HANDBOOK OF

CONNECTICUT

APPELLATE PROCEDURE

PREFACE

This is only a handbook. Although it contains information on appellate procedure and tips for both the novice and the seasoned appellate practitioner, it is not intended to be a comprehensive treatise or a substitute for the Connecticut Practice Book. The material in this handbook should be supplemented by your own careful study of the rules of appellate practice, as well as case law and statutes. The rules change frequently, and, therefore, you should make sure you are consulting the most recent version of the rules.

This handbook is based on the rules effective as of September 1, 2018.

TABLE OF CONTENTS

INTRODUCTION

THE ROLE OF THE OFFICE OF THE APPELLATE CLERK

The Office of the Appellate Clerk is staffed by attorneys and paralegals who review, process and monitor all filings submitted to the Supreme Court and the Appellate Court for consideration or ruling.

The Office of the Appellate Clerk is the liaison between the public, the trial courts, the bar, self-represented parties, the Supreme Court justices, the Appellate Court judges, and court staff**.**

The Office of the Appellate Clerk serves as a resource for information but does not give legal advice. Anyone conducting business before either the Supreme Court or the Appellate Court is expected to have consulted the rules of appellate procedure that are contained in the Connecticut Practice Book prior to contacting the Office of the Appellate Clerk. The Practice Book is available on the Judicial Branch website (www.jud.ct.gov/Publications/PracticeBook/PB.pdf) and in law libraries throughout the state.

Each appellate matter is managed by a clerk/case manager. Appellate matters are reviewed and monitored for procedural and jurisdictional compliance under guidelines established by the courts, statutes, case law, and the rules of practice.

Questions may be directed to the case manager assigned to a particular appellate matter.

SECTION 1

KNOWING WHAT IS APPEALABLE AND WHEN TO APPEAL

Your failure to file a timely appeal from an appealable judgment or order can result in the loss of your right to appellate review of that ruling. Carefully study the rules, statutes, and case law to determine whether a judgment or an order is appealable, whether you have a right to appeal from it, and when your appeal must be filed.

Is the Judgment Appealable and Are You Entitled To Appeal from It?

Generally, only judgments and orders issued by a judge of the Superior Court can be appealed to the Appellate Court or the Supreme Court. Decisions issued by state agencies and by the Probate Court should instead be challenged by taking an appeal to the Superior Court. In workers' compensation cases, on the other hand, appeals from the decisions of the Compensation Review Board are taken to the Appellate Court. See Connecticut General Statutes (C.G.S.) § 31-301b. An appeal from a decision of the workers' compensation commissioner on a complaint that alleges discriminatory discharge in violation of C.G.S. § 31-290a should also be taken directly to the Appellate Court.

Not every order or decision issued by a Superior Court judge is appealable, and not every person has the right to appeal and challenge a decision that they disagree with. The "appeal statute," C.G.S. § 52-263, provides that you can appeal only if (1) you were a party to the Superior Court action, (2) you are aggrieved by the Superior Court's decision, and (3) the Superior Court's decision is a final judgment. You should therefore consider the following questions in deciding whether the Superior Court's judgment or order *can* be appealed and, if so, whether you are a person who has a right to appeal from it:

1. **Were you a party in the Superior Court case?** If you were not a plaintiff or a defendant in the Superior Court case and you were never made a party to the Superior Court case, you cannot appeal from an order or judgment rendered in that case. Note, however, that a nonparty who is aggrieved by a Superior Court judgment or order that binds the nonparty can seek appellate review by filing a writ of error. See Practice Book (P.B.) § 72-1.

2. **Are you aggrieved by the decision?** Only someone who is aggrieved by the Superior Court decision can appeal or bring a writ of error to challenge it. A person is aggrieved by a decision if that person has some specific, personal, and legal interest that will be harmed by the decision. Generally, the party that "lost" the Superior Court case is aggrieved and entitled to appeal. But you also can be aggrieved by a judgment that is seemingly in your favor if the judgment awards you less than you asked for in the case.

3. **Is the decision a final judgment?** An appeal or writ of error can be taken only from a "final judgment" of the Superior Court. Usually, the final judgment is the ruling made at the end of the case that decides who won and resolves all the parties' claims. But even an interlocutory ruling—that is, a ruling that is made during the course of the ongoing litigation before the Superior Court that does not conclude the case—can be an appealable final judgment. You should consult *State* v. *Curcio*, 191 Conn. 27 (1983), for guidance in determining whether an interlocutory ruling is a final judgment that can be immediately appealed.

   Finally, there are statutes and Practice Book provisions that permit immediate appeals from some orders or decisions that are not final judgments in that they do not necessarily end the case. These orders include, but are not limited to:

   a. decisions concerning mechanic's liens, prejudgment remedies, and lis pendens. See C.G.S. §§ 49-35c, 52-278*l* and 52-325c.
   b. temporary injunctions involving labor disputes. See C.G.S. § 31-118.
   c. orders or decisions certified by the Chief Justice as being of substantial public interest and in which delay may work a substantial injustice. See C.G.S. § 52-265a.
   d. orders concerning court closure and sealing or limiting disclosure of court documents, affidavits, or files. See C.G.S. § 51-164x.
   e. decisions of the Compensation Review Board. See C.G.S. § 31-301b.
   f. certain partial judgments that do not dispose of the entire case. See P.B. §§ 61-2 through 61-4.
   g. most Superior Court decisions remanding the case to a state agency for further proceedings under the Uniform Administrative Procedure Act. See C.G.S. § 4-183 (j).

4. **Do you need permission to appeal?** Generally, the answer is "no," but permission *is* required in order to appeal from some rulings. Those rulings include:

   a. Superior Court decisions on appeals from local zoning and inland wetlands agencies, which require the granting of a petition for certification by the Appellate Court. See C.G.S. §§ 8-8 (o) and 22a-43 (e); P.B. § 81-1.
   b. Habeas corpus decisions, from which either the petitioner or the respondent may appeal only with the permission of the judge who tried the habeas corpus case. See C.G.S. § 52-470 (g); P.B. § 80-1.
   c. Denials of petitions for new trials in criminal cases, which are appealable upon the granting of certification by the trial court. See C.G.S. § 54-95.
   d. Rulings that dispose of at least one cause of action while not disposing of either (1) an entire complaint, counterclaim, or cross complaint, or (2) all causes of action brought by or against a party. These rulings are immediately appealable only if the trial court makes a written determination that an immediate appeal is justified and the Chief

Justice or Chief Judge concurs with that determination. See P.B. § 61-4.

If you are denied permission, or certification, to appeal from the rulings listed in paragraphs (b) or (c) above, you can still file an appeal, but you must argue in your appellate brief that the trial court abused its discretion in denying you permission to appeal.

Should the Appellate Matter Be Filed in the Appellate Court or the Supreme Court?

Most appellate matters should be filed in the Appellate Court. See C.G.S. § 51-197a. The appellate matters that should be filed directly in the Supreme Court are listed in C.G.S. § 51-199 (b). A writ of error should be filed in the Supreme Court. See C.G.S. § 51-199 (b) (10); P.B. § 72-1. If an appellate matter is filed in the wrong court, the appellate clerk has the authority to transfer it to the proper court. See P.B. § 65-4. The Supreme Court also may transfer an appeal that was properly filed in the Appellate Court to itself or transfer an appeal or writ of error that was properly filed in the Supreme Court to the Appellate Court. See C.G.S. § 51-199 (c); P.B. § 65-1.

How Long Do You Have To File an Appeal?

You should consult P.B. § 63-1 and the statutes to determine how long you have to file an appeal. In most (but not all) cases, you must file the appeal within 20 days of the date notice of the judgment or decision is issued by the trial judge or clerk. If notice of the judgment or decision is given orally by the trial judge in open court, the 20 day appeal period begins on that day. If notice is given only by mail or by electronic delivery, the appeal period begins on the day that notice of the decision was sent to counsel of record by the trial court clerk. See P.B. § 63-1 (b). In a civil jury case, the acceptance of the verdict constitutes the judgment if no timely motion under P.B. §§ 16-35, 16-37 or 17-2A is filed; otherwise, the date of issuance of notice of the last ruling on any such motion or motions begins the 20 day appeal period. Finally, note that the filing of *some* motions in the trial court during the appeal period that request that the judgment be opened or reconsidered can operate to create a new appeal period. See P.B. § 63-1 (c).

When there is more than one plaintiff or defendant, and the court renders a judgment that ends the case as to one plaintiff or defendant, the judgment is a final judgment, and a party aggrieved by the judgment can file an immediate appeal—even though the case is not over as to the other parties. See P.B. § 61-3. If a party aggrieved by a P.B. § 61-3 final judgment wishes to wait until the end of the case to file an appeal, the party must file a notice of intent to defer the appeal in order to preserve the right to challenge the judgment later. See P.B. § 61-5. The notice of intent to appeal defers the taking of an appeal until the trial court renders a judgment that finally disposes of the case for all purposes and as to all parties. If, however, another party files a timely objection to the notice of intent to defer the appeal, the party who filed the notice of

intent to defer the appeal cannot wait to appeal and must instead file an appeal within 20 days of the filing of the objection to the notice of intent to defer the appeal.

A judgment that disposes of an entire complaint, counterclaim, or cross complaint is a final judgment even if the trial court has not yet ruled on—or disposed of—another complaint, counterclaim, or cross complaint in the case. See P.B. § 61-2. A party aggrieved by a judgment that disposes of an entire complaint, counterclaim, or cross complaint should therefore appeal within 20 days of notice of the judgment.

The trial judge can grant a timely motion for extension of the time to take an appeal and allow up to an additional 20 days, unless a shorter period has been prescribed by rule or by statute. See P.B. § 66-1 (a). If a motion for extension of time to file an appeal is filed at least 10 days before expiration of the time limit sought to be extended, you will have no less than 10 days from the issuance of notice of the denial of the motion to file an appeal. If your motion is filed outside of the initial 10 day period and is denied by the trial court, you run the risk that your appeal may be deemed untimely.

Not every case has a 20 day appeal period, and the law sets shorter time periods for taking an appeal or seeking certification to appeal in some matters. These shorter time periods include:

1. **72 hour period** to seek review of orders prohibiting attendance at court sessions and orders sealing or limiting access to documents on file with the court under C.G.S. § 51-164x. See P.B. § 77-1.

2. **5 day period** to appeal from summary process judgments under C.G.S. § 47a-35 (Sundays and legal holidays are excluded in calculating the 5 day appeal period).

3. **7 day period** to appeal from orders concerning mechanic's liens, prejudgment remedies, and lis pendens under C.G.S. §§ 49-35c, 52-278*l* and 52-325c, respectively.

4. **10 day period** to seek certification to appeal from habeas corpus decisions under C.G.S. § 52-470 (g).

5. **14 day period** to seek permission from the Chief Justice to appeal under C.G.S. § 52-265a from orders that involve matters of substantial public interest.

6. **14 day period** to appeal from orders regarding temporary injunctions in labor disputes under C.G.S. § 31-118.

Is the Superior Court Judgment Stayed While the Appeal Is Pending?

In most cases, the Superior Court's judgment is automatically stayed and cannot be enforced until the time to file an appeal from the judgment has expired. See P.B. §

61-11 (civil cases); P.B. § 61-13 (criminal cases). If an appeal is timely filed, the stay of execution ordinarily continues in effect until the final determination of the appeal.

Not all judgments, however, are automatically stayed during the appeal period or during the time that the appeal is pending before the Appellate Court or the Supreme Court. P.B. § 61-11 (b) and (c) list the civil matters in which the judgment is not automatically stayed during the appeal period or while an appeal is pending. For example, the automatic stay of execution does not apply to some orders issued in family cases, such as those concerning periodic alimony, child support and visitation, or to judgments rendered in juvenile cases. Note that P.B. § 61-11 (g) and (h) set forth different stay rules for appeals taken from judgments of strict foreclosure and foreclosure by sale. Finally, there are statutes that require some judgments to be automatically stayed to allow time to appeal. For example, C.G.S. § 47a-35 provides that a summary process judgment is automatically stayed for 5 days from the date the judgment is rendered.

If an automatic stay of execution of the judgment is in effect, a party can file a motion asking the trial judge to terminate the automatic stay. See P.B. § 61-11 (c), (d) and (e) (civil cases); P.B. § 61-13 (d) (criminal cases). If no stay of execution is in effect, a party can file a motion asking the trial judge to impose a stay. See P.B. § 61-12 (civil cases); P.B. § 61-13 (d) (criminal cases). A party unhappy with a trial court order that terminates or imposes a stay of execution of a judgment on appeal can seek appellate review of the order by filing a motion for review under P.B. §§ 61-14 and 66-6.

Writ of Error

Consult P.B. chapter 72 for the proper procedures for the signing, returning and filing of writs of error and to determine the application, if any, of an automatic stay.
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SECTION 2

THE MECHANICS OF FILING AN APPEAL, CROSS APPEAL, OR JOINT APPEAL

Distinction between Appeals, Cross Appeals, and Joint Appeals

An appeal may be brought only by a party who is legally harmed or "aggrieved" by the decision of the trial court. See Connecticut General Statutes (C.G.S.) § 52-263; Practice Book (P.B.) § 61-1. The party who files the appeal is called the appellant, whereas all other parties who have not joined in the appeal are called appellees. Within 10 days of the filing of the appeal by the appellant, an appellee who is also aggrieved by the trial court's decision may wish to challenge the decision by filing a "cross appeal." The procedure for filing a cross appeal is the same as for the filing of an appeal, except as noted below. See P.B. § 61-8. In the case of a joint appeal, any additional appellants to the appellant's filing the appeal shall file a joint appeal consent form (JD-SC-035). See P.B. § 61-7 (a) (3).

Appeal Form

All appeals must be e-filed unless an exemption from e-filing has been granted. When you e-file an appeal, an appeal form is automatically generated by the computer and filed with the Office of the Appellate Clerk. In cases in which an exemption has been granted, the appeal form (JD-SC-033), which is available on the Judicial Branch website (www.jud.ct.gov/webforms/), shall be filed with the Office of the Appellate Clerk in accordance with P.B. § 60-8. The appeal form must be filed with (1) a receipt showing that all required fees have been paid, or (2) a signed application for a waiver of fees and the order of the trial court granting the fee waiver for the appeal, or (3) certification that no fee is required. Failure to file one of these items with the appeal form will result in the rejection of your appeal. You may visit the Judicial Branch website (www.jud.ct.gov) for additional information, including the appellate e-filing instruction manual.

Fees

Fees in e-filed cases shall be paid at the time of e-filing as specified by E-Services. No fee is required for a cross appeal. In the case of a joint appeal, only one entry fee is required, which is paid by the appellant filing the appeal. When an exemption from electronic filing has been granted, all fees are paid to the trial court in accordance with P.B. § 60-8. An indigent party may apply for a waiver of appellate fees and an order that necessary expenses of bringing the appeal be paid by the state. See P.B. § 63-6 (civil); P.B. § 63-7 (criminal). The application should be filed with the trial court within the deadline for taking the appeal.

Other Documents

All self-represented parties must have an account with E-Services and submit an appellate access form (JD-AC-015), unless exempt from electronic filing pursuant to P.B. § 60-8. In addition, the following appellate documents must be e-filed unless an exemption has been granted. Within 10 days of filing the appeal, you must file the following papers pursuant to P.B. § 63-4 (a):

1. **A preliminary statement of the issues** intended for presentation on appeal.

2. **A transcript order form** (JD-ES-038) properly completed by the court reporter with an estimated delivery date or **a certificate stating that no transcript is necessary** or a list of the specific date(s) of transcripts delivered prior to the filing of the appeal. You also must order an electronic version of the portions of the transcript deemed necessary for presentation of the appeal. See P.B. § 63-8 (a).

3. **A docketing statement** in accordance with P.B. § 63-4 (a) (3).

4. **A preargument conference statement** in most noncriminal cases. See P.B. § 63-10.

5. **A constitutionality notice.** This document is required only in any noncriminal cases in which you are challenging the constitutionality of a state statute. The document should state (a) the statute being challenged, (b) the name and address of the party bringing the challenge, and (c) whether the trial court upheld the constitutionality of the statute.

6. **A sealing order notice** identifying the date, time, scope, and duration of the sealing order and including a copy of the order. This notice is required in matters in which there is protected information, documents are under seal, or disclosure has been limited.

The appellee has 20 days to respond to these papers pursuant to P.B. § 63-4.

Amendments to any of these documents, except the certificate regarding transcript, may be made without the court's permission until that party's brief is filed. See P.B. § 63-4 (b).

Case Manager

After you have filed the appeal, you will receive a letter from the Office of the Appellate Clerk with additional information, including the name of the case manager for the appeal. Case managers, as officers of the court, must remain neutral and therefore cannot provide legal advice for any case on appeal.

SECTION 3

THE RECORD ON APPEAL

It is the appellant's responsibility (or, in the case of a cross appeal, the cross appellant's responsibility) to ensure that the record is adequate to permit appellate review of the appellant's claims on appeal. See Practice Book (P.B.) § 61-10. The record includes the case file, any decisions, documents, transcripts, recordings and exhibits from the prior proceedings, and, in appeals from administrative agencies, the record returned to the trial court by the administrative agency. See P.B. § 60-4. The failure to provide an adequate record for review could result in the court's declining to review an issue or claim on appeal. See P.B. §§ 60-5 and 61-10. Perfecting the record for appeal involves a number of activities both before and after the filing of the appeal:

1. **Transcript.** On or before the date of the filing of the appeal, the appellant must order (using Form JD-ES-038), and make satisfactory arrangements for the payment of, a transcript of the parts of the proceedings not already transcribed that are necessary for proper presentation and review of the appeal. See P.B. §§ 63-8, 63-8A and 63-4 (a) (2). The appellant is required to order both the paper copy of the transcript as well as an electronic version. Upon receipt of the certificate of completion from the official reporter, counsel or self-represented parties who ordered the transcript must file a certification that a copy of the certificate of completion has been sent to all counsel and self-represented parties in accordance with P.B. §§ 62-7 and 63-8. Also, before or at the time of the filing of the appellant's brief, the appellant must file with the Office of the Appellate Clerk one unmarked, nonreturnable copy of the paper version of the transcript, including the reporter's certification page. See P.B. § 63-8 (e). The reporter files an electronic version of the transcript with the Office of the Appellate Clerk and delivers a copy to the ordering party. See P.B. § 63-8A. The failure to file a transcript could preclude review of any claim dependent on the transcript. The transcript is not served on other parties, who must either review the transcript on file with the Office of the Appellate Clerk or order their own copy from the court reporter. In a criminal case, the court reporter will provide the state with a copy of all transcripts ordered and received by the defendant-appellant if the appeal is being handled by a private attorney or the defendant is self-represented. If the criminal appeal is being handled by assigned counsel, the defendant, through counsel, must provide the state with a copy of all transcripts ordered and received.

2. **Motion for Rectification.** The appellant should seek to correct any errors or omissions in the trial record by filing a motion for rectification. See P.B. §§ 66-5 and 66-2. Unless the filing period is extended for good cause shown, a motion for rectification must be filed within 35 days after (a) delivery of the last portion of the transcripts, (b) if no transcripts were ordered, the filing of the appeal, or (c) if no memorandum of decision was filed before the appeal was filed, the filing of the memorandum of decision. If the court, on its own motion, sets a different deadline for the filing of the appellant's brief, such as an extension pending assignment for a preargument conference, a motion for rectification must be filed within 10 days of

the deadline for filing the appellant's brief. See P.B. § 66-5. Except for good cause shown, no motion for rectification can be filed after the appellant's brief is filed. The filing of a motion for rectification does *not* delay the time for filing the appellant's brief, and, thus, a motion for extension of time may be necessary. See P.B. § 66-1. The Office of the Appellate Clerk will forward the motion for rectification to the trial judge who decided, or presided over, the subject matter of the rectification. The trial judge will file the decision on the motion with the Office of the Appellate Clerk. The trial court may hold a hearing to receive evidence, approve a stipulation of counsel, or hear arguments regarding a requested correction. Any party aggrieved by a trial court's ruling on a motion for rectification may file a motion for review pursuant to P.B. § 66-7, which is discussed in subsection 5 below.

3. **Memorandum of Decision or Transcript of Oral Decision.** It is also the appellant's responsibility to ensure either (a) that the trial court files a written memorandum of decision, or (b) if the trial court's decision was oral, that a transcript of the portion of the proceedings in which the court stated its oral decision is signed by the trial judge and filed in the trial court clerk's office. See P.B. § 64-1. Filing a transcript of a decision that is not signed by the trial judge may not be sufficient to permit appellate review. If the trial judge fails to file a memorandum of decision or to sign a transcript of an oral decision, the appellant should file with the Office of the Appellate Clerk under P.B. § 64-1 (b) a notice that the decision has not been filed, specifying the trial judge involved and the date of the decision in question. The Office of the Appellate Clerk will forward the notice to the trial judge. If the judge does not respond in a reasonable time, the appellant also may seek an order under P.B. § 60-2 (1) directing the trial court to file a written decision or to sign the transcript.

4. **Motion for Articulation.** Whenever the trial court's decision fails to address an issue that was raised in the trial court and will be raised on appeal, or is unclear or incomplete in setting forth the factual or legal basis of its decision, it is the appellant's responsibility to file a motion for articulation pursuant to P.B. § 66-5. The motion for articulation (which seeks further explanation regarding the basis for an existing decision) should not be confused with the notice, discussed above, that is filed pursuant to P.B. § 64-1 (b) when the trial court has failed to file any memorandum of decision or to sign a transcript of the court's ruling. The time periods for filing a motion for articulation are the same as those governing motions for rectification. Filing a motion for articulation does *not* delay the deadline for filing the appellant's brief, and, thus, a motion for extension of time to file a brief may be necessary. See P.B. § 66-1. The Office of the Appellate Clerk will forward the motion for articulation to the trial judge. Within 20 days of a judge's articulation, any party may move for further articulation. See P.B. § 66-5.

5. **Motion for Review.** If any party is aggrieved by the action of the trial judge on a motion for articulation or rectification, that party should seek appellate review of that decision by filing with the Office of the Appellate Clerk a motion for review pursuant to P.B. § 66-7 within 10 days of notice of the trial judge's action. See P.B. § 66-6. The failure to file a motion for review may result in an appellate court's declining to

review an issue or claim on appeal, even if a motion for articulation or rectification was filed. If the motion for review depends on a transcript, the party filing the motion should order and file the transcript that supports the motion for review. If the transcript has not been delivered to that party prior to the filing of the motion for review, the transcript order form should be filed with the motion. The failure to file the transcript when the motion for review depends on the transcript could result in the denial of review of the motion.

6. **Filing Local Land Use Regulations.** In appeals certified by the Appellate Court pursuant to P.B. § 81-1 et seq., one complete copy of the local land use regulations in effect at the time of the hearing that gave rise to the agency action or ruling in dispute must be filed with the Office of the Appellate Clerk when the appellant's brief is filed. The copy filed must be certified by the local zoning official as having been in effect at the time of the hearing. See P.B. § 81-6.

SECTION 4

PREARGUMENT CONFERENCES

Preargument conferences are held pursuant to Practice Book (P.B.) § 63-10 and are convened primarily to explore the possibility that the case can be settled, and this mediation process has resulted in the settlement and withdrawal of many appeals. The deadline for the appellant's brief will usually be extended until *after* the preargument conference so that the parties can discuss settlement before they have incurred the expense of preparing and filing their appellate briefs. The judge assigned to conduct the preargument conference may point out to the attendees, parties, and attorneys, in joint conference and in private discussions, the strengths and weaknesses of each side. The judge also may wish to discuss the possibility of reducing the number of issues presented on appeal or a timetable for the filing of the appellate briefs. Finally, the preargument conference judge may recommend that the case be transferred from the Appellate Court to the Supreme Court.

In all noncriminal cases, except for those noncriminal cases that are expressly exempt from a preargument conference under P.B. § 63-10, the appellant must file a preargument conference statement within 10 days of filing the appeal. A party in an exempt case nonetheless may request a preargument conference by filing a request for a conference with the Office of the Appellate Clerk, certified to all parties, explaining why the case should not be exempt.

Once you have been informed that a preargument conference judge has been assigned to your case, any questions or requests regarding the preargument conference should be addressed to that judge.

Parties are required to attend the preargument conference unless they are excused from attendance by the preargument conference judge. If a party against whom a claim is made is insured, the insurer must be available by telephone or cell phone, although the judge may require the adjuster to be present at the conference. If a party or an attorney who has not been excused from attending the preargument conference fails to attend, sanctions may be imposed under P.B. § 85-2 (7).

The preargument conference proceedings are confidential, and nothing discussed in the proceedings should be brought to the attention of the Supreme Court or the Appellate Court, or mentioned or included by any party in his or her appellate brief or appendix.

SECTION 5

MOTION PRACTICE

Unless you are exempt from electronic filing pursuant to Practice Book (P.B.) § 60-8, all motions and oppositions to motions must be electronically filed pursuant to P.B. § 60-7 and shall comply with the requirements of P.B. §§ 66-2, 66-3 and 62-7. Thus, motions must be:

- typewritten and fully double spaced
- 12 point or larger size in Arial or Univers typeface
- no more than 3 lines to the vertical inch or 27 lines to the page
- in compliance with the margin and footnote requirements of P.B. § 66-3

If you received an exemption from electronic filing pursuant to P.B. § 60-8, you need to file only an original paper motion or opposition.

All motions and oppositions, whether filed electronically or by paper, must contain a certification that a copy has been delivered to each other counsel of record, including names, addresses, e-mail addresses, and telephone numbers. For paper filings, the certification also shall include a statement that the document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law, and that the document complies with all applicable rules of appellate procedure. For electronically filed documents, the certification requirements for redaction and personal identifying information can be completed as part of the electronic filing transaction. See P.B. § 62-7 (b).

In accordance with P.B. § 66-2, every motion, including motions for extension of time, *must* contain in separate, appropriately captioned paragraphs:

- a brief history of the case
- specific facts relied on by the party filing the motion
- legal grounds relied on by the party filing the motion

There is a 10 page limit for all motions or oppositions, including any memoranda in support of or in opposition to a motion. See P.B. § 66-2 (b). Attachments to the motion or opposition, such as transcripts or documents, are not included in the 10 page limit. Whenever a motion is filed with the Office of the Appellate Clerk, it is initially examined for compliance with P.B. §§ 66-2 and 66-3. Noncomplying motions may be returned. See P.B. § 62-7 (a). Although the returned document remains in the electronic filings for that appeal, it will not be considered by the court, and a return notice will be issued by the Office of the Appellate Clerk. Any papers correcting a noncomplying filing should be resubmitted to the Office of the Appellate Clerk within 15 days. If the initial paper was timely filed but was returned and refiled within 15 days, the correcting paper will be deemed timely filed under the provisions of P.B. § 62-7 (a). P.B. § 62-7 applies

unless otherwise ordered by the court having appellate jurisdiction. The time to file an opposition will not start to run until the correcting paper is filed.

Some motions may lead to the disposition of an appeal or writ of error. Generally, the appellee must file a motion to dismiss based on a nonjurisdictional defect within 10 days after the filing of the appeal or within 10 days after the alleged defect arose. A motion to dismiss a writ of error based on nonjurisdictional grounds generally must be filed within 10 days after the electronic filing of the writ or, if the plaintiff in error is exempt from the electronic filing requirements, within 10 days after the return day. A motion to dismiss based on lack of jurisdiction, however, may be filed at any time. See P.B. § 66-8. Examples of jurisdictional problems that can result in dismissal of an appeal include lack of aggrievement, mootness, and lack of a final judgment. Examples of nonjurisdictional grounds for dismissal of an appeal include the failure to timely file required documents or to file a timely appeal. Motions for sanctions may be filed at any time. See P.B. § 85-3. No motion or opposition shall be filed after the expiration of the time for its filing unless there is good cause for the late filing and the motion or opposition contains a separate section captioned "good cause for late filing," explaining the reasons for the delay. No amendment can be made to any filing unless a written motion seeking to amend the filing is granted by the court having appellate jurisdiction. See P.B. § 66-3.

A motion for review pursuant to P.B. § 66-6 allows the Appellate Court or the Supreme Court to review actions of the trial court during the pendency of the appeal involving questions that may arise in connection with the preparation of the appeal. A motion for review is appropriate when a party seeks to modify or vacate any order of the trial court relating to the perfecting of the record for appeal or the procedure for prosecuting or defending the appeal. A motion for review is also appropriate to seek review of the action of the appellate clerk or the trial court on a motion to extend time. See P.B. § 66-1. In addition, a party may move for review of an adverse ruling on either a motion for stay of execution or a motion to terminate an automatic stay. See P.B. §§ 61-11, 61-12 and 66-6. A party has 10 days from the date of issuance of notice of any order to file a motion for review. See P.B. § 66-6.

Pursuant to P.B. § 60-2, any trial court order relating to the prosecution of an appeal may be modified or vacated. This rule also permits the filing of a motion to strike improper matter from a brief or an appendix, and a motion to stay any proceedings ancillary to a case on appeal. The Supreme Court or the Appellate Court may order that a party, for good cause shown, may file a late appeal, petition for certification, brief or other document, unless the court lacks jurisdiction to allow a late filing. The court having appellate jurisdiction also may order that a hearing be held to determine whether that court has jurisdiction over a pending matter, order an appellate matter to be dismissed unless the appellant complies with specific orders of the trial court or the court having appellate jurisdiction, or remand any pending matter to the trial court for resolution of factual issues if necessary.

An opposition can be filed to any motion, other than a motion for extension of time, within 10 days of the filing of the motion. An opposition shall not include any

request for relief other than the denial of the motion. A request for other relief should be presented in a separate motion, for example, a motion to file a late appeal or a motion for sanctions. Responses to oppositions are not permitted and will be returned by the Office of the Appellate Clerk. See P.B. § 66-2 (a).

Some motions that are directed to the trial court, such as a motion to terminate an automatic stay pursuant to P.B. § 61-11, or a motion for rectification or articulation pursuant to P.B. § 66-5, are filed with the Office of the Appellate Clerk. These trial court motions must comply with the requirements of P.B. § 66-2 (e).

If you wish to file a late motion that is directed to the trial court, you must first file with the court having appellate jurisdiction a written motion for permission to file the late motion and include a copy of the proposed trial court motion. If the court having appellate jurisdiction grants permission to file the late motion, the motion can be filed and forwarded to the trial court for consideration. P.B. § 66-3.

Motions filed with the Office of the Appellate Clerk that are directed to the trial court and any oppositions will be forwarded to the trial court by the Office of the Appellate Clerk. When the trial court has decided these motions, the Office of the Appellate Clerk shall issue notice of the decision. A motion for review can be filed within 10 days of issuance of notice of the decision. See P.B. §§ 66-2 (f) and 66-7.

SECTION 6

MOTIONS FOR EXTENSION OF TIME

Motions for extension of time to file a brief or other document are governed by Practice Book (P.B.) § 66-1. Like all other motions, they must be electronically filed pursuant to P.B. § 60-7 and comply with P.B. §§ 62-7, 66-2 and 66-3. Pursuant to P.B. § 66-1, motions for extension of time must also include:

- the reason for the requested extension
- certification to counsel, self-represented parties, *and* the movant's client
- a statement indicating whether other parties consent or object
- the current status of the brief
- the estimated date of completion of the brief
- whether the client is incarcerated (criminal cases only)
- a claim of *good cause*. See P.B. § 66-1 (c).

Only an original of the motion must be filed if you received an exemption from electronic filing. See P.B. § 60-8. Unlike other motions, an objection to a motion for extension of time must be filed within 5 days. See P.B. § 66-1 (d).

The Good Cause Requirement

Good cause must be shown for a motion for extension of time to be granted. The appellate clerk is authorized to grant motions for extension of time pursuant to P.B § 66-1 (c). If the reason for the requested extension is that counsel is working on other appeals, be specific, listing the dates when briefs are due in other cases. Whether your reason relates to the inherent nature of the appeal, such as a lengthy transcript, complex issues or pending settlement negotiations, or relates to other matters, be forthright. Other pending motions, unrelated to the filing of a brief, do not automatically delay the time to file the brief, although such other pending motions may furnish a basis for granting an extension of time to file the brief.

When To File

A motion for extension of time must be filed no later than 10 days *before* the brief or document is due, unless the reason for the request for an extension arose during that 10 day period. If the motion for extension is filed *after* the due date, the appellate clerk is required to deny the motion. See P.B. § 66-1 (e). If the due date has passed or a motion for extension has been denied, a motion for permission to file late may be filed. Extensions cannot be granted over the telephone.

Final Extension

If there is a specific court order or a final extension order for the filing of a brief or other document, you must comply with the order. The Office of the Appellate Clerk cannot accept a late brief or other document unless the court grants a motion for permission to amend or set aside the court order.

Notice of Decision on Motions for Extension of Time

The official notice for orders on motions for extension of time issued by the Supreme Court and the Appellate Court is the electronic posting of the order to the appellate file through the appellate e-filing system. Paper notice will issue in all appeals when the litigant is exempt from electronic filing. Counsel of record and the public can view the disposition of the motion for extension and the date of the extension in the Case Activity section of the electronic file available on the Judicial Branch website (www.jud.ct.gov). In the event an order on a motion for extension of time contains additional text that cannot be seen in the Case Activity section, or case information is not electronically available, paper notice will issue.

Extensions of Time in Which To File an Appeal

Pursuant to P.B. § 66-1, a motion for extension of time to file an appeal must be filed in the trial court where the case was heard. A motion for extension of time to file an appeal should be filed at least 10 days before expiration of the time limit sought to be extended so that, if the motion is denied, the party seeking to appeal will have no less than 10 days from the issuance of notice of the denial to appeal. See P.B. §§ 63-1 (a) and 66-1 (a).

SECTION 7

NOTICE AND E-MAIL UPDATES

When the Office of the Appellate Clerk issues an order on a motion, petition, or application, the official notice date is the date indicated on the order for notice to the trial court and all counsel of record. The official notice date is not the date that such order is received. See Practice Book (P.B.) § 66-2 (f).

Notices in appellate matters are currently sent to attorneys, law firms, and self-represented parties on paper via United States mail unless otherwise provided. In addition, notices in Supreme and Appellate Court matters are now provided electronically in the E-services in-box to attorneys, law firms, and self-represented parties that have an E-services account and have filed an appellate electronic access form (JD-AC-015). Paper notice may be discontinued in the future.

You may subscribe to receive e-mail updates for Supreme Court and Appellate Court cases by using the Appellate/Supreme Court Case Look-up function on the Judicial Branch website (http://appellateinquiry.jud.ct.gov/). Search for the case on which you would like to receive updates by case name, docket number, party name, attorney name, juris number, or trial court docket number. Once you are on the Case Detail web page for the case on which you would like to receive updates, click on the link, "To receive an e-mail when there is activity on this case, click here," to create a subscription. After entering your e-mail address and verifying certain information, you will receive a subscription request confirmation e-mail notification at the e-mail address you provided. You must click on a link in that e-mail notification to activate your subscription. Once you have activated your subscription, you will receive e-mail updates for any activity that has occurred in connection with the particular case once per day, after the close of business that day. You will not receive an e-mail update if there is no activity. Please note that you will stop receiving updates if the case becomes sealed or protected pursuant to a court order or statute. *These e-mail updates are intended for your convenience and do not constitute official notice*.

SECTION 8

BRIEFS AND APPENDICES

The timing, format, and content of briefs and appendices are governed by chapter 67 of the Practice Book (P.B.). Briefs and appendices that do not substantially comply with the rules may be returned or rejected by the Office of the Appellate Clerk. See P.B. § 62-7. Moreover, the court may decline to review issues that are not properly briefed. Different rules apply to the filing of briefs and appendices in child protection matters. See P.B. §§ 79a-1 through 79a-15.

Timing

1. **The Appellant's Brief.** The appellant's brief and appendix must be filed within 45 days of the delivery date of any transcript ordered by the appellant. See P.B. §§ 67-3 and 63-8 (c). The "delivery date" of the transcript is the date on which the final portion of the transcript ordered by the appellant is sent to the appellant by the court reporter. See P.B. § 63-8 (c). If the appellant has not ordered any transcript, or if the transcript on which the appellant intends to rely was obtained prior to the filing of the appeal, the appellant's brief and appendix must be filed within 45 days of the filing of the appeal. See P.B. § 67-3.

2. **The Appellee's Brief.** The appellee's brief and any appendix must be filed within 30 days after the filing of the appellant's brief. See P.B. § 67-3. If the appellee has ordered any transcript in addition to that ordered by the appellant; see P.B. § 63-4 (a) (2); the appellee's brief and any appendix must be filed within 30 days after the delivery date of the transcript ordered by the appellee. See P.B. § 67-3.

3. **The Reply Brief.** The reply brief, if any, must be filed by the appellant within 20 days after the filing of the appellee's brief. See P.B. § 67-3. In the reply brief, the appellant may respond only to the appellee's argument and may not raise new claims or issues.

4. **Cross Appeals.** When a cross appeal has been filed, the appellee's brief and appendix is combined with the brief and appendix as cross appellant and is filed within the time provided for the filing of the appellee's brief. The reply brief, if any, of the appellant is combined with the brief and appendix as cross appellee and must be filed within 30 days after the filing of the brief of the appellee/cross appellant. The reply brief, if any, of the cross appellant must be filed within 20 days after the filing of the brief of the cross appellee. See P.B. § 67-3.

Format

The Practice Book contains precise requirements concerning margins, spacing, fonts, page numbers, binding and covers. See P.B. § 67-2. Strict compliance with these requirements is essential.

Supreme Court cases require 15 copies of the brief and appendix to be filed. Appellate Court cases require 10 copies. P.B. § 67-2 (h). Unless otherwise ordered, the brief shall be copied on one side of the page only. Appendices may be copied on both sides of the page. P.B. § 67-2 (a).

The page limitations for briefs may be found in P.B. § 67-3. For purposes of the page limitations, you must count everything other than the (1) appendices, (2) preliminary statement of issues, (3) table of contents, (4) table of authorities, (5) statement of the interest of the amicus curiae in an amicus curiae brief, and (6) last page of the brief, but *only* if it contains nothing more than the signature of counsel or the signature of the self-represented party. The Chief Justice or the Chief Judge may grant permission to exceed the page limitations. Requests to exceed the page limitations, which should be made sparingly, should be made by letter filed with Office of the Appellate Clerk. The request should include both a compelling reason and the number of additional pages sought. It is helpful if you include your preliminary statement of issues. If you are briefing a claim based on the state constitution as an independent ground for relief, the appellate clerk will, upon request, grant an additional 5 pages for briefs, plus an additional 2 pages for the appellant's reply brief. These additional pages are to be used *only* for the state constitutional argument.

Content

The brief should be as concise and as readable as possible. Use plain English in your brief. The appellant and the appellee should be referred to as either the "plaintiff" or the "defendant," as appropriate, or by name. See P.B. § 67-1. The appellant must describe what happened in the trial court and why the judgment should be reversed. The appellee should try to persuade the reviewing court either that the trial court did nothing wrong or that any errors that might have occurred do not merit reversing the judgment, or both.

Electronic Briefing Requirements

In addition to the requirement that you file paper briefs, you are required to submit electronic versions of briefs and appendices, unless you are exempt from the electronic filing requirements. Even when the paper copies of the brief and appendix are bound together, the brief and appendix must be submitted as separate documents electronically. P.B. § 67-2 (g). A copy of the electronic confirmation receipt indicating that the brief and appendix were submitted electronically must be filed with the original paper brief and appendix. See P.B. § 67-2 (j).

The Appellant's Brief

The appellant's brief must contain a statement of the issues involved in the appeal, a table of authorities, a statement of the nature of the proceedings and the facts of the case, and an argument section. See P.B. § 67-4 (a) through (d). The text of pertinent portions of any constitutional provisions, statutes, ordinances or regulations on which the appellant relies must be included either in the brief or in the appendix. See P.B. § 67-4 (f). Also include the text of any rules of practice that are at issue. The appellant's brief should be organized in the following order:

1. **Table of Contents.** The table of contents should outline the various sections of the brief (including the major headings from the argument section), along with a page number for each section or heading.

2. **Statement of Issues.** The statement of issues must be included in the appellant's brief. See P.B. § 67-4 (a). The issues stated must be concise and must be set forth in separately numbered paragraphs, without detail or discussion. The statement should include references to the pages of the brief on which each issue is discussed. See P.B. § 67-4 (a). The statement of issues should not exceed 1 page and should be on a page by itself. See P.B. § 67-1. The statement of issues will be deemed to replace and supersede the appellant's preliminary statement of issues. See P.B. § 67-4 (a).

3. **Table of Authorities.** The table of authorities should include all authorities cited in the brief, as well as the page numbers of the brief on which those citations appear. See P.B. § 67-4 (b). The rules provide for different citation protocols for judicial decisions, depending on whether the citation to the decision is located in the brief or in the table of authorities. See P.B. § 67-11.

4. **Statement Regarding Land Use Regulations.** In zoning and wetland appeals filed pursuant to P.B. § 81-4, you must include a statement identifying the version of the land use regulations filed with the Office of the Appellate Clerk. See P.B. § 67-4 (g).

5. **Statement of the Nature of the Proceedings and of the Facts.** The rules provide that the statement of the nature of the proceedings and of the facts should have some "bearing on the issues raised." P.B. § 67-4 (c). For example, it is not necessary to set forth every procedural event or every piece of evidence presented at trial, if the issue on appeal is whether the trial court should have stricken the complaint because it failed to state a cause of action. On the other hand, if the issue on appeal is whether the verdict was contrary to the evidence, then the statement of the facts would necessarily require a detailed description of the evidence presented at trial. The statement of the facts shall be in narrative form, shall not be "unnecessarily detailed or voluminous," and shall include citations to the transcript pages or documents on which you rely. P.B. § 67-4 (c).

6. **Argument.** The argument section should be divided into appropriate sections (with headings), corresponding to the issues and subissues presented in the appeal. See

P.B. § 67-4 (d).

At or near the beginning of the argument for each issue, you must include a separate, brief statement of the standard of review that you believe the reviewing court should apply. See P.B. § 67-4 (d). The statement of the standard of review is an opportunity to inform the justices or judges considering the appeal how you believe they should review the actions of the court below. For example, if the trial court decided an issue as a matter of law (e.g., construed a statute or granted a motion for summary judgment), such decisions are generally reviewed anew on appeal ("de novo" or "plenary" standard of review). On the other hand, issues related to the management of a trial (e.g., scheduling, evidentiary rulings, etc.) are generally reviewed on appeal only to the extent necessary to determine whether the trial court abused the wide discretion allocated to it in such matters ("abuse of discretion" standard of review). Factual findings made by the trial court are generally reviewed to determine whether there is evidence in the record to support those findings ("clearly erroneous" standard of review). Note that these three examples do not purport to cover the field of "standards of review." It is very important that you understand the nature of the review to which you are entitled on appeal and that you inform the court what you believe that standard should be.

The appellant also must demonstrate to the reviewing court that the issues presented on appeal were properly raised in the trial court. Depending on the issue raised on appeal, the appellant is required to include certain, pertinent information in either the brief or the appendix. See P.B. § 67-4 (d) (1) through (5). If the appellant does not comply with these requirements, the court may decline to review the issues raised on appeal.

7. **Conclusion and Statement of Relief Requested.** A short conclusion should be included in the appellant's brief, identifying exactly what action you believe should be taken in the event the court resolves the appeal in your favor. See P.B. § 67-4 (e).

8. **Signature and Certification of Delivery.** The brief must be signed by counsel of record, which includes self-represented parties. It should include the signer's telephone number, mailing address, and, if applicable, the signer's juris number or self-represented party's user identification number. See P.B. § 62-6. In your certification that a copy has been delivered to each other counsel of record, include the names, addresses, and telephone numbers of all counsel and self-represented parties. See P.B. § 62-7 (b) (1).

9. **Certification Requirements for Electronically Submitted Briefs.** Counsel and self-represented parties must certify that electronically submitted briefs and appendices (1) have been delivered electronically to the last known e-mail address of each counsel of record for whom an e-mail address has been provided, and (2) have been redacted or do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law. See P.B. § 67-2 (g).

10. **Certification Requirements for Copies of Briefs**. The copies of the brief filed must be accompanied by (1) certification that a copy of the brief and appendix has been sent to each counsel or self-represented party of record, in compliance with P.B. § 62-7, (2) certification by counsel of record that the brief and appendix being filed with the Office of the Appellate Clerk are true copies of the brief and appendix that were submitted electronically pursuant to P.B. § 67-2 (g), (3) certification that the brief and appendix have been redacted or do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law, and (4) certification that the brief complies with all provisions of P.B. § 67-2.

11. **Electronic Confirmation Receipt**. Counsel and self-represented parties must file a copy of the electronic confirmation receipt indicating that the brief and appendix were submitted electronically with the original brief. See P.B. § 62-7 (j).

The Appellant's Appendix

The appellant must file an appendix with the appellant's brief. Extensive requirements are stated in P.B. § 67-8. The appendix is to be divided into two parts. Part one is mandatory and must include (1) a table of contents, (2) the docket sheets, a case detail or court action entries in the proceedings below, (3) relevant motions, findings and opinions of the court below, (4) the signed judgment file, if applicable, (5) the appeal form, (6) the docketing statement, (7) any relevant appellate motions or orders completing or perfecting the record, and (8) other documents listed in P.B. § 67-8 (b). A list of suggested documents for inclusion in part one is provided in the appendix to this handbook. In criminal appeals filed by incarcerated, self-represented parties, part one of the appendix shall be prepared by the opposing party. See P.B. § 68-1.

Part two may include other portions of the record that the appellant deems necessary for the presentation of the appeal. It may include excerpts of lengthy exhibits or quotations from transcripts, or items to comply with other provisions of the Practice Book that require inclusion of materials in the appendix. Decisions cited by a party that are not officially published must be included in part two of the appendix. See P.B. § 67-8 (b) (2). The entire trial court file will be available to the Supreme Court and the Appellate Court.

The Appellee's Brief

In general, the appellee's brief mirrors that of the appellant as to content and organization. The appellee's brief must respond to the points made and the issues raised in the appellant's brief. The rules allow the appellee to dispense with certain items that are required in the appellant's brief as appropriate. For example, the appellee's counter statement of issues need only address those issues raised by the appellant with which the appellee disagrees, along with any issues properly raised by

the appellee under P.B. § 63-4 (i.e., alternative grounds on which the judgment may be affirmed or adverse rulings that should be considered if a new trial is ordered). See P.B. § 67-5 (a).

Similarly, the appellee is not required to submit a statement of the nature of the proceedings and is required to include a counter statement only as to those facts as to which the appellee disagrees. See P.B. § 67-5 (c). The counter statement of facts must be supported with references to the transcript or relevant documents. Any facts on which the appellee intends to rely must be set forth in either the appellant's brief or appendix, or in the appellee's brief or appendix. See P.B. § 67-5 (c).

To the extent that you disagree with the appellant's interpretation of the trial court's rulings, express your disagreement in the argument section of the appellee's brief. See P.B. § 67-5 (d). The appellee's brief also must include a brief statement of the standard of review that the appellee believes should be applied by the court. See P.B. § 67-5 (d). If you agree with the appellant's statement of the standard of review, you may so indicate. The appellee's argument section should also address any claims raised under P.B. § 63-4.

When the appellee is also the cross appellant, the issues raised in the cross appeal should be briefed by the cross appellant in accordance with the rules governing the appellant's brief. See P.B. § 67-5 (j).

The appellee must comply with the same certification requirements specified in P.B. § 67-2 as the appellant.

The Appellee's Appendix

The appellee's appendix should not include items already included in the appellant's appendix. If the appellee determines that necessary items were not included in part one of the appellant's appendix, the appellee shall include those items. The appellee shall include copies of decisions that are not officially published and may include any portions of the proceedings below that the appellee deems necessary for the proper presentation of the appeal. See P.B. § 67-8 (c).

The Reply Brief

Although the filing of a reply brief by the appellant is not required by the rules of practice, if the appellee has raised any issues pursuant to P.B. § 63-4 (a) (1), a reply brief is the only way for the appellant to respond in writing to such issues. Do not raise new issues for the first time in the reply brief.

Format of Appendices

When possible, parts one and two of the appendix should be bound together, and may be bound together with the brief unless the integrity of the binding is affected or either part exceeds 150 pages, in which case the appendices shall be separately bound. See P.B. § 67-2 (b). The appendix should be paginated separately from the brief. The appendix should contain an index of the names of witnesses whose testimony is included and the pages of the transcript on which the testimony appears. You should review P.B. § 67-2 (c) through (j) for other requirements, such as covers of appendices, number of copies to be filed, and the need for electronic versions to be filed by counsel and self-represented parties.

BRIEFS IN BRIEF (P.B. § 67-1 et seq.)

General Requirements

FONT (text and footnotes)	Arial or Univers, at least 12 point
MARGINS	1" top and bottom, 1.25" left, .5" right
PAGE NUMBERS	center bottom
BINDING	3 staples on left or otherwise firmly bound
HOW MANY TO FILE	AC: 10 copies SC: 15 copies
SPACING	• fully double spaced text • single spaced footnotes and block quotes
FRONT COVER	Arial or Univers, at least 12 point: • court (Supreme Court or Appellate Court) • docket number (SC _____ or AC _____) • case name (as found in trial court's judgment file, if applicable) • whose brief (e.g., brief of the defendant-appellant) • name, address, telephone number, and e-mail address of counsel of record (including counsel of record who will argue the appeal)
BACK COVER	optional, but white, if used
APPENDIX	Parts one and two should be bound together when possible and may be bound together with the brief unless the integrity of the binding is affected or either part exceeds 150 pages, in which case they shall be separately bound. May be copied on both sides of the page.
CERTIFICATIONS	• certification requirements for electronically submitted briefs and paper briefs are found in P.B. § 67-2 • copy of electronic confirmation receipt required
TRANSCRIPT	due at time of filing brief: 1 unmarked, nonreturnable copy, with form (JD-CL-062) indicating filing party, number of volumes and dates of hearings transcribed
ZONING REGULATIONS	due at time of filing brief, if applicable: 1 complete copy of local land use regulations certified by local zoning official

Specific Requirements for Parties' Briefs

BRIEF	NO. OF PAGES	COVER COLOR	WHEN DUE
APPELLANT	35	light blue	45 days after transcript is delivered or, if no transcript, 45 days after appeal is filed
APPELLEE	35	pink	30 days after transcript ordered by appellee is delivered, or, if no such transcript, 30 days after appellant's brief is filed
APPELLEE/CROSS APPELLANT	50	pink	30 days after appellant's brief is filed
REPLY	15	white	20 days after appellee's brief is filed
CROSS APPELLEE WITH APPELLANT REPLY	40	white	30 days after appellee's brief is filed
CROSS APPELLANT REPLY	15	white	20 days after cross appellee's brief is filed
AMICUS	10	light green	set by court

SECTION 9

ASSIGNMENT OF CASES

Cases are listed on the Docket when all briefs and appendices, including reply briefs, have been filed, or the time for filing reply briefs has expired. See Practice Book (P.B.) §§ 69-1 and 69-2. The cases listed on the Docket are considered ready for assignment during the upcoming court term. The Docket contains the anticipated assignment dates.

Assignment of cases is ordinarily made in order of readiness. Counsel of record are required to inform the Office of the Appellate Clerk of any requests for variation from this order, including requests to argue cases together, requests to waive argument, or of any scheduling conflicts, including the date and reasons therefor. See P.B. § 69-3. Such requests must include certification to counsel of record and to each of counsel's clients who are parties to the appeal, and must be received by the Office of the Appellate Clerk by the date shown on the Docket. *In making such a request, counsel of record should be aware that assignments in the Supreme Court and the Appellate Court take precedence over all other Judicial Branch assignments*. See P.B. §§ 1-2 and 69-3.

The Assignment for Days is a calendar that shows the dates on which cases are assigned during a particular term of the court. See P.B. § 69-3. The Office of the Appellate Clerk must be notified immediately if an assigned case is settled or withdrawn for any reason. See P.B. § 69-2.

Dockets and Assignments for Days are no longer printed and mailed. Docket and case assignment information is available on the Judicial Branch website (http://appellateinquiry.jud.ct.gov/). Incarcerated, self-represented parties and other counsel of record in those appellate matters receive notice by mail. Counsel of record in cases the Appellate Court decides to consider on its own motion calendar also receive notice by mail.

SECTION 10

ORAL ARGUMENT

In the Supreme Court, both the appellant and the appellee are ordinarily allowed no more than 30 minutes of argument time respectively. See Practice Book (P.B.) § 70-4. The practice of the Appellate Court is to allow both the appellant and the appellee no more than 20 minutes of argument time respectively. The appellant may reserve rebuttal time out of the allotted time. The appellant opens and generally closes the argument. See P.B. § 70-3.

If either party fails to appear at oral argument, the court may decide the appellate matter on the basis of the briefs, the record and the oral argument of the appearing party. If neither party appears for oral argument, the court may decide the appellate matter on the basis of the briefs and record, without oral argument. See P.B. § 70-3. The court may impose sanctions on a nonappearing party in accordance with P.B. § 85-3, including dismissal of the appellate matter.

Only one person may argue for any one party unless special permission is obtained from the court prior to the date of oral argument. See P.B. § 70-4. Different parties on the same side of a case may apportion the argument time allotted to that side between themselves without special permission of the court. It is a courtesy to the court, however, to file a letter with the Office of the Appellate Clerk prior to oral argument indicating your intent to apportion the argument time and how you wish to do so. A party must have filed a brief or joined in the brief of another party in order to argue. An amicus curiae may not argue unless specifically granted permission to do so. See P.B. § 67-7. Such permission is rarely granted.

Sometimes, there is a change in counsel or designation of arguing counsel before the scheduled argument date. A change in counsel after a case is ready for assignment requires permission of the court. See P.B. § 62-8.

In cases involving incarcerated, self-represented parties, oral argument may, in the discretion of the court, be conducted by videoconference. See P.B. § 70-1 (c).

The Appellate Court may determine that certain cases are appropriate for disposition without oral argument. See P.B. § 70-1 (b). If a case is chosen for such disposition, counsel of record are notified that the case will be decided on the briefs and record only. If either party has an objection to disposition without oral argument, that party may file a request for argument within 7 days of the issuance of the court's notice. The court will either assign the case for oral argument or assign the case for disposition without oral argument, as it deems appropriate.

Counsel of record may, at any time, request the court's permission to submit a case for consideration without oral argument. See P.B. § 70-2.

Suggestions for Successful Oral Argument

The following is a short list of suggestions to keep in mind as you plan your oral argument.

1. **Oral argument and written briefs serve very different functions**. The brief is a detailed and formal explanation of your position that the judges study at length before and after oral argument. Oral argument, by contrast, is a short and often intense opportunity that is provided so that you can answer the judges' questions about the case and your position. Oral argument, therefore, should not be a speech or a spoken version of the brief. Instead, use the oral argument to focus the court on the key strengths of your case and weaknesses of your opponent's position and to answer the judges' questions.

2. **Effective oral argument requires detailed preparation and a mastery of the facts and law relevant to the case and position.** The judges assigned to hear the case will have read the parties' briefs before argument and will be familiar with the facts of the case, the proceedings below and the key cases cited. So should you. The judges expect you to know what has occurred in the case, even if you were not the lawyer who tried the case. Therefore, answers such as "I was not the lawyer who tried the case" are not received favorably. The judges expect you to be able to answer their questions.

3. **Do not read your argument from a prepared text or notebook**. Bring notes with you to the lectern but resist the temptation to read from them. Instead, maintain eye contact with the judges and engage them in a discussion of your position and the court's questions. A meaningful discussion of that kind will be possible only if you are thoroughly familiar with the facts of your case and the decisions cited in the parties' briefs. If you intend to rely at argument on a decision that was not cited in the briefs, advise the court and your opponent of the case in advance of argument pursuant to P.B. § 67-10.

4. **Do not begin your oral argument with a recitation of the facts or proceedings below.** Assume that the judges will be familiar with the facts and procedural history of your case. You will probably have only a brief opportunity to speak at the outset of the argument before the judges begin to ask questions. Instead of wasting that opportunity on matters that the judges already know about or that are not relevant to resolution of your appeal, use that brief time to get immediately to the crux of your case.

5. **Expect and welcome questions from the court.** The purpose of oral argument is to answer the judges' questions. Experienced advocates understand that questions are not interruptions but are opportunities to clarify positions, to clear up confusion and to persuade the judges that you should prevail. The best way to give a good answer is to anticipate the questions in advance. Careful preparation, therefore, requires you to consider the questions that the judges may have about your case

and to develop concise answers to anticipated questions. Many lawyers consider it useful to practice answers to anticipated questions before the argument.

6. **Listen carefully to the questions and think before answering a question**. Make sure you understand what the judge is asking *before* responding. Long answers to questions that were never asked are not helpful. Respond directly and immediately to the question with a "yes," "no," or "I do not know," and then explain your answer. As a practical matter, you will probably be limited to a one or two sentence explanation. If you quote from a portion of the record, inform the judges where they can find it.

7. **Never say, "I'll get to that later."** The judge wants to explore that issue when he or she asks the question, not when you get around to the page of your outline where you listed that issue.

8. **Be courteous and respectful to the court and opposing counsel.** Do not argue with a judge or pose questions to the court. It is their job to ask the questions, not yours, although you should clarify questions if needed. Judges also will not appreciate it if you denigrate or are discourteous to your opponent.

9. **Do not continue your argument or use your rebuttal time if you no longer have anything meaningful to say.** If the judges have no further questions, consider whether it is useful to continue your argument or to waive the balance of your allotted time.

10. **Above all, be honest and candid with the court.** If you do not know the answer to a question, say so. Also, if there is a decision that is harmful to your case, say so as well, but explain why you believe the court should not follow it. You do not help yourself by giving evasive or untruthful answers or by failing to acknowledge a fact that is harmful to your case. You have an ethical obligation of candor to the court.

SECTION 11

POSTDECISION MOTIONS AND PETITIONS

After the Supreme Court or the Appellate Court issues its decision in a case, the Reporter of Judicial Decisions sends a link to the electronic version of the decision and the rescript to the clerk of the trial court. Notice of the decision will be deemed to have been given, for all purposes, on the official release date that appears in the court's decision, not on the date on which the court's decision is posted on the Judicial Branch website as an advance release opinion. See Practice Book (P.B.) § 71-4.

Motions for Reconsideration or for Reconsideration En Banc

After the decision is officially released, a party may ask that the panel of judges that decided the case reconsider the decision. See P.B. § 71-5. A party also may request reconsideration en banc. Any motion for reconsideration or for reconsideration en banc must be filed, and any fees associated with the motion must be paid, within 10 days from the official release date of the decision being challenged. A fee shall not be required for such a motion when either (1) no fee was required to file the appeal, or (2) you were granted a waiver of fees to file the appeal. A motion for reconsideration or for reconsideration en banc must comply with the general motion requirements enumerated in P.B. §§ 66-2 and 66-3 and is generally limited to 10 pages. Motions for reconsideration or for reconsideration en banc should briefly state with specificity the grounds for requesting reconsideration.

Petitions for Certification

A party cannot obtain Supreme Court review of an Appellate Court judgment by filing an appeal in the Supreme Court that challenges the Appellate Court's judgment. Rather, a party who is aggrieved by the Appellate Court's final determination of an appeal may seek review of the Appellate Court's judgment by filing a petition for certification in the Supreme Court. See Connecticut General Statutes (C.G.S.) § 51-197f; P.B. § 84-1. Such review is entirely discretionary, and there is no right to review of the judgment unless the Supreme Court grants the petition for certification. Petitions for certification must be filed, and any fees associated with the petition must be paid, within 20 days of the date on which the Appellate Court's decision is officially released or within 20 days of the order on any timely filed motion for reconsideration filed with the Appellate Court. See P.B. § 84-4 (a). A fee shall not be required for a petition for certification when either (1) no fee was required to file the appeal, or (2) you were granted a waiver of fees to file the appeal. Cross petitions for certification may be filed by any other party who is aggrieved by the Appellate Court's judgment within 10 days of the filing of the original petition for certification. See P.B. § 84-4 (c).

Practice Book § 84-5 governs the form of the petition for certification, and it directs that the petition must include

- a statement of the question or questions presented for review
- a statement of the basis for the extraordinary relief of certification (see also P.B. § 84-2)
- a summary of the case
- a concise argument explaining the reasons relied on in support of the petition
- an appendix that contains the papers specified in P.B. § 84-5 (5).

Within 10 days of the filing of a petition for certification, a party may file a statement in opposition to the petition for certification with the Office of the Appellate Clerk. See P.B. § 84-6. When the Supreme Court rules on a petition for certification, the Office of the Appellate Clerk sends notice of the order granting or denying the petition to the trial court clerk and to all counsel of record. When the Supreme Court grants a petition for certification, the successful petitioner (i.e., appellant) must file the appeal and pay any fees required within 20 days from the issuance of notice that certification to appeal has been granted. See P.B. § 84-9.

Petitions for Writs of Certiorari and Motions for Stay

When a party wishes to obtain a stay of execution of a Connecticut Supreme Court judgment pending a decision on a petition for a writ of certiorari filed with the United States Supreme Court, the party should file a motion for stay directed to the Connecticut Supreme Court within 20 days of the official release date of the Connecticut Supreme Court's decision. See P.B. § 71-7. The timely filing of the motion will operate as a stay pending the Connecticut Supreme Court's decision on the motion for stay.

When the Connecticut Supreme Court has denied a petition for certification to appeal from an Appellate Court judgment, a party seeking a stay of execution pending a decision in the case by the United States Supreme Court—or seeking that a stay of execution already in existence at the time certification was denied be extended—should file a motion for stay directed to the Appellate Court within 20 days of the Connecticut Supreme Court's decision denying the petition for certification. The timely filing of the motion for stay will operate as a stay pending the Appellate Court's decision on the motion for stay.

Bills of Costs

A party that has prevailed before the Appellate Court or the Supreme Court is entitled to costs, and a prevailing party must file a bill of costs with the Office of the Appellate Clerk within 30 days after notice of the official release of the appellate decision or within 30 days of the denial of a motion for reconsideration or petition for certification, whichever is latest. See P.B. § 71-2. Any party may seek review of the appellate clerk's taxation of costs by filing a motion to reconsider costs. See P.B. § 71-3.

APPENDIX

Suggested Contents for Preparation of Part One of the Appendix (Practice Book § 67-8)

Part One of the Appendix shall include only those pleadings and decisions that are necessary for the proper presentation of the issues on appeal.

The Office of the Appellate Clerk has formulated the samples below as suggestions based on the rules of appellate procedure, and case type, to assist in the preparation of Part One of the Appendix.

- Documents included in the appendices *must* be redacted to ensure that no information that is protected by rule, statute, court order or case law is disclosed. See Practice Book (P.B.) § 4-7.

- Part One of the Appendix shall include a table of contents, a case detail or docket sheets, the appeal form, and a docketing statement, along with the relevant pleadings and decision or decisions. Case type determines whether a signed judgment file is required.

- Memoranda of law should *not* be included in Part One of the Appendix.

- Part Two of the Appendix may include other items deemed necessary for the proper presentation of the issues on appeal.

- Pages of the appendices shall be numbered consecutively beginning with the first page of Part One and ending with the last page of Part Two. The numbers shall be preceded by the letter A (e.g., A1, A2, A3).

See P.B. §§ 67-2, 67-8 and 67-8A.

Civil Matters (Nonjury)

1. Table of contents
2. Case detail
3. Operative complaint
4. Answer
5. Special defense(s)
6. Counterclaim
7. Reply
8. Pertinent motion(s) such as to strike, for default, in limine, for summary judgment, with the attached affidavit(s) but without memorandum of law
9. Opposition(s) to motion(s)
10. Trial court's decision

11. Motion for reconsideration and opposition
12. Judgment file (signed by court clerk or judge)
13. Appeal form
14. Docketing statement
15. Relevant postappeal motion(s) and order(s) granting articulation, rectification, and/or dismissing a portion of the appeal

Civil Matters (Jury)

1. Table of contents
2. Case detail
3. Operative complaint
4. Answer
5. Pertinent motion(s) such as to strike, for default, in limine, for summary judgment, with the attached affidavit(s) but without memorandum of law
6. Opposition(s) to motion(s)
7. Jury verdict and interrogatories
8. Motion to set aside the verdict, for new trial, and/or for judgment notwithstanding the verdict
9. Opposition(s) to motion(s)
10. Trial court's decision(s)
11. Judgment file (signed by court clerk or judge)
12. Appeal form
13. Docketing statement
14. Relevant postappeal motion(s) and order(s) granting articulation, rectification, and/or dismissing a portion of the appeal
15. See P.B. § 67-4 (d) regarding requests to charge and evidentiary rulings

Civil Foreclosure

1. Table of contents
2. Case detail
3. Operative complaint
4. Answer
5. Motion for default
6. Motion for summary judgment with the attached affidavit(s) but without the memorandum of law
7. Motion for judgment of strict foreclosure or for judgment of foreclosure by sale with affidavit of debt
8. Motion to open judgment of strict foreclosure or foreclosure by sale, motion to reargue or for reconsideration
9. Opposition(s) to motion(s)
10. Trial court's decision(s)

11. Motion to reargue or for reconsideration, opposition, and the trial court's decision(s)
12. Appeal form
13. Docketing statement
14. Relevant postappeal motion(s) and order(s) granting articulation, rectification, and/or dismissing a portion of the appeal

Criminal

1. Table of contents
2. Original information and court action entries
3. Substitute information(s) and Part B information(s)
4. Long form information (the final long form information unless an earlier long form information is relevant)
5. Bill of particulars
6. Pertinent motion(s) such as in limine, to suppress, to dismiss, for acquittal, for a new trial, to reargue, without the memorandum of law
7. Opposition(s) to motion(s)
8. Memorandum of decision or signed transcript of oral decision
9. Judgment file (signed by court clerk or judge)
10. Appeal form
11. Docketing statement
12. Relevant postappeal motion(s) and order(s) granting articulation, rectification, and/or dismissing a portion of the appeal
13. See P.B. § 67-4 (d) regarding requests to charge and evidentiary rulings

Habeas Corpus

1. Table of contents
2. Case detail
3. Petition or final amended petition
4. Return or amended return
5. Pertinent motion(s)
6. Opposition(s) to motion(s)
7. Trial court's decision(s)
8. Petition for certification to appeal and order
9. Judgment file (signed by court clerk or judge)
10. Appeal form
11. Docketing statement
12. Relevant postappeal motion(s) and order(s) granting articulation, rectification, and/or dismissing a portion of the appeal

Family (Dissolution)

1. Table of contents
2. Case detail
3. Complaint
4. Answer/cross claim
5. Reply
6. Pendente lite order(s), if relevant
7. Unsealed financial affidavit(s), if relevant, with unsealing order(s)
8. Memorandum of decision
9. Motion for reconsideration or to open, opposition, and the trial court's decision(s)
10. Judgment file (signed by court clerk or judge)
11. Appeal form
12. Docketing statement
13. Relevant postappeal motion(s) and order(s) granting articulation, rectification, and/or dismissing a portion of the appeal

Family (Postjudgment)

1. Table of contents
2. Case detail
3. Judgment file (signed by court clerk or judge)
4. Pertinent motion(s) for modification, contempt, to open
5. Opposition(s) to motion(s)
6. Unsealed financial affidavit(s), if relevant, with unsealing order(s)
7. Trial court's oral or written decision
8. Motion for reconsideration, opposition and the trial court's decision(s)
9. Appeal form
10. Docketing statement
11. Relevant postappeal motion(s) and order(s) granting articulation, rectification, and/or dismissing a portion of the appeal

Compensation Review Board

1. Table of contents
2. Certification of the record
3. Finding and award
4. Motion to correct
5. Objection to motion to correct
6. Petition for review
7. Reasons for appeal
8. Appeal from finding
9. Opinion
10. Appeal form

11. Docketing statement
12. Relevant postappeal motion(s) and order(s) granting articulation, rectification, and/or dismissing a portion of the appeal

Child Protection

1. Table of contents
2. Case information(s)
3. Motion/order of temporary custody/order to appear
4. Petition: neglected, abused or uncared for, dependent child/youth
5. Social worker affidavit(s)
6. Specific steps
7. Neglect judgment file (signed by court clerk or judge)
8. Petition for termination of parental rights
9. Summary of facts to substantiate petition for termination of parental rights
10. Motion to review permanency plan/revoke commitment/transfer guardianship
11. Objection to permanency plan
12. Memorandum of decision
13. Termination of parental rights judgment file (signed by court clerk or judge)
14. Appeal form
15. Docketing statement
16. Relevant postappeal motion(s) and order(s) granting articulation, rectification, and/or dismissing a portion of the appeal

Administrative Appeals

As above, a table of contents, case detail, all relevant pleadings and orders, signed judgment file, appeal form, docketing statement, plus the return of record listing the administrative agency papers that were returned to the trial court, the notice of the hearing and affidavit of publication, if at issue, any minutes or decision showing the action taken by the agency, the reasons assigned for that action, and any findings and conclusions of fact made by the agency. See P.B. § 67-8A.

Supreme Court Appeals upon the Granting of Certification

As above, a table of contents, case detail, all relevant pleadings and orders, signed judgment file, if applicable, appeal form, docketing statement plus the order granting certification and the opinion or order of the Appellate Court. See P.B. § 67-8 (b) (1).

RESOURCES ON CONNECTICUT APPELLATE PROCEDURE

Official Connecticut Practice Book: The Commission on Official Legal Publications (2018)[1]

Connecticut Practice Series: Connecticut Rules of Appellate Procedure, Horton & Bartschi (Thomson Reuters 2017–2018)[2]

Connecticut Appellate Practice and Procedure, Prescott (Connecticut Law Tribune, 5th Ed. 2016)[3]

[1]The official Practice Book, which is republished annually, may also be accessed at (www.jud.ct.gov/Publications/PracticeBook/PB.pdf). It should be noted that when new rules of practice are adopted or existing rules are amended, an official commentary, which often explains the reason for the rule change, appears after the rule in the official Practice Book. The official commentary generally appears only in the edition of the official Practice Book corresponding to the year in which the new rule or amendment first was published.

[2]This unofficial, annotated volume is updated and reissued annually, and it includes prior years' official commentaries.

[3]This volume is updated periodically.