

## Post-Hearing Practice

Effective October 25, 2010, Rule 4117-1-12 of the Ohio Administrative Code (O.A.C.) provides in key part as follows: “The board or agents thereof may expressly authorize on the record all parties to submit briefs or proposed decisions, directives, or orders to the board, board member, or administrative law judge. Such briefs or proposed decisions, directives, or orders shall be filed within ten days from the close of the hearing or at such other time designated by the board or board member or administrative law judge assigned to hear the case.”

At the conclusion of the hearing in your case, the Administrative Law Judge (ALJ) will discuss whether post-hearing submissions are necessary and establish a schedule accordingly.

## Post-Hearing Briefs

SERB does not normally prepare written transcripts of hearings but will make a digital recording of each hearing. When post-hearing briefs have been expressly authorized, the parties have the following options regarding utilization of the record in post-hearing briefs:

1. **Written Transcript.** If any party desires that a written transcript be prepared, the party must advise the Administrative Law Judge before the close of the hearing. SERB will then transfer the digital recording to the transcriber retained by SERB. It is the responsibility of the party or parties ordering a written transcript to contract *as soon as possible* with the official transcriber for the production of the transcript and the delivery of a certified copy of the transcript to SERB at the same time the transcriber delivers a copy to the ordering party. Once these obligations are met, any party may cite to the written transcript.
2. **Audio Record.** Any party may obtain a free copy of the digital recording by supplying a jump drive (also called a thumb or USB drive) to SERB on the day of the hearing. The jump drive must be in its unopened package. If no written transcript is filed, citations to the record may be made to the audio record by noting the name of the witness and the time on the recording.

If a written transcript of the hearing is ordered by a party, all proposed corrections to the transcript must be submitted to the ALJ for ruling, not to the transcriber.

The official transcriber retained by the Board is Connie J. Lee, (614) 973-9597, [connie@krecko.com](mailto:connie@krecko.com).

O.A.C. Rule 4117-1-02(C) provides that briefs shall be double spaced on eight and one-half-inch by eleven-inch paper with one-inch margins, shall be in typeface no smaller than eleven points, and shall not exceed fifteen pages unless prior written authorization is received from the Board, a Board Member, or ALJ. The rule specifies that ALJs may rule on requests to exceed the page limit on briefs and permit page limitations only up to

25 pages. Requests to exceed 25 pages must be submitted to and approved by the Board prior to filing.

Effective October 25, 2010, Rule 4117-1-02(B) mandates that nearly all documents filed with SERB *shall be filed electronically in a read-only format.*

SERB's practice is to have briefs filed simultaneously. Only in rare situations does SERB allow reply briefs.

O.A.C. Rule 4117-1-02(E) allows the Board to waive technical defects in any document filed with the Board. It also requires that all documents filed with the Board shall have numbered pages and include the case caption, case number, and a title indicating the name of the party on whose behalf the document was filed. If a document filed with the Board concerns a case assigned to the Hearings Section, then the document shall state the name of the ALJ in the title.

If you are citing a case that is not in the SERB Official Reporter, or the Ohio Reporter Series for Ohio state cases, then you should attach a copy of the full text of the case to the Brief; the copy will be treated as an Appendix to the Brief and will not count toward the page limitation on the Brief.

Pursuant to O.A.C. Rule 4117-1-02(C), briefs exceeding fifteen pages shall contain a summary and a table of contents.