

AGENDA

Meeting of the Advisory Committee on Appellate Rules
Thursday, April 3, 2025 - 2:00 p.m.

I. OLD BUSINESS

- A. Approval of minutes of October 24, 2024
- B. Whether to amend § 84-1 regarding certification to the Supreme Court

II. NEW BUSINESS

- A. Whether to amend § 68-3A regarding the clerk appendix contents
- B. Whether to amend § 67-10 regarding the citation of supplemental authorities after the brief is filed
- C. Whether to amend § 62-9 regarding withdrawal of appearance
- D. Whether to amend §§ 66-3, 77-1, 78-1, 78a-1, 78b-1, 81-3, 81-5, 83-1A, 83-1B, 84-6, 84-6A and 84-7 regarding motions, petitions and oppositions
- E. Whether to amend § 61-16 to require periodic updates in bankruptcy cases
- F. Whether to amend § 63-4 (a) (3) regarding amendments to the transcript order
- G. Whether to amend § 67-2, 67-2A, 67-3, 67-3A, 65-5, 70-5 and 77-2 regarding briefs and appendices
- H. Whether to amend §§ 66-3, 77-1, 78-1, 78a-1, 78b-1, 81-2, 81-3, 84-5, and 84-6 to add a word count certification
- I. Whether to amend §§ 60-4, 62-5, 63-4, 66-3, 67-4, 67-5, 67-7A, 72-1, 73-1, 81-2, 81-3, 82-3, 83-1, 84-5 and 84-6 regarding the requirement that parties file a certificate of interested entities

III. ANY OTHER BUSINESS THAT MAY COME BEFORE THE COMMITTEE

IV. NEXT MEETING

Meeting of the Advisory Committee on Appellate Rules

Thursday, October 24, 2024 at 2:00 p.m.

Justice D'Auria called the meeting to order at 2:00 p.m.

Members in attendance:

Justice Gregory T. D'Auria, Co-Chair
Judge Eliot D. Prescott, Co-Chair
Attorney Jeffrey Babbin
Attorney Colleen Barnett
Attorney Jill Begemann
Attorney Jennifer Bourn
Attorney Carl Cicchetti
Attorney Renee Cimino
Attorney Timothy Costello
Attorney Richard Emanuel
Attorney Paul Hartan
Hon. Sheila A. Huddleston
Attorney Daniel Krisch
Attorney Eric Levine
Attorney Jessie Opinion
Attorney Joshua Perry
Attorney René Robertson

Members not in attendance:

Attorney James Healy
Attorney Wesley Horton
Attorney Charles Ray

Additional attendees:

Attorney Kenneth Bartschi (for
Attorney Wesley Horton)
Attorney David Goshdigan
Attorney Andrew Redman
Attorney Michael Skold
Attorney Allison White (for
Attorney James Healy)

This meeting was held in the Attorney Conference Room at the Supreme Court. Justice D'Auria and Judge Prescott thanked Attorney Colleen Barnett for drafting the minutes of the committee's meetings over the past eight years and welcomed Attorney David Goshdigan, who has assumed Attorney Barnett's role.

I. OLD BUSINESS

Approval of the minutes of April 4, 2024 meeting

Attorney Krisch moved to approve the minutes of the April 4, 2024 meeting with the correction of certain typos, which was seconded by Attorney Robertson. The April 4, 2024 minutes were approved unanimously.

II. NEW BUSINESS

A. Whether to amend § 64-1 (b) to allow any party to file a notice that the memorandum of decision has not been filed

Attorney Cicchetti detailed that the current version of § 64-1 (b) provides that "the appellant" may file a notice that the trial court has not filed its memorandum of decision and that this proposed change will allow "any party" to file such notice. Attorney Krisch moved to approve the proposal, Attorney Barnett seconded the motion, and the motion passed unanimously.

B. Whether to amend § 84-1 regarding certification by the Supreme Court

Attorney Goshdigian reviewed the proposal, which is intended to give the Supreme Court jurisdiction over a petition for certification to appeal from the Appellate Court's denial of motion for permission to bring a late appeal. He explained that currently under General Statutes § 51-197f and § 84-1 a party may file a petition for certification to appeal from a "final determination of an appeal" in the Appellate Court. This potential change to General Statutes § 51-197f and proposed change to § 84-1 provide that a party also can petition for certification to appeal from "the Appellate Court's denial of a motion to file a late appeal."

Attorney Babbin asked whether this proposal would benefit judicial economy and suggested that a more streamlined procedure might be filing a motion for review of the Appellate Court's decision in the Supreme Court. Attorney Krisch noted that a party who files an appeal in the Appellate Court that is dismissed as untimely can petition the Supreme Court for review, but a party who files a motion for permission to file a late appeal that is denied cannot so petition; this proposal would treat both parties the same and allow both to petition for Supreme Court review. Attorney Robertson added similar comments and noted that, as a matter of fairness, both decisions should be reviewable by the Supreme Court. The committee then discussed generally if any particular type of case regularly seeks permission to file late appeals. The consensus was that, in general, late appeals in civil matters would be most affected by this proposal and that late criminal as well as habeas appeals would not be affected as much. Attorney Cicchetti reported that ten motions for permission to file a late appeal were denied last court year. Justice D'Auria noted that the proposed change to § 84-1 would be unnecessary if the General Assembly does not amend General Statutes § 51-197f. The committee therefore agreed to table this proposal.

C. Whether to amend §§ 81-1 and 84-4 regarding the filing requirements for petitions

With respect to §§ 84-1 (a) and 84-4 (b), Attorney Robertson explained that these proposals are intended to codify the practice of the Appellate Clerk's Office to send a copy of the petition to "the trial judge and the clerk of the trial court that rendered the decision sought to be appealed." Next, Attorney Robertson detailed that, when the Rules of Appellate Procedure recently were reorganized to avoid repetition, those prior proposals failed to account for the good cause requirement for a late zoning petition to the Appellate Court or a late petition for certification to appeal to the Supreme Court. These proposals reinstate the good cause requirement in §§ 81-1 (d) and 84-4 (e). Attorney Babbin moved to approve the proposals, Attorney Robertson seconded the motion, and the committee voted unanimously for approval.

D. Whether to amend §§ 81-2 (a) (5) and 84-5 (a) (5) regarding the form of petitions

Attorney Cicchetti described these proposed changes to the format of zoning petitions and petitions for certification to appeal to the Supreme Court as being consistent with recent changes to the brief format, specifically, a single pagination scheme as well as a petition and appendix that are filed as a one continuous document. Attorney Krisch

noted that briefs require a word count certification whereas there is no requirement that the word count be certified for other filings, although other practitioners reported that they certify the word count regardless. Attorney Cicchetti responded that the Appellate Clerk's Office is aware of this inconsistency and is open to a word count certification requirement throughout the Rules of Appellate Procedure; Attorney Babbin specifically referenced a word count certification for motions. Attorney Krisch advised that he will draft a proposal for an upcoming meeting and, then, moved to approve these proposals as drafted. Attorney Babbin seconded the motion, which passed unanimously.

E. Whether to amend §§ 83-1, 83-2, 83-3, 83-4, 83-5 and 83-6 regarding applications for certification pursuant to General Statutes § 52-265a

Attorney Cicchetti generally summarized these proposals as updating the rules to conform to current practice and as making the format for General Statutes § 52-265a applications more consistent with the format for motions. The proposal also shortens to three days the time within which to file an opposition to an application, as Attorney Cicchetti advised that the current five day deadline in the rule can coincide with the seven day statutory deadline for the chief justice to decide the application. In order to give the chief justice ample time to consider the opposition, Attorney Cicchetti is proposing that the time to file an opposition be shortened to three days.

Judge Huddleston noted that filing such an application on a Friday would result in the opposition being due on Monday, and Justice D'Auria offered that, if a party brought a scheduling issue to Appellate Clerk's Office, then the clerk may have some flexibility with respect to the deadline for the opposition. Attorney Perry opined that a three day opposition time is short and requested that the ability to vary that deadline be included in the proposal. Attorney Hartan proposed, and Attorney Cicchetti agreed, that practitioners can ask for an extension of time to file the opposition.

Justice D'Auria proposed amending these proposals to add that the opposition time is three days "unless otherwise ordered by the court." Attorney Costello agreed that a three day opposition time is short, as it may take that much time to secure the record from the trial court, and he was in favor of the proposed additional language. Attorney Perry also agreed with the proposed addition and added that, if available, he would feel comfortable filing a motion for an extension of time for these oppositions. Attorney Babbin questioned whether the Judicial Branch should propose changing the seven day deadline for the chief justice to decide the application under § 52-265a to fourteen days. Justice D'Auria was not opposed to the proposal but suggested that many of the matters that are brought to the Supreme Court by way of § 52-265a are urgent matters, which is why the legislature may have imposed a shorter deadline. Attorney Barnett requested that, if these proposals are approved, then it be without prejudice to the Office of the Reporter of Judicial Decisions renumbering the sections in the proposal. Attorney Perry moved to approve the proposals as amended and without prejudice to renumbering the sections, which was seconded by Attorney Krisch. The motion passed unanimously.

F. Whether to amend § 84-3 regarding the stay of execution

Attorney Barnett introduced this proposal and explained that its purpose is to make

clear that, if a stay is in effect when the Appellate Court decides an appeal and a timely petition for certification to appeal to the Supreme Court is filed, then "the proceedings shall continue to be stayed" until the Supreme Court decides the petition. Attorney Barnett cited a recent example that illustrates why the proposed change is necessary and moved for approval of the proposal, which was seconded by Attorney Cicchetti. The motion passed unanimously.

G. Whether to amend §§ 67-2 and 67-2A regarding the format of briefs and appendices

Attorney Robertson explained how these proposals provide that, for both paper and electronic briefs, the two legible copies that are filed with the Appellate Clerk's Office shall be printed on one side of the page only, although appendices may be printed on both sides. The proposal for § 67-2 also eliminates the requirement that the cover of the brief be "heavy paper." Attorney Krisch moved to approve the proposals, Attorney Robertson seconded the motion, and the motion passed unanimously.

H. Whether to amend § 67-5A regarding the reply brief

Initially, Attorney Robertson noted that this and the following three proposals are intended to clarify certain deadlines when there are multiple appellees; in general, the proposals provide that the relevant deadline is determined by the filing of the "last appellee's brief." As to the deadline for the reply brief under § 67-5A, this proposal deletes certain language and provides that "[t]he reply brief shall be filed within twenty days of the last appellee's brief."

I. Whether to amend § 67-13 regarding briefs in family and juvenile matters and other matters involving minor children

This proposal similarly provides that counsel for minor children and counsel for guardians ad litem in family and juvenile matters shall file a brief, a statement adopting another party's brief, or a detailed statement that the child's interests are not implicated "within ten days of the filing of the last appellee's brief." If there is no appellee that files a brief, this proposal provides that "the court will set the due date" for this filing.

J. Whether to amend § 79a-6 (c) regarding the format and time for filing briefs and appendices

This proposal mirrors the proposal for § 67-13, as § 79a-6 imposes in "child protection matters" the same requirements as that section does for counsel for minor children or the guardians ad litem.

K. Whether to amend § 67-7A regarding the amicus curiae electronic brief

Attorney Robertson went on to propose changes along those same lines to the rule regarding the amicus curiae brief. She also explained as background that, when an appellee fails to file a brief, the Appellate Clerk's Office issues a NISI order that provides the appellee with a final deadline for filing the brief. This proposal would require a potential amicus curiae to file its application within twenty days of that final deadline if

no appellee files a brief. Consequently, this proposal provides that, when a potential amicus curiae does not intend to support either party, "then the application shall be filed no later than twenty days after the filing of the last appellee's brief, or if no appellee files a brief, no later than twenty days after the due date for the filing of the last appellee's brief."

Additionally, Attorney Robertson described proposed changes to § 67-7A (f), which pertains to the appearance of the attorney general when "a noncriminal matter involves an attack on the constitutionality of a state statute." This proposal removes the requirement that the attorney general file an appearance separate from its brief because the Appellate Clerk's Office can consider the filing of the brief as the appearance. The proposal, in line with the prior proposals, also provides that, "[i]f there is no party that the attorney general supports or no appellee files a brief, the attorney general's brief shall be filed no later than twenty days after the due date for the filing of the last appellee's brief."

Judge Prescott inquired as to whether it always will be clear who is the "last appellee" and questioned how the Appellate Clerk's Office determines whether multiple appellees will be filing a joint brief. Attorney Robertson responded that the clerks assume that multiple appellees represented by the same counsel will be filing a joint brief and, furthermore, that a motion for an extension of time on an appellee's brief deadline may indicate if multiple appellees intend to file a joint brief. As a result, the brief due date for the "last appellee" should be clear. Attorney Krisch highlighted that in this rule there is no deadline for the brief, as opposed to the application, of the amicus curiae, and Attorney Cicchetti confirmed that the court sets the brief deadline.

Attorney Krisch moved to approve the proposals for §§ 67-5A, 67-13, 79a-6 (c) and 67-7A, and Attorney Barnett seconded the motion, which passed unanimously.

III. ANY OTHER BUSINESS THAT MAY COME BEFORE THE COMMITTEE

Attorney Perry announced that he is leaving state service and that this will be his last committee meeting, indicating that Attorney Skold would be continuing in Attorney Perry's place. The co-chairs thanked Attorney Perry for his service on the committee and wished him the best with his future endeavors.

Attorney Emanuel discussed his recent request for additional words for a motion for reconsideration of an appeal that had generated multiple opinions. He reported that the motion was denied "by the court" and was unsure whether one judge had denied his request or whether it had been denied by a panel of the court. Justice D'Auria indicated that, generally, "by the court" can include one judge or justice and Judge Prescott added that a party is free to call the Appellate Clerk's Office and inquire who was the judge or judges that issued the order.

IV. NEXT MEETING

The date of the next meeting will be at the discretion of the co-chairs, and it is anticipated for spring, 2024.

The meeting adjourned at 2:52 p.m.

Respectfully Submitted,

Attorney David Goshdigian

General Statutes

Sec. 51-197f. Further review by certification only. Upon final determination of any appeal by the Appellate Court [or upon the Appellate Court's denial of a motion to file a late appeal](#), there shall be no right to further review except the Supreme Court shall have the power to certify cases for its review upon petition by an aggrieved party or by the appellate panel which heard the matter. A vote of three judges of the Supreme Court shall be required to certify a case for review by the Supreme Court, except that if fewer than six judges of said court are available to consider a petition, a vote of two judges of said court shall be required to certify a case, under such other rules as the justices of said court shall establish. The procedure on appeal from the Appellate Court to the Supreme Court shall, except as otherwise provided, be in accordance with the procedure provided by rule or law for the appeal of judgments rendered by the Superior Court, unless modified by rule of the justices of the Supreme Court.

Practice Book

Sec. 84-1. (Rev. to 2025) Certification by Supreme Court.

No appeal may be taken from a final decision of the Appellate Court to the Supreme Court unless the Supreme Court grants certification. When an appeal is decided by the Appellate Court [or when the Appellate Court denies a motion to file a late appeal](#), an aggrieved party may petition the Supreme Court for certification to appeal. If certification is granted, the petitioner may file an appeal to the Supreme Court. Failure to obtain an order from the Supreme Court granting certification will result in the rejection of the appeal to the Supreme Court.

Sec. 68-3A. Clerk Appendix Contents

The clerk appendix shall contain the oral or written decision that is the subject of the appeal, pleadings, motions, orders and other documents ~~(but not memoranda of law)~~ docketed in the case file that are necessary for presenting the issues on appeal. The appellate clerk shall assemble the clerk appendix based on a review of the case file and the preliminary papers submitted by the parties pursuant to Section 63-4. The appellate clerk may confer with counsel and with the clerk of the trial court to determine the contents of the clerk appendix. Officer's returns, transcripts and exhibits shall not be included in the clerk appendix unless they had been annexed to a document docketed in the case file in the proceedings below. Nevertheless, exhibits annexed to a document docketed in the case file in the proceedings below may be excluded from the clerk appendix at the discretion of the appellate clerk. The contents of the clerk appendix in administrative appeals is governed by Section 68-10A.

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 the appellate clerk a letter listing such supplemental authorities, including citations, with a copy certified to all counsel of record in accordance with Section 62-7. If the authority is an unreported decision, a copy of the text of the decision must accompany the filing, unless the authority is an advance release opinion of the Supreme or Appellate Court that is available on the Judicial Branch website or a slip opinion of the United States Supreme Court available on that court's website. 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. The body of the letter must not exceed 350 words. Any response shall be made promptly and shall be similarly limited. Replies to responses are not permitted.

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

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 place of the appearance of such attorney or party in accordance with Section 62-8.

(b) An attorney may, by motion, seek to withdraw his or her appearance for a party or parties after an additional appearance representing the same party or parties 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~~ and that notice of the withdrawal has been given to the party or parties. 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 or parties 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 or parties being represented and to other counsel 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)

Sec. 66-3. Motion Procedures and Filing

All motions and oppositions 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 for noncompliance with the Rules of Appellate Procedure. All papers shall contain a certification that a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7.

No motion or opposition directed to the Supreme or Appellate Court shall be filed after expiration of the time for its filing unless the filer demonstrates good cause for its untimeliness in a separate section captioned "good cause for late filing." No motion directed to the trial court that is required to be filed with the appellate clerk shall be filed after expiration of the time for its filing without permission of the court. A motion to file a late trial court motion must be accompanied by the proposed trial court motion. No amendment to a motion or opposition shall be filed without permission of the court.

No motion to dismiss a motion will be accepted by the appellate clerk. Any objection to the jurisdiction of the court to entertain the motion shall be included in the opposition.

Motions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Motions and oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the motion or opposition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as "Page X of XX" (e.g., Page 1 of 33...Page 7 of 33...Page 33 of 33).

Any preappeal motion or opposition to a preappeal motion filed by an entity as defined in Section 60-4 in a civil matter shall be accompanied by a certificate of interested entities or individuals filed by counsel of record.

Sec. 77-1. Petition for Review Seeking 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 (d), 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 a petition for review with the Appellate Court within seventy-two hours after the issuance of the order.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. 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 numbers, email addresses, and, if applicable, the juris number of their counsel, the names of all judges who participated in the case, and an expedited transcript order confirmation, shall be filed with the petition for review. Any opposition to the petition shall be filed within ninety-six hours after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

Petitions and oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the petition or opposition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as "Page X of XX" (e.g., Page 1 of 33...Page 7 of 33...Page 33 of 33).

(c) Any person filing a petition for review pursuant to this rule shall deliver a copy of the petition and appendix to (1) all parties to the case and (2) any nonparty who sought the closure order or order sealing or limiting disclosure in compliance with the provisions of Section 62-7 on the same day as the petition is filed. Within one business day of the receipt of the transcript and the certificate of completion provided for by Section 63-8 (c), the person filing the petition for review shall file the transcript and the certificate of completion with the Appellate Court.

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.

After the receipt of the transcript and the response to the petition, if any, the Appellate Court shall hold an expedited hearing on any petition for review. The appellate clerk will notify the petitioner, the parties and any nonparties who

sought the closure order or order sealing or limiting disclosure of files, affidavits, documents or other material on file with the court or filed in connection with a court proceeding of the date and time of the hearing. Failure to file a response shall not preclude the party or nonparty who sought the order under review from participating in the hearing on the petition. After such hearing the Appellate Court may affirm, modify or vacate the order reviewed.

(d) This section shall not apply to court orders concerning any session of court conducted pursuant to General Statutes § 46b-11, § 46b-49, § 46b-122, § 54-76h or any other provision of the General Statutes under which the court is authorized to close proceedings. This section also shall not apply to any order issued pursuant to General Statutes § 46b-11 or § 54-33c or any other provision of the General Statutes under which the court is authorized to seal or limit the disclosure of files, affidavits, documents or materials and any order issued pursuant to a court rule that seals or limits the disclosure of any affidavit in support of an arrest warrant.

Sec. 78-1. Review of an Order concerning Disclosure of Grand Jury Record or Finding

(a) Any person aggrieved by an order of a panel or an investigatory grand jury pursuant to General Statutes § 54-47g may seek review of such order by filing a petition for review with the Appellate Court within seventy-two hours after the issuance of the order. The filing of any such petition for review shall stay the order until the final determination of the petition. The Appellate Court shall hold an expedited hearing on such petition. After such hearing, the Appellate Court may affirm, modify or vacate the order reviewed.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. Any opposition to the petition shall be filed within ten days after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

Petitions and oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the petition or opposition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as "Page X of XX" (e.g., Page 1 of 33...Page 7 of 33...Page 33 of 33).

Sec. 78a-1. Petition for Review of Order concerning Release on Bail

(a) Any accused person or the state, aggrieved by an order of the Superior Court concerning release, may petition the Appellate Court for review of such order. Any such petition shall have precedence over any other matter before the Appellate Court and any hearing ordered by the court shall be held expeditiously with reasonable notice.

Petitions for review of bail must conform to the requirements for motions for review set forth in Section 66-6 and are subject to transfer to the Supreme Court pursuant to Section 65-3.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. Any opposition to the petition shall be filed within ten days after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

Petitions and oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the petition or opposition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as "Page X of XX" (e.g., Page 1 of 33...Page 7 of 33...Page 33 of 33).

Sec. 78b-1. Petition for Review of Order Denying Application for Waiver of Fees to Commence a Civil Action or a Writ of Habeas Corpus

(a) Any person aggrieved by an order of the Superior Court denying an application for waiver of the payment of a fee for filing an action or the cost of service of process to commence a civil action or a writ of habeas corpus in the Superior Court may petition the Appellate Court for review of such an order after a hearing pursuant to the provisions of Section 8-2 (d) and a decision thereon.

Petitions for review of the denial of an application for waiver of the payment of a fee for filing an action or the cost of service of process to commence a civil action or writ of habeas corpus are subject to transfer to the Supreme Court pursuant to Section 65-3, and must conform to the requirements for motions for review set forth in Section 66-6, except that the moving party shall not be required to provide a transcript or transcript order confirmation.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. Any opposition to the petition shall be filed within ten days after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

Petitions and oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the petition or opposition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as "Page X of XX" (e.g., Page 1 of 33...Page 7 of 33...Page 33 of 33).

Sec. 81-3. ~~Statement in~~ Opposition to Petition

(a) Within ten days of the filing of the petition, any party may file an an ~~statement in~~-opposition with the appellate clerk stating the reasons why certification should not be granted. The ~~statement~~-opposition shall be presented

in a manner which is responsive, in form and content, to the petition it opposes. Except as otherwise ordered, oppositions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix, if any. Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the opposition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as "Page X of XX" (e.g., Page 1 of 33...Page 7 of 33...Page 33 of 33).

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 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.

(d) If the party in a civil matter filing the opposition is an entity as defined in Section 60-4, a certificate of interested entities or individuals shall be attached to the opposition.

(e) Responses to oppositions are not permitted.

Sec. 81-5. Extensions of Time

Motions for extensions of time for purposes of filing a petition for certification or an ~~statement in~~-opposition thereto shall be filed with the appellate clerk and shall be governed by Section 66-1.

Sec. 83-1A. Form of Application

(a) 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 numbers, email addresses and, if applicable, the juris numbers of their counsel. If the party in a

civil matter is an entity as defined in Section 60-4, counsel of record must also provide a certificate of interested entities or individuals in the appendix.

(b) Except as otherwise ordered, the application shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix. Applications, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Applications shall be filed as one document with a single pagination scheme that starts on the first page of the opposition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as "Page X of XX" (e.g., Page 1 of 33...Page 7 of 33...Page 33 of 33).

Sec. 83-1B. ~~Statement in~~ Opposition to Application

(a) Within three days of the filing of the application, unless otherwise ordered by the court, any party may file an ~~an statement in~~ opposition to the application with the appellate clerk. Except as otherwise ordered, oppositions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix, if any.

Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the opposition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as "Page X of XX" (e.g., Page 1 of 33...Page 7 of 33...Page 33 of 33).

No separate memorandum of law in support of the ~~statement in~~ opposition will be accepted by the appellate clerk. Responses to oppositions are not permitted.

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

Sec. 84-6. ~~Statement in~~ Opposition to Petition

(a) Within ten days of the filing of the petition, any party may file an ~~an statement in~~ opposition to the petition 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. Except as otherwise ordered, oppositions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix, if any.

Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the opposition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as "Page X of XX" (e.g., Page 1 of 33...Page 7 of 33...Page 33 of 33).

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 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.

(d) If the party filing the opposition in a civil action is an entity as defined in Section 60-4, a certificate of interested entities or individuals shall be attached to the opposition.

(e) Responses to oppositions are not permitted.

Sec. 84-6A. ~~Petitions, Responses and Statements in Oppositions~~Positions of Minor Children and Guardians ad Litem in Family and Child Protection Matters and Other Matters Involving Minor Children

In family and child protection matters and other matters involving minor children, counsel for the minor child and/or counsel for the guardian ad litem shall, within ten days of the filing of the ~~response or~~ opposition to a petition for certification or, if no ~~response or~~ opposition is filed, within fifteen days of the filing of the petition, file either (1) an opposition-response, (2) a statement adopting the position of either the petitioner or a respondent or (3) a detailed statement that the factual or legal issues proposed in the petition for certification do not implicate the child's interests.

Sec. 84-7. Extensions of Time

Motions for extensions of time for purposes of filing a petition for certification or an ~~statement in~~ opposition thereto shall be filed with the appellate clerk and shall be governed by Section 66-1.

Sec. 61-16. Notice of Bankruptcy Filing, Order of Bankruptcy Court Granting Relief from Automatic Stay and Disposition of Bankruptcy Case

(Amended Sept. 16, 2015, to take effect Jan. 1, 2016; amended July 23, 2020, to take effect Jan. 1, 2021.)

(a) If a party to an appeal files a bankruptcy petition or is a debtor named in an involuntary bankruptcy petition, that party shall immediately file a notice with the appellate clerk, including any supporting documentation from the Bankruptcy Court file, setting forth the date the bankruptcy petition was filed, the Bankruptcy Court in which the petition was filed, the name of the bankruptcy debtor, the docket number of the bankruptcy case and how the automatic bankruptcy stay applies to the case on appeal. Any appearing party seeking to challenge the application of the automatic bankruptcy stay shall immediately file a notice with the appellate clerk, including any supporting documentation from the Bankruptcy Court file.

(b) If the Bankruptcy Court grants relief from the automatic bankruptcy stay, in rem relief regarding the property or any other pertinent relief, the party obtaining such relief shall immediately file a notice with the appellate clerk indicating such relief.

(c) Upon resolution of the bankruptcy case, the party who filed the bankruptcy petition or who was the debtor named in an involuntary bankruptcy petition shall immediately file a notice with the appellate clerk, including any supporting documentation from the Bankruptcy Court file, indicating that the case has been resolved in the Bankruptcy Court. If the party who filed the bankruptcy petition or who was the debtor named in an involuntary bankruptcy petition is an appellant, failure to comply with the notice requirement of this rule may result in the dismissal of the appeal or the imposition of sanctions pursuant to Section 85-1. Any other appearing party may also file a notice with the appellate clerk, including any supporting documentation from the Bankruptcy Court file, indicating that the case has been resolved in the Bankruptcy Court.

(d) Until resolution of the bankruptcy case or relief from the automatic bankruptcy stay, the appellant and the debtor shall file a notice of the status of the bankruptcy case with the appellate clerk every six months, unless otherwise ordered by the court. Failure to comply with the notice requirement of this rule may result in the imposition of sanctions pursuant to Section 85-2 upon the resolution of the bankruptcy case or relief from the bankruptcy stay.

(Adopted July 24, 2002, to take effect Oct. 1, 2002; amended Sept. 16, 2015, to take effect Jan. 1, 2016; amended July 23, 2020, to take effect Jan. 1, 2021.)

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

(a) Within ten days of filing an appeal, the appellant shall also file with the appellate clerk the following:

(1) A preliminary statement of the issues (JD-SC-038) 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. 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.

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 designation of the proposed contents of the clerk appendix (JD-SC-039) that is to be prepared by the appellate clerk under Section 68-2A listing the specific documents docketed in the case file that the appellant deems are necessary to include in the clerk appendix for purposes of presenting the issues on appeal, including their dates of filing in the proceedings below, and, if applicable, their number as listed on the docket sheet. The appellant shall limit the designation to the documents referenced in Section 68-3A for inclusion in the clerk appendix. If any other party disagrees with the inclusion of any documents designated by the appellant, or deems it necessary to include other documents docketed in the case file in the clerk appendix, that party may, within seven days from the filing of the appellant's designation of the proposed contents of the clerk appendix, file its own designation of the proposed contents of the clerk appendix.

(3) A certificate stating that no transcript is deemed necessary (JD-SC-040) or a transcript order confirmation from the official court reporter pursuant to Section 63-8. If the appellant is to rely on any transcript delivered prior to the filing of the appeal, the transcript order confirmation shall indicate that an electronic version of a previously delivered transcript has been ordered.

If any other party deems any other parts of the transcript necessary that were not ordered by the appellant, that party shall, within twenty days of the filing of the appellant's transcript papers, file a transcript order confirmation for an order placed in compliance with Section 63-8. If the order is for any transcript delivered prior to the filing of the appeal, the transcript order confirmation shall indicate that an electronic version of a previously delivered transcript has been ordered.

If, after filing a certificate regarding transcript, a party determines that additional transcripts from proceedings in the trial court action that is on appeal are necessary for the presentation of the issues on appeal, that party may amend their certificate regarding transcript and file a transcript order confirmation from

the official court reporter for the additional dates that are deemed necessary. Pursuant to this section, parties are permitted one amendment as of right to their transcript order, except as provided herein. The following amendments require permission of the court: (A) any additional amendments after the initial amendment permitted pursuant to this section; (B) any amendments that seek to add transcripts from a different trial court matter; (C) any amendments that seek to add hearing dates that occurred after the appeal was filed; (D) any amendments sought after a final order for the appellant's brief has been issued; and (E) any amendments sought after the appellant's brief has been filed.

~~Amendments to the transcript statement may be made only upon the granting of a motion.~~

(4) 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 the names, addresses, and email addresses of trial and appellate counsel of record; (B) the case names and docket numbers of all pending cases, including appeals to the Supreme Court or Appellate Court, that arise from substantially the same controversy as the cause on appeal or involve issues closely related to those presented by the appeal; (C) the case name and docket number with respect to any active criminal protective order, civil protective order, or civil restraining order that governs any of the parties to the appeal as well as the case name and docket number with respect to any such order that has expired or previously was requested but not issued; and (D) in criminal and habeas cases, the defendant's or petitioner's conviction(s) and sentence(s) that are the subject of the direct criminal or habeas appeal and whether the defendant or petitioner is incarcerated. 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. Amendments to the docketing statement may be filed at any time.

When an appellant or an appellee is aware that one or more appellees have no interest in participating in the appeal, the appellant and any other appellees may be relieved of the requirement of certifying copies of filings to those appellees by designating the nonparticipating appellee(s) in a section of the docketing statement named "Nonparticipating Appellee(s)." This designation shall indicate that if no docketing statement in disagreement is filed, subsequent filings will not be certified to those appellees.

If an appellee disagrees with the nonparticipating designation, that appellee shall file a docketing statement indicating such disagreement within twenty days of the filing of that designation. All documents filed on or before the expiration of the time for an appellee to file a docketing statement in disagreement as stated above shall be delivered pursuant to Section 62-7 (b) to all counsel disagreement is filed, subsequent filings need not be certified to nonparticipating appellees.

(b) If applicable, within ten days of filing an appeal, the appellant shall also file with the appellate clerk the following:

(1) A preargument conference statement (JD-SC-028A) in matters that are eligible for a preargument conference pursuant to Section 63-10, if all parties participating in the appeal are interested in attending a preargument conference.

(2) A constitutionality notice, in all noncriminal cases where the constitutionality of a state statute, rule, regulation, or executive action is called into question. Said notice shall identify the statute, rule, regulation, or executive action; the name and address of the party questioning it; and whether the constitutionality of the questioned item was upheld by the trial court. The appellate clerk shall deliver a copy of such notice to the attorney general. If a question becomes apparent to a party or to the court at any time after preliminary papers are filed, the party shall immediately file or amend the notice mandated by this section, and the court, even absent a party filing a notice, shall issue such notice. 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.

(3) In matters in which documents are under seal, conditionally or otherwise, or limited as to disclosure, a notice identifying the time, date, scope and duration of the sealing order with a copy of the order. (See Section 77-2.)

(4) If an entity as defined in Section 60-4 is an appellant, counsel of record for that entity shall file a certificate of interested entities or individuals as defined in Section 60-4 in any civil appeal to assist the appellate jurists in making an informed decision regarding possible disqualification from the appeal. If an entity in a civil appeal is an appellee, counsel of record for the entity shall file a certificate of interested entities or individuals within twenty days of the filing of the appellant's preliminary statement of the issues. Counsel of record has a continuing duty to amend the certificate of interested entities or individuals during the pendency of the appeal if any changes occur.

(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.

(d) The use of the forms indicated in subdivisions (1), (2) and (3) of subsection (a) is optional. The party may instead draft documents in compliance with the rules.

Sec. 67-2. Format of Paper Briefs and Appendices for Filers Excluded or Exempt from Electronic Filing Pursuant to Section 60-8; Copies

(a) Briefs and party appendices, if any, 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. Party appendices may be copied on both sides of the page. The page number for briefs and party 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 fonts, of 12 point or larger size, are approved for use in briefs: Arial and Univers. Margins shall be 1 inch on all sides. Each page of a brief or party appendix shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inches; right, 1/2 inch; and bottom, 1 inch.~~ Briefs and party appendices, which may be bound together, shall be firmly bound a bound in a way that preserves the integrity of the document. ~~and Any such -binding shall be is easy to remove so that it the briefs and party appendices, if any, can be scanned.~~ ~~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) The brief and the party appendix, if any, may be bound together. When, however, binding the brief and party appendix together would affect the integrity of the binding, the party appendix shall be bound separately from the brief.~~

(~~e~~b) The brief and party appendix, if any, shall include a single pagination scheme that starts on the cover page of the brief and continues throughout the entire document, on every page, including the cover and table of contents for the party appendix through to the last page of the party appendix. The page numbers shall be centered on the bottom of each page and shall be written as "Page X of XX" (e.g., Page 1 of 55 . . . Page 32 of 55 . . . Page 55 of 55). A party 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~~c) If constitutional provisions, statutes, ordinances, regulations, or portions of the transcript are contained in a party 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 party appendices, if any, shall have a suitable front cover of white heavy paper. A back cover is not necessary; however, if one is used, it must be white.~~

(~~f~~d) Briefs and separately bound party appendices, if any, must have a cover page that bears on the cover, in the following orderincludes, from the top of the page: (1) the name of the court; (2) the appellate docket number; (3) the appellate case name; (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 number and email address of individual counsel who is to argue the appeal and, if different, the name, address, telephone number and email address of the party's counsel of record. The foregoing shall be displayed in ~~Arial or Universa~~a font of 12 point or larger size.

(~~g~~e) ~~Two~~One legible ~~photocopies~~ of ~~each~~the brief and party appendix, if any, shall be filed with the appellate clerk.

(~~h~~f) ~~All copies of t~~The brief filed with the Supreme Court or the Appellate Court must be accompanied by a: (1) certification that a copy of the brief and party appendix, if any, has been sent to each counsel of record in compliance with Section 62-7; (2) 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, except for briefs filed pursuant to Section 79a-6; and (3) certification that the brief complies with all provisions of this rule. The certification that a copy of the brief and party appendix has been sent to each counsel of record in compliance with Section 62-7 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.

(i) 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 the appellate clerk. The request may be submitted in the form of a letter indicating the deviations sought and the reasons for the request or, when appropriate, by using form SC-XXXX.

Sec. 67-2A. Format of Electronic Briefs and Party Appendices; Copies

(a) ~~Briefs filed under this rule shall include the words "Filed Under the Electronic Briefing Rules" at the top center of the cover of the brief.~~ Briefs and party appendices, if any, shall be uploaded together as a text searchable single document. Bookmarks ~~are required and must link~~ to each sections of the brief and to each items included in ~~the a~~ party appendix are required. Briefs shall include internal hyperlinks for citations to items included in the party appendix. Internal hyperlinks must be clearly distinguishable from other text in the brief (e.g., underlined blue text or highlighted text). ~~External hyperlinks are not permitted.~~ Any external hyperlink included in a brief will be viewed as text only. Visual aids that comply with the guidelines published on the Judicial Branch website are permitted to be included in the brief. Additional formatting information and recommendations can be found in the guidelines published on the Judicial Branch website.

(b) Briefs shall be typed in a 12 point serif font, including footnotes but excluding headings. Headings must be in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used in place of underlining. Sections shall be marked sequentially using numbers or letters (e.g., 1. Introduction, 2. Statement of the facts . . . 6. Conclusion; or A. Introduction, B. Statement of the facts . . . F. Conclusion).

(c) The brief and party appendix, if any, shall include a single pagination scheme that starts on the cover page of the brief and continues throughout the entire document, on every page, including the cover and table of contents for the party appendix through to the last page of the party appendix. The page numbers shall be centered on the bottom of each page and shall be written as ``Page X of XX" (e.g., Page 1 of 55 . . . Page 32 of 55 . . . Page 55 of 55). The party appendix shall have an index of the names of witnesses whose testimony is cited within it. Any part of the testimony of a witness that is omitted 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) Two legible photocopies of each brief and party appendix, if any, shall be filed with the appellate clerk. The party appendix may be printed on both sides of a page. The brief and party appendix may be bound together or separately. No specific type or style of binding is required as long as the documents are securely bound. The covers for all types of briefs shall be white.~~

(~~e~~d) Briefs ~~and separately bound party appendices, if any,~~ must ~~bear on the cover~~have a cover page that includes, in the following order, from the top of the page: (1) the name of the court; (2) the appellate docket number; (3) the appellate case name; (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 number, and email address of individual counsel who is to argue the appeal and, if different, the name, address, telephone number and email address of the party's counsel of record. The foregoing shall be displayed in a 12 point or larger serif font ~~of 12 point size~~.

(~~f~~e) Counsel of record filing a brief shall ~~submit the electronic version of~~file the brief and party appendix, if any, 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 copies of the brief and party appendix pursuant to subsection (d) of this section.~~

(g) All ~~electronic and paper copies of the brief submitted and~~ briefs filed with the Supreme Court or the Appellate Court must be accompanied by a: (1) certification that a copy of the brief and party appendix, if any, has been sent electronically to each counsel of record in compliance with Section 62-7, except for counsel of record exempt from electronic filing pursuant to Section 60-8, to whom a paper copy of the brief and party appendix, if any, must be sent; ~~(2) certification that the brief and party appendix being filed with the appellate clerk are true copies of the brief and party appendix that were submitted electronically pursuant to subsection (f) of this section;~~ (3) certification that the brief and party 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, unless the brief is filed pursuant to Section 79a-6; (4) certification of the word count in the brief; ~~(5) certification that the brief complies with all provisions of this rule; and (6) certification listing the approved deviations from this rule or that no deviations were requested/approved. The certification that a copy of the brief and party appendix has been sent to each counsel of record in compliance with Section 62-7 may be signed by counsel of record or the printing service, if any; and if copies are sent by a printing service, that certification is not required to be included in the electronic version of the brief and party appendix. All other certifications pursuant to this subsection shall be signed by counsel of record only.~~

(h) 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 the appellate clerk. The request may be submitted in the form of a letter indicating the deviations sought and the reasons for the request or, when appropriate, by using form SC-XXXX.

Sec. 67-3. Page Limitations; Time for Filing Paper Briefs and Appendices **for Filers Excluded or Exempt from Electronic Filing Pursuant to Section 60-8; Copies**

Except as otherwise ordered, the brief of the appellant shall not exceed thirty-five pages and shall be filed with the party appendix, if any, within forty-five

days after the delivery date of the [initial](#) transcript order~~ed~~ by the appellant or forty-five days after the clerk appendix is sent to the parties, whichever is later. 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 party appendix, if any, shall be filed ~~within forty-five days of the filing of the appeal or~~ forty-five days after the clerk appendix is sent to the parties, ~~whichever is later.~~

[Amendments to the transcript order pursuant to Section 63-4 \(a\) \(3\) or with permission of the court are not considered in determining the due date for the appellant's brief under this section.](#)

~~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 party 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 file a reply brief in accordance with Section 67-5A.

Where there is a cross appeal, the brief and party appendix, if any, of the cross appellant shall be combined with the brief and party appendix, if any, of the appellee. The brief shall not exceed fifty pages and shall be filed with any party appendix at the time the appellee's brief is due. The brief and party appendix, if any, 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 file a cross appellant's reply brief in accordance with Section 67-5A.

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 party appendices, if any, the cover page, the table of contents, the table of authorities, the statement of issues, the signature block of counsel of record and certifications.

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 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, grant an additional five pages for the appellant and appellee briefs, which pages are to be used for the state constitutional argument only.

Sec. 67-3A. Word Limitations; Time for Filing Electronic Briefs and Party Appendices

Except as otherwise ordered, the brief of the appellant shall not exceed 13,500 words. The brief shall be filed with the party appendix, if any, either within forty-five days after the delivery date of the [initial](#) transcript ordered by the appellant or forty-five days after the clerk appendix is sent to the parties, whichever is later. 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 party appendix, if any, shall be filed ~~either within forty-five days of the filing of the appeal or~~ forty-five days after the clerk appendix is sent to the parties, ~~whichever is later.~~ [Amendments to the transcript order pursuant to Section 63-4 \(a\) \(3\) or with permission of the court are not considered in determining the due date for the appellant's brief under this section.](#)

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 13,500 words, and shall be filed with any party 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 file a reply brief in accordance with Section 67-5A.

Where there is a cross appeal, the brief and party appendix, if any, of the cross appellant shall be combined with the brief and party appendix, if any, of the appellee. The brief shall not exceed 18,000 words and shall be filed with any party appendix at the time the appellee's brief is due. The brief and party appendix, if any, of the cross appellee shall be combined with the appellant's reply brief, if any. This brief shall not exceed 16,000 words and shall be filed within thirty days after the filing of the original appellee's brief. The cross appellant may file a cross appellant's reply brief in accordance with Section 67-5A.

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 word limitations specified above.

All word limitations shall be exclusive of party appendices, if any, the cover page, the table of contents, the table of authorities, the statement of issues, the signature block of counsel of record, certifications and, in the case of an amicus brief, the statement of the interest of the amicus curiae required by Section 67-7A.

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

Where a claim relies on the state constitution as an independent ground for relief, the clerk shall, upon request, grant an additional 2000 words for the appellant and appellee briefs, which words are to be used for the state constitutional argument only.

Sec. 65-5. Proceedings after Transfer

The appellate clerk shall notify all parties and the clerk of the trial court that a matter has been transferred. The transferred matter shall be entered upon the docket of the court to which it was transferred. There shall be no fee on such transfer. If a matter is transferred after one or more briefs have been filed, the parties shall update the covers to their briefs with the new court and docket number, and file them in the new docket number. ~~The appellate clerk may require the parties to take such steps as may be necessary to make the matter conform to the rules of the court to which it has been transferred, for example, supply the court with additional copies of briefs and party appendices, if any.~~

Sec. 70-5. Points To Be Argued

(a) Oral argument should clarify and focus arguments in the ~~written~~ briefs. The court discourages oral argument read from a prepared text and lengthy quotations from legal precedents, the transcript, or the record.

(b) Counsel of record should assume that the court has read the briefs in advance of oral argument. No points made in briefs will be considered waived because not argued orally. Rebuttal argument shall be confined to the points presented by the argument of opposing counsel of record.

Sec. 77-2. Sealing Orders; Treatment of Lodged Records

(a) When, by order of the trial court or by operation of statute, a trial court file is sealed or is subject to limited disclosure, all filings with the appellate clerk in that matter shall be treated similarly unless otherwise ordered by the court having appellate jurisdiction. Any sealing or limitation on disclosure ordered by the trial court or required by operation of statute as to any affidavit, document or other material filed in the trial court shall continue throughout the appellate process.

(b) If a party includes material in a brief or appendix that is sealed or subject to limited disclosure, that party shall file a redacted brief and appendix, if any, to be made available to the public, and an unredacted brief and appendix, if any, to be made available to only the parties and the court. Both the redacted and unredacted brief and appendix shall be filed in accordance with the applicable provisions of Section 67-2 or Section 67-2A, ~~except that only one paper copy of the redacted brief and appendix is required.~~ Prior to filing, counsel of record shall file a letter notifying the court that the briefs and appendices will be filed pursuant to this subsection. This subsection shall not apply to briefs or appendices filed in child protection matters pursuant to Section 79a-6, or where the only redacted material are names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law.

(c) If a claim is raised on appeal challenging the denial of a motion to seal or limit disclosure pursuant to Section 7-4B (d), a lodged record shall remain conditionally under seal in the court having appellate jurisdiction and shall be treated as an exhibit pursuant to the provisions of Section 68-1.

PROPOSED AMENDMENTS RE: WORD COUNT CERTIFICATION
(P.B. §§ 66-3, 77-1, 78-1, 78a-1, 78b-1, 81-2, 81-3, 84-5, and 84-6)

Sec. 66-3. Motion Procedures and Filing

All motions and oppositions 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 for noncompliance with the Rules of Appellate Procedure. All papers shall contain a certification that: [\(1\) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and \(2\) that the motion or opposition complies with the word count requirement of Section 66-2 \(b\).](#)

No motion or opposition directed to the Supreme or Appellate Court shall be filed after expiration of the time for its filing unless the filer demonstrates good cause for its untimeliness in a separate section captioned “good cause for late filing.” No motion directed to the trial court that is required to be filed with the appellate clerk shall be filed after expiration of the time for its filing without permission of the court. A motion to file a late trial court motion must be accompanied by the proposed trial court motion. No amendment to a motion or opposition shall be filed without permission of the court.

Motions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Any preappeal motion or opposition to a preappeal motion filed by an entity as defined in Section 60-4 in a civil matter shall be accompanied by a certificate of interested entities or individuals filed by counsel of record.

Sec. 77-1. Petition for Review Seeking 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 (d), 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 a petition for review with the Appellate Court within seventy-two hours after the issuance of the order.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. 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 numbers, email addresses, and, if applicable, the juris number of their counsel, the names of all judges who participated in the case, and an expedited transcript order confirmation, shall be filed with the petition for review. Any opposition to the petition shall be filed within ninety-six hours after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and ½ inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

All papers shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition or opposition complies with the word count requirement of this subsection.

(c) Any person filing a petition for review pursuant to this rule shall deliver a copy of the petition and appendix to (1) all parties to the case and (2) any nonparty who sought the closure order or order sealing or limiting disclosure in compliance with the provisions of Section 62-7 on the same day as the petition is filed. Within one business day of the receipt of the transcript and the certificate of completion provided for by Section 63-8(c), the person filing the petition for review shall file the transcript and the certificate of completion with the Appellate Court.

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.

After the receipt of the transcript and the response to the petition, if any, the Appellate Court shall hold an expedited hearing on any petition for review. The appellate clerk will notify the petitioner, the parties and any nonparties who sought the closure order or order sealing or limiting disclosure of files, affidavits, documents or other material on file with the court or filed in connection with a court proceeding of the date and time of the hearing. Failure to file a response shall not preclude the party or nonparty who sought the order under review from participating in the hearing on the petition. After such hearing the Appellate Court may affirm, modify or vacate the order reviewed.

(d) This section shall not apply to court orders concerning any session of court conducted pursuant to General Statutes § 46b-11, § 46b-49, § 46b-122, § 54-76h or any other provision of the General Statutes under which the court is authorized to close proceedings. This section also shall not apply to any order issued pursuant to General Statutes § 46b-11 or § 54-33c or any other provision of the General Statutes under which the court is authorized to seal or limit the disclosure of files, affidavits, documents or materials and any order issued pursuant to a court rule that seals or limits the disclosure of any affidavit in support of an arrest warrant.

Sec. 78-1. Review of an Order Concerning Disclosure of Grand Jury Record or Finding

(a) Any person aggrieved by an order of a panel or an investigatory grand jury pursuant to General Statutes § 54-47g may seek review of such order by filing a petition for review with the Appellate Court within seventy-two hours after the issuance of the order. The filing of any such petition for review shall stay the order until the final determination of the petition. The Appellate Court shall hold an expedited hearing on such petition. After such hearing, the Appellate Court may affirm, modify or vacate the order reviewed.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. Any opposition to the petition shall be filed within ten days after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and ½ inches on all sides. All text must be left aligned. Line spacing can be between

1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

All papers shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition or opposition complies with the word count requirement of this subsection.

Sec. 78a-1. Petition for Review of Order Concerning Release on Bail

(a) Any accused person or the state, aggrieved by an order of the Superior Court concerning release, may petition the Appellate Court for review of such order. Any such petition shall have precedence over any other matter before the Appellate Court and any hearing ordered by the court shall be held expeditiously with reasonable notice.

Petitions for review of bail must conform to the requirements for motions for review set forth in Section 66-6 and are subject to transfer to the Supreme Court pursuant to Section 65-3.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. Any opposition to the petition shall be filed within ten days after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and ½ inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

All papers shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition or opposition complies with the word count requirement of this subsection.

Sec. 78b-1. Petition for Review of Order Denying Application for Waiver of Fees to Commence a Civil Action or a Writ of Habeas Corpus

(a) Any person aggrieved by an order of the Superior Court denying an application for waiver of the payment of a fee for filing an action or the cost of service of process to commence a civil action or a writ of habeas corpus in the Superior Court may petition the Appellate Court for review of such an order after a hearing pursuant to the provisions of Section 8-2(d) and a decision thereon.

Petitions for review of the denial of an application for waiver of the payment of a fee for filing an action or the cost of service of process to commence a civil action or writ of habeas corpus are subject to transfer to the Supreme Court pursuant to Section 65-3, and must conform to the requirements for motions for review set forth in Section 66-6, except that the moving party shall not be required to provide a transcript or transcript order confirmation.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. Any opposition to the petition shall be filed within ten days after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and ½ inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

All papers shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition or opposition complies with the word count requirement of this subsection.

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 a table of contents, 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, other than a motion for extension of time, 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 numbers, email addresses, and, if applicable, the juris numbers of their counsel. If a petitioner in a civil matter is an entity as defined in Section 60-4, counsel of record must also provide a certificate of interested entities or individuals in the appendix. The appendix shall be paginated separately from the petition with consecutively numbered pages preceded by the letter "A."

(6) A certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition complies with the word count requirement of subsection (b) of this section.

(b) Except as otherwise ordered, petitions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix. Petitions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Sec. 81-3. Statement in Opposition to Petition

(a) Within ten days of the filing of the petition, any party may file a statement in opposition with the appellate clerk stating the reasons why certification should not be granted. The statement shall be presented in a manner which is responsive, in form and content, to the petition it opposes. Except as otherwise ordered, oppositions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix, if any. Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and ½ inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. 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 in the manner set forth in Section 62-7 and shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the opposition complies with the word count requirement of subsection (a) of this section.

(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.

(d) If the party in a civil matter filing the opposition is an entity as defined in Section 60-4, a certificate of interested entities or individuals shall be attached to the opposition.

(e) Responses to oppositions are not permitted.

Sec. 84-5. Form of Petition

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

(1) A brief introduction providing context for the statement of the questions presented for review.

(2) 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.

(3) A brief history of the case containing the facts material to the consideration of the questions presented, including the disposition of the matter in the Appellate Court, and if applicable, a specific description of how the Appellate Court decided the questions presented for review in the petition.

(4) A concise argument expanding on the bases for certification, as presented in Section 84-2, and explaining why the Supreme Court should allow the extraordinary relief of certification. No separate memorandum of law in support of the petition will be accepted by the appellate clerk.

(5) An appendix, which shall be paginated separately from the petition with consecutively numbered pages preceded by the letter "A," containing:

(A) a table of contents,

(B) the opinion, preferably as published in the Connecticut Law Journal, or order of the Appellate Court sought to be reviewed,

(C) if the opinion or order of the Appellate Court was per curiam or 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,

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

(E) a list of all parties to the appeal in the Appellate Court with the names, addresses, telephone numbers, email addresses, and, if applicable, the juris numbers

of their trial and appellate counsel. If one of the parties in a civil action is an entity as defined in Section 60-4, counsel of record must also provide a certificate of interested entities or individuals.

(6) A certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition complies with the word count requirement of subsection (b) of this section.

(b) Except as otherwise ordered, petitions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix. Petitions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Sec. 84-6. Statement in Opposition to Petition

(a) Within ten days of the filing of the petition, any party may file a statement in opposition to the petition 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. Except as otherwise ordered, oppositions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix, if any.

Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and ½ inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

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 in the manner set forth in Section 62-7 and shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the opposition complies with the word count requirement of subsection (a) of this section.

(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.

(d) If the party filing the opposition in a civil action is an entity as defined in Section 60-4, a certificate of interested entities or individuals shall be attached to the opposition.

(d) If the party filing the opposition in a civil action is an entity as defined in Section 60-4, a certificate of interested entities or individuals shall be attached to the opposition.

(e) Responses to oppositions are not permitted.

Proposal regarding the Certificate of Interested Entities or Individuals (COIE) Requirement

CHAPTER 60 GENERAL PROVISIONS RELATING TO APPELLATE RULES AND APPELLATE REVIEW

Sec. 60-4. Definitions

“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.

“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.

“Certificate of interested entities or individuals” is a certificate filed pursuant to court order ~~in any civil appellate matter, excluding habeas corpus matters,~~ by counsel of record for a party that is an entity as defined in this rule. The certificate shall list for that party: (1) any parent entities and (2) all entities or individuals owning or controlling an interest of 10 percent or more of that party. If there are no other interested entities or individuals, a certificate indicating that information is required. The certificate shall also state whether the party knows of any direct or indirect ownership, controlling or legal interest for that party that counsel of record thinks could reasonably require a judge to disqualify himself or herself under Rule 2.11 of the Code of Judicial Conduct. The court may order a party to supplement its certificate of interested entities or individuals to include any direct or indirect ownership or controlling or legal interest for any parent entities or listed interested entities, and so on, until the certificate lists all of the parent entities, interested entities, and interested individuals for that party and its affiliates. Counsel of record has a continuing duty to amend the certificate of interested entities or individuals during the pendency of the appeal if any changes occur.

“Counsel of record” shall include all attorneys and self-represented parties appearing in the trial court at the time of the initial appellate filing, unless an exception pursuant to Section 62-8 applies, all attorneys and self-represented parties who filed the appellate matter, and all attorneys and self-represented parties who file an appearance in the appellate matter.

“Entity” means any corporation, limited liability company, partnership, limited liability partnership, trust, joint venture, firm or ~~any~~ association that is not a governmental entity or its agencies.

“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.

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

“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.

“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.

“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.)

CHAPTER 62

CHIEF JUDGE, APPELLATE CLERK AND DOCKET: GENERAL ADMINISTRATIVE MATTERS

Sec. 62-5. Changes in Parties

Any change in the parties to an action pending an appeal shall be made in the court in which the appeal is pending. The appellate clerk shall notify the clerk of the trial court of any change.

~~If any party to a civil action is an entity as defined in Section 60-4, counsel of record shall include a certificate of interested entities or individuals with any motion seeking a change in the parties filed with the appellate clerk.~~

CHAPTER 63

FILING THE APPEAL; WITHDRAWALS

Sec. 63-4. Additional Papers To Be Filed by Appellant and Appellee Subsequent to the Filing of the Appeal

(a) Within ten days of filing an appeal, the appellant shall also file with the appellate clerk the following:

(1) A preliminary statement of the issues (JD-SC-038) 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. 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.

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 designation of the proposed contents of the clerk appendix (JD-SC-039) that is to be prepared by the appellate clerk under Section 68-2A listing the specific documents docketed in the case file that the appellant deems are necessary to include in the clerk appendix for purposes of presenting the issues on appeal, including their dates of filing in the proceedings below, and, if applicable, their number as listed on the docket sheet. The appellant shall limit the designation to the documents referenced in Section 68-3A for inclusion in the clerk appendix. If any other party disagrees with the inclusion of any documents designated by the appellant, or deems it necessary to include other documents docketed in the case file in the clerk appendix, that party may, within seven days from the filing of the appellant's designation of the proposed contents of the clerk appendix, file its own designation of the proposed contents of the clerk appendix.

(3) A certificate stating that no transcript is deemed necessary (JD-SC-040) or a transcript order confirmation from the official court reporter pursuant to Section 63-8. If the appellant is to rely on any transcript delivered prior to the filing of the appeal, the transcript order confirmation shall indicate that an electronic version of a previously delivered transcript has been ordered.

If any other party deems any other parts of the transcript necessary that were not ordered by the appellant, that party shall, within twenty days of the filing of the appellant's transcript papers, file a transcript order confirmation for an order placed in compliance with Section 63-8. If the order is for any transcript delivered prior to the filing of the appeal, the transcript order confirmation shall indicate that an electronic version of a previously delivered transcript has been ordered.

Amendments to the transcript statement may be made only upon the granting of a motion.

(4) 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 the names, addresses, and email addresses of trial and appellate counsel of record; (B) the case names and docket numbers of all pending cases, including appeals to the Supreme Court or Appellate Court, that arise from substantially the same controversy as the cause on appeal or involve issues closely related to those presented by the appeal; (C) the case name and docket number with respect to any active criminal protective order, civil protective order, or civil restraining order that governs any of the parties to the appeal as well as the case name and docket number with respect to any such order that has expired or previously was requested but not issued; and (D) in criminal and habeas cases, the defendant's or petitioner's conviction(s) and sentence(s) that are the subject of the direct criminal or habeas appeal and whether the defendant or petitioner is incarcerated. 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. Amendments to the docketing statement may be filed at any time.

When an appellant or an appellee is aware that one or more appellees have no interest in participating in the appeal, the appellant and any other appellees may be relieved of the requirement of certifying copies of filings to those appellees by designating the nonparticipating appellee(s) in a section of the docketing statement named "Nonparticipating Appellee(s)." This designation shall indicate that if no docketing statement in disagreement is filed, subsequent filings will not be certified to those appellees.

If an appellee disagrees with the nonparticipating designation, that appellee shall file a docketing statement indicating such disagreement within twenty days of the filing of that designation. All documents filed on or before the expiration of the time for an appellee to file a docketing statement in disagreement as stated above shall be delivered pursuant to Section 62-7 (b) to all counsel of record. If no docketing statement in disagreement is filed, subsequent filings need not be certified to nonparticipating appellees.

(b) If applicable, within ten days of filing an appeal, the appellant shall also file with the appellate clerk the following:

(1) A preargument conference statement (JD-SC-028A) in matters that are eligible for a preargument conference pursuant to Section 63-10, if all parties participating in the appeal are interested in attending a preargument conference.

(2) A constitutionality notice, in all noncriminal cases where the constitutionality of a state statute, rule, regulation, or executive action is called into question. Said notice shall identify the statute, rule, regulation, or executive action; the name and address of the party questioning it; and whether the constitutionality of the questioned item was upheld by the trial court. The appellate clerk shall deliver a copy of such notice to the attorney general. If a question becomes apparent to a party or to the court at any time after preliminary papers are filed, the party shall immediately file or amend the notice mandated by this section, and the court, even absent a party filing a notice, shall issue such notice. 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.

(3) In matters in which documents are under seal, conditionally or otherwise, or limited as to disclosure, a notice identifying the time, date, scope and duration of the sealing order with a copy of the order. (See Section 77-2.)

~~(4) If an entity as defined in Section 60-4 is an appellant, counsel of record for that entity shall file a certificate of interested entities or individuals as defined in Section 60-4 in any civil appeal to assist the appellate jurists in making an informed decision regarding possible disqualification from the appeal. If an entity in a civil appeal is an appellee, counsel of record for the entity shall file a certificate of interested entities or individuals within twenty days of the filing of the appellant's preliminary statement of the issues. Counsel of record has a continuing duty to amend the certificate of interested entities or individuals during the pendency of the appeal if any changes occur.~~

(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.

(d) The use of the forms indicated in subdivisions (1), (2) and (3) of subsection (a) is optional. The party may instead draft documents in compliance with the rules.

CHAPTER 66

MOTIONS AND OTHER PROCEDURES

Sec. 66-3. Motion Procedures and Filing

All motions and oppositions 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 for noncompliance with the Rules of Appellate Procedure. All papers shall contain a certification that a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7.

No motion or opposition directed to the Supreme or Appellate Court shall be filed after expiration of the time for its filing unless the filer demonstrates good cause for its untimeliness in a separate section captioned "good cause for late filing." No motion directed to the trial court that is required to be filed with the appellate clerk shall be filed after expiration of the time for its filing without permission of the court. A motion to file a late trial court motion must be accompanied by the proposed trial court motion. No amendment to a motion or opposition shall be filed without permission of the court.

Motions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

~~Any preappeal motion or opposition to a preappeal motion filed by an entity as defined in Section 60-4 in a civil matter shall be accompanied by a certificate of interested entities or individuals filed by counsel of record.~~

CHAPTER 67

BRIEFS

Sec. 67-4. The Appellant's Brief; Contents and Organization

The appellant's brief shall contain the following:

- (a) A table of contents.
- (b) A concise statement setting forth, in separately numbered paragraphs, without detail or discussion, the principal issue or issues involved in the appeal, with appropriate references to the page or pages of the brief where the issue is discussed, pursuant to subsection (e) hereof. Such statement shall be deemed in replacement of and shall supersede the preliminary statement of issues.
- (c) A table of authorities cited in the brief, with references to the page or pages of the brief where the citations to those authorities appear. Citations shall be in the form provided in Section 67-11.
- (d) A statement of the nature of the proceedings and of the facts of the case bearing on the issues raised. The statement of facts shall be in narrative form, shall be supported by appropriate references to the page or pages of the transcript or to the document upon which the party relies and shall not be unnecessarily detailed or voluminous.

(e) The argument, divided under appropriate headings into as many parts as there are points to be presented, with appropriate references to the statement of facts or to the page or pages of the transcript or to the relevant document. The argument on each point shall include a separate, brief statement of the standard of review the appellant believes should be applied.

(1) When error is claimed in the trial court's refusal to charge the jury as requested, the party claiming such error shall include in the brief of that party or the appendix thereto a verbatim statement of the relevant portions of the charge as requested and as given by the court and any relevant exceptions to the charge as given and shall recite in narrative form any evidence which it is claimed would entitle that party to the charge as requested, with appropriate references to the page or pages of the transcript.

(2) When error is claimed in the charge to the jury, the brief or appendix shall include a verbatim statement of all relevant portions of the charge and all relevant exceptions to the charge. Unless essential to review of a claimed error, a verbatim statement of the entire charge to the jury should not be included in the brief or appendix. Evidence relevant to the claimed error shall be recited in narrative form with appropriate references to the page or pages of the transcript.

(3) When error is claimed in any evidentiary ruling in a court or jury case, the brief or appendix shall include a verbatim statement of the following: the question or offer of exhibit; the objection and the ground on which it was based; the ground on which the evidence was claimed to be admissible; the answer, if any; and the ruling.

(4) When error is claimed in any other ruling in a court or jury case, the brief or appendix shall include the pertinent motion or pleading as well as any other pertinent documents which are a part of the record of the proceedings below.

(5) When the basis of an evidentiary or other ruling referred to in subsection (e) (3) or (e) (4) cannot be understood without knowledge of the evidence or proceeding which preceded or followed the ruling, a brief narrative or verbatim statement of the evidence or proceeding should be made. A verbatim excerpt from the transcript should not be used if a narrative statement will suffice. When the same ruling is repeated, the brief should contain only a single ruling unless the other rulings are further illustrative of the rule which determined the action of the trial court or establish the materiality or harmfulness of the error claimed. The statement of rulings in the brief shall include appropriate references to the page or pages of the transcript.

(f) A short conclusion stating the precise relief sought.

(g) The text of the pertinent portions of any constitutional provision, statute, ordinance or regulation at issue or on which the appellant relies. Such text need not be included in the brief if it is included in the appendix to the appellant's brief.

(h) In appeals filed pursuant to Section 81-4, a statement identifying the version of the land use regulations filed with the appellate clerk.

~~(i) In civil appeals filed by an entity as defined in Section 60-4, counsel of record shall include a current certificate of interested entities or individuals in the appellant's brief.~~

~~(j)-(i)~~ (i) The appellant's brief shall be organized in the following order: ~~if the appeal is in a civil matter and the appeal was filed by an entity, a current certificate of interested entities or individuals as defined in Section 60-4;~~ table of contents; statement of issues; table of authorities; if the appeal was filed pursuant to Section 81-4, statement

identifying version of land use regulations filed with the appellate clerk; statement of facts; argument; conclusion and statement of relief requested; signature; and certification pursuant to Section 62-7.

Sec. 67-5. The Appellee's Brief; Contents and Organization

The brief of the appellee shall contain, in a form corresponding to that stated in Section 67-4, the following:

- (a) A table of contents.
- (b) A counterstatement of any issue involved as to which the appellee disagrees with the statement of the appellant or a statement of any other grounds which were properly raised by an appellee under Section 63-4. Such statement shall be deemed in replacement of and shall supersede the preliminary statement of the issues.
- (c) A table of authorities cited in the brief, with references to the page or pages of the brief where the citations to those authorities appear. Citations shall be in the form provided in Section 67-11.
- (d) A counter statement of any fact as to which the appellee disagrees with the statement of the appellant. The counter statement of facts shall be in narrative form and shall be supported by appropriate references to the page or pages of the transcript or to the relevant document upon which the appellee relies. An appellee may not rely on any fact unless it is set forth in the appellee's counter statement of facts or in the appellant's statement of facts or is incorporated in any brief of the parties in accordance with Section 67-4 (e) or with subsection (e) hereof.
- (e) The argument of the appellee, divided as provided in Section 67-4 (e). The argument on each point shall include a separate, brief statement of the standard of review the appellee believes should be applied. The argument may augment or take exception to the appellant's presentation of rulings or the charge by reference to any relevant part of the court's charge or any other evidence in narrative or verbatim form which is relevant to such question, with appropriate references to the statements of facts or to the page or pages of the transcript or to the relevant document.
- (f) Claims, if any, directed to any rulings or decisions of the trial court adverse to the appellee. These shall be made in the manner provided in Section 67-4 (e).
- (g) A short conclusion stating the precise relief sought.
- (h) The text of the pertinent portions of any constitutional provision, statute, ordinance or regulation at issue or on which the appellee relies. Such text need not be included in the brief if it is included in the appellant's brief or appendix or in the appendix to the appellee's brief.
- (i) In appeals filed pursuant to Section 81-4, a statement as to whether the appellee disputes the applicability of the version of the land use regulations filed with the appellate clerk. If the appellee disputes the applicability of such regulations, it shall set forth its basis for maintaining that such regulations do not apply.
- (j) ~~If the appellee is an entity as defined in Section 60-4, counsel of record shall include a current certificate of interested entities or individuals in the appellee's brief.~~
- (k) ~~The appellee's brief shall be organized in the following order: a current certificate of interested entities or individuals as defined in Section 60-4;~~ table of contents; statement of issues; table of authorities; statement of facts; argument; conclusion and statement of relief requested; signature; and certification pursuant to Section 62-7.

(k) When the appellee is also the cross appellant, the issues on the cross appeal shall be briefed in accordance with Section 67-4. In such a case, the briefs shall clearly label which sections of the brief refer to the appeal and which refer to the cross appeal.

Sec. 67-7A. The Amicus Curiae Electronic Brief

(a) A brief of an amicus curiae in cases before the court on the merits may be filed only with the permission of the court unless Section 67-7A (f) applies. 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.

(b) 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. ~~If the applicant in a civil appeal is an entity as defined in Section 60-4, a certificate of interested entities or individuals shall be attached to the application.~~ A party to the appellate matter in which the application is filed may, within ten days after the filing of the application, file an objection.

Applications and objections, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Applications and objections shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

An amicus curiae brief shall not exceed 4000 words and shall conform with the requirements set forth in Chapter 67. The applicant may request to file a brief in excess of 4000 words by including a request in the application that sets forth reasons to justify the additional words.

(c) 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. ~~If the appeal is in a civil matter and the amicus curiae is an entity as defined in Section 60-4, a certificate of interested entities or individuals shall be included in the brief.~~

(d) 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.

(e) 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.

(f) 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 attorney general 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.

CHAPTER 72 WRITS OF ERROR

Sec. 72-1. Writs of Error; In General

(a) Writs of error for errors in matters of law only may be brought from a final judgment of the Superior Court to the Appellate Court in the following cases: (1) a decision binding on an aggrieved nonparty; (2) a summary decision of criminal contempt; (3) a denial of transfer of a small claims action to the regular docket; and (4) as otherwise necessary or appropriate in aid of its jurisdiction and agreeable to the usages and principles of law.

(b) No writ of error may be brought in any civil or criminal proceeding for the correction of any error where (1) the error might have been reviewed by process of appeal, or by way of certification, or (2) the parties, by failure timely to seek a transfer or otherwise, have consented to have the case determined by a court or tribunal from whose judgment there is no right of appeal or opportunity for certification.

~~(c) If an entity as defined in Section 60-4 is a plaintiff in error or a defendant in error, counsel for that entity shall file a certificate of interested entities or individuals.~~

CHAPTER 73 RESERVATIONS

Sec. 73-1. Reservation of Questions from the Superior Court to the Supreme Court or Appellate Court; Contents of Reservation Request

(a) 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.

(b) Reservation requests may be brought only in those cases in which an appeal could have been filed 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 filed directly to the Supreme Court.

~~(c) If one of the parties to the reservation request in a civil matter is an entity as defined in Section 60-4, the reservation request must also include a certificate of interested entities or individuals filed by counsel of record for that entity.~~

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

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 a table of contents, 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, other than a motion for extension of time, 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 numbers, email addresses, and, if applicable, the juris numbers of their counsel. ~~If a petitioner in a civil matter is an entity as defined in Section 60-4, counsel of record must also provide a certificate of interested entities or individuals in the appendix.~~ The appendix shall be paginated separately from the petition with consecutively numbered pages preceded by the letter "A."

(b) Except as otherwise ordered, petitions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix. Petitions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document,

footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining

Sec. 81-3. Statement in Opposition to Petition

(a) Within ten days of the filing of the petition, any party may file a statement in opposition with the appellate clerk stating the reasons why certification should not be granted. The statement shall be presented in a manner which is responsive, in form and content, to the petition it opposes. Except as otherwise ordered, oppositions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix, if any. Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. 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 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.

~~(d) If the party in a civil matter filing the opposition is an entity as defined in Section 60-4, a certificate of interested entities or individuals shall be attached to the opposition.~~

~~(e)~~ Responses to oppositions are not permitted.

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.

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.

~~If one of the parties to the certification request in a civil matter is an entity as defined in Section 60-4, the certification request must also include a certificate of interested entities or individuals filed by counsel of record for that entity.~~

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

Sec. 83-1. Application; In General

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, 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 numbers, email addresses and, if applicable, the juris numbers of their counsel. ~~If the party in a civil matter is an entity as defined in Section 60-4, counsel of record must also provide a certificate of interested entities or individuals in the appendix.~~

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 the trial judge and the clerk of the trial court that rendered the decision sought to be appealed.

CHAPTER 84
APPEALS TO SUPREME COURT BY CERTIFICATION FOR REVIEW

Sec. 84-5. Form of Petition

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

(1) A brief introduction providing context for the statement of the questions presented for review.

(2) 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.

(3) A brief history of the case containing the facts material to the consideration of the questions presented, including the disposition of the matter in the Appellate Court, and if applicable, a specific description of how the Appellate Court decided the questions presented for review in the petition.

(4) A concise argument expanding on the bases for certification, as presented in Section 84-2, and explaining why the Supreme Court should allow the extraordinary relief of certification. No separate memorandum of law in support of the petition will be accepted by the appellate clerk.

(5) An appendix, which shall be paginated separately from the petition with consecutively numbered pages preceded by the letter "A," containing:

(A) a table of contents,

(B) the opinion, preferably as published in the Connecticut Law Journal, or order of the Appellate Court sought to be reviewed,

(C) if the opinion or order of the Appellate Court was per curiam or 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,

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

(E) a list of all parties to the appeal in the Appellate Court with the names, addresses, telephone numbers, email addresses, and, if applicable, the juris numbers of their trial and appellate counsel. ~~If one of the parties in a civil action is an entity as defined in Section 60-4, counsel of record must also provide a certificate of interested entities or individuals.~~

(b) Except as otherwise ordered, petitions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix. Petitions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Sec. 84-6. Statement in Opposition to Petition

(a) Within ten days of the filing of the petition, any party may file a statement in opposition to the petition 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. Except as otherwise ordered, oppositions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix, if any.

Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

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 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.

~~(d) If the party filing the opposition in a civil action is an entity as defined in Section 60-4, a certificate of interested entities or individuals shall be attached to the opposition.~~

~~(e)~~ (d) Responses to oppositions are not permitted.