2011 OSBA
APPELLATE LAW EXAM
For Certification
As a Specialist

STUDY GUIDE

Exam Place: Ohio State Bar Association
1700 Lake Shore Drive
Columbus, Ohio  43216
614-487-2050
800-282-6556

Exam Date:  Friday, November 11, 2011

Exam Time:  Registration begins at 12:30 p.m.; exam is 1:00 p.m. – 5:00 p.m.

Format:  The exam will contain approximately 100-120 multiple choice test questions.

Content:  The exam may cover any of the following areas:

Original Actions -10%

Remedies – 10%
  Injunctive Relief
  Grounds for relief from judgment (Civ. Rule 60)
  Stays on appeal

Rules of Procedure and Practice – 30%
  Knowledge of Fed & St appellate
  Rules of Court
  What constitutes the record on appeal
  Cross appeal/cross assignment
  Injunctive relief
  Brief & Citation form

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**Jurisdiction -20%**

Final appealable orders
General

**Other – 30%**

Standards of review
Determination of precedent
Death penalty and other criminal issues

The examination itself, with the assistance of the Association, will be prepared and graded under the authority of an independent testing service selected by and retained by the Association, in consultation with an independent third party, not a member of the Specialty Board or any of the Association’s committees or sections, who has a background in academia.

There are no specific exam preparation materials or courses provided by the OSBA Appellate Law Specialty Board.

Sample exam questions are attached.

The following items may be used to study for the exam:

- Advanced courses or course materials specific to the field.
- The Ohio and Federal Rules of Appellate Procedure
- Select Ohio and Federal Rules of Court that impact on appellate procedure, eg. Civ. R. 60, Juvenile R. 40, Criminal R. 12(K)
- Ohio Supreme Court and Appellate Court decisions.
- R.C. chapter 2501, 2505 and relevant Ohio constitution provisions.
- Federal Statutes controlling appellate practice.

These are only suggestions and not an exclusive list.
1. Plaintiff filed a complaint in a Court of Common Pleas. Defendant moved to dismiss the entire complaint, and the trial judge granted the motion. The order of final judgment was entered May 25. Plaintiff filed a motion for reconsideration on June 4. The trial judge denied the motion for reconsideration on June 26. Plaintiff filed an appeal on July 15, seeking reversal of the judgment order entered May 25.

The appellate court should:

A. Deny the appeal because it was not timely filed.

B. Allow the appeal because the motion for reconsideration tolled the time for filing a notice of appeal.

C. Allow the appeal because the Rules of Civil Procedure permit a motion for reconsideration as a means to obtain relief from a final judgment order.