



Ohio Administrative Code

Rule 5717-1-17 Briefs.

Effective: [September 17, 2023](#)

- (A) If a hearing is not scheduled, all parties shall file briefs on or before the deadline established by the board. Briefs shall not exceed fifteen pages, excluding attachments.
- (B) If a hearing is scheduled, parties are highly encouraged to file pre-hearing briefs. Pre-hearing briefs that are filed shall be filed at least seven days before the hearing. Pre-hearing briefs shall not exceed fifteen pages, excluding attachments. After a hearing is concluded, the board may set a post-hearing briefing schedule. In such circumstances, the parties shall file briefs on or before the deadline(s) established by the board. Unless otherwise specified by the board, any initial brief shall not exceed fifteen pages, excluding attachments. Reply briefs shall not exceed ten pages, excluding attachments.
- (C) At times, the board may set a case for a hearing but later cancel the hearing or convert the case to a briefing schedule. For example, the board may cancel the hearing if all parties waive their appearances. The board may also cancel a hearing if the parties fail to timely file a witness and exhibit list. In such cases, the parties shall file briefs on or before the deadline established by the board. Those briefs shall not exceed fifteen pages, excluding attachments.
- (D) The board will only consider evidence contained within the transcript certified to it, submitted by joint agreement of all parties, or received at the hearing. Evidence attached to briefs in violation of this rule will be stricken or disregarded.
- (E) The parties shall raise all relevant arguments in their briefs, and the board may consider unraised issues as waived. If the briefing schedule provides for responsive briefs, parties shall raise all issues in the initial briefs so that the responding party may address all issues in a responsive brief. The board may deem issues waived when improperly raised for the first time in a reply brief absent a showing of surprise or for good cause. The board may also order supplemental briefing on any issue.
- (F) After the deadline for submission of briefs has passed, a party may submit, as additional



authority, relevant cases subsequently decided, but without further argument.

(G) Amicus curiae may file briefs only with leave of the board according to briefing deadlines established by the board.