

ELEVENTH DISTRICT LOCAL APPELLATE RULE ____
INTEGRITY OF PROCEEDINGS: ACCURACY OF FILINGS,
FRIVOLOUS CONDUCT, VEXATIOUS LITIGATORS, AND RESTRICTED FILERS

(A) Scope. This rule applies to all filings and submissions made in any proceeding before this court, and to all conduct directed at or affecting any proceeding before this court. It applies to attorneys, pro se litigants, and any other person, whether or not a party to the proceeding.

(B) Certification by Filing. Every filing constitutes a certification by the person who signs and submits it that:

- (1) every citation to a case, statute, rule, or other legal authority refers to a source that exists;
- (2) every quotation attributed to any source—whether in the record of the court below or submitted directly to this court—accurately reproduces the language of the original;
- (3) every factual assertion represented as appearing in the record is supported by the record at the location cited;
- (4) every factual assertion represented as supported by evidence submitted directly to this court—including affidavits, declarations, and exhibits filed in original actions or other proceedings in which this court receives evidence in the first instance—is supported by the evidence to which it is attributed; and
- (5) the filing is authorized by the applicable rules of procedure and, where filed on behalf of another person, is filed by or with the authorization of a licensed attorney.

(C) Prohibited Conduct. The following conduct is prohibited and may result in sanctions under this rule:

- (1) filing a document, or asserting a claim, defense, or position, not warranted by existing law or a good-faith argument for its extension, modification, or reversal, or lacking evidentiary support;
- (2) conduct that serves merely to harass or maliciously injure another person or party;
- (3) conduct imposed solely for delay or other improper purpose;
- (4) filing a document not authorized by the applicable rules of procedure;
- (5) filing a document on behalf of another person by a non-attorney in violation of R.C. 4705.01;
- (6) failing to comply with an order of this court, including an order to file a brief, respond to a show-cause order, or appear before the court;
- (7) interfering with the representation of a party by contacting, directing, instructing, or attempting to influence the party's counsel regarding the conduct of a proceeding, by a non-party or person not authorized to direct the representation; and

(8) threatening to file, or filing, false or retaliatory complaints, grievances, or disciplinary actions against an attorney for the purpose of coercing the attorney's conduct in a proceeding before this court.

(D) Vexatious Litigators; Restricted Filers. If a person habitually, persistently, and without reasonable cause engages in conduct prohibited by Section (C), or repeatedly files documents violating Section (B), this court may, after notice and an opportunity to be heard, designate the person a restricted filer and impose filing restrictions, including requiring prior leave of court before filing any appeal, original action, motion, or other document; requiring payment of a filing fee or security for costs; directing the Clerk of Courts not to accept filings from the person without prior court authorization; or any other restriction the court considers just. Any person declared a vexatious litigator under R.C. 2323.52 or a restricted filer under this rule must obtain leave of this court before filing; failure to do so shall result in dismissal or denial of the relief sought.

(E) Sanctions. Upon a finding that a person has violated Section (B), engaged in conduct prohibited by Section (C), or failed to comply with a filing restriction imposed under Section (D), this court may, after notice and an opportunity to be heard, impose any just and proportionate sanction, including:

- (1) striking the filing in whole or in part;
- (2) dismissal of the proceeding;
- (3) denial of the relief sought;
- (4) an award of reasonable attorney fees and costs, or double costs;
- (5) monetary sanctions;
- (6) an order to show cause why additional sanctions should not be imposed;
- (7) designation as a restricted filer;
- (8) removal from, or conditions upon reinstatement to, this court's roster of attorneys eligible for appointment as appellate counsel;
- (9) referral to the Office of Disciplinary Counsel;
- (10) referral to the appropriate prosecuting authority where the conduct may constitute a criminal offense; or
- (11) any other remedial, corrective, or restrictive measure the court deems appropriate.

(F) Considerations. In determining the nature and severity of the sanction, the court shall consider, inter alia:

- (1) whether the violation was promptly acknowledged and corrected;
- (2) the number and materiality of the deficiencies;

(3) whether the violation involved fabrication of legal authority, misrepresentation of actual legal authority, fabrication of record evidence, fabrication or falsification of evidence submitted directly to this court, or a combination thereof;

(4) whether the conduct was undertaken for delay, harassment, or other improper purpose;

(5) the harm to the opposing party, the court, and the administration of justice;

(6) whether the person has previously been sanctioned or designated a vexatious litigator or restricted filer; and

(7) whether the person is an attorney or pro se litigant.

(G) Procedure. No sanction may be imposed and no person may be designated a restricted filer except after notice and an opportunity to be heard. Proceedings may be initiated sua sponte or on motion. The court may issue an order to show cause identifying the conduct and the provision allegedly violated. The person shall have a reasonable opportunity to respond in writing and, where warranted, to be heard at oral argument or hearing. Findings and sanctions shall be set forth in a written order or journal entry.

(H) No Limitation on Other Authority. This rule neither limits nor expands the court's contempt powers under R.C. 2705.02, the authority conferred by App.R. 23, R.C. 2323.51, R.C. 2323.52, or any other authority provided by statute, rule, the Ohio Constitution, or the inherent authority of a court.