

Hamilton County Court of Appeals Admonitions

Please pay particular attention to the following admonitions. Counsel is urged to review the Ohio Rules of Appellate Procedure and the Local Rules of the First District. A Practitioner's Handbook can be purchased at The Cincinnati Bar Association.

1. After the filing of the Docket Statement the Court will issue a Scheduling Order. The Scheduling Order sets forth the time frame for the appeal and indicates if the appeal has been placed on the accelerated or the regular calendar.
2. If the appeal involves an Adoption or Parental Rights as set forth in **App R 11.2** be aware that the time frame for processing the appeal is modified by the Rule. If you failed to note the applicability of **App R 11.2** when you filed the docket statement please be sure to advise the Court that the appeal that **App R 11.2** is applicable.
3. The record on appeal generally consists of two parts, the docket and journal, and the transcript of proceedings. The clerk will send a postcard notifying you that the record (excluding or including) the transcript of proceedings has been filed. If the notice states "excluding transcript of proceedings" it signifies that only the docket and journal of the trial court has been filed. If the notice states "including transcript of proceedings" it means that a transcript of proceedings is included in the trial court docket. If the docket statement indicated that a transcript of proceedings, a **9(c)** statement, or a **9(D)** statement was to be filed, this Court anticipates such a filing. If the record as indicated in the docket statement is not timely filed the Court will sua sponte dismiss the appeal. It is the responsibility of counsel or pro se appellant to make sure that the record is timely filed. See **App. R. 9** and **10**.
4. After counsel or pro se appellant receives the notice from the clerk, counsel or pro se appellant must review the transcript of the docket and journal. It is the responsibility of counsel or pro se appellant to ascertain that the record is complete and manifests the error assigned. Verify that all motions, orders, depositions, etc. are actually transmitted and certified to this Court. If a transcript of proceedings is to be filed it is counsel's or pro se appellant's duty to make sure that all parts of the transcript that were ordered are filed. It is also counsel's or pro se appellant's duty to check that the transcript is certified and signed by the court reporter. It is counsel's or pro se appellant's responsibility to file the transcript, not the court reporter's. Most often exhibits are retained in the reporter's exhibit room, counsel or pro se appellant is advised to verify the availability and location of all exhibits.
5. When preparing briefs, counsel or pro se appellant is cautioned to comply with the local rules of this Court. Accelerated cases are limited to fifteen pages and there is no provision for reply briefs. Regular cases are limited to thirty-five page briefs. Any reply brief must be ten pages or less. All citations to the record must use either T.d. or T.p. (see **local rule 6**). This Court considers only properly phrased assignments of error, not propositions of law. Remember briefs must be typed in double-space. The original and three copies must be filed. Failure to comply with the rules as to form will result in the brief being stricken.
6. When filing a Motion to extend time check **Local Rule 15.1(A)** which requires the tender of an Order granting relief requested. If an Order (Entry) has not been tendered, the motion will be stricken. The Court does not give notice of the granting of a motion to extend time. Counsel or pro se appellant should presume the extension has been granted unless they are advised otherwise. If the requested extension has been denied or modified the Court will give notice.
7. Special Note to Counsel for Criminal Cases: Counsel for a defendant-appellant in a criminal case is directed to contact the appellant prior to filing the brief, and to solicit from the appellant those issues that the appellant wishes to raise. Counsel shall then properly incorporate the issues which counsel believes to have arguable legal merit into the briefs.

In those cases where counsel files an Anders brief, counsel should append to said brief the issues, if any, raised by the appellant. Further, counsel shall file an affidavit indicating that he/she has advised the appellant that an Anders brief has been or will be filed and counsel shall file a Motion to Withdraw, which will be considered with the merits of the appeal.