

INSTRUCTIONS FOR POST-HEARING BRIEFS

1. O.A.C. Rule 4117-1-02(D) provides that briefs shall be double spaced on eight and one-half-inch by eleven-inch with one inch margins, shall be in type face no smaller than nine points, and shall not exceed fifteen pages unless prior written authorization is received from the Board, a Board Member, or AU. The rule specifies that ALJs may rule on requests to exceed the page limit on briefs, exceptions, cross-exceptions, and responses to exceptions, and permit page limitations only to 25 pages. Requests to exceed 25 pages must be submitted to and approved by the Board prior to filing.
2. SERB's practice is to have briefs filed simultaneously. Only in rare situations does SERB allow reply briefs.
3. O.A.C. Rule 4117-1-02(E) requires that all documents filed with the Board shall have numbered pages, case caption, case number, and a title including the name of the party on whose behalf the document was filed. If a document filed with the Board concerns a case assigned to Hearings, then the document shall state the name of the Administrative Law Judge (AU) in the title.
4. The ALJs also require the following to be included in post-hearing briefs. The authority to make these requirements is derived from O.A.C. Rule 4117-1-11:
 - A. Post-hearing briefs shall be in the following format:
 - I. INTRODUCTION
 - II. ISSUE(S)
 - III. PROPOSED FINDINGS OF FACT
 - IV. ANALYSIS AND DISCUSSION
 - V. PROPOSED CONCLUSIONS OF LAW
 - VI. PROPOSED REMEDY
 - B. Proposed Findings of Fact must cite to the transcript page and/or exhibits to support your position on each issue.
 - C. Argue each legal and factual issue separately in your brief and cite to your Proposed Findings of Fact where they support your argument.
 - D. If you are citing cases that are not in the SERB Official Reporter or the Ohio Reporter Series for Ohio state cases, attach a copy of the full text of each case to the Brief. Such copies shall be treated as an Appendix to the Brief and will not count toward the page limitation on the Brief.
 - E. Pursuant to Rule 4117-1-02(E), briefs exceeding fifteen (15) pages shall contain a summary and a table of contents.

NOTE: Pursuant to O.A.C. Rule 4117-1-12, all parties may file proposed orders or briefs within ten days of the close of the hearing. However, since the official transcript is not available within that time frame, the AU will establish a briefing schedule at the conclusion of the hearing in your case. This schedule will be based, in part, on transcript availability. Extensions may be granted for good cause. Any proposed corrections to the official transcript must be submitted to the AU for a ruling, not to the transcriber. You may contact the official transcriber concerning transcript availability and costs if you desire a copy of the official record.

The Official Transcriber retained by the Board is:
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