the case will be scheduled for oral argument and all parties who have filed a brief may appear. A party shall request oral argument by including the words “ORAL ARGUMENT REQUESTED” prominently on the cover page of the appellant’s opening brief or the appellee’s brief. *See* App.R. 21(A).

(1) The court may schedule the date and time of oral argument with the parties by email. A formal, written notice will follow. No continuances will be granted except upon a showing of extraordinary circumstances.

If the court does not schedule the argument with the parties by email, a formal, written notice will be mailed. A party may request a continuance by written motion, filed within seven days after the date of the notice.

(2) The court may, sua sponte, schedule a case for oral argument at which all persons otherwise permitted to argue shall appear and present oral argument. The court may limit oral argument to specific issues.

(3) If no party to an appeal requests oral argument, the court will submit the case to a panel for decision in due course. The court will post the date on which a case is submitted on its website.

(B) Time allowed for argument

Pursuant to App.R. 21(C), oral argument shall be 15 minutes per side. The appellant shall open oral argument and may reserve time for rebuttal. Any motion for additional time, with supporting reasons for the request, must be made within the time provided for the filing of briefs by either party. However, the court, sua sponte, may determine at any time that additional argument is needed in a case.

In a case with more than one party on a side who intend to present oral argument, the parties aligned on that side will share the 15 minutes allotted to that side.

(C) Persons permitted to argue

Only counsel of record or a party to the appeal who is not represented by counsel may present oral argument to the court.

(D) Recording oral arguments

Pursuant to App.R. 21(J), the Second District Court of Appeals will video record all oral arguments before the court. No additional recording of oral arguments is permitted without prior approval from the court.

Pursuant to Sup.R. 26.02(B)(2), argument recordings will be maintained by the court for two years after the final judgment in the case, except for cases where the death penalty is imposed, which shall be retained permanently.

(1) Requests for Recorded Arguments

While maintained by the court, recordings will be made available upon request. Requests may be submitted to the court by email at OhioSecondDistrict@mcohio.org, by telephone at 937-225-4464, or on paper to the court's administrative office at 41 N. Perry Street, 5th Floor, Dayton, Ohio 45422. Requests shall specify: the requestor's name; the appellate case name and number; the oral argument date; and the requestor's email address, phone number, and mailing address. A request form is available on the court's website.

(2) Recordings

Upon receipt of a request, the court will provide access to a recorded argument by sharing an internet link to the recording. Alternatively, the court will provide a copy of a recorded argument on a portable flash drive that will be available, without charge, for pick-up at the court's administrative office, 41 N. Perry Street, 5th Floor, Dayton, Ohio 45422.

(3) Reference to video recorded oral arguments

Video recorded oral arguments are not part of the official case record and shall not be cited. Recordings are made available for informational purposes only.

(E) Media broadcasting, recording, or photographing court proceedings

(1) All media representatives who seek to televise, record, or photograph specific court proceedings shall request permission from the court in writing at least three days prior to the date on which the proceedings are scheduled to occur. A request form is available on the court's website.

(2) The provisions of Rule 12 of the Ohio Rules of Superintendence shall apply, except that not more than one portable camera (television, videotape, or movie) with one operator or more than one audio system in the courtroom shall be permitted. Arrangements for the “pooling” of equipment shall be made as set forth in Sup.R. 12.

(3) Media representatives shall at all times conduct such activity in a manner whereby the participants shall not be distracted or the dignity of the proceedings impaired.

(4) The presiding judge may revoke the permission to broadcast, record, or photograph any proceeding for the failure of any media representatives to conduct themselves accordingly or for failure to comply with Sup.R. 12.

Local Rule 22 – Entry of judgment

(A) Authorized signatures on judgment entries, decisions, and orders

The signature of any judge or magistrate on any judgment entry, decision, or order may be executed manually or by means of any device or machine, including electronic signature or signature stamp. No judgment entry, decision, or order shall be signed for any judge or magistrate 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.

Signatures of judges and magistrates executed by means of any device or machine, including electronic signature or signature stamp, shall be accepted as original signatures.

Local Rule 23 – Damages of delay

Reserved

Local Rule 24 – Costs

Reserved

Local Rule 25 – Motion to certify a conflict

Reserved

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

Reserved

Local Rule 27 – Execution, mandate

Reserved

Local Rule 28 – Voluntary dismissal

Reserved

Local Rule 29 – Substitution of parties

Reserved

Local Rule 30 – Duties of clerks

Reserved

Local Rule 31 – Reserved

Local Rule 32 – Reserved

Local Rule 33 – Reserved

Local Rule 34 – Appointment of magistrates

Pursuant to App.R. 34 and Civ.R. 53, the court may appoint one or more magistrates to whom, by general or specific order of reference by the court or its presiding or administrative judge, are referred categories of pre-judgment motions and other applications filed by a party or by the court on its own motion in an appeal or an original action, to enter orders thereon as are necessary to regulate proceedings in the appeal or original action. A party may file a motion with the court to set aside a magistrate's order pursuant to Civ.R. 53(D)(2)(b).

Local Rule 35 – Reserved

Local Rule 36 – Reserved

Local Rule 37 – Reserved

Local Rule 38 – Reserved

Local Rule 39 – Reserved

Local Rule 40 – Reserved

Local Rule 41 – Rules of courts of appeals

Reserved

Local Rule 41.1 – Original actions

(A) Procedures governing original actions

(1) General

(a) This section applies only to actions, other than habeas corpus, within the original jurisdiction of the court under Article IV, Section 3 of the Ohio Constitution. The following Revised Code chapters also are applicable: Mandamus, R.C. Chapter 2731; Quo Warranto, R.C. Chapter 2733.

(b) In all original actions filed in the court, except as provided in Loc.App.R. 41.1(A)(2), these rules shall govern the procedure and the form of documents filed in the actions.

(c) The Rules of Civil Procedure shall supplement these rules unless clearly inapplicable. Where these rules conflict with the Ohio Rules of Civil Procedure, these rules shall control.

(2) Habeas corpus

Habeas corpus actions shall be brought and proceed in accordance with R.C. Chapter 2725. These rules shall govern the form of documents filed in habeas corpus actions.

(B) Institution of an original action

(1) General

(a) An original action shall be instituted by the filing of a complaint with the clerk of the court of appeals for the county in which the action originates. The cover page of the complaint shall contain the nature of the proceeding and the name, title, and address of the parties.

(b) The clerk shall issue a summons and serve the summons and a copy of the complaint filed to institute the proceeding by certified mail sent to the address of the respondent as indicated on the cover page of the complaint. The summons shall inform the respondent of the time permitted to respond to the complaint pursuant to Loc.App.R. 41.1(D).

(c) If an amended complaint is filed, relator shall serve the amended complaint in accordance with the Rules of Civil Procedure.

(2) Complaint requirements

(a) All complaints shall contain a short and plain statement of the claim showing that the relator is entitled to relief.

(b) All relief sought, including the issuance of an alternative or peremptory writ, shall be set forth in the complaint.

(3) Inmates

A person who is in actual confinement in a state correctional institution or in a

county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse or a releasee who is serving a sanction in a violation sanction center shall comply with R.C. 2969.21 et seq. Non-compliance shall result in dismissal of an original action without prior notice.

(C) Parties

The party filing an action in mandamus, prohibition, procedendo, or quo warranto shall be referred to as the relator. The party named in an original action shall be referred to as the respondent.

(D) Response to complaint; court action

(1) Expedition

An original action shall proceed as a civil action. Where the relator requests an alternative or peremptory writ, where the petitioner requests a writ of habeas corpus, or where the court determines that expedition is in interests of justice, application of the Rules of Civil Procedure may be suspended, and the action shall proceed as the court directs.

(2) Time to file response to complaint

(a) The respondent shall file an answer to the complaint or a motion to dismiss within 28 days of service of the summons and complaint.

(b) If an amended complaint is filed under Civ.R. 15(A), the respondent shall file an answer to the amended complaint or a motion to dismiss within 28 days of the filing of the amended complaint.

(3) Responses

(a) The respondent may file a motion for judgment on the pleadings at the same time an answer is filed, except when an alternative writ is issued under Loc.App.R. 41.1(E)(1). The relator may not file a motion for judgment on the pleadings or a response to an answer.

(b) The relator may file a memorandum in response to a motion to dismiss or a memorandum in response to a motion for judgment on the pleadings within 20 days of the filing of the motion.

(c) The court may convert a motion to dismiss into a motion for summary judgment after giving notice to the parties.

(4) Court action

After the time for filing an answer to the complaint or a motion to dismiss, the court will dismiss the case; issue an alternative or a peremptory writ, if a writ has not already been issued; or deny the request for the writ.

(E) Alternative and peremptory writs

(1) Alternative writ

No alternative writ will issue unless the complaint appears to have merit. If an alternative writ is issued, the court will issue a schedule for the presentation of evidence and the filing and service of briefs or other pleadings.

Unless the court orders otherwise, the parties shall file any evidence they intend to

present within 20 days of the issuance of an alternative writ. The relator shall file a brief within 10 days after the filing of the evidence, the respondent shall file a brief within 20 days after the filing of relator's brief, and the relator may file a reply brief within 7 days after the filing of the respondent's brief.

Unless the court orders otherwise, issuance of an alternative writ in a prohibition case stays proceedings in the action sought to be prohibited until final determination of the court.

(2) Peremptory writ

No peremptory writ will issue unless it appears beyond doubt that the relator is entitled to the relief requested in the complaint.

(F) Presentation of evidence

(1) General

To facilitate the consideration and disposition of original actions, the parties should submit an agreed statement of facts to the court. All other evidence shall be submitted by affidavits, stipulations, depositions, and exhibits. Affidavits shall be made on personal knowledge, setting forth facts admissible in evidence, and showing affirmatively that the affiant is competent to testify to all matters stated in the affidavit. Sworn or certified copies of all papers or parts of papers referred to in an affidavit shall be attached.

(2) Rebuttal evidence

Relator may file a motion for leave to file rebuttal evidence within the time permitted for the filing of relator's reply brief. Relator's rebuttal evidence shall be attached to the motion for leave.

(G) Briefing

(1) General

All merit briefs shall conform to the requirements set forth in Loc.App.R. 19.

(2) Consequence of failure to file briefs

(a) If the relator fails to file a merit brief as ordered by the court, the original action may be dismissed for want of prosecution.

(b) If the respondent fails to file a merit brief as ordered by the court, the court may accept the relator's statement of facts and issues as correct and grant the writ if the relator's brief reasonably appears to sustain the writ.

(H) Oral argument

Either party may move for oral argument. However, oral argument in original actions may only be had with approval of the court. The court reserves the right to order oral argument on its own motion.

(I) Reference to a magistrate

The court may refer original actions to a magistrate for the presentation of evidence, hearings, and oral argument.

Local Rule 41.2 – Appointment of counsel

(A) Requests for counsel

Except in appeals taken pursuant to App.R. 5, motions for appointment of counsel in criminal and other limited appeals shall be made in the first instance in the trial court prior to the filing of the notice of appeal. If the motion is denied, deferred, or not resolved in a timely manner, a motion may be filed in the court of appeals, or the court of appeals may appoint counsel sua sponte. A copy of the Office of the Ohio Public Defender's most current Financial Disclosure Form shall be filed at the same time as all motions for appointment of counsel.

(B) Selection of counsel

The court will maintain a list of qualified attorneys who have applied to and been approved by the court to serve as appointed counsel.

(1) Applications

Applications to be on the court's appointed counsel list are available on the court's website: www.seconddistrictcoa.org. When reviewing applications, the court considers the applicant's current standing with the Ohio Supreme Court; experience, training, and qualifications to accept certain types of appointments; and geographic location. The court may, at its discretion, institute additional education and/or training requirements.

(2) Selection process

In making an appointment, counsel shall be selected in a continual rotation from the list maintained by the court, except that the court will take into account the complexity of the case, the experience and expertise of counsel, and any conflicts of interest or other situations that may delay the timely completion of the case or prohibit quality representation to the indigent client.

(3) Review

The court will keep a record of all counsel appointments made in a given year and will review that record periodically to ensure that appointments are equitably distributed among counsel on the appointment list while also taking into consideration the factors listed in section (B)(2).

(C) Appointed counsel fees

(1) Application

Application by appointed counsel for attorney's fees on appeal shall be completed on the most current forms and in the most current manner prescribed by the Office of the Ohio Public Defender. Incomplete applications, applications submitted without the proper financial disclosure form, or applications submitted on the wrong forms shall be returned to counsel but may be resubmitted when complete and/or with the proper forms.

(2) Time for filing

Except in cases where appointed counsel withdraws from representation, all applications for payment of attorney's fees shall be submitted to the court's administrative office at 41 N. Perry Street, 5th Floor, Dayton, Ohio 45422, within 30 days from the entry of the final judgment or order that disposes of the appeal. In cases where appointed counsel withdraws from representation, applications shall be submitted no later than 30

days after counsel withdraws. Untimely applications may result in the reduction or non-payment of fees.

(3) Compensation

The rate of compensation for appointed counsel shall be in accordance with the fee schedule adopted by the county commissioners in the county from which the case arises. Fee schedules are available on the court's website: www.seconddistrictcoa.org. Payment for services will not exceed the fee schedules established by each county pursuant to law unless counsel also files a motion for extraordinary fees in the court of appeals with reasons supporting the request and the extraordinary fee request is approved by the court.

(D) Appeals to the Supreme Court of Ohio

A party wishing to have counsel appointed for purposes of appealing a decision or defending a judgment of this court to the Supreme Court of Ohio shall file a motion seeking such appointment.

Local Rule 41.3 – Election of presiding judge and administrative judge

This rule is adopted pursuant to R.C. 2501.06 and Rules 3 and 4 of the Rules of Superintendence for the Courts of Ohio.

On or before December 31 of every year, or as soon thereafter as may be practicable, the judges of this court then in office shall elect one of their number to be presiding judge of this court for a one-year term beginning on January 1st of the ensuing year. In the event of a vacancy caused by the death, disability, resignation, or other inability of the presiding judge, the judges of the court then in office shall elect one of their number as presiding judge to serve until the inability or ineligibility resolves or the balance of the unexpired one-year term, whichever occurs first. The presiding judge may also be elected as the administrative judge, as set forth in the following paragraph.

On or before December 31 of every year, or as soon thereafter as may be practicable, the judges of this court then in office shall elect one of their number to be administrative judge of this court for a one-year term beginning on January 1st of the ensuing year. In the event of a vacancy caused by the death, disability, resignation, or other inability of the administrative judge, the judges of the court then in office shall elect one of their number as administrative judge to serve until the inability or ineligibility resolves or the balance of the unexpired one-year term, whichever occurs first.

Local Rule 42 – Title

These rules shall be known as the Local Rules of the Second District Court of Appeals and may be cited as "Second District Local Rules" or "Loc.App.R."

Local Rule 43 – Effective date

These amended rules shall take effect September 1, 2026. They govern all proceedings in actions brought after they (or the amendments) take effect and also 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 injustice.