Back to Basics

The majority of litigated claims resolve prior to reaching a jury. Even fewer make it through the appellate process. This highly specialized area of practice is often a foreign experience for most clients and no two appeals are ever the same. There are a few basic steps, however, that are usually a part of most, but not all, appeals brought in an Ohio appellate court. Those steps include the following:

- Evaluating whether an order or judgment constitutes a final appealable decision, and determining the applicable appeal deadline.

- Evaluating the prospects for appellate success, including a realistic evaluation of your legal position, immediate and long-term interests and the path most likely to achieve those goals.

- Filing a notice of appeal or cross-appeal and completing any court-specific docketing statements or case summary forms.

- Determining if an appellate bond is necessary, securing such a bond and calculating the monthly interest which will apply to the money judgment or order.

- Designating the appellate record and ensuring that the record is transmitted from the trial court to the appellate court.

- Possibly participating in a court sanctioned mediation conference.

- Coordinating legal argument with other interested parties to the appeal as well as the solicitation of possible amicus curie (friends of the court) briefs.

- Evaluating the need for possible procedural motion practice including motions to dismiss the appeal and challenges to the record.

- Drafting of the appellate brief, which usually includes a merit brief and reply for the appellant and a brief in opposition for the appellee (sur replies are rare). The specific components of each brief vary by local rule and cannot be overlooked.

- Determining whether oral argument is warranted or whether it should be waived.

- Preparing for and participating in oral argument before a panel of three judges.

At Reminger, our Appellate Practices Group believes that every client has the right to know, in advance, what the appellate process consists of so that we can guide our clients through this 1-2 year process. We believe in reporting to and consulting with the client at each step of this process so that we can minimize surprises and help our clients make informed decisions about the costs, risks and benefits associated with the appellate process.

More information about the Appellate Practice Group may be obtained by contacting Holly Marie Wilson, who is certified as an "Appellate Law Specialist" by the Ohio State Bar Association. Please contact Holly or any one of our Appellate Practice Group members to discuss any topics from this newsletter or appellate-related questions.