

## **PROPOSED AMENDMENTS TO LOCAL RULES**

### **Introduction:**

The Eighth District Court of Appeals has reviewed its current rules related to briefing. The amendments aim to decrease the size of appellate briefing that may be submitted without seeking leave of court. The amendments also implement a word count provision that is consistent with the Ohio Rules of Appellate Procedure. Finally, the amendments aim to provide direction and restrictions on what may be filed in a notice of additional/supplemental authority allowed by App.R. 21(I).

Comments Requested: The Court of Appeals of Ohio, Eighth Appellate District will accept public comments until August 11, 2025, on the proposed amendments to the following local rules:

- Loc.App.R. 11.1
- Loc.App.R. 16
- Loc.App.R. 19
- Loc.App.R. 21

Comments on the proposed amendments should be submitted in writing to

Email:

[contact@8thappeals.com](mailto:contact@8thappeals.com), subject: Public Comment

Mailing Address:

Public Comment  
The Ohio Eighth District Court of Appeals, Room 202  
1 West Lakeside Avenue  
Cleveland, Ohio 44113

Comments must be received no later than August 11, 2025. Please include your full name and mailing address in any submitted comments.

### Key to Proposed Amendments:

1. Existing language appears in regular type. Example: text.
2. Existing language to be deleted appears in red strikethrough. Example: ~~text~~.
3. New language to be added appears in red underline. Example: text.

### Rule 11.1 Accelerated Calendar

(2) An appeal will not be assigned to the accelerated calendar if any of the following applies:

(a) A brief in excess of 4,500 words ~~15 pages~~ (see Loc.App.R. 16) is necessary to adequately set forth the facts and argue the issues in the case;

...

(4) If an appeal is assigned to the accelerated calendar, then:

...

(e) Neither brief may exceed 4,500 words. A brief filed with at least 12-point type that does not exceed 15 pages will be presumed compliant with this word limit. If a brief exceeds 15 pages, it must contain a word count certificate of compliance as stated in Loc.App.R. 16(A)(7). ~~15 pages.~~

### Rule 16. Briefs

(A) **Length and Form.** All briefs filed in this court must comply with the requirements of App.R. 16 and 19, this rule, and Loc.App.R. 13.2 and Loc.App.R. 19.

(1) Appeal Involving No Cross-Appeal. In the absence of a cross-appeal, the appellant's opening brief and the appellee's answering brief each must not exceed 9,000 words, and the appellant's reply brief, if any, must not exceed 3,000 words. A brief filed with at least 12-point type that does not exceed 30 pages, and a reply brief filed with at least 12-point type that does not exceed ten pages will be presumed compliant with these

word limits. If a brief exceeds these page counts, it must contain a word count certificate of compliance as stated in Loc.App.R. 16(A)(7). ~~40 pages, and the appellant's reply brief, if any, must not exceed ten pages.~~

- (2) Appeal Involving Single Cross-Appeal. If a single cross-appeal has been filed, there shall be a total of four briefs, each containing only one cover, one table of contents, and one table of authorities and conforming to the following requirements:

(a) Appellant's Opening Brief. The first brief is the appellant's opening brief, which shall address only those issues related to the appellant's appeal and must not exceed 9,000 words. A brief filed with at least 12-point type that does not exceed 30 pages will be presumed compliant with this word limit. If the brief exceeds 30 pages, it must contain a word count certificate of compliance as stated in Loc.App.R. 16(A)(7). ~~40 pages.~~

(b) Appellee's Answer Brief / Cross-Appellant's Opening Brief. The second brief is the appellee / cross-appellant's brief, identified on its face as an answer brief and brief in support of the cross-appeal. The table of contents of the brief shall designate which portion of the brief relates to the appeal and which portion relates to the cross-appeal. The portion relating to the appeal must not exceed 9,000 words ~~40 pages~~, and the portion relating to the cross-appeal must not exceed an additional 4,500 words ~~25 pages~~. A brief filed with at least 12-point type that does not exceed 45 total pages will be presumed compliant with these word limits. If the brief exceeds 45 pages, it must contain a word count certificate of compliance as stated in Loc.App.R. 16(A)(7).

(c) Appellant's Reply Brief / Cross-Appellee's Answer Brief. The third brief is the appellant / cross-appellee's brief, identified on its face as a reply brief in support of the appellant's appeal and an answer brief to the cross-appeal. The table of contents of the brief shall designate which portion of the brief is a reply and which portion relates to the cross-appeal. The portion that is a reply in support of the appeal must not exceed 3,000 words ~~ten pages~~, and the portion relating to the cross-appeal must not exceed an additional 4,500 words ~~25 pages~~. The reply portion of the brief must be restricted to matters in rebuttal to the answer portion of the second brief. A brief filed

with at least 12-point type that does not exceed 25 total pages will be presumed compliant with these word limits. If the brief exceeds 25 pages, it must contain a word count certificate of compliance as stated in Loc.App.R. 16(A)(7).

(d) Cross-Appellant's Reply Brief. The cross-appellant may file a reply brief in support of the cross-appeal, which must not exceed 3,000 words ~~ten pages~~. The cross-appellant's reply brief must be restricted to matters in rebuttal to the portion of the third brief addressing the cross-appeal. A brief filed with at least 12-point type that does not exceed ten pages will be presumed compliant with this word limit. If the brief exceeds ten pages, it must contain a word count certificate of compliance as stated in Loc.App.R. 16(A)(7).

- (3) Appeal Involving Multiple Cross-Appeals. If more than one cross-appeal has been filed, the parties shall propose to the court for approval or modification, no less than 20 days before the first brief would otherwise be due, a stipulated briefing order setting page limitations and including other provisions that conform ~~as closely~~ as reasonably possible to the provisions of Loc.App.R. 16(A)(2), but also taking into account the potential need for adjustment to those provisions as necessary to accommodate the multiple issues raised and the parties to whom the issues are directed. In the event the parties cannot agree on a proposed stipulated briefing order, the parties shall adhere to the requirements of Loc.App.R. 16(A)(2), unless the court on motion issues a different briefing order.
- (4) Cross-Appeal(s) Involving Fewer Than All Appellees. In the event of multiple appellees, Loc.App.R. 16(A)(2) and (3) apply only to those cross-appellees who have filed cross-appeals. Any appellee who has not filed a cross-appeal shall follow the length and form requirements of Loc.App.R. 16(A)(1).
- (5) Exclusions from Page Limitation. All page and word count limitations are exclusive of the cover page, table of contents, ~~the~~ table of authorities, certificates of counsel or self-represented litigant, signature block, certificate of service, and any appendices.
- (6) Motion to Exceed ~~Word Page~~ Limitations. Application for permission to file a longer brief may be made by a motion

specifying the number of extra words ~~pages~~ requested, the portion of the brief requiring extra words ~~pages~~, and why extra words ~~pages~~ are needed.

- (7) Word Count Certificate of Compliance. A brief that relies on a word count must include a statement, signed by the attorney or unrepresented party, that the brief complies with the word count limitation in Loc.App.R. 16(A)(1) or 16(A)(2). The person preparing the certificate may rely on the word count of the word-processing system used to prepare the brief. The certificate must state the number of words in the brief, calculated considering the exclusions in section 16(A)(5). The following certificate shall be used:

Certificate of Compliance

I certify that this brief complies with the word-count provision set forth in the Eighth District Local Rule 16(A). This brief contains \_\_\_\_\_ words.

\_\_\_\_\_  
Signature

## **Rule 19. Form of Briefs and Other Papers**

### **(A) Form of Brief.**

...

- (3) Typeface and Type Style. The body of the brief must be set in a plain, legible typeface. The preferred font type is “Georgia.” The style of the brief should be set in a plain text ~~roman~~ style, although italics and boldface may be used for emphasis. Case names must be italicized or underlined.

## **Rule 21. Oral Argument**

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(G) Citation of Additional Authorities. A notice of citation to additional authorities filed pursuant to App.R. 21(I) shall not contain additional arguments but may describe the relevant holding of the case in a parenthetical not

to exceed twenty-five words. A notice that does not comply with this rule will be stricken and the filing party will not be permitted to address additional authorities during oral argument.