RULES OF APPELLATE PROCEDURE

NOTICE

Notice is hereby given that the following amendments to the Rules of Appellate Procedure were adopted to take effect January 1, 2016. The amendments were approved by the Appellate Court on September 10, 2015, and by the Supreme Court on September 16, 2016, except that the amendments to Sections 60-5, 61-10, and 63-10 were approved by the Appellate Court on June 25, 2015, and by the Supreme Court on July 8, 2015.

Attest:

Paul Hartan
Chief Clerk Appellate

INTRODUCTION

Contained herein are amendments to the Rules of Appellate Procedure. These amendments are indicated by brackets for deletions and underlines for added language. The designation ''NEW'' is printed with the title of each new rule. The designation ''REPEALED'' is printed with the title of each rule that has been repealed.

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(Applicable to appeals filed on or after July 1, 2013.)

''Appellant'' shall mean the party, or parties if an appeal is jointly filed, taking the appeal. ''Appellee'' shall mean all other parties in the trial court at the time of judgment, unless after judgment the matter was withdrawn as to them or unless a motion for permission not to participate in the appeal has been granted by the court.

''Counsel of record'' shall also include all self-represented parties.

''Court reporter'' shall refer to all court reporters and court reporting monitors.

''Administrative appeal'' shall mean an appeal from a judgment of the superior court concerning the appeal to that court from a decision of any officer, board, commission or agency of the state or of any political subdivision of the state.

''Filed'' shall mean the receipt by the appellate clerk of a paper or document by electronic submission pursuant to Section 60-7. If an exemption to electronic filing has been granted or if the electronic filing requirements do not apply, filed shall mean receipt of the paper or document by hand delivery, by first class mail or by express mail delivered by the United States Postal Service or an equivalent commercial service. If a document must be filed by a certain date under these rules or under any statutory provision, the document must be received by the appellate clerk by the close of business on that date; it is not sufficient that a document be mailed by that date to the appellate clerk unless a rule or statutory provision expressly so computes the time.

''Motion'' shall include applications and petitions, other than petitions for certification. A preappeal motion is one that is filed prior to or independent of an appeal.

''Issues'' shall include claims of error, certified questions and questions reserved.

''Paper'' and ''Document'' shall include an electronic submission that complies with the procedures and standards established by the chief clerk of the appellate system under the direction of the administrative judge of the appellate system and a paper or document created in or converted to a digital format by the judicial branch.

''Petition'' does not include petitions for certification unless the context clearly requires.

''Record'' shall include the case file, any decisions, documents, transcripts, recordings and exhibits from the proceedings below, and, in appeals from administrative agencies, the record returned to the trial court by the administrative agency.

''Requests'' shall include correspondence and notices as permitted by these rules.

''Signature'' shall be made upon entry of an attorney's individual juris number during the filing transaction, unless an exemption from the requirements of Section 60-7 (c) has been granted or applies.

''Submission'' shall mean a ''paper'' or a ''document'' and shall include an electronic submission that complies with the procedures and standards established by the chief clerk of the appellate system under the direction of the administrative judge of the appellate system.

(For additional definitions, see Secs. 62-2 and 76-6.)

Sec. 60-5. Review by the Court; Plain Error; Preservation of Claims

The court may reverse or modify the decision of the trial court if it determines that the factual findings are clearly erroneous in view of the evidence and pleadings in the whole record, or that the decision is otherwise erroneous in law.

The court shall not be bound to consider a claim unless it was distinctly raised at the trial or arose subsequent to the trial. The court may in the interests of justice notice plain error not brought to the attention of the trial court.

In jury trials, where there is a motion, argument, or offer of proof or evidence in the absence of the jury, whether during trial or before, pertaining to an issue that later arises in the presence of the jury, and counsel has fully complied with the requirements for preserving any objection or exception to the judge's adverse ruling thereon in the absence of the jury, the matter shall be deemed to be distinctly raised at the trial for purposes of this rule without a further objection or exception provided that the grounds for such objection or exception, and the ruling thereon as previously articulated, remain the same.

If the court deems it necessary to the proper disposition of the cause, it may order [remand the case for] a further articulation of the basis of the trial court's factual findings or decision.

It is the responsibility of the appellant to provide an adequate record for review as provided in Section 61-10.

Sec. 60-7. Electronic Filing; Payment of Fees (NEW)

(a) Attorneys must file all appellate papers electronically unless the court grants a request for exemption. Papers may be filed, signed or verified by electronic means that comply with procedures and standards established by the chief clerk of the appellate system under the direction of the administrative judge of the appellate system. A paper filed by electronic means in compliance with such procedures and standards constitutes a written paper for the purpose of applying these rules.

(b) At the time of filing, the appellant must (1) pay all required fees; or (2) upload a signed application for waiver of fees and the order of the trial court granting the fee waiver; or (3) certify that no fees are required. Any document that requires payment of a fee as a condition of filing may be returned by the appellate clerk or rejected by the court upon review for compliance with the rules of appellate procedure.

(c) The requirements of this section do not apply to documents filed by self-represented parties, the clerk of the trial court, the official court reporter, or the clerk of the court for any other state, federal or tribal court. This section also does not apply to any state board or commission filing documents with the appellate clerk pursuant to Sections 68-1, 74-2A, 74-3A, 75-4, 76-3, or 76-5.

COMMENTARY—Attorneys are required to file all papers electronically unless the court grants a request for an exemption. The electronic filing requirements do not apply to self-represented parties at this time.

Sec. 60-8. Exemption from Electronic Filing; Payment of Fees (NEW)

Parties seeking an exemption from the electronic filing requirements shall file a request for an exemption on a form prescribed by the office of the chief clerk of the appellate system. When an exemption from electronic filing has been granted or if electronic filing requirements do not apply, papers shall be filed with the appellate clerk and must be accompanied by (1) a receipt showing that all required fees have been paid; or (2) a signed application for waiver of fees and the order of the trial court granting the fee waiver; or (3) certification that no fee is required. With the exception of any fees related to appeals in child protection matters and appeals from interlocutory orders as permitted by law, all appellate filing fees under this section may be paid to the clerk of any trial court in the state. In child protection matters and appeals from interlocutory orders as permitted by law, all fees must be paid to the clerk of the original trial court or the clerk of the court to which the case was transferred.

COMMENTARY—Appellate filing fees must be paid to the trial court clerk if electronic filing requirements do not apply or if an e-filing exemption has been granted. For example, because the electronic filing requirements do not apply to self-represented parties at this time, self-represented parties cannot pay appellate filing fees electronically at this time and fees must be paid to any trial court clerk's office in the state.

When fees are paid to the trial court clerk, the filer will receive a receipt from the clerk indicating the name of the document, the trial court docket number and the amount paid. It is not necessary for the filer to present an appeal form to the trial court clerk for signature. The filer must then file the paper appeal form or appellate document and the receipt of payment, if required, with the appellate clerk. An appeal is not filed upon payment of the filing fee; instead, an appeal is filed when the appeal form has been timely filed with the office of the appellate clerk accompanied by receipt of payment or proof of waiver of fees.

Sec. 60-9. Security for Costs (NEW)

<u>Security for costs is not required to file an appeal, but security for costs may at any time, on motion and notice to the parties, be ordered by the court. Such security shall be filed with the trial court.</u>

CHAPTER 61
REMEDY BY APPEAL

Sec. 61-4. Appeal of Judgment that Disposes of at Least One Cause of Action while Not Disposing of Either (1) An Entire Complaint, Counterclaim or Cross Complaint, or (2) All the Causes of Action in a Pleading Brought by or against a Party

(a) **Judgment not final unless trial court makes written determination and chief justice or chief judge concurs**

This section applies to a trial court judgment that disposes of at least one cause of action where the judgment does not dispose of either of the following: (1) an entire complaint, counterclaim, or cross complaint, or (2) all the causes of action in a complaint, counterclaim or cross complaint brought by or against a party. If the order sought to be appealed does not meet these exact criteria, the trial court is without authority to make the determination necessary to the order's being immediately appealed.

This section does not apply to a judgment that disposes of an entire complaint, counterclaim, or cross complaint (see Section 61-2); and it does not apply to a trial court judgment that partially disposes of a complaint, counterclaim, or cross complaint, if the order disposes of all the causes of action in that pleading brought by or against one or more parties (see Section 61-3).

When the trial court renders a judgment to which this section applies, such judgment shall not ordinarily constitute an appealable final judgment. Such a judgment shall be considered an appealable final judgment <u>only if</u> the trial court makes a written determination that the issues resolved by the judgment are of such significance to the determination of the outcome of the case that the delay incident to the appeal would be justified, and the chief justice or chief judge of the court having appellate jurisdiction concurs.

If the procedure outlined in this section is followed, such judgment shall be an appealable final judgment, regardless of whether judgment was rendered on the granting of a motion to strike pursuant to Section 10-44, by dismissal pursuant to Section 10-30, by summary judgment pursuant to Section 17-44, or otherwise.

A party entitled to appeal under this section may appeal regardless of which party moved for the judgment to be made final.

(b) **Procedure for obtaining written determination and chief justice's or chief judge's concurrence; when to file appeal**

If the trial court renders a judgment described in this section without making a written determination, any party may file a motion in the trial court for such a determination within the statutory appeal period, or, if there is no applicable statutory appeal period, within twenty days after notice of the partial judgment has been sent to counsel. Papers opposing the motion may be filed within ten days after the filing of the motion.

Within twenty days after notice of such a determination in favor of appealability has been sent to counsel, any party intending to appeal shall <u>file</u> [submit an original plus three copies of] a motion for permission to file an appeal with the clerk of the court having appellate jurisdiction. The motion shall state the reasons why an appeal should be permitted. Papers opposing the motion may be filed within ten days after the filing of the motion. The motion and any opposition papers shall be referred to

the chief justice or chief judge to rule on the motion. If the chief justice or chief judge is unavailable or disqualified, the most senior justice or judge who is available and is not disqualified shall rule on the motion.

The appellate clerk shall send notice to the parties of the decision of the chief justice or chief judge on the motion for permission to file an appeal. For purposes of counting the time within which the appeal must be filed, the date of the issuance of notice of the decision on this motion shall be considered the date of issuance of notice of the rendition of the judgment or decision from which the appeal is filed[taken].

Sec. 61-5. Deferring Appeal until Judgment Rendered that Disposes of Case for All Purposes and as to All Parties

(a) **When notice of intent to appeal required; procedure for filing**

An appeal of a judgment described in Sections 61-2 or 61-3 may be deferred until the judgment that disposes of the case for all purposes and as to all parties is rendered. In the following two instances only, a notice of intent to appeal must be filed in order to defer the taking of an appeal until the final judgment that disposes of the case for all purposes and as to all parties is rendered:

(1) when the deferred appeal is to be filed [taken] from a judgment that not only disposes of an entire complaint, counterclaim or cross complaint but also disposes of all the causes of action brought by or against a party or parties so that that party or parties are not parties to any remaining complaint, counterclaim or cross complaint; or

(2) when the deferred appeal is to be filed [taken] from a judgment that disposes of only part of a complaint, counterclaim, or cross complaint but nevertheless disposes of all causes of action in that pleading brought by or against a particular party or parties.

In the event that the party aggrieved by a judgment described in (1) or (2) above elects to defer the taking of the appeal until the disposition of the entire case, the aggrieved party must, within the appeal period provided by statute, or, if there is no applicable statutory appeal period, within twenty days after issuance of notice of the judgment described in (1) or (2) above, file in the trial court a notice of intent to appeal the judgment, accompanied by a certification that a copy thereof has been delivered to [served on] each counsel of record in accordance with the provisions of Section 62-7.

When a notice of intent to appeal has been filed in accordance with this subsection, an objection to the deferral of the appeal may be made by (1) any party who, after the rendering of judgment on an entire complaint, counterclaim or cross complaint, is no longer a party to any remaining complaint, counterclaim, or cross complaint, or (2) any party who, by virtue of a judgment on a portion of any complaint, counterclaim, or cross complaint, is no longer a party to that complaint, counterclaim, or cross complaint. Objection shall be filed in the trial court, within twenty days of the filing of the notice of intent to appeal, accompanied by a certification that a copy thereof has been delivered to [served on] each counsel of record in accordance with the provisions of Section 62-7.

When such a party has filed a notice of objection to the deferral of the appeal, the appeal shall not be deferred, and the appellant shall file the appeal within twenty days of the filing of such notice of objection.

(b) **Effect of failure to file notice of intent to appeal when required; effect of filing notice of intent to appeal when not required**

If an aggrieved party, without having filed a timely notice of intent to appeal, files an appeal claiming that a judgment described in (1) or (2) of subsection (a)

of this section was rendered improperly, the issues relating to such earlier judgment will be subject to dismissal as untimely.

The use of the notice of intent to appeal is abolished in all instances except as provided in subsection (a) of this section, which sets forth the two instances in which a notice of intent must be filed. Except as provided in subsection (a), the filing of a notice of intent to appeal will preserve no appeal rights.

Sec. 61-6. Appeal of Judgment or Ruling in Criminal Case

(a) **Appeal by defendant**

(1) **Appeal from final judgment**

The defendant may appeal from a conviction for an offense when the conviction has become a final judgment. The conviction becomes a final judgment after imposition of sentence. In cases where a final judgment has been rendered on fewer than all counts in the information or complaint, the defendant may appeal from that judgment at the time it is rendered.

(2) **Appeal of ruling following judgment rendered upon conditional plea of nolo contendere**

(A) **On motion to dismiss or suppress**

When a defendant, prior to the commencement of trial, enters a plea of nolo contendere conditional on the right to <u>file</u> [take] an appeal from the court's denial of the defendant's motion to suppress or motion to dismiss, the defendant, after the imposition of sentence, may file an appeal within the time prescribed by law. The issue to be considered in such appeal shall be limited to whether it was proper for the court to have denied the motion to suppress or the motion to dismiss. A plea of nolo contendere by a defendant under this subsection shall not constitute a waiver by the defendant of nonjurisdictional defects in the criminal prosecution. The court shall not accept a nolo contendere plea pursuant to this subsection where the denial of the motion to suppress or motion to dismiss would not be dispositive of the case in the trial court. The court shall also decline to accept such a nolo contendere plea where the record available for review of the denial of the motion to suppress or motion to dismiss is inadequate for appellate review of the court's determination thereof.

(B) **On any motion made prior to close of evidence**

With the approval of the court, after a hearing to consider any objections thereto, a defendant may enter a conditional plea of guilty or nolo contendere, reserving in writing the right, on appeal from the judgment, to review of the adverse determination of any motion made prior to the close of evidence, which motion must be specified in such written reservation. If the defendant prevails on appeal, the judgment shall be set aside and the defendant shall be allowed to withdraw the conditional plea of guilty or nolo contendere after the case has been remanded to the trial court. A plea of guilty or nolo contendere under this subsection shall not constitute a waiver of nonjurisdictional defects in the criminal prosecution. The court shall not accept a plea of guilty or nolo contendere pursuant to this subsection where the adverse determination of the specified motion would not be dispositive of the case in the trial court. The court shall also decline to accept such a nolo contendere or guilty plea where the record available for review of the ruling upon the specified motion is inadequate for appellate review of the court's determination thereof.

(b) **Appeal by state**

The state, with the permission of the presiding judge of the trial court and as provided by law, may appeal from a final judgment. In cases where an appealable judgment has been rendered on fewer than all counts of the information or complaint, the state may appeal from the judgment at the time it is rendered.

(c) **Appeal from a ruling**

To the extent provided by law, the defendant or the state may appeal from a ruling that is not a final judgment or from an interlocutory ruling deemed to be a final judgment.

Sec. 61-7. Joint and Consolidated Appeals

(Applicable to appeals filed on or after July 1, 2013.)

(a) (1) Two or more plaintiffs or defendants in the same case may appeal jointly or severally. Separate cases heard together and involving at least one common party may as of right be appealed jointly, provided all the trial court docket numbers are shown on the appeal form (JD-SC-28 and JD-SC-29).

(2) Prior to the filing of an appeal, the trial court, on motion of any party or on its own motion, may order that a joint appeal be filed in any situation not covered by the preceding paragraph.

(3) In the case of a joint appeal, only one entry fee is required. The appellant filing the appeal shall pay the fee and any additional appellants represented by other counsel or self-represented shall file a signed joint appeal consent form within ten days of the filing of the appeal.

(b) (1) The supreme court, on motion of any party or on its own motion, may order that appeals pending in the supreme court be consolidated.

(2) When an appeal pending in the supreme court involves the same cause of action, transaction or occurrence as an appeal pending in the appellate court, the supreme court may, on motion of any party or on its own motion, order that the appeals be consolidated in the supreme court. The court may order consolidation at any time before the assignment of the appeals for hearing.

(3) The appellate court, on motion of any party or on its own motion, may order that appeals pending in the appellate court be consolidated.

(4) There shall be no refund of fees if appeals are consolidated.

(c) Whenever appeals are jointly filed or are consolidated, all appellants shall file a single, consolidated brief and appendix. All appellees shall file a single, consolidated brief or, if applicable, a single, consolidated brief and appendix. If the parties cannot agree upon the contents of the brief and appendix, or if the issues to be briefed are not common to the joint parties, any party may file a motion for permission to file a separate brief and appendix.

Sec. 61-8. Cross Appeals

Any appellee or appellees aggrieved by the judgment or decision from which the appellant has appealed may jointly or severally file a cross appeal within ten days from the filing of the appeal. Except where otherwise provided, the filing and form of cross appeals, extensions of time for filing them, and all subsequent proceedings shall be the same as though the cross appeal were an original appeal. No entry [or record] fee [need be paid] is required.

Sec. 61-9. Decisions Subsequent to Filing of Appeal; Amended Appeals

(Applicable to appeals filed on or after July 1, 2013.)

Should the trial court, subsequent to the filing of a pending appeal, make a decision that the appellant desires to have reviewed, the appellant shall file an amended appeal [in the trial court] within twenty days from the issuance of notice of the decision as provided for in Section 63-1.

The amended appeal shall be filed [in the trial court] in the same manner as an original appeal pursuant to Section 63-3. No additional fee is required to be paid upon the filing of an amended appeal.

Within ten days of filing the amended appeal, the appellant shall file with the appellate clerk [the original and one copy of the endorsed amended appeal form

and an original of] either a certificate stating that there are no changes to the Section 63-4 papers filed with the original appeal or any amendments to those papers. Any other party may file [an original of] responsive Section 63-4 papers within twenty days of the filing of the certificate or the amendments.

If the original appeal is dismissed for lack of jurisdiction, the amended appeal shall remain pending if it was filed from a judgment or order from which an original appeal properly could have been filed.

After disposition of an appeal where no amended appeals related to that appeal are pending, a subsequent appeal shall be filed as a new appeal.

If the amended appeal is filed after the filing of the appellant's brief and appendix but before the filing of the appellee's brief and appendix, the appellant may move for leave to file a supplemental brief and appendix. If the amended appeal is filed after the filing of the appellee's brief and appendix, either party may move for such leave. In any event, the court may order that an amended appeal be briefed or heard separately from the original appeal.

If the appellant files a subsequent appeal from a trial court decision in a case[,] where there is a pending appeal, the subsequent appeal shall be treated as an amended appeal, and there shall be no refund of the fees paid.

Sec. 61-10. Responsibility of Appellant to Provide Adequate Record for Review

(Applicable to appeals filed on or after July 1, 2013.)

(a) It is the responsibility of the appellant to provide an adequate record for review. The appellant shall determine whether the entire record is complete, correct and otherwise perfected for presentation on appeal.

(b) The failure of any party on appeal to seek articulation pursuant to Section 66-5 shall not be the sole ground upon which the court declines to review any issue or claim on appeal. If the court determines that articulation of the trial court decision is appropriate, it may, [remand the case] pursuant to Section 60-5, [for] order articulation by the trial court within a specified time period. [After remand to the trial court for articulation, t]The trial court may, in its discretion, require assistance from the parties in order to provide the articulation. Such assistance may include, but is not limited to, supplemental briefs, oral argument and provision of copies of transcripts and exhibits.

COMMENTARY—January, 2013: Subsection (b) was adopted to effect a change in appellate procedure by limiting the use of the forfeiture sanction imposed when an appellant fails to seek an articulation from the trial court pursuant to Section 66-5 with regard to an issue on appeal, and the court therefore declines to review the issue for lack of an adequate record for review. In lieu of refusing to review the issue, when the court determines that articulation is appropriate, the court may now [order] remand the case for an articulation and then address the merits of the issue after articulation is provided. The adoption of subsection (b) is not intended to preclude the court from declining to review an issue where the record is inadequate for reasons other than solely the failure to seek an articulation, such as, for example, the failure to procure the trial court's decision pursuant to Section 64-1 (b) or the failure to provide a transcript, exhibits or other documents necessary for appellate review.

Sec. 61-11. Stay of Execution in Noncriminal Cases

(a) **Automatic stay of execution**

Except where otherwise provided by statute or other law, proceedings to enforce or carry out the judgment or order shall be automatically stayed until the time to [take] file an appeal has expired. If an appeal is filed, such proceedings shall be stayed until the final determination of the cause. If the case goes to judgment on appeal, any stay thereafter shall be in accordance with Section 71-6 (motions for reconsideration), Section 84-3 (petitions for certification by the Connecticut supreme court), and Section 71-7 (petitions for certiorari by the United States supreme court).

(b) **Matters in which no automatic stay is available under this rule**

Under this section, there shall be no automatic stay in actions concerning attorneys pursuant to chapter 2 of these rules, in juvenile matters brought pursuant to chapters 26 through 35a, or in any administrative appeal except as otherwise provided in this subsection.

Unless a court shall otherwise order, any stay that was in effect during the pendency of any administrative appeal in the trial court shall continue until the filing of an appeal or the expiration of the appeal period, or any new appeal period, as provided in Section 63-1. If an appeal is filed, any further stay shall be sought pursuant to Section 61-12.

For purposes of this rule, ''administrative appeal'' means an appeal filed [taken] from a final judgment of the trial court or the compensation review board rendered in an appeal from a decision of any officer, board, commission, or agency of the state or of any political subdivision thereof. In addition to appeals filed [taken] pursuant to the Uniform Administrative Procedure Act, ''administrative appeal'' includes, among other matters, zoning appeals, teacher tenure appeals, tax appeals and unemployment compensation appeals.

(c) **Stays in Family Matters**

Unless otherwise ordered, no automatic stay shall apply to orders of relief from physical abuse pursuant to General Statutes § 46b-15, to orders for exclusive possession of a residence pursuant to General Statutes §§ 46b-81 or 46b-83 or to orders of periodic alimony, support, custody or visitation in family matters brought pursuant to chapter 25 or to any later modification of such orders. The automatic orders set forth in Section 25-5 (b) (1), (2), (3), (5) and (7) shall remain in effect during any appeal period and, if an appeal is filed[taken], until the final determination of the cause unless terminated, modified or amended further by order of a judicial authority upon motion of either party.

Any party may file a motion to terminate or impose a stay in matters covered by this subsection, either before or after judgment is rendered, based upon the existence or expectation of an appeal. Such a motion shall be filed in accordance with the procedures in subsection (e) of this rule or Section 61-12. The judge hearing such motion may terminate or impose a stay of any order, pending appeal, as appropriate, after considering (1) the needs and interests of the parties, their children and any other persons affected by such order; (2) the potential prejudice that may be caused to the parties, their children and any other persons affected, if a stay is entered, not entered or is terminated; (3) if the appeal is from a judgment of dissolution, the need to preserve, pending appeal, the mosaic of orders established in the judgment; (4) the need to preserve the rights of the party taking the appeal to obtain effective relief if the appeal is successful; (5) the effect, if any, of the automatic orders under Section 25-5 on any of the foregoing considerations; and (6) any other factors affecting the equities of the parties.

The judge who entered the order in a family matter from which an appeal lies may terminate any stay in that matter upon motion of a party as provided in this subsection or sua sponte, after considering the factors set forth in this subsection or if the judge is of the opinion that an extension of time to appeal is sought or the appeal is filed [taken] only for delay. Whether acting on a motion of a party or sua sponte, the judge shall hold a hearing prior to terminating the stay.

(d) **Termination of stay**

In all cases not governed by subsection (c), termination of a stay may be sought in accordance with subsection (e) of this rule. If the judge who tried the case is of the opinion that (1) an extension to appeal is sought, or the appeal is filed[taken], only for delay or (2) the due administration of justice so requires, the judge may at any time, upon motion or sua sponte, order that the stay be terminated. Whether

acting on a motion of a party or sua sponte, the judge shall hold a hearing prior to terminating the stay.

(e) **Motions to terminate stay**

A motion to terminate a stay of execution [may be] filed before judgment[; if it is it may be ruled upon when judgment] is entered shall be filed with the trial court, and the judge who tried or presided over the matter may rule upon the motion when judgment is entered. If such a motion is filed [before judgment, or] after judgment but before an appeal is filed, [it] the motion shall be filed [in triplicate] with the clerk of the [superior] trial court and may be ruled upon by the trial judge thereafter. [If it is filed a]After an appeal is filed, [an original and three copies] such a motion shall be filed with the appellate clerk[, who] and shall be forwarded by the appellate clerk [the motion] to the trial judge [who tried the case] for a decision. [That judge shall file any ruling thereon with the appellate clerk and with the clerk of the trial court where the matter was tried.] If the judge who tried or presided over the case is unavailable, the motion shall be forwarded to the clerk of the trial court [in the judicial district where] in which the case was tried, who shall assign the motion for a hearing and decision to any judge of the superior court.

Upon hearing and consideration of the motion, the trial court shall file with the clerk of the trial court its written or oral memorandum of decision that shall include the factual and legal basis therefor. If oral, the decision shall be transcribed by the court reporter and signed by the trial court. If an appeal has not been filed, the clerk shall enter the decision on the trial court docket and shall send notice of the decision to counsel of record. If an appeal has been filed, the clerk of the trial court shall enter the decision on the trial court docket and send notice of the decision to the appellate clerk, and the appellate clerk shall issue notice of the decision to all counsel of record.

(f) **Motions to request stay**

Requests for a stay pending appeal where there is no automatic stay shall be governed by Section 61-12.

(For stays of execution in criminal cases, see Section 61-13; for stays in death penalty cases, see Section 61-15.)

(g) **Strict Foreclosure—Motion Rendering Ineffective a Judgment of Strict Foreclosure**

In any action for foreclosure in which the owner of the equity has filed, and the court has denied, at least two prior motions to open or other similar motion, no automatic stay shall arise upon the court's denial of any subsequent contested motion by that party, unless the party certifies under oath, in an affidavit accompanying the motion, that the motion was filed for good cause arising after the court's ruling on the party's most recent motion. Such affidavit shall recite the specific facts relied on in support of the moving party's claim of good cause. If, notwithstanding the submission of such an affidavit of good cause, the plaintiff contends that there is no good cause to stay the court's judgment of strict foreclosure pending resolution of the appeal, the plaintiff may seek termination of the automatic stay by filing a motion requesting such relief accompanied by an affidavit stating the basis for the plaintiff's claim. In the event such a motion to terminate stay is filed, it shall be set down for argument and the taking of evidence, if necessary, on the second short calendar next following the filing of the motion. There shall be no automatic appellate stay in the event that the court grants the motion to terminate the stay and, if necessary, sets new law dates. There shall be no automatic stay pending a motion for review of an order terminating a stay under this subsection.

(h) **Foreclosure by Sale—Motion Rendering Ineffective a Judgment of Foreclosure by Sale**

In any action for foreclosure in which the owner of the equity has filed a motion to open or other similar motion, which motion was denied fewer than twenty days prior to the scheduled auction date, the auction shall proceed as scheduled notwithstanding the court's denial of the motion, but no motion for approval of the sale shall be filed until the expiration of the appeal period following the denial of the motion without an appeal having been filed. The trial court shall not vacate the automatic stay following its denial of the motion during such appeal period.

Sec. 61-12. Discretionary Stays

In noncriminal matters in which the automatic stay provisions of Section 61-11 are not applicable and in which there are no statutory stay provisions, any motion for a stay of the judgment or order of the superior court pending appeal shall be [made to] filed in the trial court. If the judge who tried the case [unless that judge] is unavailable, [in which case] the motion may be decided by [made to] any judge of the superior court. Such a motion may also be filed before judgment and may be ruled upon at the time judgment is rendered unless the court concludes that a further hearing or consideration of such motion is necessary. A temporary stay may be ordered sua sponte or on written or oral motion, ex parte or otherwise, pending the filing or consideration of a motion for stay pending appeal. The motion shall be considered on an expedited basis and the granting of a stay of an order for the payment of money may be conditional on the posting of suitable security.

In the absence of a motion filed under this section, the trial court may order, sua sponte, that proceedings to enforce or carry out the judgment or order be stayed until the time to file [take] an appeal has expired or, if an appeal has been filed, until the final determination of the cause. A party may file a motion to terminate such a stay pursuant to Section 61-11.

In determining whether to impose a stay in a family matter, the court shall consider the factors set forth in Section 61-11 (c).

Sec. 61-13. Stay of Execution in Criminal Case

Except as otherwise provided in this rule, a judgment in a criminal case shall be stayed from the time of the judgment until the time to file [take] an appeal has expired, and then, if an appeal is filed, until ten days after its final determination. The stay provisions apply to an appeal from a judgment, to an appeal from a judgment on a petition for a new trial and to a writ of error, where those matters arise from a criminal conviction or sentence. Unless otherwise provided in this rule, all stays are subject to termination under subsection (d).

(a) **Appeal by defendant arising from a sentence**

(1) **Sentence of imprisonment**

A sentence of imprisonment shall be stayed automatically by an appeal, provided the defendant is released on bail.

(2) **Sentence of probation or conditional discharge**

Upon motion by the defendant to the trial court, a sentence of probation or conditional discharge may be stayed if an appeal is filed[taken]. If the sentence is stayed, the court shall fix the terms of the stay. If the sentence on appeal is not stayed, the court shall specify when the term of probation shall commence. If the sentence is not stayed and a condition of the sentence is restitution or other payment of money, the court shall order that such payments be made to the clerk of the trial court to be held by said clerk until ten days after final determination of the appeal.

(3) **Sentence of a fine**

A sentence to pay a fine shall be stayed automatically by an appeal, and the stay shall not be subject to termination.

(4) **Sentencing sanctions of restitution and forfeiture**

The execution of a sanction of restitution or forfeiture of property, which was imposed as part of a sentence, shall be stayed automatically by an appeal. Upon motion by the state or upon its own motion, the trial court may issue orders reasonably necessary to ensure compliance with the sanction upon final disposition of the appeal.

(5) **Other sentencing sanctions**

Upon motion by the defendant, other sanctions imposed as part of a sentence, including those imposed under General Statutes §§ 53a-40c, 53a-40e, 54-102b, 54-102g, and 54-260, may be stayed by an appeal. If the sanction is stayed, the trial court may issue orders reasonably necessary to ensure compliance with the sanction upon final disposition of the appeal.

(b) **Appeal by defendant from presentence order**

In an appeal from a presentence order where the defendant claims that an existing right, such as a right not to be tried, will be irreparably lost if the order is not reviewed immediately, the appeal shall stay automatically further proceedings in the trial court.

(c) **Appeal by the state from a judgment**

In an appeal by the state, the appeal shall stay automatically further proceedings in the trial court until ten days after the final determination of the appeal. The defendant shall be released pending determination of an appeal by the state from any judgment not resulting in a sentence, the effect of which is to terminate the entire prosecution.

(d) **Motion for stay or to terminate a stay**

[If a]A motion for [a] stay or a motion to terminate a stay [is] filed before [the] an appeal is filed [taken, the original motion and three copies] shall be filed with the trial court. After [the] an appeal is filed[taken], such [the] motions [and three copies] shall be filed [in] with the appellate clerk [court; motions filed in the appellate court] and shall be forwarded by the appellate clerk [of the appellate court] to the trial [court] judge for a decision. If the judge who tried or presided over the case is unavailable, the motion shall be forwarded to the clerk of the court in which the case was tried and shall be assigned for a hearing and decision to any judge of the superior court. Upon hearing and consideration of the motion, the trial court shall [decide the motion by filing] file with the clerk of the trial court [clerk] a written or oral memorandum of decision that shall include the factual and legal basis therefor. If oral, the decision shall be transcribed by the court reporter and signed by the trial court. The trial court shall send notice of the decision to the appellate clerk who shall issue notice of the decision to all counsel of record. If an appeal has not been filed, the clerk of the trial court shall enter the decision on the trial court docket and shall send notice of the decision to counsel of record. Pending the filing or consideration of a motion for stay, a temporary stay may be ordered sua sponte or on written or oral motion.

In appeals by the defendant from a presentence order and appeals by the state from a judgment, the judge who tried the case may terminate any stay, upon motion and hearing, if the judge is of the opinion that (1) an extension to appeal is sought, or the appeal is filed [taken] only for delay, or (2) the due administration of justice so requires.

(For stays of execution in death penalty cases, see Section 61-15.)

Sec. 61-14. Review of Order concerning Stay; When Stay May Be Requested from Court Having Appellate Jurisdiction

The sole remedy of any party desiring the court to review an order concerning a stay of execution shall be by motion for review under Section 66-6. Execution of an order of the court terminating a stay of execution shall be stayed for ten days from the issuance of notice of the order, and if a motion for review is filed within that period, the order shall be stayed pending decision of the motion, unless the court having appellate jurisdiction rules otherwise.

A motion for extension of time to file a motion for review of a ruling concerning a stay of execution must be filed in the trial court but shall not automatically stay the execution after the ten days has expired, except that the trial judge may order a stay pending a ruling on the motion for extension of time.

A ruling concerning a stay is a judgment in a trial to the court for purposes of Section 64-1, and the trial court making such a ruling shall state its decision, either orally or in writing, in accordance with the requirements of that section.

In any case in which there is no automatic stay of execution and in which the trial court denies, or refuses to rule on, a motion for stay, an aggrieved party may file a motion requesting [request] a stay of execution of the judgment from the court having appellate jurisdiction pending the filing of and ruling upon a motion for review. The motion [request] must be filed with the appellate clerk.

Sec. 61-15. Stay of Execution in Death Penalty Case

If the defendant is sentenced to death, the sentence shall be stayed for the period within which to file [take] an appeal. If the defendant has taken an appeal to the supreme or appellate court of this state or to the United States supreme court or brought a writ of error, writ of certiorari, writ of habeas corpus, application for a pardon or petition for a new trial, the taking of the appeal, the making of the application for a writ of certiorari or for a pardon, or the return into court of the writ of error, writ of habeas corpus, or petition for a new trial shall, unless, upon application by the state's attorney and after hearing, the supreme court otherwise orders, stay the execution of the death penalty until the clerk of the court where the trial was had has received notification of the termination of any such proceeding by decision or otherwise, and for thirty days thereafter. Upon motion [application] by the defendant, filed with the appellate clerk, the supreme court may grant a stay of execution to prepare a writ of error, a writ of certiorari, writ of habeas corpus, application for a pardon or petition for a new trial. Upon motion [application] by the defendant and after hearing, the supreme court may extend a stay of execution beyond the time limits stated within this rule for good cause shown. No appellate procedure shall be deemed to have terminated until the end of the period allowed by law for the filing of a motion for reconsideration, or, if such motion is filed, until the proceedings consequent thereon are finally determined. When execution is stayed under the provisions of this section, the clerk of the court shall forthwith give notice thereof to the warden of the institution in which such defendant is in custody. If the original judgment of conviction has been affirmed or remains in full force at the time when the clerk has received the notification of the termination of any proceedings by appeal, writ of certiorari, writ of error, writ of habeas corpus, application for a pardon or petition for a new trial, and the day designated for the infliction of the death penalty has then passed or will pass within thirty days thereafter, the defendant shall, within said period of thirty days, upon an order of the court in which the judgment was rendered at a regular or special criminal session thereof, be presented before said court by the warden of the institution in which the defendant is in custody or his deputy, and the court, with the judge assigned to hold the session presiding, shall thereupon designate a day for the infliction of the

death penalty and the clerk of the court shall issue a warrant of execution, reciting therein the original judgment, the fact of the stay of execution and the final order of the court, which warrant shall be forthwith served upon the warden or his deputy. (For stays of execution in other criminal cases, see Section 61-13.)

Sec. 61-16. [Notification] Notice of (1) Bankruptcy Filing, (2) Disposition of Bankruptcy Case and (3) Order of Bankruptcy Court Granting Relief from Automatic Stay

(a) If a party to an appeal files a bankruptcy petition, that party shall immediately file a notice with [notify] the appellate clerk[in writing]. The notice [notification] shall set forth the date the bankruptcy petition was filed, the bankruptcy court in which the petition was filed, the name of the bankruptcy debtor and the docket number of the bankruptcy case.

(b) Upon resolution of the bankruptcy case, the party who filed for bankruptcy protection shall immediately file a notice with [notify] the appellate clerk [in writing] that the case has been resolved in the bankruptcy court. If the bankruptcy court grants relief from the automatic bankruptcy stay, the party obtaining such relief shall immediately file a notice with [notify] the appellate clerk [in writing] of the termination of the automatic stay.

CHAPTER 62
CHIEF JUDGE, APPELLATE CLERK AND DOCKET: GENERAL ADMINISTRATIVE MATTER

Sec. 62-2. Clerk

The justices of the supreme court shall appoint an appellate clerk who shall be the chief clerk of the supreme court and of the appellate court, but who shall not be the chief clerk of any judicial district. As used in these rules, the clerk of any trial court from which an appeal is filed [taken] shall be referred to as the clerk of the trial court.

Sec. 62-3. Entry of Cases

[The appellate clerk, upon receipt of an a]Appeals, reservations, [or] writs of error, original jurisdiction actions, and other matters filed in accordance with the procedures set forth in Sections 60-7, 60-8, and 63-3, shall be docketed upon filing subject to return by the appellate clerk or rejection by the court upon review for compliance with the rules of appellate procedure. [enter the case upon the docket of the court to which the appeal was taken.]

Sec. 62-6. Signature on Papers

All papers including original copies of briefs shall be signed by counsel of record. Each pleading or other document filed shall set forth the signer's telephone and facsimile numbers, mailing address, and, if applicable, the signer's juris number. Attorneys shall sign electronically filed documents by entering their individual juris number during the filing transaction. See Section 60-4.

Sec. 62-7. Matters of Form; Filings; Delivery and Certification to Counsel of Record

(Applicable to appeals filed on or after July 1, 2013.)

(a) It is the responsibility of counsel of record to file [submit] papers for filing in a timely manner and in the proper form.

The appellate clerk may return [refuse to accept for filing] any papers filed [presented] in a form not in compliance with these rules; in returning[refusing], the appellate clerk shall indicate how the papers have failed to comply. The clerk shall

note [stamp any papers refused with] the date on which they were received before returning them, and shall retain an electronic copy thereof. Any papers correcting a noncomplying filing shall be deemed to be timely filed if a complying document is refiled with [resubmitted to] the appellate clerk within fifteen days. The time for responding to any such paper shall not start to run until the correcting paper is filed.

[Except for the transcript of evidence or where otherwise indicated, an original and fifteen copies of all papers shall be filed with the appellate clerk. For copies of the initial appeal papers, see Sections 63-3 and 63-4; for copies of papers withdrawing an appeal or writ of error, see Section 63-9; for copies of motions and opposition papers, see Section 66-3 (motions in general), Section 66-1 (extension of time), Section 61-11 (termination of stay of execution), and Section 66-5 (rectification); for copies of briefs and appendices, see Section 67-2; for copies of petitions for certification and opposition papers, see Sections 84-4 and 84-6; for copies of certified questions from courts of other jurisdictions, see Section 82-4.]

(b) All papers except the transcript and regulations filed pursuant to Section 81-6 shall contain: (1) [a] certification that a copy has been delivered to [served on] each other counsel of record, including [the] names, addresses, e-mail addresses, and telephone and facsimile numbers [of all counsel served.]; (2) certification 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 (3) certification that the document complies with all applicable rules of appellate procedure. Any request to deviate from the requirement regarding personal identifying information shall be filed with the appellate clerk pursuant to Section 67-2 (k). Additional certification requirements may be required by the rules under which specific documents are filed. [The certification concerning briefs may be signed by counsel of record or the printer on the last page of one of the briefs or on a separate typewritten document filed with the briefs. All service and filing by mail shall be by first class or express United States mail, postage prepaid, or by hand delivery.

If a document must be filed by a certain date under these rules or under any statutory provision, the document must be received by the appellate clerk by the close of business on that date; it is not sufficient that a document be mailed by that date to the appellate clerk unless a rule or statutory provision expressly so computes the time.]

(c) Any counsel of record who files a document electronically with the court must deliver it electronically to all other counsel of record, as defined by Section 60-4, unless the intended recipient has notified the appellate clerk and all other counsel of record in writing that the recipient declines to accept electronic delivery of documents or the intended recipient is exempt from the requirements of electronic filing pursuant to Section 60-8. Any counsel of record who has signed an electronically filed document shall be deemed to have consented to electronic delivery under this section. Delivery by e-mail is complete upon sending the electronic notice unless the party sending notice learns that the attempted delivery did not reach the e-mail address of the intended recipient.

If the intended recipient has declined to accept electronic delivery or is exempt from the requirements of electronic filing, a document may be delivered to counsel of record by hand or by first class or express mail delivered by the United States Postal Service or an equivalent commercial service, postage prepaid, to the last known address of the intended recipient.

[The signed original of documents filed pursuant to Sections 66-3, 67-2, 81-2, 81-3, 84-5 and 84-6 shall bear an attached certificate indicating that the document is in compliance with all of the requirements of the rule under which it is being filed.]

COMMENTARY—Language concerning the computation of time for filing has been transferred to Section 60-4. It is counsel's responsibility to notify the Statewide Grievance Committee of any changes to contact information, including e-mail addresses.

Sec. 62-8. Names of Counsel; Appearance

Counsel for all parties in the trial court shall be deemed to have appeared in the appeal unless permission to withdraw has been granted pursuant to Section 62-9 or unless an in lieu of appearance pursuant to Section 3-8 has been filed by other counsel. Counsel who filed the appeal or filed an appearance in the appellate court after the appeal was filed shall be deemed to have appeared in the trial court for the limited purpose of prosecuting or defending the appeal. Unless otherwise provided by statute or rule, counsel who have so appeared shall be entitled to review all trial court docket sheets and files, including sealed files, and shall be entitled to participate in proceedings in the trial court on motions filed in the trial court pursuant to Section 66-1 and motions filed in the appellate court but referred to the trial court for decision.

An appearance filed after the case is ready pursuant to Section 69-2 requires permission of the court.

[Where counsel did not file the appeal but have appeared in the appellate court, a copy of an appearance form stamped by the appellate clerk's office shall be satisfactory evidence of an appearance in an appeal.] This rule shall not be deemed to permit appellate counsel to review records that were sealed as to trial counsel but retained in the trial court file for appellate review.

This rule shall not be deemed to excuse trial counsel with respect to preserving a defendant's right to appeal pursuant to Section 63-7; nor shall this rule prevent trial counsel from moving for a withdrawal of appearance pursuant to Section 62-9.

[No change, substitution or withdrawal of counsel shall be permitted after the due date of the final reply brief without leave of the court.]

Sec. 62-8A. Attorneys of Other Jurisdictions Participating Pro Hac Vice on Appeal

(a) An attorney, who upon written application pursuant to Section 2-16 has been permitted by a judge of the superior court to participate in the presentation of a cause or appeal pending in this state, shall be allowed to participate in any appeal of said cause without filing a written application to the court having jurisdiction over the appeal. All terms, conditions and obligations set forth in Section 2-16 shall remain in full effect. The chief clerk of the superior court for the judicial district in which the cause originated shall continue to serve as the agent upon whom process and notice of service may be served.

(b) Any attorney who is in good standing at the bar of another state and who has not appeared pro hac vice in the superior court to participate in the cause now pending on appeal, may for good cause shown, upon written application presented by a member of the bar of this state, be permitted in the discretion of the court having jurisdiction over the appeal to participate in the presentation of the appeal, provided, however, that:

(1) such application shall be accompanied by an affidavit:

(A) stating whether an application was filed pursuant to Section 2-16 in the superior court and, if so, the disposition of said application;

(B) certifying whether such applicant has a grievance pending against him or her in any other jurisdiction, has ever been reprimanded, suspended, placed on inactive

status, disbarred or otherwise disciplined, or has resigned from the practice of law and, if so, setting forth the circumstances concerning such action;

(C) certifying that the applicant has paid to the clerk of the superior court any fee required by the General Statutes for admission pro hac vice;

(D) certifying that the applicant has paid the client security fund fee due for the calendar year in which the application is made;

(E) designating the chief clerk of the superior court for the judicial district in which the cause originated as his or her agent upon whom process and notice of service may be served;

(F) certifying that the applicant agrees to register with the statewide grievance committee in accordance with the provisions of chapter 2 of the rules of practice while appearing in the appeal and for two years after the completion of the matter in which the attorney appeared and to notify the statewide grievance committee of the expiration of the two year period;

(G) identifying the number of attorneys in his or her firm who are appearing pro hac vice in the cause now on appeal or who have filed or intend to file an application to appear pro hac vice in this appeal; and

(H) identifying the number of cases in which the attorney has appeared pro hac vice in any court of this state since the attorney first appeared pro hac vice in this state[.]; and provided

(2) a member of the bar of this state must be present at all proceedings and arguments and must sign all motions, briefs and other papers filed with the court having jurisdiction over the appeal and assume full responsibility for them and for the conduct of the appeal and of the attorney to whom such privilege is accorded. Said application shall be filed with the appellate clerk [made to the court having jurisdiction over the appeal. The application shall be filed] in accordance with Sections 66-2 and 66-3 and all required fees shall be paid in accordance with Sections 60-7 or 60-8. Good cause for according such privilege may include a showing that by reason of a long-standing attorney-client relationship, predating the cause of action or subject matter of the appeal, the attorney has acquired a specialized skill or knowledge with respect to issues on appeal or to the client's affairs that are important to the appeal, or that the litigant is unable to secure the services of Connecticut counsel. Upon the granting of an application to appear pro hac vice, the clerk of the court in which the application is granted shall immediately notify the statewide grievance committee of such action.

(c) No application to appear pro hac vice shall be permitted after the due date of the final reply brief as set forth in Section 67-3 without leave of the court.

COMMENTARY—October, 2013: The amendment is intended to reconcile this rule with Section 2-16, which governs pro hac vice applications to the superior court. This section as amended also requires the applicant to certify that any statutory fee for admission pro hac vice has been paid. As of the effective date of the amendment, General Statutes § 52-259 (i) requires payment of a $600 fee with an application for admission pro hac vice. [That statutory fee provision expires July 1, 2015.]

COMMENTARY—The amendment to subsection (b) (2) brings this section into accord with the electronic filing requirements. Also, what had been the final sentence of the October, 2013, commentary concerning the expiration of the fee for permission to appear pro hac vice has been deleted.

Sec. 62-9. Withdrawal of Appearance

(a) An attorney or party whose appearance has been filed shall be deemed to have withdrawn such appearance upon failure to file a written objection within ten days after written notice has been given or mailed to such attorney or party that a new appearance has been filed in lieu of the appearance of such attorney or party in accordance with Section 62-8.

(b) An attorney may, by motion, withdraw his or her appearance for a party after an additional appearance representing the same party has been entered on the docket.

A motion to withdraw pursuant to this subsection shall state that an additional appearance has been entered on appeal. The appellate clerk may as of course grant the motion if the additional appearance has been entered.

(c) Except as provided in subsections (a) and (b), no attorney whose appearance has been entered on the docket shall withdraw his or her appearance without leave of the court. A motion for leave to withdraw shall be filed with the appellate clerk in accordance with Sections 66-2 and 66-3. The motion shall include the current address of the party as to whom the attorney seeks to withdraw. No motion for leave to withdraw shall be granted until the court is satisfied that reasonable notice has been given to the party being represented and to other counsel [and self-represented parties] of record. Reasonable notice to the party or parties may be satisfied by filing along with the motion, a certified or registered mail return receipt signed by the individual party or parties represented by the attorney.

(d) A motion for leave to withdraw appearance of appointed appellate counsel pursuant to Section 43-34 shall be filed with the appellate clerk. The form of the motion shall comply with Sections 66-2 and 66-3[, except that only an original and one copy shall be filed]. The brief accompanying the motion, as required under Section 43-35, shall comply with Section 43-35 in form and substance. The original of the brief and the transcript of the pertinent proceedings shall be filed with the appellate clerk with the motion to withdraw. The motion, brief and transcript shall be referred to the trial court for decision. That decision may be reviewed pursuant to Section 66-6.

Sec. 62-9A. Hybrid Representation; Removal or Substitution of Counsel in Criminal and Habeas Corpus Appeals

On appeal, a defendant or habeas petitioner has no right to self-representation while represented by counsel. If an indigent defendant or habeas petitioner wishes to replace appointed counsel or remove appointed counsel and appear as a self-represented party, in lieu of such counsel, the defendant or habeas petitioner shall file a motion with the appellate clerk making such request and setting forth the reasons therefor. [An original and three copies of the motion shall be filed.] A copy of such motion shall be delivered[served], in accordance with Section 62-7, to [upon] the attorney sought to be removed or replaced and to [upon] the state.

The appellate clerk shall forward the motion to the trial judge, who shall conduct a hearing and enter appropriate orders consistent with the relevant provisions of chapter 44 of these rules. [The decision on the motion shall be filed with the appellate clerk.] The trial court shall send notice of the order to all counsel of record and to the appellate clerk.

CHAPTER 63
FILING THE APPEAL; WITHDRAWALS

Sec. 63-1. Time to Appeal

(a) **General provisions**

Unless a different time period is provided by statute, an appeal must be filed within twenty days of the date notice of the judgment or decision is given. The appeal period may be extended if permitted by Section 66-1 (a). If circumstances give rise to a new appeal period as provided in subsection (c) of this rule, such new period may be similarly extended as long as no extension of the original appeal period was obtained.

If a motion is filed within the appeal period that might give rise to a new appeal period as provided in subsection (c) of this rule, the appeal may be filed either in the original appeal period, which continues to run, or in the new appeal period.

As used in this rule, ''appeal period'' includes any extension of such period obtained pursuant to Section 66-1 (a).

(b) **When appeal period begins**

If notice of the judgment or decision is given in open court, the appeal period shall begin on that day. If notice is given only by mail, the appeal period shall begin on the day that notice was mailed to counsel [and self-represented parties] of record by the clerk of the trial court[clerk]. The failure to give notice of judgment to a nonappearing party shall not affect the running of the appeal period.

In criminal cases where the appeal is from a judgment of conviction, the appeal period shall begin when sentence is pronounced in open court.

In civil jury cases, the appeal period shall begin when the verdict is accepted.

(c) **New appeal period**

(1) **How new appeal period is created**

If a motion is filed within the appeal period that, if granted, would render the judgment, decision or acceptance of the verdict ineffective, either a new twenty day period or applicable statutory time period for filing the appeal shall begin on the day that notice of the ruling is given on the last such outstanding motion, except as provided for additur or remittitur in the next paragraph.

If a motion for additur or remittitur is filed within the appeal period and granted, a new twenty day appeal period shall begin upon the earlier of (A) acceptance of the additur or remittitur or (B) expiration of the time set for the acceptance. If the motion is denied, the new appeal period shall begin on the day that notice of the ruling is given.

Motions that, if granted, would render a judgment, decision or acceptance of the verdict ineffective include, but are not limited to, motions that seek: the opening or setting aside of the judgment; a new trial; the setting aside of the verdict; judgment notwithstanding the verdict; reargument of the judgment or decision; collateral source reduction; additur; remittitur; or any alteration of the terms of the judgment.

Motions that do not give rise to a new appeal period include those that seek: clarification or articulation, as opposed to alteration, of the terms of the judgment or decision; a written or transcribed statement of the trial court's decision; or reargument of a motion listed in the previous paragraph.

If, within the appeal period, any motion is filed, pursuant to Section 63-6 or 63-7, seeking waiver of fees, costs and security or appointment of counsel, a new twenty day appeal period or statutory period for filing the appeal shall begin on the day that notice of the ruling is given on the last such outstanding motion. If a party files, pursuant to Section 66-6, a motion for review of any such motion, the new appeal period shall begin on the day that notice of the ruling is given on the motion for review.

(2) **Who may appeal during new appeal period**

If a new appeal period arises due to the filing of a motion that, if granted, would render a judgment, decision or acceptance of the verdict ineffective, any party may file [take] an appeal during the new appeal period regardless of who filed or prevailed upon such motion. If, however, a new appeal period arises due to the filing of a motion for waiver of fees, costs and security or a motion for appointment of counsel, only the party who filed such motion may file [take] an appeal during the new appeal period.

(3) **What may be appealed during new appeal period**

The new appeal period may be used for appealing the original judgment or decision and/or for appealing any order that gave rise to the new appeal period. Such period may also be used for amending an existing appeal pursuant to Section 61-9 to challenge the ruling that gave rise to the new appeal period. Rulings on motions for waiver of fees, costs and security or motions for appointment of counsel

may not be appealed during the new appeal period but may be challenged by motion for review in accordance with Section 66-6.

(d) **When motion to stay briefing obligations may be filed**

If, after an appeal has been filed [taken] but before the appeal period has expired, any motion is filed that, if granted, would render the judgment, decision or acceptance of the verdict ineffective, any party may move to stay the briefing obligations of the parties in accordance with Section 67-12.

(e) **Simultaneous filing of motions**

Any party filing more than one motion that, if granted, would render the judgment, decision or acceptance of the verdict ineffective, shall file such motions simultaneously insofar as simultaneous filing is possible.

Sec. 63-2. Expiration of Time Limitations; Counting Days

In determining the last day for filing any papers, the last day shall, and the first day shall not, be counted. Time shall be counted by calendar, not working, days.

The appellate clerk's office shall be open from 9 a.m. until 5 p.m. on weekdays, with the exception of legal holidays and closures for exigent circumstances. When the last day of any limitation of time for filing any paper under these rules or an order of the court falls on a day when the office of the clerk of the trial court or of the appellate clerk is closed[not required to be open], the paper may be filed on the next day when such office is [required so to be] open.

A document that is electronically received by the appellate clerk's office for filing after 5 p.m. on a day in which that office was open or is electronically received by that office for filing at any time on a day in which that office is closed, shall be deemed filed on the next business day that office is open. If a party is unable to electronically file a document because the court's electronic filing system is nonoperational for thirty consecutive minutes from 9 a.m. to 3 p.m. or for any period of time from 3 p.m. to 5 p.m. on the day on which the electronic filing is attempted, and such day is the last day for filing the document, the document shall be deemed to be timely filed if received by the appellate clerk's office on the next business day the electronic filing system is operational.

COMMENTARY—This section incorporates a safe harbor provision similar to the one that is employed by the trial court for the timely filing of electronic documents when the court's electronic filing system is not operational. See Section 7-17.

Sec. 63-3. Filing of Appeal[; Number of Copies]

All appeals shall be filed and all fees paid in accordance with the provisions of Sections 60-7 or 60-8. The appeal will be docketed upon filing but may be returned by the appellate clerk or rejected by the court upon review for compliance with the rules of appellate procedure.

The appellant must certify that a copy of the appeal form generated at the time of electronic filing and bearing the assigned docket number and electronic signature of the filer will immediately be delivered pursuant to Section 62-7 (c) to all counsel of record and, in criminal and habeas corpus matters, to the office of the chief state's attorney, appellate bureau. The appellate clerk, upon receipt of the foregoing, shall deliver a copy of the appeal form to the clerk of the original trial court, to the clerk of any trial courts to which the matter was transferred, and to each party to the appeal. In criminal and habeas corpus matters, the appellate clerk shall deliver a copy of the appeal form to the office of the chief state's attorney, appellate bureau, or to the attorney general, as appropriate.

[Any appeal may be filed in the original trial court or the court to which the case was transferred or in any judicial district court in the state, except that juvenile appeals and appeals from interlocutory orders, if permitted by law, must be filed

with the clerk of the original trial court or the court to which the case was transferred. Procedures for appeals in e-filed cases are governed by Section 63-3A. An application for a fee waiver pursuant to Sections 63-6 or 63-7 must be filed with the clerk of the court in which the case was tried or otherwise resolved.

The original appeal form shall be accompanied by a certification that a copy thereof has been served on each counsel of record, as defined in Section 60-4, in accordance with the provisions of Section 62-7. At the time the appeal is filed, the appellant shall, as set forth in Section 63-5, pay to the clerk of the trial court all required fees. The clerk shall: (1) endorse on the original appeal form the date and time of filing and the receipt or waiver of fees; (2) return the original endorsed appeal form to the appellant; and (3) immediately notify the clerk of the original trial court that an appeal has been filed. In addition, in noncriminal matters, the clerk shall, without cost, provide the appellant with a copy of the docket sheet (DS1) listing the counsel for all parties. In criminal and habeas corpus matters, the clerk shall also send a copy of the endorsed appeal form to the office of the chief state's attorney, appellate bureau.

On the same day on which the original appeal form is endorsed by the trial court clerk, the appellant shall deliver a copy of the endorsed appeal form to the clerk of the trial court in which the case was originally filed and the clerk of any trial court to which the case was subsequently transferred. The copy may be delivered by hand, fax or any other electronic means permitted by Section 4-4. The appellant shall obtain proof that the original trial court and any subsequent trial court received the copy on the same day on which it was delivered.

Within ten days of filing the appeal, the appellant shall file with the appellate clerk the original of the endorsed appeal form; the docket sheet, if any; the papers required by Section 63-4; and proof that a copy of the endorsed appeal form was transmitted to the original trial court and to any trial court to which the case subsequently was transferred. The appellant shall certify that a copy of the endorsed appeal form was served on: (1) the clerk of the original trial court; (2) the clerk of any other trial court to which the case was transferred; and (3) any trial court whose decision is the subject of the appeal. The appellant shall also certify that a copy of the endorsed appeal form and all other papers required by Section 63-4 was served on: (1) every other party in the manner set forth in Section 62-7; and (2) in criminal and habeas corpus matters, the office of the chief state's attorney, appellate bureau.

The appellate clerk, upon receipt of the foregoing, shall docket the appeal, affix to the endorsed appeal form the docket number assigned to the appeal and send one copy to the trial judge and one copy to each party to the appeal and, in criminal and habeas corpus matters, to the office of the chief state's attorney, appellate bureau.]

COMMENTARY—This section has been rewritten to reflect the requirement that all appeals shall be electronically filed unless the electronic filing requirements do not apply to the filer or unless an exemption to the electronic filing requirements has been granted. The electronic filing requirements do not apply to self-represented parties at this time.

Sec. 63-3A. Appeals in E-Filed Cases [REPEALED]

[An appeal may be e-filed in any case in which e-filing is permitted in the trial court. The appeal form shall be e-filed in accordance with Section 4-4 and shall contain a certification that a copy has been served on each counsel of record, as defined in Section 60-4, in accordance with the provisions of Section 62-7.

All required fees shall be paid at the time of e-filing by any method specified by Judicial Branch E-Services. The appellant shall print a copy of the confirmation of e-filing and affix it to the original appeal form. The original appeal form and the confirmation of e-filing together are deemed to be the endorsed appeal form.

Within ten days of e-filing the appeal, the appellant shall file with the appellate clerk the original and one copy of the endorsed appeal form, with a certification that a copy was served on each party as required by Section 63-3; two print copies of the electronic docket sheet for the case as it appears on the Judicial Branch website; and the papers required by Section 63-4.

Upon receipt of the foregoing, the appellate clerk shall docket the appeal and proceed in accordance with Section 63-3.]

COMMENTARY—This section has been repealed in light of the revision to Section 63-3.

Sec. 63-4. Additional Papers to Be Filed by Appellant and Appellee when Filing Appeal

(Applicable to appeals filed on or after July 1, 2013.)

(a) Within ten days of filing an appeal, [At the time the appellant sends a copy of the endorsed appeal form and the docket sheet to the appellate clerk,] the appellant shall also file with [send] the appellate clerk [an original of] the following:

(1) A preliminary statement of the issues intended for presentation on appeal. If any appellee wishes to: (A) present for review alternative grounds upon which the judgment may be affirmed; (B) present for review adverse rulings or decisions of the court which should be considered on appeal in the event the appellant is awarded a new trial; or (C) claim that a new trial rather than a directed judgment should be ordered if the appellant is successful on the appeal, that appellee shall file a preliminary statement of issues within twenty days from the filing of the appellant's preliminary statement of the issues.

Whenever the failure to identify an issue in a preliminary statement of issues prejudices an opposing party, the court may refuse to consider such issue.

(2) A certificate stating that no transcript is deemed necessary, or a copy of the transcript order acknowledgment form (JD-ES-38) with section I thereof completed, filed with the official reporter pursuant to Section 63-8. If any other party deems any other parts of the transcript necessary, that party shall, within twenty days from the filing of the appellant's transcript papers, file a copy of the order form (JD-ES-38), which that party has placed in compliance with Section 63-8.

If the appellant is to rely on transcript delivered prior to the taking of the appeal, an order form (JD-ES-38) shall be filed stating that an electronic version of a previously delivered transcript has been ordered. The detailed statement of the transcript to be relied on required by Section 63-8 also must be filed. If any other party deems any other parts of the transcript necessary, and those parts have not been delivered at the time of the taking of the appeal, that party shall have twenty days to order those additional parts. If any other party is to rely on transcript delivered prior to the taking of the appeal, an order form (JD-ES-38) shall be filed within twenty days, stating that an electronic version of a previously delivered transcript has been ordered.

(3) A docketing statement containing the following information to the extent known or reasonably ascertainable by the appellant: (A) the names and addresses of all parties to the appeal[and their], the names, addresses, and e-mail addresses of trial and appellate counsel of record, and the names and addresses of all persons having a legal interest in the cause on appeal sufficient to raise a substantial question whether a judge should be disqualified from participating in the decision on the case by virtue of that judge's personal or financial interest in any such persons; (B) the case names and docket numbers of all pending appeals to the supreme court or appellate court which arise from substantially the same controversy as the cause on appeal, or involve issues closely related to those presented by the appeal; (C) whether there were exhibits in the trial court; and (D) in criminal cases, whether the defendant is incarcerated as a result of the proceedings in which the appeal is being filed[taken].

If additional information is or becomes known to, or is reasonably ascertainable by the appellee, the appellee shall file a docketing statement supplementing the information required to be provided by the appellant.

(4) In all noncriminal matters, except for matters exempt from a preargument conference pursuant to Section 63-10, a preargument conference statement.

[(5) In all noncriminal cases, except for: (A) habeas corpus matters based on criminal convictions; (B) pre- and postjudgment orders in matters claiming dissolution of marriage, legal separation or annulment; (C) prejudgment remedies under chapter 903a of the General Statutes; and (D) actions of foreclosure of title to real property, a draft judgment file prepared in the form prescribed by Section 6-2 et seq. If any appellee disagrees in any respect with the draft judgment file, that appellee shall file either a statement specifying the disagreement or a separate draft judgment file within twenty days of the filing of the appellant's draft. The appellate clerk shall transmit the appellant's draft judgment file and any disagreeing statements or other drafts to the trial court clerk. The trial court clerk shall, within twenty days of receipt of such documents and, if necessary, after consultation with the judge who tried the case, file the original judgment file, sending copies to the appellate clerk. The appellate clerk shall send copies to all counsel of record on the appeal. Any objections to the form of the judgment file may thereafter be raised only by a motion for rectification under Section 66-5.

If the trial court clerk fails to file the original judgment file within twenty days as required, the appellant may file with the appellate clerk a notice that the judgment file has not been so filed. The appellate clerk shall notify the trial court clerk and the trial judge of the pending appeal and the fact that the disagreement over the judgment file has not been resolved, after which the trial court clerk shall promptly file the judgment file as prescribed above.

(6) Except for habeas corpus matters based on criminal convictions and all cases in which the attorney general is a party, has appeared on behalf of a party or has filed an amicus brief in proceedings prior to the appeal, in all noncriminal cases where the constitutionality of a state statute has been challenged, a notice identifying the statute, the name and address of the party challenging it, and whether the statute's constitutionality was upheld by the trial court. The appellate clerk shall send a copy of such notice to the attorney general.]

(5) A constitutionality notice, in all noncriminal cases where the constitutionality of a statute has been challenged. Said notice shall identify the statute, the name and address of the party challenging it, and whether the statute's constitutionality was upheld by the trial court. The appellate clerk shall deliver a copy of such notice to the attorney general. This section does not apply to habeas corpus matters based on criminal convictions, or to any case in which the attorney general is a party, has appeared on behalf of a party, or has filed an amicus brief in proceedings prior to the appeal.

[(7)] (6) In matters in which documents are under seal, conditionally or otherwise, or limited as to disclosure, a copy of the time, date, scope and duration of sealing order form (JD-CL-76)[shall be attached to the appeal form]. (See Section 77-2.)

(b) Except as otherwise provided, a party may as of right file amendments to the preliminary statement of issues at any time until that party's brief is filed. Amendments to the docketing statement may be filed at any time. Amendments to the transcript statement may be made only with leave of the court. If leave to file such an amendment is granted, the adverse party shall have the right to move for permission to file a supplemental brief and for an extension of time. Amendments to the preargument conference statement shall not be presented in writing but may be presented orally at the preargument conference, if one is held.

(c) Failure to comply with this rule shall be deemed as sufficient reason to schedule a case for sanctions under Section 85-3 or for dismissal under Section 85-1.

COMMENTARY—Counsel of record should no longer file a draft judgment file with the appellate clerk; instead, a draft judgment file should be filed with the trial court clerk. Counsel should prepare a draft judgment file in accordance with Sections 6-2 and 6-3, file it with the trial court clerk, and deliver a copy to opposing counsel. Opposing counsel may submit any response or opposition to the trial court clerk. The trial court clerk then signs the judgment file, places it in the trial court file and provides a copy to counsel of record for inclusion in part one of the appendix to the appellant's brief. Subsequently, any objections to the form of the judgment file may be raised only by a motion for rectification pursuant to Section 66-5.

Sec. 63-5. Fees [REPEALED]

[At the time of filing the appeal, the appellant, or one of the appellants, shall, unless the appeal is taken by the state, or the costs have been waived pursuant to Section 63-6 or 63-7, pay to the clerk of the trial court the fees provided by statute. Security for costs is not required to take an appeal, but security may at anytime, on motion and notice to the appellant, be ordered by the court. Such security shall be filed with the trial court.]

COMMENTARY—This section has been repealed in light of the adoption of Sections 60-7, 60-8, and 60-9.

Sec. 63-6. Waiver of Fees, Costs and Security—Civil Cases

If a party in any case where fees and costs may lawfully be waived is indigent and desires to appeal, that party may, within the time provided by the rules for taking an appeal, make written application[,] to the trial court [to which the fees required by statute or rule are to be paid,] for relief from payment of fees, costs and expenses. The application must be under oath and recite, or it must be accompanied by an affidavit reciting, the grounds upon which the applicant proposes to appeal and the facts concerning the applicant's financial status. Where an application arises out of a habeas corpus proceeding, the application shall be handled pursuant to Section 63-7. Where an application arises out of a child protection matter, the application shall be handled pursuant to Section 79a-4.

The judicial authority shall act promptly on the application for waiver of fees, costs and expenses. If the application is denied in whole or in part, and the applicant wishes to challenge that denial, the applicant shall file a written request for a hearing, pursuant to Section 8-2, within ten days of the issuance of notice of the denial of the application. The clerk of the trial court [clerk] shall assign the application for a hearing within twenty days of the filing of the request and the judicial authority shall act promptly on the application following the hearing.

If the court is satisfied that the applicant is indigent and has a statutory or constitutional right to court appointed counsel or a statutory right to appeal without payment of fees, costs and expenses, the court may (1) waive payment by the applicant of fees specified by statute and of taxable costs, [and waive the requirement of Section 63-5 concerning the furnishing of security for costs upon appeal,] and (2) order that the necessary expenses of prosecuting the appeal be paid by the state. The court may not consider the relative merits of a proposed appeal in acting upon an application pursuant to this section except that the court may consider the criteria contained in General Statutes § 52-259b.

Before incurring any expense in excess of $100, including the expense of obtaining a transcript of the necessary proceedings or testimony, the applicant shall obtain the permission of the judge who presided at the applicant's trial. The judge shall authorize a transcript at state expense only of the portions of testimony or proceedings which may be pertinent to the issues on appeal.

The sole remedy of any party desiring the court to review an order concerning the waiver of fees, costs and security shall be by motion for review under Section 66-6.

COMMENTARY—This section has been amended to bring it into accord with Section 60-9. Security for costs is not required to take an appeal unless ordered by the trial court.

Sec. 63-7. Waiver of Fees, Costs and Security—Criminal Cases

Any defendant in a criminal case who is indigent and desires to appeal, and has not previously been determined to be indigent, may, within the time provided by the rules for taking an appeal, make written application to the trial court [to which the fees required by statute or rule are to be paid,] for relief from payment of fees, costs and expenses. The application must be under oath and recite, or it must be accompanied by an affidavit reciting, the grounds upon which the applicant proposes to appeal and the facts concerning the applicant's financial status.

The application must be sent to the public defender's office for investigation. The judicial authority shall assign the request for waiver of fees, costs and expenses for hearing within twenty days after filing, and the trial counsel, the trial public defender's office to which the application had been sent for investigation and the chief of legal services of the public defender's office shall be notified in writing by the clerk's office of the date of such hearing.

The judicial authority shall act promptly on the application following the hearing. Upon determination by the judicial authority that a defendant in a criminal case is indigent, the trial court [to which the fees required by statute or rule are to be paid] may (1) waive payment by the defendant of fees specified by statute and of taxable costs, [and waive the requirement of Section 63-5 concerning the furnishing of security for costs upon appeal,] (2) order that the necessary expenses of prosecuting the appeal be paid by the state, and (3) appoint appellate counsel and permit the withdrawal of the trial attorney's appearance provided the judicial authority is satisfied that that attorney has cooperated fully with appellate counsel in the preparation of the defendant's appeal as set forth in Section 43-33.

When the judicial authority has appointed an attorney in private practice to represent the defendant upon appeal, the attorney shall obtain the approval of the judicial authority who presided at the trial before incurring any expense in excess of $100, including the expense of obtaining a transcript of the necessary proceedings or testimony. The judicial authority shall authorize a transcript at state expense only of the portions of proceedings or testimony which may be pertinent to the issues on appeal.

The sole remedy of any defendant desiring the court to review an order concerning the waiver of fees, costs and security or the appointment of counsel shall be by motion for review under Section 66-6.

COMMENTARY—This section has been amended to bring it into accord with Section 60-9. Security for costs is not required to take an appeal unless ordered by the trial court.

Sec. 63-8. Ordering and Filing of Paper Transcripts

(a) On or before the date of the filing of the Section 63-4 papers, the appellant shall, subject to Section 63-6 or 63-7 if applicable, order, using Form JD-ES-38, from the official reporter a transcript [and an electronic version of a transcript] of the parts of the proceedings not already on file which the appellant deems necessary for the proper presentation of the appeal. Such order shall specify the case name, docket number, judge's name(s), and hearing date(s), and include a brief, detailed statement describing the parts of the proceedings of which a transcript has been ordered.[, for example, ''the voir dire on Monday, May 25, 1995,'' or ''the entire sentencing proceeding before Smith, J., on June 4, 1995.''] If any other party deems

other parts of the transcript necessary, that party shall, within twenty days from the filing of the appellant's transcript papers, similarly order those parts[, and an electronic version of those parts,] in writing from the official reporter.

(b) A party shall promptly [must] make satisfactory arrangements for payment of the costs of the transcript, pursuant to guidelines established by the chief court administrator. After those arrangements have been made, the official reporter shall send the party who ordered the transcript a written acknowledgment of the order, [including] with an estimated [of the] date of delivery[of], and the number of pages in[,] the transcript. The ordering party shall file it [forthwith] with the appellate clerk with certification pursuant to Section 62-7[to all counsel of record]. The official reporter shall also immediately deliver [send] copies of the acknowledgment to the chief court administrator and the appellate clerk. If the final portion of the transcript cannot be delivered on or before the estimated delivery date on the acknowledgment, the official reporter will, not later than the next business day, issue to the ordering party an amended transcript order acknowledgment form (JD-ES-38A) with a revised estimated delivery date and shall also immediately deliver [send] copies of the amended acknowledgment form to the chief court administrator and the appellate clerk. The ordering party shall file the amended acknowledgment form forthwith with the appellate clerk with certification pursuant to Section 62-7[to all counsel of record].

(c) The official reporter shall cause each court reporter involved in the production of the transcript to prepare a certificate of delivery stating the number of pages in the transcript and the date of its delivery to the party who ordered it[, and a certificate stating that an electronic version of the transcript has been produced and delivered in accordance with Section 63-8A]. If delivery is by mail, the transcript[, including the electronic version of the transcript,] shall be mailed first class certified, return receipt requested. The date of mailing is the date of delivery. If delivery is [manual] by hand, the court reporter shall obtain a receipt acknowledging delivery. The date of the receipt is the date of delivery. Each court reporter shall forward the certificates of delivery to the official reporter with a copy to the chief court administrator. Upon receipt of all the certificates of delivery, the official reporter shall forward to the appellate clerk, with copies to the chief court administrator and the party who ordered the transcript, [including an electronic transcript,] a certificate of completion stating the total number of pages in the entire transcript and the date of final delivery of the transcript.

(d) Upon receipt of the certificate of completion from the official reporter, counsel who ordered the transcript shall file a certification that a paper copy of the certificate of completion has been sent to all counsel of record in accordance with Section 62-7.

(e) (1) The appellant is required, either before or simultaneously with the filing of the appellant's brief, to file with the appellate clerk one unmarked, nonreturnable copy of the transcript, including a copy of the court reporter's certification page, ordered pursuant to subsection (a).

(2) All other parties are likewise required, either before or simultaneously with the filing of their briefs, to file those additional portions ordered pursuant to subsection (a) but shall not include the portions already filed by the appellant.

(3) The party filing the transcript shall provide the appellate clerk and all opposing counsel with a list of the number, and inclusive dates, of the volumes being filed. Form JD-CL-62, or one similar to it, should be used to satisfy this subsection.

Sec. 63-8A. Electronic Copies of Transcripts

In addition to the requirements of Section 63-8:

(a) Any party ordering a transcript of evidence as part of an appeal, a writ of error, or a motion for review shall, at the same time, order from the court reporter

an electronic version of the transcript. If the party [already has the transcript to be submitted to the court] received the paper transcript prior to the filing of the appeal, the party shall order an electronic version of the transcript within the period specified by these rules for the ordering of a transcript.

(b) Whenever an electronic transcript is ordered in accordance with this section, the court reporter shall produce[, on disks provided by the official court reporter,] an electronic version of the transcript,[in Rich Text File (rtf) format.] deliver it to the ordering party, and file it with the appellate clerk, together with a certification that the electronic version of the transcript is accurate and a certificate of delivery.

[(c) The court reporter shall file a disk containing the electronic version of the transcript with the appropriate court and with the ordering party, together with a certification that the electronic version of the transcript is accurate and a certificate of delivery.

(d) The electronic version of the transcript shall be filed with the court and delivered to the ordering party at the same time as the paper copy is delivered to the ordering party. provided that if only an electronic version of the transcript is ordered, the electronic version shall be filed and delivered within ten days of its order unless a different time period is specified by the court.]

Sec. 63-9. Filing Withdrawals of Appeals or Writs of Error

Prior to oral argument, an appeal or writ of error may be withdrawn as of right by filing Form JD-AC-008 [A withdrawal of an appeal or writ of error shall be filed] with the appellate clerk.[, who] The appellate clerk shall forward [send] a copy to the trial judge and the clerk of the trial court.

[Prior to oral argument, an appeal or writ of error may be withdrawn as of right; thereafter it] After oral argument, an appeal or writ of error may be withdrawn only on the granting of a motion to the court in which the [appeal] matter is pending.

Unless an appeal or writ of error is withdrawn on the consent of the appellee without costs, costs shall be taxed as if the trial court judgment had been affirmed.

Sec. 63-10. Preargument Conferences

The chief justice or the chief judge or a designee may, in cases deemed appropriate, direct that conferences of the parties be scheduled in advance of oral argument. All civil cases are eligible for preargument conferences except habeas corpus appeals; [appeals where a party is self-represented;] appeals involving juveniles, such as delinquency and termination of parental rights cases; and appeals from the suspension of a motor vehicle license due to operating under the influence of liquor or drugs. A party in an exempt case may file a request for a preargument conference [by writing a letter, certified to all parties, to] with the appellate clerk explaining why the case should not be exempt. The chief justice may designate a judge trial referee or senior judge to preside at a conference. The scheduling of or attendance at a preargument conference shall not affect the duty of the parties to adhere to the times set for the filing of briefs. Failure of counsel to attend a preargument conference may result in the imposition of sanctions under Section 85-2. Unless other arrangements have been approved in advance by the conference judge, parties shall be present at the conference site and available for consultation. When a party against whom a claim is made is insured, an insurance adjuster for such insurance company shall be available by telephone at the time of such preargument conference unless the conference judge, in his or her discretion, requires the attendance of the adjuster at the conference. The conference proceedings shall not be brought to the attention of the court by the presiding officer or any of the parties unless the conference results in a final disposition of the appeal.

The following matters may be considered:
(1) Possibility of settlement;
(2) Simplification of issues;
(3) Amendments to the preliminary statement of issues;
(4) Transfer to the supreme court;
(5) Timetable for the filing of briefs;
(6) En banc review; and
(7) Such other matters as the conference judge shall consider appropriate.

All matters scheduled for a preargument conference before a judge trial referee are referred to that official by the chief court administrator pursuant to General Statutes § 52-434a, which vests judge trial referees with the same powers and jurisdiction as superior court judges and senior judges, including the power to implement settlements by opening and modifying judgments.

COMMENTARY— Civil appeals involving self-represented parties are now eligible for preargument conferences.

CHAPTER 64
PROCEDURE CONCERNING MEMORANDUM OF DECISION

Sec. 64-1. Statement of Decision by Trial Court; When Required; How Stated; Contents

(a) The <u>trial</u> court shall state its decision either orally or in writing, in all of the following: (1) in rendering judgments in trials to the court in civil and criminal matters, including rulings regarding motions for stay of executions, (2) in ruling on aggravating and mitigating factors in capital penalty hearings conducted to the court, (3) in ruling on motions to dismiss under Section 41-8, (4) in ruling on motions to suppress under Section 41-12, (5) in granting a motion to set aside a verdict under Section 16-35, and (6) in making any other rulings that constitute a final judgment for purposes of appeal under Section 61-1, including those that do not terminate the proceedings. The court's decision shall encompass its conclusion as to each claim of law raised by the parties and the factual basis therefor. If oral, the decision shall be recorded by a court reporter, and, if there is an appeal, the trial court shall create a memorandum of decision for use in the appeal by ordering a transcript of the portion of the proceedings in which it stated its oral decision. The transcript of the decision shall be signed by the trial judge and filed **[**in**]** <u>with the clerk of</u> the trial court**[** clerk's office**]**. This section does not apply in small claims actions and to matters listed in Section 64-2.

(b) If the trial judge fails to file a memorandum of decision or sign a transcript of the oral decision in any case covered by subsection (a), the appellant may file with the appellate clerk **[**an original and three copies of**]** a notice that the decision has not been filed in compliance with subsection (a). The notice shall specify the trial judge involved and the date of the ruling for which no memorandum of decision was filed. The appellate clerk shall promptly notify the trial judge of the filing of the appeal and the notice. The trial court shall thereafter comply with subsection (a).

CHAPTER 65
TRANSFER OF CASES

Sec. 65-2. Motion for Transfer from Appellate Court to Supreme Court

After the filing of an appeal in the appellate court, but in no event after the case has been assigned for hearing, any party may move for transfer to the supreme court. The motion, addressed to the supreme court, shall specify, in accordance with provisions of Section 66-2, the reasons why the party believes that the supreme court should hear the appeal directly. A copy of the memorandum of decision of

the trial court, if any, shall be attached to the motion. The filing of a motion for transfer shall not stay proceedings in the appellate court.

If, at any time before the final determination of an appeal, the appellate court is of the opinion that the appeal is appropriate for supreme court review, the appellate court may notify the supreme court [file a brief statement] of the reasons why transfer is appropriate. If [T]the supreme court [shall treat the statement as a motion to transfer and shall promptly decide whether to] transfers the case to itself, the appellate clerk shall promptly notify the parties. The appellate clerk may require the parties to take such steps as may be necessary to make the appeal conform to the rules of the court to which it has been transferred.

Sec. 65-4. Transfer of Matters Brought to Wrong Court

Any appeal or cause brought to the supreme court or the appellate court which is not properly within the jurisdiction of the court to which it is brought shall not be dismissed for the reason that it was brought to the wrong court but shall be transferred by the appellate clerk to the court with jurisdiction and entered on its docket. Any timely filed appeal or cause transferred shall be considered timely filed in the appropriate court. The appellate clerk shall notify all parties and the clerk of the trial court that the appeal or cause has been transferred. In the event that an appeal or cause is so transferred, no additional fees [or security for costs] will be due.

CHAPTER 66
MOTIONS AND OTHER PROCEDURES

Sec. 66-1. Extension of Time

(a) Motions to extend the time limit for filing an appeal shall be filed with the clerk of the trial court. Except as otherwise provided in these rules, the judge who tried the case may, for good cause shown, extend the time limit provided for filing the appeal, except that such extension shall be of no effect if the time within which the appeal must be filed [taken] is set by statute and is a time limit that the legislature intended as a limit on the subject matter jurisdiction of the court in [to] which the appeal is filed [taken]. In no event shall the trial judge extend the time for filing the appeal to a date which is more than twenty days from the expiration date of the appeal period. Where a motion for extension of the period of time within which to appeal has been filed at least ten days before expiration of the time limit sought to be extended, the party seeking to appeal shall have no less than ten days from issuance of notice of denial of the motion to file the appeal.

[For extensions of time to file a cross appeal, see Section 61-8; to file a petition for certification to the supreme court, see Section 84-7; to file a petition for certification to the appellate court, see Section 81-5.

(b) If an appeal has been filed, the time provided for taking any step necessary to prosecute or to defend the appeal may be extended by the court in which the appeal is pending.

(c) (1) Extensions shall be granted only upon a written motion filed with the clerk of the trial court, in the case of a preappeal motion, and with the appellate clerk, in the case of a postappeal motion.]

(b) Motions to extend the time limit for filing any appellate document, other than the appeal, shall be filed with the appellate clerk. The motion[, only an original of which need be filed, should] shall set forth the reason for the requested extension and shall be accompanied by a certification that complies with Section 62-7. An attorney filing such a motion on a client's behalf shall also indicate that a copy of the motion has been delivered [mailed] to each of his or her clients who are parties to the appeal. The moving party shall also include a statement as to whether the other parties consent or object to the motion. A motion for extension of time to file

a brief must specify the current status of the brief or preparations therefor, indicate the estimated date of completion, and, in criminal cases, state whether the defendant is incarcerated as a result of the proceeding in which the appeal has been filed[taken].

[(2)] (c) The appellate clerk is authorized to grant or to deny motions for extension of time promptly upon their filing. Motions for extension of time to complete any step necessary to prosecute or to defend the appeal, to move for or to oppose a motion for reconsideration, or to petition for or to oppose a petition for certification will not be granted except for good cause. Claims of good cause shall be raised promptly after the cause arises.

[(3)] (d) An opposing party who objects to a motion for extension of time filed pursuant to subsection (b) of this section shall file an objection with reasons in support thereof with the appellate clerk within five days from the filing of the motion.

[(4)] (e) A motion for extension of time shall be filed at least ten days before the expiration of the time limit sought to be extended or, if the cause for such extension arises during the ten day period, as soon as reasonably possible after such cause has arisen. No motion under this rule shall be granted unless it is filed before the time limit sought to be extended by such motion has expired.

[(5)] (f) Any action by the trial [court] judge pursuant to subsection (a) of this section or the appellate clerk pursuant to subsection (c) [(2)] of this section is reviewable pursuant to Section 66-6.

[(6) Postappeal motions for extension of time may be filed, signed or verified by electronic means that comply with procedures and technical standards set forth on the Judicial Branch website. A paper filed by electronic means in compliance with such procedures and standards constitutes a written paper for the purpose of applying these rules. Service and proof of service shall be made pursuant to Sections 10-13, 10-14 and 62-7.]

Sec. 66-2. Motions, Petitions and Applications; Supporting Memoranda

(a) Motions, petitions and applications shall be specific. No motion, petition or application will be considered unless it clearly sets forth in separate paragraphs appropriately captioned: (1) a brief history of the case; (2) the specific facts upon which the moving party relies; and (3) the legal grounds upon which the moving party relies. A separate memorandum of law may but need not be filed. If the moving party intends to file a memorandum of law in support of the motion, petition or application, however, such memorandum shall be filed [with] either as an appendix to or as a part of the motion, petition or application. A party intending to oppose a motion, petition or application shall file a brief statement clearly setting forth in separate paragraphs appropriately captioned the factual and legal grounds for opposition within ten days after the filing of the motion, petition or application. If an opposing party chooses to file a memorandum of law in opposition to a motion, petition or application, that party shall do so within ten days after the filing of the motion, petition or application. Responses to [memoranda in] oppositions are not permitted. Except as provided in subsection (e) below, no proposed order is required.

(b) Except with special permission of the appellate clerk, the motion, petition or application and memorandum of law filed [taken] together shall not exceed ten pages, and the memorandum of law in opposition thereto shall not exceed ten pages.

(c) Where counsel for the moving party certifies that all other parties to the appeal have consented to the granting of the motion, petition or application, the motion, petition or application may be submitted to the court immediately upon filing and may be acted upon without awaiting expiration of the time for filing opposition papers. Notice of such consent certification shall be indicated on the first page of the document.

(d) Motions which are not dispositive of the appeal may be ruled upon by one or more members of the court subject to review by a full panel upon a motion for reconsideration pursuant to Section 71-5.

(e) Motions that are directed to the trial court, such as motions to terminate stay pursuant to Section 61-11 or motions for rectification or articulation pursuant to Section 66-5, shall: (1) include both the trial court and the appellate court docket numbers in the caption of the case; (2) state in the first paragraph the name of the trial [court] judge, or panel of judges, who issued the order or orders to be reviewed; (3) include a proper order for the trial court if required by Section 11-1; and (4) comply with the requirements of Section 66-3. Such motions will be forwarded to the trial court by the appellate clerk.

Sec. 66-2A. Supreme Court Briefs on Compact Disc; Hyperlinking [REPEALED]

[In addition to the filing of the requisite number of printed briefs and the submission of the electronic version of briefs as required by Section 67-2, the supreme court will accept all briefs in an appeal on a single compact disc, read-only memory (CD-ROM). Counsel who wish to file such a CD-ROM should consult with opposing counsel and self-represented litigants who should cooperate in its preparation. If only one party wishes to participate in the preparation of the CD-ROM, that party may prepare the CD-ROM with briefs provided by all parties, as long as (1) those parties consent, (2) all briefs are hyperlinked as described below and (3) all parties who have filed briefs are afforded an opportunity to review the CD-ROM before it is filed.

The CD-ROM briefs shall comply with the current technical specifications available on the Judicial Branch website and shall be identical in content and format to the printed version. The CD-ROM briefs shall be word-searchable and hyperlinked to each other and to the full text of all cases, statutes, rules and treatises cited therein. The disc and its paper sleeve shall be labeled with the title of the case, the docket number and the documents reproduced on the disc.

Twenty copies of the CD-ROM shall be filed in the office of the appellate clerk no later than thirty days after the last paper brief is filed, accompanied by proof of service of at least one disc on each other party.]

COMMENTARY—This section was eliminated upon the implementation of electronic filing of briefs.

Sec. 66-3. Motion Procedures and Filing

[Except as otherwise provided, the original and fifteen copies of] All motions, petitions, applications, memoranda of law and stipulations [brought to the court] shall be filed with the appellate clerk in accordance with the provisions of Sections 60-7 and 60-8 and docketed upon filing. The submission may be returned by the appellate clerk or rejected by the court upon review for compliance with the rules of appellate procedure.

All papers shall contain a certification that a copy has been delivered to [served on] each other counsel of record in accordance with the provisions of Section 62-7. No motion or other paper mentioned above shall be filed after expiration of the time for its filing, and no amendment to any of these filings shall be filed, except on written motion and by consent of the court. Motions shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in motions: arial and univers. Each page of a motion, petition, application, memorandum of law, stipulation and opposition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch. [A certificate

shall be attached to the signed original paper, indicating that it is in compliance with all the provisions of this section.]

Sec. 66-5. Motion for Rectification; Motion for Articulation

(Applicable to appeals filed on or after July 1, 2013.)

A motion seeking corrections in the transcript or the trial court record or seeking an articulation or further articulation of the decision of the trial court shall be called a motion for rectification or a motion for articulation, whichever is applicable. Any motion filed pursuant to this section shall state with particularity the relief sought[.

Except in cases where the trial court was a three judge court, an original and two copies of such motion] <u>and</u> shall be filed with the appellate clerk. [Where the trial court was a three judge court, an original and four copies of such motion shall be filed.] Any other party may oppose the motion by filing [an original and two or four copies of] an opposition with the appellate clerk within ten days of the filing of the motion for rectification or articulation.

The appellate clerk shall forward the motion for rectification or articulation and the opposition, if any, to the trial judge who decided, or presided over, the subject matter of the motion for rectification or articulation for a decision on the motion. If any party requests it and it is deemed necessary by the trial court, the trial court shall hold a hearing at which arguments may be heard, evidence taken or a stipulation of counsel received and approved. The trial court may make such corrections or additions as are necessary for the proper presentation of the issues. [The trial judge shall file the decision on the motion with the appellate clerk.] <u>The clerk of the trial court shall list the decision on the trial court docket and shall send notice of the court's decision on the motion to the appellate clerk, and the appellate clerk shall issue notice of the decision to all counsel of record.</u>

Nothing herein is intended to affect the existing practice with respect to opening and correcting judgments and the records on which they are based. The trial <u>court</u> [judge] shall file any such order changing the judgment or the record with the appellate clerk.

Corrections or articulations made before the appellant's brief and appendix are prepared shall be included in the appellant's appendix. Corrections or articulations made after the appellant's brief and appendix have been filed, but before the appellee's brief and appendix have been filed, shall be included in the appellee's appendix. When corrections or articulations are made after both parties' briefs and appendices have been filed, the appellant shall file the corrections or articulations as an addendum to its appendix. Any addendum shall be filed within ten days after issuance of notice of the trial court's order correcting the record or articulating the decision.

The sole remedy of any party desiring the court having appellate jurisdiction to review the trial court's decision on the motion filed pursuant to this section or any other correction or addition ordered by the trial court during the pendency of the appeal shall be by motion for review under Section 66-7.

Upon the filing of a timely motion pursuant to Section 66-1, the appellate clerk may extend the time for filing briefs until after the trial court has ruled on a motion made pursuant to this section or until a motion for review under Section 66-7 is decided.

Any motion for rectification or articulation shall be filed within thirty-five days after the delivery of the last portion of the transcripts or, if none, after the filing of the appeal, or, if no memorandum of decision was filed before the filing of the appeal, after the filing of the memorandum of decision. If the court, sua sponte, sets a different deadline from that provided in Section 67-3 for filing the appellant's brief, a motion for rectification or articulation shall be filed ten days prior to the deadline for filing the appellant's brief, unless otherwise ordered by the court. The

filing deadline may be extended for good cause. No motion for rectification or articulation shall be filed after the filing of the appellant's brief except for good cause shown.

A motion for further articulation may be filed by any party within twenty days after issuance of notice of the filing of an articulation by the trial judge. A motion for extension of time to file a motion for articulation shall be filed in accordance with Section 66-1.

Sec. 66-7. Motion for Review of Motion for Rectification of Appeal or Articulation

(Applicable to appeals filed on or after July 1, 2013.)

Any party aggrieved by the action of the trial judge [as regards] regarding rectification of the appeal or articulation under Section 66-5 may, within ten days of the issuance of notice by the appellate clerk of the decision from the trial court [order] sought to be reviewed, file a [make a written] motion for review [to the court, to be filed] with the appellate clerk, and the court may, upon such a motion, direct any action it deems proper. If the motion depends upon a transcript of evidence or proceedings taken by a court reporter, the procedure set forth in Section 66-6 shall be followed. Corrections or articulations which the trial court makes or orders made pursuant to this section shall be included in the appendices as indicated in Section 66-5.

CHAPTER 67
BRIEFS

Sec. 67-2. Format of Briefs and Appendices; Copies; Electronic Briefing Requirement

(Applicable to appeals filed on or after July 1, 2013.)

(a) Original briefs and appendices shall be typewritten or clearly photocopied from a typewritten original on white 8 1/2 by 11 inch paper. Unless ordered otherwise, briefs shall be copied on one side of the page only. Appendices may be copied on both sides of the page. The page number for briefs and appendices shall be centered on the bottom of each page. The brief shall be fully double spaced and shall not exceed three lines to the vertical inch or twenty-seven lines to the page; footnotes and block quotations may, however, be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in briefs: arial and univers. Each page of a brief or appendix shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch. Briefs and appendices shall be firmly bound 1/4 inch from the left side, at points approximately 1/4, 1/2 and 3/4 of the length of the page, so as to make an easily opened volume.

(b) When possible, parts one and two of the appendix shall be bound together. In addition, parts one and two of the appendix may be bound together with the brief. When, however, binding the brief and appendix together would affect the integrity of the binding, the appendix shall be bound separately from the brief. When either part of the appendix exceeds one hundred and fifty pages, parts one and two of the appendix shall be separately bound.

(c) An appendix shall be paginated separately from the brief. The appendix shall be numbered consecutively, beginning with the first page of part one and ending with the last page of part two, and preceded by the letter ''A'' (e.g., A1 . . . A25 . . . A53). An appendix shall have an index of the names of witnesses whose testimony is cited within it. If any part of the testimony of a witness is omitted, this shall be indicated by asterisks. After giving the name of a witness, the party who called that witness shall be designated, and it shall be stated whether the testimony quoted was given on direct, cross or other examination.

(d) If constitutional provisions, statutes, ordinances, regulations or portions of the transcript are contained in an appendix, they may be reproduced in their original form so long as the document is not reduced to less than 75 percent of its original form.

(e) Briefs and separately bound appendices shall have a suitable front cover of heavy paper in the color indicated: briefs for appellants and plaintiffs in error, light blue; briefs for appellees and defendants in error, pink; reply briefs, white; briefs for amicus curiae, light green. Covers of briefs filed for cross appeals shall be of the same color as indicated for that party on the original appeal briefs. If a supplemental brief is ordered or permitted by the court, the cover shall be the same color as indicated for that party's original brief. A back cover is not necessary; however, if one is used, it must be white.

(f) Briefs and separately bound appendices must bear on the cover, in the following order, from the top of the page: (1) the name of the court; (2) the number of the case; (3) the name of the case as it appears in the judgment file of the trial court; (4) the nature of the brief (e.g., brief of the defendant-appellant; brief of the plaintiff-appellee on the appeal and of the plaintiff-cross appellant on the cross appeal); and (5) the name, address, telephone and facsimile numbers and e-mail address of individual counsel who is to argue the appeal and, if different, the name, address, telephone and facsimile numbers and e-mail address of the party's counsel of record. The foregoing shall be displayed in the upper case of an arial or univers typeface of 12 point or larger size.

(g) Every attorney filing a brief shall submit an electronic version of the brief and appendix in accordance with guidelines established by the court and published on the Judicial Branch website. The electronic version shall be submitted prior to the timely filing of the party's paper brief and appendix pursuant to subsection (h) of this section. A party who is not represented by counsel is not required to submit an electronic version of his or her brief and appendix. Counsel 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.

(h) If the appeal is in the supreme court, the original and fifteen legible photocopies of each brief and appendix, if any, shall be filed with the appellate clerk. If the appeal is in the appellate court, the original and ten legible photocopies of each brief and appendix, if any, shall be filed with the appellate clerk.

(i) The original and all copies of the brief filed with the supreme court or the appellate court must be accompanied by: (1) certification that a copy of the brief and appendix has been sent to each counsel of record in compliance with Section 62-7 and to any trial judge who rendered a decision that is the subject matter of the appeal[, in compliance with Section 62-7]; (2) certification that the brief and appendix being filed with the appellate clerk are true copies of the brief and appendix that were submitted electronically pursuant to subsection (g) of this section; (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 this rule. The certification that a copy of the brief and appendix has been sent to each counsel of record in compliance with Section 62-7, and to any trial judge who rendered a decision that is the subject matter of the appeal may be signed by counsel of record or the printing service, if any. All other certifications pursuant to this subsection shall be signed by counsel of record only.

(j) A copy of the electronic confirmation receipt indicating that the brief and appendix were submitted electronically in compliance with subsection (g) of this section shall be filed with the original brief.

(k) Any request for deviation from the above requirements, including requests to deviate from the requirement to redact or omit personal identifying information or information that is prohibited from disclosure by rule, statute, court order or case law, shall be filed with [addressed in writing to] the appellate clerk.

Sec. 67-3. Page Limitations; Time for Filing Briefs and Appendices

(Applicable to appeals filed on or after July 1, 2013.)

Except as otherwise ordered, the brief of the appellant shall not exceed thirty-five pages and shall be filed with the appendix within forty-five days after the delivery date of the transcript ordered by the appellant. In cases where no transcript is required or the transcript has been received by the appellant prior to the filing of the appeal, the appellant's brief and appendix shall be filed within forty-five days of the filing of the appeal.

The delivery date of the paper—not electronic—transcript shall be used, where applicable, in determining the filing date of briefs.

Any party whose interest in the judgment will not be affected by the appeal and who intends not to file a brief shall inform the appellate clerk of this intent prior to the deadline for the filing of the appellee's brief. In the case of multiple appellees, an appellee who supports the position of the appellant shall meet the appellant's time schedule for filing a brief.

Except as otherwise ordered, the brief of the appellee shall not exceed thirty-five pages, and shall be filed with any appendix within thirty days after the filing of the appellant's brief or the delivery date of the portions of the transcript ordered only by that appellee, whichever is later.

The appellant may within twenty days after the filing of the appellee's brief file a reply brief which shall not exceed fifteen pages.

Where there is a cross appeal, the brief and appendix of the cross appellant shall be combined with the brief and appendix of the appellee. The brief shall not exceed fifty pages and shall be filed with any appendix at the time the appellee's brief is due. The brief and appendix of the cross appellee shall be combined with the appellant's reply brief, if any. This brief shall not exceed forty pages and shall be filed within thirty days after the filing of the original appellee's brief. The cross appellant may within twenty days after the filing of the cross appellee's brief file a cross appellant's reply brief which shall not exceed fifteen pages.

Where cases are consolidated or a joint appeal has been filed, the brief of the appellants and that of the appellees shall not exceed the page limitations specified above.

All page limitations shall be exclusive of appendices, the statement of issues, the table of authorities, the table of contents, if any, and, in the case of an amicus brief, the statement of the interest of the amicus curiae required by Section 67-7. The last page of a brief shall likewise not be counted if it contains only the signature of counsel of record.

Briefs shall not exceed the page limitations set forth herein except by permission of the chief justice or chief judge. Requests for permission to exceed the page limitations shall be [made by letter,] filed with the appellate clerk, stating both the compelling reason for the request and the number of additional pages sought.

Where a claim relies on the state constitution as an independent ground for relief, the clerk shall, upon request [by letter], grant an additional five pages for the appellant and appellee briefs, and an additional two pages for the reply brief, which pages are to be used for the state constitutional argument only.

Sec. 67-7. The Amicus Curiae Brief

A brief of an amicus curiae in cases before the court on the merits may be filed only with the permission of the court. An application for permission to appear as amicus curiae and to file a brief shall be filed within twenty days after the filing of the brief of the party, if any, whom the applicant intends to support, and if there is no such party, then the application shall be filed no later than twenty days after the filing of the appellee's brief.

The application shall state concisely the nature of the applicant's interest and the reasons why a brief of an amicus curiae should be allowed. The length of the brief shall not exceed ten pages unless a specific request is made for a brief of more than that length. The application shall conform to the requirements set forth in Sections 66-2 and 66-3. The amicus application should specifically set forth reasons to justify the filing of a brief in excess of ten pages. A party in receipt of [served with] an application may, within ten days after the filing of the application, file an objection concisely stating the reasons therefor.

All briefs filed under this section shall comply with the applicable provisions of this chapter and shall set forth the interest of the amicus curiae.

An amicus curiae may argue orally only when a specific request for such permission is granted by the court in which the appeal is pending.

With the exception of briefs filed by the attorney general as provided by this rule, all briefs shall indicate whether counsel for a party wrote the brief in whole or in part and whether such counsel or a party contributed to the cost of the preparation or submission of the brief and shall identify those persons, other than the amicus curiae, its members or its counsel, who made such monetary contribution. The disclosure shall be made in the first footnote on the first page of text.

Except for habeas corpus matters based on criminal convictions, if an appeal in a noncriminal matter involves an attack on the constitutionality of a state statute, the attorney general may appear and file a brief amicus curiae as of right. Any such appearance by the [Notice of the] attorney general['s intention to appear and to file a brief shall be given to the appellate clerk and all parties] shall be filed no later than the date on which the brief of the party that the attorney general supports is filed, and the attorney general's brief will be due twenty days after the filing of the brief of the party that the attorney general supports.

Sec. 67-8. The Appendix; Contents and Organization

(Applicable to appeals filed on or after July 1, 2013.)

(a) An appendix shall be prepared in accordance with Section 67-2.

(b) The appellant's appendix shall be divided into two parts.

(1) Part one of the appellant's appendix shall contain: a table of contents giving the title or nature of each item included; the docket sheets, a case detail, or court action entries in the proceedings below; in chronological order, all relevant pleadings, motions, requests, findings, and opinions or decisions of the trial court or other decision-making body (see Sections 64-1 and 64-2); the signed judgment file, if applicable, prepared in the form prescribed by Section 6-2 et seq.; the [endorsed] appeal form, in accordance with Section 63-3; the docketing statement filed pursuant to Section 63-4 (a) (3); any relevant appellate motions or orders that complete or perfect the record on appeal; and, in appeals to the supreme court upon grant of certification for review, the order granting certification and the opinion or order of the appellate court under review. In administrative appeals, part one of the appellant's appendix also shall meet the requirements of Section 67-8A (a). In criminal or habeas appeals filed by incarcerated self-represented parties, part one of the appendix shall be prepared by the appellee. See Section 68-1. In these appeals, the filing of

an appendix by incarcerated self-represented parties shall be in accordance with subsection (c) of this rule.

(2) Part two of the appellant's appendix may contain any other portions of the proceedings below that the appellant deems necessary for the proper presentation of the issues on appeal. Part two of the appellant's appendix may be used to excerpt lengthy exhibits or quotations from the transcripts or to comply with other provisions of the Practice Book that require the inclusion of certain materials in the appendix. To reproduce a full transcript or lengthy exhibit when an excerpt would suffice is a misuse of an appendix. Where an opinion is cited that is not officially published, the text of the opinion shall be included in part two of the appendix.

(c) The appellee's appendix should not include the portions of the proceedings below already included in the appellant's appendix. If the appellee determines that part one of the appellant's appendix does not contain portions of the proceedings below, the appellee shall include any such items that are required to be included pursuant to Section 67-8 (b) (1) in part one of its appendix. Where an appellee cites an opinion that is not officially published and is not included in the appellant's appendix, the text of the opinion shall be included in part two of the appellee's appendix. Part two of the appellee's appendix may also contain any other portions of the proceedings below that the appellee deems necessary for the proper presentation of the issues on appeal.

(d) In appeals where personal identifying information is protected by rule, statute, court order or case law, and in appeals that have been ordered sealed in part or in their entirety or are subject to limited disclosure pursuant to Section 77-2, all briefs and appendices shall be prepared in accordance with Section 67-1.

COMMENTARY—Effective January 1, 2016, the appellant's appendix must include a copy of the signed judgment file, prepared in accordance with Sections 6-2 and 6-3. This requirement replaces the former requirement to file a draft judgment file pursuant to Section 63-4. It is the appellant's responsibility to contact the trial court in order to obtain a copy of the signed judgment file well in advance of the date for filing the appendix.

Sec. 67-8A. The Appendix in Administrative Appeals; Exceptions

(Applicable to appeals filed on or after July 1, 2013.)

(a) Except as provided in subsection (c), in appeals from administrative agencies, part one of the appellant's appendix shall include the materials required by Section 67-8, the part of the return of the administrative agency which identifies the papers returned to the trial court, and also such of the papers returned as consist of: (1) the application or appeal to the agency; (2) the notice of hearing and the affidavit of publication, if they are in issue on the appeal; and (3) 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.

(b) The appellee's appendix, if any, shall be prepared in accordance with the provisions of Section 67-8 (c).

(c) Subsection (a) shall not apply to the following administrative appeals:

(1) Appeals from municipal boards of tax review filed [taken] pursuant to General Statutes §§ 12-117a and 12-119.

(2) Appeals from municipal assessors filed [taken] pursuant to General Statutes § 12-103.

(3) Appeals from the commissioner of revenue services.

(4) Appeals from the insurance commissioner filed [taken] pursuant to General Statutes § 38a-139.

(5) Any other appeal in which the parties received a trial de novo in the superior court.

The appendices in these matters shall be prepared in accordance with the provisions of Section 67-8.

Sec. 67-10. Citation of Supplemental Authorities after Brief Is Filed

When pertinent and significant authorities come to the attention of a party after the party's brief has been filed, or after oral argument but before decision, a party may promptly file with [advise] the appellate clerk [of] a notice listing such supplemental authorities, including citations, [by letter,] with a copy certified to all counsel of record in accordance with Section 62-7. [The clerk shall be provided with an original and seven copies of the letter. The letter shall set forth the citations of the authorities.] If the authority is an unreported decision, a copy of the text of the decision must accompany the filing, which [letter. The letter] shall concisely and without argument state the relevance of the supplemental citations and shall include, where applicable, reference to the pertinent page(s) of the brief. Any response shall be made promptly and shall be similarly limited.

This section may not be used after oral argument to elaborate on points made or to address points not made.

Sec. 67-12. Stay of Briefing Obligations upon Filing of Certain Motions after Appeal Is Filed [Taken]

As provided in Section 63-1, if, after an appeal has been filed [taken] but before the appeal period has expired, a motion is filed that would render the judgment, decision or acceptance of the verdict ineffective, any party may move to stay the briefing obligations of the parties. The appellate [chief] clerk may grant such motions for up to sixty days. Any further request for stay must be made by motion to the appellate court having jurisdiction prior to the expiration of the stay granted by the appellate [chief] clerk. Such request must describe the status of the motion in the trial court and must demonstrate that a resolution of the motion is being actively pursued. After all such motions have been decided by the trial court, the appellant shall, within ten days of notice of the ruling on the last such outstanding motion, file a notice [statement] with the appellate clerk that such motions have been decided, together with a copy of the decisions on any such motions. The filing of such notice [statement] shall reinstate the appellate obligations of the parties, and the date of notice of the ruling on the last outstanding motion shall be treated as the date of the filing of the appeal for the purpose of briefing pursuant to Section 67-3.

CHAPTER 68
CASE FILE

Sec. 68-1. Responsibilities of [Trial Court] Clerk of the Trial Court regarding Copying Case File and Additions to Case File Made after Appeal Is Filed [Taken]; Exhibits and Lodged Records

(Applicable to appeals filed on or after July 1, 2013.)

(a) With the exception of those appeals in which the contents of the case file consist solely of papers filed by electronic means, the clerk of the trial court shall, within ten days of the filing of the appeal, prepare and forward to the appellate clerk one complete copy of the case file, including the case detail page for noncriminal cases and all written requests to charge. No omissions may be made from the case file except upon the authorization of the appellate clerk. The appellate clerk may direct the clerk of the trial court to prepare and to forward a case file in any other instance in which it is needed. The clerk of the trial court shall forward to the appellate clerk one copy of all additions made to the case file after the initial preparation and transmittal of the case file.

(b) (1) In criminal appeals filed by incarcerated self-represented parties, the clerk of the trial court shall forward to the office of the chief state's attorney one complete copy of the case file and all written requests to charge for use in preparing part one of the appendix pursuant to Section 67-8 (b).

(2) In habeas appeals filed by incarcerated self-represented parties, the clerk of the trial court shall forward to either the office of the chief state's attorney or the office of the attorney general one complete copy of the case file, including the case detail page and all written requests to charge for use in preparing part one of the appendix pursuant to Section 67-8 (b).

(3) In criminal and habeas appeals filed by incarcerated self-represented parties, the office of the chief state's attorney or the office of the attorney general and the clerk of the trial court may agree that the copy of the case file be provided by electronic means.

(c) Each document of the case file must be numbered, and the file must include a table of contents listing each item entered in the file according to its number.

(d) In an appeal from an administrative agency, the papers returned by the agency to the trial court, even though annexed to and incorporated by reference in the answer, shall accompany the copies of the file but need not be included in the copies of the file.

(e) All exhibits in the trial court are deemed exhibits on appeal and are deemed in the custody of the appellate clerk while the appeal is pending. The appellate clerk shall notify the clerk of the trial court of the exhibits required by the court in which the appeal is pending. Within ten days of such notice, the clerk of the trial court shall transmit those exhibits to the appellate clerk accompanied by a list of all exhibits in the case. The [trial court] clerk of the trial court shall notify all counsel of record [and self-represented litigants] of the transmittal and provide them with a copy of the exhibit list. The provisions of this paragraph shall apply to records lodged pursuant to Section 7-4C.

CHAPTER 69
ASSIGNMENT OF CASES FOR ARGUMENT

Sec. 69-1. [Printed] Docket

The appellate clerk shall periodically prepare a [printed] docket of all pending cases which are not on a current assignment list for oral argument and which appear to be ready for assignment under Section 69-2 or have been ordered to be heard by the court and shall post the docket on the Judicial Branch website and deliver the docket [send a copy] to each appellate jurist, [to] each counsel of record appearing in the cases entered on the [printed] docket, and [to] the reporter of judicial decisions.

Sec. 69-2. Cases Ready for Assignment

(Applicable to appeals filed on or after July 1, 2013.)

Cases will be considered ready for assignment when the briefs and appendices of all parties, including reply briefs, have been filed or the time for filing reply briefs has expired. Any case ready for assignment may be assigned pursuant to Section 69-3. After notice to counsel of record of a date and time to be heard, the chief justice, the chief judge, or a designee may order the assignment for oral argument of any appeal, notwithstanding the fact that the case on appeal does not appear on the [printed] docket.

Cases may be assigned for argument on a standby basis in which event counsel will be notified at least forty-eight hours before the time scheduled for oral argument that the standby case is to be heard.

If a case scheduled for oral argument, whether on standby basis or not, is settled or withdrawn for any reason, counsel for the appellant shall notify the appellate

clerk [of that fact promptly and shall not wait until the time scheduled for oral argument] immediately.

Sec. 69-3. Time for Assignments; Order of Assignment

Assignments of cases for oral argument ordinarily will be made in the order in which the cases become ready for argument pursuant to Section 69-2. Requests for variations from this order, stating the reason therefor, shall be made by [letter] filing an assignment form in the time frame specified on the docket with certification [certified] pursuant to Section 62-7. [, addressed to the appellate clerk and delivered, mailed or sent by facsimile to the clerk's office in time for the appellate clerk to receive it at least two working days on which the clerk's office is required to be open before assignments are made.] An attorney making such a request shall also indicate that a copy of the request has been [mailed] delivered to each of his or her clients who are parties to the appeal.

Assignments for oral argument in the supreme court and appellate court shall take precedence over all other judicial branch assignments.

The appellate clerk will [forthwith] mail copies of the assignment [list] to all counsel of record and post the assignment on the Judicial Branch website.

CHAPTER 70
ARGUMENTS AND MEDIA COVERAGE OF COURT PROCEEDINGS

Sec. 70-1. Oral Argument; Videoconferencing of Oral Argument in Certain Cases

(Applicable to appeals filed on or after July 1, 2013.)

(a) Oral argument will be allowed as of right in all appeals except as provided in subsection (b) of this rule.

(b) In civil cases where: (1) the dispositive issue or set of issues has been recently authoritatively decided; or (2) the facts and legal arguments are adequately presented in the briefs and the decisional process would not be significantly aided by oral argument, notice will be sent to counsel of record that the case will be decided on the briefs and record only. This notice will be issued [sent] after all briefs and appendices have been filed. Any party may file a request for argument [by letter addressed to the appellate clerk] stating briefly the reasons why oral argument is appropriate and shall do so within seven days of the issuance of the court's notice. After receipt and consideration of such a request, the court will either assign the case for oral argument or assign the case for disposition without oral argument, as it deems appropriate.

(c) In matters involving parties who are self-represented and incarcerated, oral argument may be conducted by videoconference upon direction of the court in its discretion.

Sec. 70-2. Submission without Oral Argument on Request of Parties

[With the permission of the court, c]Counsel of record may, before or after a case has been assigned for a hearing, file a request to submit the case for decision on the briefs and record [and briefs] only, without oral argument. No request for submission without oral argument will be granted unless the requesting party certifies that all other parties agree to waive oral argument. This rule applies only to counsel of record who have filed a brief or joined in the brief of another party.

Sec. 70-4. Time Allowed for Oral Argument; Who May Argue

Unless the court grants a request for additional time made before oral argument begins, [The time occupied in the] argument of any case shall not exceed one-half hour on each side[, without special leave of the court, granted before the argument

begins]. The time [thus limited and] allowed may be apportioned among counsel on the same side of a case as they may choose. The court may terminate the argument whenever in its judgment further argument is unnecessary.

[Except by special permission of the presiding jurist, which permission must be obtained prior to the date assigned for hearing,] Prior to the date assigned for hearing, counsel may file a request with the appellate clerk to allow [no] more than one counsel [shall] to present oral argument for any one party to the appeal.

No argument shall be allowed any party who has not filed a brief or who has not joined in the brief of another party.

Sec. 70-9. Coverage of Court Proceedings by Cameras and Electronic Media

(a) Except for those matters enumerated in subsection (c) of this rule, all judicial courtroom proceedings in the supreme and appellate courts are presumed to be subject to coverage by cameras and electronic media.

(b) (1) All such proceedings may be broadcast, televised, videotaped, audio recorded or photographed unless: (A) the panel of jurists grants a motion by a party or a victim in a case requesting the limitation or preclusion of such coverage, or (B) the panel of jurists, on its own motion, limits or precludes such coverage. The right to permit or to exclude coverage, whether partially or totally, at any time in the interests of the administration of justice shall remain with the panel of jurists.

(2) Any party or victim who desires to file a motion to limit or preclude coverage shall do so not later than one week before the start of the term for which the case is subject to being assigned, as indicated on a [printed] docket pursuant to Section 69-1. The party or victim shall [mail] deliver a copy of such motion to each counsel [or self-represented party] of record and to any other victim in the case. The party or victim shall give notice to any such victim by notifying the state's attorney in a criminal case, the attorney or guardian ad litem for a minor child in cases involving a minor victim or child represented by an attorney or guardian ad litem, and to any other victim or child by notifying the office of the victim advocate[Connecticut Victim Advocate]. Endorsed on the motion shall be certification of such [mailing] delivery. The appellate clerk shall refer any such motion to the panel of jurists for review as soon as the panel is determined. The panel of jurists may consider a late motion to limit or preclude coverage. Prior to acting on such motion, the panel of jurists shall provide any media outlet expected to cover the proceeding an opportunity to respond in writing to the motion.

(3) In acting on such motion or on its own motion, the panel of jurists will apply the presumption that all judicial courtroom proceedings in the supreme and appellate courts are subject to coverage by cameras and electronic media. In addition, it will be guided by the principles that such coverage should be limited only if there is good cause to do so, there are no reasonable alternatives to such limitations, and the limitation is no broader than necessary to protect the competing interests at issue.

(4) In acting on such motion or its own motion, the panel of jurists will conclude that the presumption in favor of coverage by cameras and electronic media has been overcome only if it is satisfied that good cause exists for a limitation or preclusion on coverage. If the panel of jurists orders a limitation or preclusion on coverage, it will provide a statement of its reasons. A statement may be written or stated on the record in open court.

(c) (1) The presumption in favor of coverage shall not apply to cases involving: (A) sexual assault; (B) risk of injury to, or impairing the morals of, a child; (C) abuse or neglect of a child; (D) termination of parental rights; and (E) contested questions of child custody or visitation.

(2) In cases to which the presumption in favor of coverage does not apply, any person may request such coverage by filing a motion not later than one week before

the start of the term for which the case is subject to being assigned, as indicated on the [printed] docket pursuant to Section 69-1. The applicant shall [mail] <u>deliver</u> a copy of such written request to each counsel [or self-represented party] <u>of record</u> and to any victim or child in the case. The applicant shall give notice to any such victim by notifying the state's attorney in a criminal case, the attorney or guardian ad litem for a minor child in cases involving a minor victim or child represented by an attorney or guardian ad litem, and to any other victim or child by notifying the <u>office of the victim advocate</u>[Connecticut Victim Advocate]. Endorsed on the motion shall be a certification of such [mailing] <u>delivery</u>. The appellate clerk shall refer any such motion to the panel of jurists for review as soon as the panel is determined. The panel of jurists may consider a late motion requesting coverage. Prior to acting on such motion, the panel of jurists shall provide the parties, any such minor children and any victims of the offense an opportunity to respond in writing to the motion. The panel of jurists shall grant the motion only if it is satisfied that the need for such coverage outweighs the privacy interests involved in the case.

(d) The supreme and appellate courts shall establish appropriate protocols governing the number, location and use of all forms of coverage consistent with these rules.

(e) As used in this rule, ''panel of jurists'' means the justices or judges assigned to hear a particular case.

CHAPTER 71
APPELLATE JUDGMENTS AND OPINIONS

Sec. 71-5. Motions for Reconsideration; Motions for Reconsideration En Ban

A motion for reconsideration will not be entertained unless filed with the appellate clerk[, accompanied by a receipt showing that the fee was paid or waived,] within ten days from the date when the decision or any order being challenged is officially released. [The fee may be paid to the clerk of any trial court in the state.] <u>Any required fees shall be paid in accordance with the provisions of Sections 60-7 or 60-8.</u>

The motion for reconsideration shall state briefly the grounds for requesting reconsideration.

A party may also request reconsideration en banc by placing ''en banc'' in the caption of the motion and requesting such relief as an alternative to reconsideration by the panel.

Whenever reconsideration en banc is sought, the motion shall state briefly why reconsideration en banc is necessary (for example, to secure or maintain uniformity of decision or because of the importance of the decision) and shall also state the names of the decisions, if any, with which the decision conflicts. A motion for reconsideration shall be treated as a motion for reconsideration en banc when any member of the court which decided the matter will not be available, within a reasonable time, to act on the motion for reconsideration.

Sec. 71-7. Stays of Execution Pending Decision by United States Supreme Court

When a case has gone to judgment in the state supreme court and a party to the action wishes to obtain a stay of execution pending a decision in the case by the United States supreme court, that party shall, within twenty days of the judgment, file a motion for stay with <u>the appellate clerk directed to</u> the state supreme court. The filing of the motion shall operate as a stay pending the state supreme court's decision thereon.

When the state supreme court has denied a petition for certification from the appellate court, any stay in existence at the time of such denial shall remain in effect for twenty days. Any party to the action wishing to extend such stay of

execution or to otherwise obtain a stay of execution pending a decision in the case by the United States supreme court shall file a motion for stay with the appellate clerk directed to the appellate court. The filing of the motion shall operate as a stay pending the appellate court's decision thereon.

CHAPTER 72
WRITS OF ERROR

Sec. 72-2. Form

The writ shall contain in numbered paragraphs the facts upon which the plaintiff in error [petitioner] relies and a statement of the relief claimed.

Sec. 72-3. Applicable Procedure

(Applicable to appeals filed on or after July 1, 2013.)

(a) [Upon payment in the trial court of the filing fee, t]The writ, if in proper form, shall be allowed and signed by a judge or clerk of the court in which the judgment or decree was rendered. The writ shall be presented for signature within twenty days of the date notice of the judgment or decision complained of is given but shall be signed by the judge or clerk even if not presented in a timely manner. Failure without cause to present the writ in a timely manner may be a ground for dismissal of the writ by the supreme court.

(b) The writ shall be served and returned as other civil process, except that [(1)] the writ shall be served at least ten days before the return day[, and (2) shall be returned to the appellate clerk at least one day before the return day]. The return days of the supreme court are any Tuesday not less than twelve nor more than thirty days after the writ is signed. At least one day before the return day, the plaintiff in error shall (1) pay all required fees as set forth in Sections 60-7 or 60-8; (2) file the matter in accordance with the provisions of Section 63-3; and (3) file the return with the appellate clerk.

[(c) If the writ is brought against a judge of the superior court to contest a summary decision of criminal contempt by that judge, the defendant in error shall be the superior court. In all other writs of error, the writ shall bear the caption of the underlying action in which the judgment or decision was rendered. All parties to the underlying action shall be served in accordance with chapter 8 of these rules.]

[(d)] (c) The writ shall be [deemed filed the day it is returned] docketed upon filing in accordance with Section 63-3 and payment of all required fees, but the writ may be returned upon review by the appellate clerk if the plaintiff in error fails to file the return with the appellate clerk, or for noncompliance with the rules of appellate procedure. The appellate clerk shall forthwith give notice to all parties of the filing of the writ.

(d) If the writ is brought against a judge of the superior court to contest a summary decision of criminal contempt by that judge, the defendant in error shall be the superior court. In all other writs of error, the writ shall bear the caption of the underlying action in which the judgment or decision was rendered. All parties to the underlying action shall be served in accordance with chapter 8 of these rules.

(e) Within twenty days after filing the writ, the plaintiff in error shall file with the appellate clerk one copy of such documents as are necessary to present the claims of error made in the writ, including pertinent pleadings, memoranda of decision and judgment file, accompanied by a certification that a copy thereof has been served on each counsel of record in accordance with Section 62-7.

(f) In the event a transcript is necessary, the plaintiff in error shall follow the procedure set forth in Sections 63-8 and 63-8A.

(g) Within ten days of the filing by the plaintiff in error of the documents referred to in subsections (e) and (f) of this rule, the defendant in error may file one copy

of such additional documents as are necessary to defend the action, accompanied by a certification that a copy thereof has been served on each counsel of record in accordance with Section 62-7.

(h) Answers or other pleas shall not be filed in response to any writ of error.

CHAPTER 73
RESERVATIONS

Sec. 73-1. [Procedure; Form] <u>Reservation of Questions to the Supreme Court or Appellate Court; Contents of Reservation Request</u>

(Applicable to appeals filed on or after July 1, 2013.)

(a) <u>Counsel may jointly file with the superior court a request to reserve questions of law for consideration by the supreme court or appellate court. A reservation request shall set forth: (1) a stipulation of the essential undisputed facts and a clear and full statement of the question or questions upon which advice is desired; (2) a statement of reasons why the resolution of the question by the appellate court having jurisdiction would serve the interest of simplicity, directness and judicial economy; and (3) whether the answers to the questions will determine, or are reasonably certain to enter into the final determination of the case. All questions presented for advice shall be specific and shall be phrased so as to require a Yes or No answer.</u>

<u>(b) Reservation requests may be brought only in</u> [Any reservation shall be taken to the supreme court or to the appellate court from] those cases in which an appeal could have been <u>filed</u> [taken] directly to the supreme court, or to the appellate court, respectively, had judgment been rendered. Reservations in cases where the proper court for the appeal cannot be determined prior to judgment shall be <u>filed</u> [taken] directly to the supreme court.

[(b)All questions presented for advice shall be specific and shall be phrased so as to require a Yes or No answer.

(c) Before any question shall be reserved by any court, counsel shall file in that court a stipulation which shall clearly and fully state the question or questions upon which advice is desired; that their present determination by the appellate court having jurisdiction would be in the interest of simplicity, directness and economy in judicial action, the grounds for such allegation being particularly stated; that the answers to the questions will determine, or are reasonably certain to enter into the final determination of the case; and that the parties request that the questions be reserved for the advice of the appellate court having jurisdiction. The stipulation shall state the undisputed facts which are essential for determination of the question or questions sought to be reserved. With the stipulation, the parties shall file a joint docketing statement in the format specified in Section 63-4 (a) (3) for regular appeals.

(d) Upon the ordering of a reservation by the superior court, the clerk of the trial court shall send notice of the reservation to the appellate clerk and to all parties of record. The date of issuance of this notice shall be deemed the filing date of the appeal for purposes of the brief and appendix filing deadlines of Section 67-3. The plaintiff in the court that ordered the reservation shall be deemed the appellant, and the defendant in such court shall be deemed the appellee for purposes of these rules, unless otherwise ordered by the court.

(e) No entry fee shall be paid to the superior court and no costs shall be taxed in favor of any party. With the notice of reservation, except in appeals in which the contents of the case file consists solely of papers filed by electronic means, the clerk of the trial court shall send to the appellate clerk one copy each of the stipulation, its accompanying joint docketing statement, the superior court's order of reservation, and the case detail page listing the counsel for all parties.

(f) The court will not entertain a reservation for its advice upon questions of law arising in any action unless the question or questions presented are such as are, in

the opinion of the court, reasonably certain to enter into the decision of the case, and it appears that their present determination would be in the interest of simplicity, directness and economy of judicial action.

(g) The advice of the appellate court on a reservation may be reviewed by the supreme court only upon the granting of certification as provided in chapter 84.]

COMMENTARY—This section has been rewritten and the content of certain subsections has been transferred to new sections.

Sec. 73-2. Consideration of Reservation Request by Superior Court (NEW)

If the superior court determines that a reservation would be appropriate, it shall forward the reservation request with its determination, which shall include the items specified in Section 73-1 (a), to the appellate clerk and to all parties of record. The supreme court or appellate court shall either preliminarily accept or decline the reservation request, but may later reject the reservation if it should appear to have been improvidently granted. The supreme court or appellate court will not entertain a reservation unless the question or questions presented are reasonably certain to enter into the decision of the case and it appears that their determination would be in the interest of simplicity, directness and judicial economy. The supreme court or appellate court may also request that the superior court provide additional facts required for a decision upon the questions reserved and to clarify such questions when necessary.

Sec. 73-3. Procedure Upon Acceptance of Reservation (NEW)

(a) The appellate clerk shall notify the clerk of the trial court and the parties of the decision or order on the reservation request. Within twenty days of issuance of the notice of an order of preliminary acceptance, the appellant shall file the reservation in accordance with the provisions of Section 63-3, except that no entry fee shall be paid and no costs shall be taxed in favor of any party. In addition, within ten days of the filing of the appeal, the appellant shall file a docketing statement in the form specified in Section 63-4 (a) (3).

(b) The plaintiff in the court that ordered the reservation shall be deemed the appellant, and the defendant in such court shall be deemed the appellee for purposes of these rules, unless otherwise ordered by the court.

(c) The advice of the appellate court on a reservation may be reviewed by the supreme court only upon the granting of certification as provided in chapter 84.

COMMENTARY—This new section contains language that previously had been included in subsections (d) and (g) of Section 73-1.

Sec. 73-4. Briefs, Appendices and Argument (NEW)

Briefs and appendices filed by the parties shall conform to the rules set forth in Chapter 67. Oral argument shall be as provided in Chapter 70, unless otherwise ordered by the court.

CHAPTER 74
[APPEALS FROM] DECISIONS OF JUDICIAL REVIEW COUNCIL

Sec. 74-1. [Time to Take; Form; Filing; Costs] Appeals by Respondent Judge from Decision of Judicial Review Council

(a) An appeal [Appeals] by a respondent judge from a decision[s] of the judicial review council shall be taken within twenty days from the date the decision appealed from is received by the respondent judge.

(b) The appeal shall be [directed to and] filed with the supreme court in accordance with the provisions of Section 63-3, except that no entry fee shall be paid and no

costs shall be taxed in favor of any party. [and shall be accompanied by a certification that] The respondent judge shall serve a copy [there]of the appeal form [has been served] on the chair or executive director of the judicial review council in accordance with the provisions of Section 62-7. [No fee shall be required to be paid. The appellate clerk shall docket the appeal, note thereon the date and time of the filing, affix the docket number assigned to the appeal and send a copy to the judicial review council and to each appearing party.]

(c) The appellate clerk shall forward one copy of the appeal form to the judicial review council and one copy to the respondent judge.

(d) Within ten days of filing the appeal, the respondent judge shall file with the appellate clerk:

(1) a copy of the decision of the judicial review council appealed from, and

(2) the filings required by Section 63-4.

(e) With the exception of decisions recommending suspension for more than one year or removal from office, which are referred to the supreme court pursuant to Section 74-2A, a decision of the judicial review council will be final unless a timely appeal is filed by the respondent judge.

Sec. 74-2. Papers to be Filed [REPEALED]

[The respondent judge shall submit, as set forth in Section 61-5, to the appellate clerk at the time the appeal is filed:

(a) a copy of the decision of the judicial review council appealed from, and

(b) the submissions required by Section 63-4.]

COMMENTARY—Section 74-2 has been repealed and the content has been transferred, with revisions, to Section 74-1 (d).

Sec. [74-7] 74-2A. [Action on Recommendation when No Appeal] Referral to Supreme Court by Judicial Review Council Following Recommendation of Suspension or Removal

[In the event that the respondent judge does not appeal a decision by the judicial review council to recommend to the supreme court such judge's suspension or removal] If the judicial review council recommends suspension for more than one year or removal from office, the council shall, at the expiration of the time to appeal, forward to the appellate clerk a certified copy of its decision together with those parts of the record and transcript as it deems necessary for a proper consideration of its recommendation.

The appellate clerk shall assign a docket number and [note the date of filing on the documents,] notify the court of the matter. [chief justice that they have been filed, and prepare sufficient copies for the members of the supreme court. That] The court shall, as soon as practicable, review the filed documents and render a decision on the recommendation of the council.

COMMENTARY—What had been Section 74-7 has been transferred, with revisions, to Section 74-2A.

Sec. 74-3. Costs and Security Not Required [REPEALED]

[Statutory fees, taxable costs and the requirement for furnishing security for costs are waived.]

COMMENTARY—Section 74-3 has been repealed and the content has been transferred to Section 74-1.

Sec. [74-8] 74-3A. Initiation of Action by Supreme Court

In the event that the supreme court, on its own motion, wishes to initiate proceedings against a judge, it shall refer the matter to the judicial review council or, if

the judge to be investigated is a member of that council, to a committee of three state referees for investigation and hearing.

The council or the committee shall render a decision pursuant to Section 74-4 and forward a copy of its decision to the respondent judge and to the appellate clerk.

The decision may be appealed by the respondent judge pursuant to the provisions of this chapter. If the respondent judge fails to appeal within the time provided, the decision shall be final, unless it was rendered by a committee or contains a recommendation for suspension or removal of the judge, in which case, at the expiration of the time to appeal, the council or committee shall file pertinent parts of the record and transcript with the appellate clerk pursuant to Section [74-7] 74-1 (d) and the supreme court shall render a decision thereon.

COMMENTARY—What had been Section 74-8 has been designated Section 74-3A.

Sec. 74-6. Applicability of Rules

All proceedings subsequent to the filing of the appeal, referral of the matter by the judicial review council or initiation by the supreme court shall be governed by the rules applicable to appeals[and appeals from administrative agencies].

Sec. 74-7. Action on Recommendation when No Appeal

(Transferred to Section 74-2A.)

COMMENTARY—What had been Section 74-7 has been rewritten and has been designated Section 74-2A.

Sec. 74-8. Initiation of Action by Supreme Court

(Transferred to Section 74-3A.)

COMMENTARY—What had been Section 74-8 has been transferred, with revisions, to Section 74-3A.

CHAPTER 75
APPEALS FROM COUNCIL ON PROBATE JUDICIAL CONDUCT

Sec. 75-1. [Time to Take; Form; Filing; Costs] Appeals by Respondent Judge From Decision of Council on Probate Judicial Conduct

(a) An appeal [Appeals] by a respondent judge from a decision[s] of the council on probate judicial conduct to publicly admonish [reprimand] or censure shall be taken within twenty days from the date that notice of the admonishment [reprimand] or censure is received by the respondent judge.

(b) The appeal shall be directed to and filed with the supreme court in accordance with the provisions of Section 63-3, except that no entry fee shall be paid and no costs shall be taxed in favor of either party.[, and] The respondent shall serve [be accompanied by a certification that a copy thereof has been served] a copy of the appeal form on the chair or secretary of the council on probate judicial conduct in accordance with the provisions of Section 62-7. [No fee shall be required to be paid. The appellate clerk shall docket the appeal, note on the form the date and time of the filing, affix the docket number assigned to the appeal and]

(c) The appellate clerk shall forward one [send a] copy of the appeal form to the council on probate judicial conduct and one copy to the respondent judge[each appearing party].

(d) Within ten days of filing the appeal, the respondent shall file with the appellate clerk:

(1) a copy of the decision of the council on probate judicial conduct appealed from, and

(2) the filings required by Section 63-4.

Sec. 75-2. Papers to Be Filed [REPEALED]

[The appellant shall submit, as set forth in Section 62-7, to the appellate clerk at the time the appeal is filed:

(a) a copy of the decision of the council on probate judicial conduct appealed from, and

(b) the submissions required by Section 63-4.]

COMMENTARY—This section has been repealed and the content has been transferred to Section 75-1 (d).

Sec. 75-3. Costs and Security Not Required [REPEALED]

[Statutory fees, taxable costs and the requirement for furnishing security for costs are waived.]

COMMENTARY—This section has been repealed and the content has been transferred to Section 75-1.

Sec. 75-4. Decision of Council; Remand by Supreme Court

The council on probate judicial conduct shall state its decision in writing on the issues of the case. Within two weeks of receipt of notice of an appeal, the council shall [file] forward a finding of fact and conclusions therefrom to the appellate clerk. If the supreme court deems it necessary to the proper disposition of the cause, it may remand the case to the council on probate judicial conduct for clarification of the basis of its decision.

Sec. 75-6. Applicability of Rules

All proceedings subsequent to the filing of the appeal shall be governed by the rules applicable to appeals[and appeals from administrative agencies].

CHAPTER 76
APPEALS IN WORKERS' COMPENSATION CASES

Sec. 76-2. Filing Appeal

The appeal shall be filed with the appellate clerk in accordance with the provisions of Section 63-3. The appellant shall deliver a copy [accompanied by a certification that a copy] of the appeal form [thereof has been served on] to each party of record in accordance with the provisions of Section 62-7 and [on] to the board or the § 31-290a commissioner, as appropriate.[, in accordance with the provisions of Section 62-7.]

The appellate clerk shall [stamp or note on the appeal the date and time of filing, shall docket the appeal, shall affix to the appeal the docket number assigned to it, and shall send] deliver [one] a copy of the appeal form to the board or the § 31-290a commissioner, as appropriate, and [one copy] to each appearing party.

Sec. 76-3. Preparation of Case File; Exhibits

(Applicable to appeals filed on or after July 1, 2013.)

Within ten days of the issuance of notice of the filing of an appeal, the board or the § 31-290a commissioner, as appropriate, shall [cause to be filed with] deliver to the appellate clerk an electronic copy of the file, if possible, or one complete copy of the case file. No omissions may be made from the case file except upon the authorization of the appellate clerk. Each document of the case file must be numbered, and the file must include a table of contents listing each item entered in the file according to its number.

All exhibits before the board or the § 31-290a commissioner are deemed exhibits on appeal. The appellate clerk shall notify the board or the § 31-290a commissioner

of the exhibits required by the court. It shall be the responsibility of the board or the § 31-290a commissioner to transmit those exhibits promptly to the appellate clerk.

Sec. 76-4. Fees and Costs

On appeals from the board or the § 31-290a commissioner, or upon the reservation of a workers' compensation case by the compensation review board, no entry fee shall be paid, and no costs shall be taxed in favor of either party provided that if an appeal is found by the court either to be frivolous or to be filed [taken] for the purpose of vexation or delay, the court may tax costs in its discretion against the person so taking the appeal.

Sec. 76-5. Reservation of [Case] Question from Compensation Review Board

When, in any case arising under the provisions of this chapter, the compensation review board is of the opinion that the decision involves principles of law which are not free from reasonable doubt and which public interest requires shall be determined by the appellate court, in order that a definite rule be established applicable to future cases, the compensation review board may, on its own motion and without any agreement or act of the parties or their counsel, [reserve such case for the opinion of the appellate court.] prepare a reservation request in the manner specified by Section 73-1 and deliver it to the appellate clerk and to all parties of record. The appellate court shall either preliminarily accept or decline the reservation request. The appellate clerk shall notify the compensation review board and the parties of the decision or order on the reservation request.

The appellate court may later reject the reservation if it should appear to have been improvidently granted. The appellate court may also request that the compensation review board provide additional facts required for a decision upon the questions reserved and to clarify such questions when necessary.

The plaintiff in the underlying workers' compensation matter shall be deemed the appellant, and the defendant in the underlying matter shall be deemed the appellee for purposes of these rules, unless otherwise ordered by the court.

[Upon a reservation so made, no costs or fees shall be taxed in favor of either party. Upon the filing of such a reservation, the question shall come before the appellate court as though an appeal had been taken, and that court shall thereupon reserve the case for the opinion of the supreme court in the manner herein indicated; but if, in the opinion of the appellate court, the principles of law involved in the decision are in fact free from reasonable doubt and the public interest does not in fact require that they be determined by the supreme court, the appellate court may, in its discretion, hear and determine the controversy as in other cases. Any reservation under this rule may be transferred to the supreme court on its own motion pursuant to General Statutes § 51-199 (c) or on the motion of any party pursuant to Section 65-2.]

Sec. 76-5A. Procedure Upon Acceptance of Reservation (NEW)

Within twenty days of issuance of the notice of an order of preliminary acceptance, the appellant shall file an appeal in accordance with Section 63-3 and Section 76-4. Any reservation under this rule may be transferred to the supreme court on its own motion pursuant to General Statutes § 51-199 (c) or on the motion of any party pursuant to Section 65-2.

Sec. 76-6. Definitions

With regard to appeals from the board or the § 31-290a commissioner, references in the rules of appellate procedure to trial court or trial judge shall, where applicable, be deemed to mean the individuals who comprised the board which rendered the

decision from which the appeal was filed [taken], or the § 31-290a commissioner, as appropriate.

CHAPTER 77
PROCEDURES CONCERNING COURT CLOSURE AND SEALING ORDERS OR ORDERS LIMITING THE DISCLOSURE OF FILES, AFFIDAVITS, DOCUMENTS OR OTHER MATERIAL

Sec. 77-1. Expedited Review of an Order concerning Court Closure, or an Order That Seals or Limits the Disclosure of Files, Affidavits, Documents or Other Material

(a) Except as provided in subsection (b), any person affected by a court order which prohibits the public or any person from attending any session of court, or any order that seals or limits the disclosure of files, affidavits, documents or other material on file with the court or filed in connection with a court proceeding, may seek review of such order by filing [an original and fifteen copies of] a petition for review with the appellate court within seventy-two hours after the issuance of the order. The petition shall fully comply with Sections 66-2 and 66-3. The petition shall not exceed ten pages in length, exclusive of the appendix, except with special permission of the appellate court. An appendix containing the information or complaint, the answer, all motions pertaining to the matter, the opinion or orders of the trial court sought to be reviewed, a list of all parties with the names, addresses, telephone and facsimile numbers, e-mail addresses, and, if applicable, the juris number of their counsel, the names of all judges who participated in the case, and a transcript order acknowledgment form (JD-ES-38), shall be filed with [attached to each copy of] the petition for review.

Any person filing a petition for review pursuant to this rule shall deliver [serve] a copy of the petition and appendix to [upon] (1) all parties to the case and (2) any nonparty who sought the closure order or order sealing or limiting disclosure [by facsimile or hand delivery] in compliance with the provisions of Section 62-7 on the same day as the petition is filed. Any party or nonparty who sought such order may file a [written] response to the petition for review within ninety-six hours after the filing of the petition for review. Failure to file a [written] response shall not preclude the [that] party or nonparty who sought the order under review from participating in the hearing on the petition.

The filing of any petition for review of a court order which prohibits the public or any person from attending any session of court shall stay the order until the final determination of the review. The filing of any petition for review of an order that seals or limits the disclosure of files, affidavits, documents or other material on file with the court shall not stay the order during the review.

The appellate court shall hold an expedited hearing on any petition for review on the fifth business day next following the day upon which the certificate of completion provided for by Section 63-8 (c) has been filed with the appellate clerk. After such hearing the appellate court may affirm, modify or vacate the order reviewed.

(b) This section shall not apply to court orders concerning any session of court conducted pursuant to General Statutes §§ 46b-11, 46b-49, 46b122, 54-76h, and any order issued pursuant to a rule that seals or limits the disclosure of any affidavit in support of an arrest warrant, or any other provision of the General Statutes under which the court is authorized to close proceedings.

CHAPTER 79a
APPEALS IN CHILD PROTECTION MATTERS

Sec. 79a-2. Time to Appeal

(a) **General Provisions**

Unless a different period is provided by statute, appeals from judgments of the superior court in child protection matters shall be filed [taken] within twenty days from the issuance of notice of the rendition of the decision or judgment from which the appeal is filed[taken]. The judge who tried the case may, for good cause shown, extend the time limit provided for filing the appeal. In no event shall the trial judge extend the time for filing the appeal to a date which is more than twenty days from the expiration date of the initial appeal period. Where a motion for extension of the period of time within which to appeal has been filed at least ten days before expiration of the time limit sought to be extended, and such motion is denied, the party seeking to appeal shall have no less than ten days from issuance of notice of the denial of the motion for extension in which to file the appeal.

(b) **When appeal period begins**

If notice of the judgment or decision is given in open court, the appeal period shall begin on that day. If notice of the judgment or decision is given only by mail, the appeal period shall begin on the day that notice of the judgment or decision is mailed to counsel by the clerk for juvenile matters. The failure to give notice of judgment to a nonappearing party shall not affect the running of the appeal period.

(c) **How a new appeal period is created**

If a motion is filed within the appeal period that, if granted, would render the judgment or decision ineffective, then a new twenty day appeal period for filing the appeal shall begin on the day that notice of the ruling is given on the last such outstanding motion. Such motions include, but are not limited to, motions that seek: the opening or setting aside of the judgment; a new trial; reargument of the judgment or decision; or any alteration of the terms of the judgment. Motions that do not give rise to a new appeal period include those that seek: clarification or articulation, as opposed to alteration, of the terms of the judgment or decision; a written or transcribed statement of the trial court's decision; or reargument or reconsideration of a motion listed in this paragraph.

If, within the appeal period, any application is filed, pursuant to Section 79a-4, seeking waiver of fees, costs and security or appointment of counsel, a new twenty day appeal period or statutory period for filing the appeal is not created. If a party files, pursuant to Section 66-6, a motion for review of the denial of any such application, a new appeal period shall begin on the day that notice of the ruling is given on the motion for review.

(d) **What may be appealed during new appeal period**

If a new appeal period is created under Section 79a-2 (c), the new appeal period may be used for appealing the original judgment or decision and/or for appealing any order that gave rise to the new appeal period. Such period may also be used for amending an existing appeal pursuant to Section 61-9 to challenge the ruling that gave rise to the new appeal period. Rulings on applications for waiver of fees, costs and security or motions for appointment of counsel may not be appealed during the new appeal period but may be challenged by motion for review in accordance with Section 66-6.

(e) **Limitation of time to appeal**

Unless a new appeal period is created pursuant to Section 79a-2 (c), the time to file [take] a child protection appeal shall not be extended past forty days (the original twenty days plus one twenty day extension for appellate review) from the date of issuance of notice of the rendition of the judgment or decision.

Sec. 79a-3. Filing of the Appeal

(a) General Provisions

Appeals in juvenile matters shall be filed in accordance with the provisions of Section 63-3 and all required fees shall be paid in accordance with Sections 60-7 and 60-8. [If counsel of record files an appeal with the clerk for juvenile matters, counsel of record shall then file with the appellate clerk two copies of the endorsed appeal form, accompanied by those papers required by Section 63-4, within ten days of the filing of the original appeal form. All filings shall contain a certification in accordance with Section 62-7 that a copy has been served on all counsel or self-represented parties of record.]

(b) Appeal by indigent party

If a trial attorney who has provided representation to an indigent party through the Division of Public Defender Services declines to pursue an appeal and the indigent party expressly wishes to appeal, the trial attorney shall within twenty days of the decision or judgment simultaneously file with the court before which the matter was heard a motion for an additional twenty day extension of time to appeal, a sworn application signed by the indigent party for appointment of an appellate review attorney and a waiver of fees, costs and expenses, including the cost of an expedited transcript, and shall immediately request an expedited transcript from the court reporter in accordance with Section 79a-5, the cost of which shall be paid for by the Division of Public Defender Services.

Any party who is indigent who wishes to appeal and was not provided with representation by the Division of Public Defender Services during the proceeding which resulted in the decision or judgment from which an appeal is being sought shall, within twenty days of the decision or judgment, simultaneously file with the court before which the matter was heard a motion for an additional twenty day extension of time to appeal, a sworn application signed by the indigent party for appointment of an appellate review attorney and a waiver of fees, costs, and expenses, including the cost of an expedited transcript. The indigent party shall immediately request an expedited transcript from the court reporter in accordance with Section 79a-5, the cost of which shall be paid for by the Division of Public Defender Services

(c) Review by the Division of Public Defender Services

(1) If the appellate review attorney determines that there is merit to an appeal, that attorney shall file the appeal in accordance with Section [79a-3 (a)] 63-3.

(2) If the reviewing attorney determines that there is no merit to an appeal, that attorney shall make this decision known to the judicial authority, to the party and to the Division of Public Defender Services at the earliest possible moment. The reviewing attorney shall inform the party, by letter, of the balance of the time remaining to appeal as a self-represented party or to secure counsel who may file an appearance to represent the party on appeal at the party's own expense. A copy of the letter shall be sent to the clerk for juvenile matters forthwith.

(d) Duties of clerk for juvenile matters for cases on appeal

[At the time of the filing of the appeal] The appellate clerk shall send notice to the clerk for juvenile matters and to the clerk of any trial court to which the matter was transferred that an appeal has been filed. Upon receipt of such notice, the clerk for juvenile matters shall [endorse the appeal form and return a copy of the endorsed appeal form to the filing party,] send a copy of the [endorsed] appeal form and the

case information form to the commissioner of children and families, to the petitioner upon whose application the proceedings in the superior court were instituted, unless such party is the appellant, to any person or agency having custody of any child who is a subject of the proceeding, the Division of Public Defender Services, [the appellate clerk] and to all other interested persons; and if the addresses of any such persons do not appear of record, such juvenile clerk shall call the matter to the attention of a judge of the superior court who shall make such an order of notice as such judge deems advisable.

Sec. 79a-8. Docketing Child Protection Appeals for Assignment

The supreme court and appellate court may assign child protection matters without the case appearing on the [printed] docket. See Sections 69-1 and 69-2.

Notwithstanding the provisions of Section 69-3, child protection appeals shall ordinarily take precedence for assignment for oral argument.

Sec. 79a-9. Oral Argument

(Applicable to appeals filed on or after July 1, 2013.)

(a) Oral argument will be allowed as of right except as provided in subsection (b) of this rule.

(b) In child protection appeals as defined by Section 79a-1 where: (1) the dispositive issue or set of issues has been recently authoritatively decided; or (2) the facts and legal arguments are adequately presented in the briefs and the decisional process would not be significantly aided by oral argument, notice will be sent to counsel of record that the case will be decided on the briefs and record only. This notice will be issued [sent] after all briefs and appendices have been filed. Any party may file a request for argument [by letter addressed to the appellate clerk] stating briefly the reasons why oral argument is appropriate and shall do so within seven days of the issuance of the court's notice. After receipt and consideration of such a request, the court will either assign the case for oral argument or assign the case for disposition without oral argument, as it deems appropriate.

(c) In matters involving parties who are incarcerated and self-represented, oral argument may be conducted by videoconference upon direction of the court in its discretion.

Sec. 79a-10. Submission without Oral Argument on Request of Parties

[With the permission of the court, c]Counsel of record may, before or after a case has been assigned for a hearing, file a request to submit the case for decision on the [record and] briefs and record only, without oral argument. No request for submission without oral argument will be granted unless the requesting party certifies that all other parties agree to waive oral argument. This rule applies only to counsel of record who have filed a brief or joined in the brief of another party.

CHAPTER 81
APPEALS TO APPELLATE COURT BY CERTIFICATION FOR REVIEW IN ACCORDANCE WITH GENERAL STATUTES CHAPTERS 124 AND 440

Sec. 81-1. Petition; Where to File; Time to File; Service; Fee

(a) A petition for certification in accordance with chapters 124 and 440 of the General Statutes shall be filed with the appellate clerk by the party aggrieved by the decision of the trial court [in the trial court] within twenty days from the issuance of notice of the decision of the trial court. All petitions for certification to appeal shall be filed and all fees paid in accordance with the provisions of Sections 60-7 or 60-8. If within this period a timely motion is filed which, if granted, would render

the trial court judgment ineffective, as, for example, a motion for a new trial, then the twenty days shall run from the issuance of notice of the decision thereon.

[The petitioner shall file the original and one copy of the petition with, and pay a filing fee to, the clerk of the trial court. The clerk shall endorse on the original petition the date and time of filing and the receipt, or waiver, of fees. The clerk shall return the original endorsed petition to the petitioner, who shall promptly file it, together with fifteen additional copies, with the appellate clerk.] The petitioner shall serve a copy of the petition upon every other party in the manner set forth in Section 62-7 and upon the clerk of the original trial court.

(b) Any other party aggrieved by the decision of the trial court may file a cross petition within ten days of the filing of the original petition. The filing of cross petitions, including the payment of the fee, service pursuant to Section 62-7, the form of the cross petition, and all subsequent proceedings shall be the same as though the cross petition were an original petition.

(c) The filing of a petition or cross petition by one party shall be deemed to be a filing on behalf of that party only.

Sec. 81-2. Form of Petition

(a) A petition for certification shall contain the following sections in the order indicated here:

(1) A statement of the questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail.

(2) A statement of the basis for certification identifying the specific reasons why the appellate court should allow the extraordinary relief of certification. These reasons may include but are not limited to the following:

(A) The court below has decided a question of substance not theretofore determined by the supreme court or the appellate court or has decided it in a way probably not in accord with applicable decisions of the supreme court or the appellate court.

(B) The decision under review is in conflict with other decisions of the court below.

(C) The court below has so far departed from the accepted and usual course of judicial proceedings, or has so far sanctioned such a departure by any other court, as to call for an exercise of the appellate court's supervision.

(D) A question of great public importance is involved.

(3) A summary of the case containing the facts material to the consideration of the questions presented, reciting the disposition of the matter in the trial court, and describing specifically how the trial court decided the questions presented for review in the petition.

(4) A concise argument amplifying the reasons relied upon to support the petition. No separate memorandum of law in support of the petition will be accepted by the appellate clerk.

(5) An appendix containing the operative complaint, all briefs filed by all parties, the opinion or order of the trial court sought to be reviewed, a copy of the order on any motion which would stay or extend the time period for filing the petition, and a list of all parties to the appeal in the trial court with the names, addresses, telephone and facsimile numbers, e-mail addresses, and, if applicable, the juris numbers of their counsel.

(b) The petition shall not exceed ten pages in length, exclusive of the appendix, except with special permission of the appellate clerk. The petition shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in petitions: arial and univers. Each page of a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1

inch. [A certificate shall be attached to the signed, original petition, indicating that it is in compliance with all the provisions of this rule.]

Sec. 81-3. Statement in Opposition to Petition

(a) Within ten days of the filing of the petition [in the trial court], any party may file a statement in opposition [to the petition. The original statement in opposition, together with fifteen additional copies, shall be filed] with the appellate clerk[. The statement shall disclose any] stating the reasons why certification should not be granted. [by the appellate court and] The statement shall be presented in a manner which is responsive, in form and content, to the petition it opposes. The statement in opposition shall not exceed ten pages in length, except with special permission of the appellate clerk. The statement in opposition shall be typewritten and fully double spaced and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in the statement in opposition: arial and univers. Each page of a statement in opposition to a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch. [A certificate shall be attached to the signed, original statement in opposition, indicating that it is in compliance with all the provisions of this rule.]

No separate memorandum of law in support of the statement in opposition will be accepted by the appellate clerk.

(b) The statement in opposition shall be delivered [served] in the manner set forth in Section 62-7.

(c) No motion to dismiss a petition for certification will be accepted by the appellate clerk. Any objection to the jurisdiction of the court to entertain the petition shall be included in the statement in opposition.

Sec. 81-4. Proceedings after Certification by Appellate Court

Within twenty days from the issuance of notice that [of] certification has been granted, the petitioner, who shall be considered the appellant, shall file the appeal in accordance with the procedure set forth in [the manner provided by] Section 63-3 and shall pay all required fees in accordance with the provisions of Sections 60-7 or 60-8[, take all other steps as may be required by Section 63-4, and in accordance with Section 63-5 shall pay the appropriate fees and give security]. The clerk of the trial court must forward the case file to the appellate clerk in accordance with Section 68-1. Except as otherwise noted in Section 81-6, all proceedings subsequent to the filing of the appeal shall be governed by the rules applicable to appeals[and appeals from administrative agencies].

Sec. 81-6. Filing of Regulations

Immediately after filing [T]the appellant's brief, the appellant shall [be] file[d] [simultaneously with] one complete copy of the local land use regulations that were in effect at the time of the hearing that gave rise to the agency action or ruling in dispute. The regulations shall be certified by the local zoning or equivalent official as having been in effect at the time of the hearing. The appellant need not deliver [serve] a copy of such regulations to [on] other counsel of record.

CHAPTER 82
CERTIFIED QUESTIONS TO OR FROM COURTS OF OTHER JURISDICTIONS

Sec. 82-3. Contents of Certification Request

A certification request shall set forth: (1) The questions of law to be answered; (2) a finding or stipulation approved by the court setting forth all facts relevant to

answering the questions certified and showing fully the nature of the controversy in which the questions arose; (3) that the receiving court may reformulate the questions; and (4) the names and addresses of counsel of record[and self-represented parties].

The questions presented should be such as will be determinative of the case, and it must appear that their present determination would be in the interest of simplicity, directness and economy of judicial action.

All questions presented shall be specific and shall be phrased so as to require a Yes or No answer, wherever possible.

Sec. 82-4. Preparation of Certification Request

The certification request shall be prepared by the certifying court, signed by the judge presiding at the hearing, and forwarded to the supreme court by the clerk of the certifying court under its official seal. [The certification request shall be submitted together with eight copies thereof and also eight copies of any briefs or other documents relating to the questions certified.] Upon receipt of the certification request, the appellate clerk shall notify the parties who shall be allowed a period of ten days from the date of [mailing] such notice to file objections to the acceptance of the certification request. The supreme court shall either preliminarily accept or decline the certification request. The appellate clerk shall notify the clerk of the court requesting certification and all parties of the decision or order on the certification request. If the supreme court preliminarily accepts the certified question, the plaintiff in the court that requested certification shall be deemed the appellant, and the defendant in such court shall be deemed the appellee unless otherwise ordered by the supreme court.

[An order of preliminary acceptance shall not prevent t]The supreme court may later [from] reject[ing] the certification if it should [later] appear to have been improvidently granted[ordered]. The supreme court may decline to answer the questions certified whenever it appears that the questions have been improperly framed, the necessary facts have not been fully set forth, or, for any other reason, certification has been improvidently granted[ordered]. The supreme court may also request that the certifying court [to] provide additional facts required for a decision upon the questions certified[,] and [also to] clarify such questions when necessary. If [T]the supreme court grants the certification request, it may require the appellant to file [original or copies of all or of any] those portions of the record [before the certifying court] that the supreme court deems necessary [to be filed with the certification order, if, in the opinion of the supreme court, the record or portion thereof may be necessary in] to answer[ing] the certified questions.

Sec. 82-5. Receipt; Costs of Certification

[Upon] Within twenty days of issuance of the notice of an order of preliminary acceptance, the appellant shall file the matter in accordance with the provisions of Section 63-3 for filing an appeal and shall pay all required fees in accordance with Sections 60-7 or 60-8. After paying the filing fee, the appellant shall be entitled to seek reimbursement from the appellee for one half of the filing fee[the appellate clerk shall docket the order, affix to the order the docket number assigned, and shall send notice of issuance of such order, with the docket number assigned, to the certifying court and to all parties. Within twenty days of receipt of such notice, the fees and costs shall be paid equally by the parties], unless otherwise ordered by the [certifying] court that requested [in its order of] certification. [In addition, within twenty days of preliminary acceptance, the parties shall file a docketing statement in the format specified in Section 63-4 (a) (4).] All proceedings subsequent to the filing of the matter shall be governed by the rules applicable to appeals. No

security or recognizance shall be required, and no costs shall be taxed in favor of either party.

Sec. 82-6. Briefs, Appendices and Argument

(Applicable to appeals filed on or after July 1, 2013.)

[The plaintiff in the court that requested certification shall be deemed the appellant, and the defendant in such court shall be deemed the appellee for purposes of these rules, unless otherwise ordered by the court.]

Briefs and appendices filed by the parties shall conform to the rules [here] set forth in Chapter 67. The time for filing briefs and appendices shall commence from the issuance [mailing] of notice of preliminary acceptance of the certification order.

Oral argument shall be as provided [for] in Chapter 70[by the rules here], unless otherwise ordered by the court.

CHAPTER 83
CERTIFICATION PURSUANT TO GENERAL STATUTES § 52-265a IN CASES OF SUBSTANTIAL PUBLIC INTEREST

Sec. 83-1. Application; In General

[Prior to filing an appeal] Within two weeks of the issuance of an order or decision of the superior court involving a matter of substantial public interest pursuant to General Statutes § 52-265a, [the party seeking to appeal shall, within two weeks of the issuance of the order or decision of the superior court, submit an original plus three copies of] any party may file an application for certification by the chief justice. The application for certification shall contain: (1) the question of law on which the appeal is to be based; (2) a description of the substantial public interest that is alleged to be involved; (3) an explanation as to why delay may work a substantial injustice; and (4) an appendix with: (A) the decision or order of the superior court sought to be appealed and (B) a list of all parties to the case in the superior court with the names, addresses, telephone and facsimile numbers, e-mail addresses and, if applicable, the juris numbers of their counsel.

Using an expeditious delivery method such as overnight mail or facsimile or other electronic medium, in addition to the certification requirements of Section 62-7, the party submitting the application shall also notify [provide] the trial judge and[,] the clerk of the trial court that rendered the decision sought to be appealed. [clerk, and all counsel of record with a copy of the application. This requirement is in addition to the customary certification requirements of Section 62-7.]

Sec. 83-2. Application Granted

If any application is certified pursuant to General Statutes § 52-265a by the chief justice, the party that sought certification shall file the appeal in accordance with the [usual rules of] procedure set forth in Section 63-3, [shall apply] except as modified by the supreme court pursuant to Sections 60-2 or 60-3, and shall pay all required fees in accordance with Sections 60-7 and 60-8. The party certified to appeal shall have such additional time as the order of certification allows to file the appeal.

CHAPTER 84
APPEALS TO SUPREME COURT BY CERTIFICATION FOR REVIEW

Sec. 84-1. Certification by Supreme Court

An appeal may be filed with [taken to] the supreme court upon the final determination of an appeal in the appellate court where the supreme court, upon petition of an aggrieved party, certifies the case for review.

Sec. 84-3. Stay of Execution

In any action in which a stay of proceedings was in effect during the pendency of the appeal, or, if no stay of proceedings was in effect, in which the decision of the appellate court would change the position of any party from its position during the pendency of the appeal, proceedings to enforce or carry out the judgment shall be stayed until the time to file the petition has expired. If a petition by a party is filed, the proceedings shall be stayed until the supreme court acts on the petition and, if the petition is granted, until the final determination of the cause; but if the presiding judge of an appellate panel which heard the case is of the opinion that the certification proceedings have been filed [taken] only for delay or that the due administration of justice so requires, such presiding judge may, up to the time the supreme court acts upon the petition, upon motion order that the stay be terminated. If such presiding judge is unavailable, the most senior judge on such panel who is available may act upon such a motion for termination of the stay.

Sec. 84-4. Petition; Time to File; Where to File; Service; Fee

(a) A petition for certification shall be filed by the petitioner within twenty days of (1) the date the opinion is officially released as set forth in Section 71-4 or (2) the issuance of notice of any order or judgment finally determining a cause in the appellate court, whichever is earlier. If within this period a timely motion is filed which, if granted, would render the appellate court order or judgment ineffective, as, for example, a motion for reconsideration, or if within this period an application for waiver of fees is filed, then the twenty days shall run from the issuance of notice of the decision thereon.

(b) All petitions for certification to appeal shall be filed and all fees paid in accordance with the provisions of Sections 60-7 or 60-8. The petition for certification will be docketed upon filing but may be returned by the appellate clerk or rejected by the court upon review for compliance with the rules of appellate procedure.

[The petitioner shall file the original and one copy of the petition with, and pay a filing fee to, the clerk of the trial court. No fee shall be required in cases where a waiver of fees, costs and expenses under Section 63-6 or 63-7 was previously granted. The fee, if not waived or exempted by statute, may be paid to the clerk of any trial court in the state. The clerk shall endorse on the original petition the date and time of filing and the receipt, or waiver, of fees. The clerk shall return the original endorsed petition to the petitioner, who shall promptly send it, with fifteen additional copies of the petition, to the appellate clerk.] The petitioner shall deliver [serve] a copy of the petition [upon] to every other party in the manner set forth in Section 62-7. The appellate clerk will send notice of the filing to the clerk of the original trial court and to the clerk of any trial courts to which the matter was transferred. [If the fee was paid at a location other than the original trial court, then the petitioner shall also attach a separate certification indicating that a copy has been served upon the clerk of the original trial court.

In cases where a waiver of fees, costs and expenses under Section 63-6 or 63-7 was granted or a statutory provision exempts the petitioner from paying the required fee, the petitioner may file the original petition and fifteen additional copies of the petition directly with the appellate clerk. Any petition for certification filed directly with the appellate clerk shall include a certification indicating the name of the judge granting the waiver of fees, costs and expenses and the date such waiver was granted, or the specific statutory section exempting the petitioner from paying the required fee. The petitioner shall serve a copy of the petition for certification upon every other party in the manner set forth in Section 62-7 and shall also attach a certification indicating that a copy has been served upon the clerk of the original trial court.]

If no fee was required to file the initial appeal, no fee is required for the petition.

In workers' compensation cases, the petitioner shall also deliver a copy of the petition to the § 31-290a commissioner, and in an appeal from the board, the petitioner shall also deliver a copy of the petition to the board. [file the original petition and fifteen additional copies of the petition directly with the appellate clerk. The petitioner shall serve a copy upon every other party in the manner set forth in Section 62-7, and upon the trial commissioner in a General Statutes § 31-290a appeal and upon the compensation review board in an appeal from that board. No fee is required in workers' compensation cases.]

[(b)] Any other party aggrieved by the judgment of the appellate court may file a cross petition within ten days of the filing of the original petition. The filing of cross petitions, including the payment of the fee, delivery [service] pursuant to Section 62-7, the form of the cross petition, and all subsequent proceedings shall be the same as though the cross petition were an original petition.

(c) The filing of a petition or cross petition by one party shall not be deemed to be a filing on behalf of any other party.

Sec. 84-5. Form of Petition

(a) A petition for certification shall contain the following sections in the order indicated here:

(1) A statement of the questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The supreme court will ordinarily consider only those questions squarely raised, subject to any limitation in the order granting certification.

(2) A statement of the basis for certification identifying the specific reasons, including but not limited to those enumerated in Section 84-2, why the supreme court should allow the extraordinary relief of certification.

(3) A summary of the case containing the facts material to the consideration of the questions presented, reciting the disposition of the matter in the appellate court, and describing specifically how the appellate court decided the questions presented for review in the petition.

(4) A concise argument amplifying the reasons relied upon to support the petition. No separate memorandum of law in support of the petition will be accepted by the appellate clerk.

(5) An appendix containing:

(A) the opinion or order of the appellate court sought to be reviewed,

(B) if the opinion or order of the appellate court was a summary affirmance or dismissal, a copy of the trial court's memorandum of decision that was entered in connection with the claim raised by the petitioner before the appellate court, or, if no memorandum was filed, a copy of the trial court's ruling on the matter,

(C) a copy of the order on any motion which would stay or extend the time period for filing the petition,

(D) a list of all parties to the appeal in the appellate court with the names, addresses, telephone and facsimile numbers, e-mail addresses, and, if applicable, the juris numbers of their trial and appellate counsel.

[The appendix may be reproduced on both sides of a page.]

(b) The petition shall not exceed ten pages in length, exclusive of the appendix, except with special permission of the appellate clerk. The petition shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in petitions: arial and univers. Each page of a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1

inch. [A certificate shall be attached to the signed, original petition, indicating that it is in compliance with all the provisions of this rule.]

Sec. 84-6. Statement in Opposition to Petition

(a) Within ten days of the filing of the petition[in the trial court], any party may file a statement in opposition to the petition[. The original statement in opposition, together with fifteen additional copies, shall be filed] with the appellate clerk. The statement in opposition shall disclose any reasons why certification should not be granted by the supreme court and shall be presented in a manner which is responsive, in form and content, to the petition it opposes. The statement in opposition shall not exceed ten pages in length except with special permission of the appellate clerk.

The statement in opposition shall be typewritten and fully double spaced and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in the statement in opposition: arial and univers. Each page of a statement in opposition to a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch. [A certificate shall be attached to the signed, original statement in opposition, indicating that it is in compliance with all the provisions of this rule.] No separate memorandum of law in support of the statement in opposition will be accepted by the appellate clerk.

(b) The statement in opposition shall be delivered [served] in the manner set forth in Section 62-7.

(c) No motion to dismiss a petition for certification will be accepted by the appellate clerk. Any objection to the jurisdiction of the court to entertain the petition shall be included in the statement in opposition.

Sec. 84-8. Grant or Denial of Certification

A petition by a party shall be granted on the affirmative vote of three or more justices of the supreme court[.], except that if fewer than six justices are available to consider a petition, a vote of two justices shall be required to certify a case. Upon the determination of any petition, the appellate clerk shall enter an order granting or denying the certification in accordance with the determination of the court and shall send notice of the court's order to the clerk of the trial court and to all counsel of record.

Sec. 84-9. Proceedings after Certification[; Appeals Deemed Pending]

[Whenever certification is granted by the supreme court, the cause shall be deemed pending on appeal in the supreme court and the appellate clerk shall enter the case upon the docket. Where a petition has been granted, the petitioner shall be considered the appellant. The appellant shall pay the filing fee to the clerk of any trial court w]Within twenty days from the issuance of notice that [of] certification to appeal has been granted, the petitioner, who shall be considered the appellant, shall file the appeal in accordance with the procedure set forth in Section 63-3 and shall pay all required fees in accordance with the provisions of Sections 60-7 or 60-8. [No fee shall be required, however, in workers' compensation cases or in cases where a waiver of fees, costs and expenses under Sections 63-6 or 63-7 was previously granted. The appellant shall certify to all other counsel and to the clerk of the trial court from which the cause arose that the fees have been paid or that no fees were required. Security for costs is not required to take an appeal pursuant to a grant of certification, but security may at any time, on motion and notice to the appellant, be ordered by the supreme court. Such security, if ordered, shall be filed with the trial court. The appellant shall also file with the appellate clerk the docketing

statement required by Section 63-4 (a) (4). The appellant's brief shall be filed within forty-five days from the issuance of notice of certification, and thereafter the time limits for filing the appellee's brief and the reply brief, if any, shall be in accordance with Section 67-3.]

The issues which the appellant may present are limited to those set forth [raised] in the petition for certification, except where the issues are further limited by the order granting certification.

Sec. 84-11. Papers to Be Filed by Appellant and Appellee

(a) Upon the granting of certification, the appellee may present for review alternative grounds upon which the judgment may be affirmed provided those grounds were raised and briefed in the appellate court. Any party to the appeal may also present for review adverse rulings or decisions which should be considered on the appeal in the event of a new trial, provided that such party has raised such claims in the appellate court. If such alternative grounds for affirmation or adverse rulings or decisions to be considered in the event of a new trial were not raised in the appellate court, the party seeking to raise them in the supreme court must move for special permission to do so prior to the filing of that party's brief. Such permission will be granted only in exceptional cases where the interests of justice so require.

(b) Any party may also present for review any claim that the relief afforded by the appellate court in its judgment should be modified, provided such claim was raised in the appellate court either in such party's brief or upon a motion for reconsideration.

(c) Any party desiring to present alternative grounds for affirmance, adverse rulings or decisions in the event of a new trial or a claim concerning the relief ordered by the appellate court shall file a statement thereof within fourteen days from the issuance of notice that [of] certification to appeal has been granted. Except for a docketing statement, [P]parties shall not file other Section 63-4 papers on a certified appeal without permission of the supreme court.

CHAPTER 84a
MATTERS WITHIN SUPREME COURT'S ORIGINAL JURISDICTION IN WHICH FACTS MAY BE FOUND

Sec. 84a-2. Procedure for Filing Original Jurisdiction Action; Pleadings and Motions

An original jurisdiction action shall be filed in accordance with the procedures for filing an appeal as set forth in Section 63-3. Thereafter, [U]unless otherwise ordered in a particular case, the form of pleadings and motions prescribed in the rules of practice should be followed in an original action in the supreme court. In other respects, those rules, when their application is appropriate, may be taken as a guide to procedure in an original action in this court.

CHAPTER 86
RULE CHANGES; EFFECTIVE DATE; APPLICABILITY

Sec. 86-2. Rule Changes; Applicability to Pending Appeals

Whenever a new rule is adopted or a change is made to an existing rule, the new rule or rule change shall apply to all appeals pending on the effective date of the new rule or rule change and to all appeals filed thereafter. Appellate papers filed prior to the effective date of any new rule or rule change need not be refiled.

Any difficulty occasioned by the application of a new rule or rule change to appeals filed [taken] prior to the effective date thereof shall be resolved in the spirit of Section 60-1.