AGENDA

Meeting of the Advisory Committee on Appellate Rules
Thursday, April 4, 2024 - 2:00 p.m.

I. OLD BUSINESS

A. Approval of minutes of October 26, 2023

B. Whether to recommend a rule governing appellate intervention

C. Whether to amend § 78a-1 regarding motions for review of bail determinations

D. Whether to amend § 84-1 to clarify that the Office of the Appellate Clerk can reject an appeal to the Supreme Court from a final decision of the Appellate Court if a petition has not been granted

E. Whether to amend §§ 84-9 and 84-11 to clarify the issues that can be raised following certification

II. NEW BUSINESS

A. Whether to eliminate §§ 63-1 (d) and 67-12

B. Whether to amend §§ 61-11, 61-12, 61-14, 71-6 and 84-3 regarding stays

C. Whether to amend § 66-1 regarding motions for extension of time

D. Whether to amend § 70-4 regarding the time allowed for oral argument; who may argue

E. Whether to amend § 72-3 regarding writs of error

F. Whether to amend § 62-8A regarding attorneys appearing pro hac vice

G. Whether to amend § 62-7 regarding matters of form; filings; delivery and certification to counsel of record

H. Whether to amend § 61-7 regarding joint and consolidated appeals

I. Whether to amend § 61-9 regarding decisions subsequent to the filing of appeal; amended appeals

J. Whether to amend § 66-5 regarding motions for rectification and articulation

K. Whether to amend §§ 77-1, 78-1, 78a-1, 78b-1, 81-3 and 84-6 to clarify that responses to oppositions are not permitted for petitions

L. Whether to amend §§ 63-4 (a) (5), 63-4 (b) and 63-10 regarding preargument conferences

III. ANY OTHER BUSINESS THAT MAY COME BEFORE THE COMMITTEE

IV. NEXT MEETING

Meeting of the Advisory Committee on Appellate Rules

Thursday, October 26, 2023, at 2:00 p.m.

Justice D'Auria called the meeting to order at 2 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 Timothy Costello
Attorney Richard Emanuel
Attorney Paul Hartan
Attorney James Healey
Attorney Wesley Horton
Hon. Sheila Huddleston
Attorney Eric Levine
Attorney Jessie Opinion
Attorney Joshua Perry
Attorney René Robertson
Attorney Giovanna Weller

Members not in attendance:
Attorney Daniel J. Krisch
Attorney Charles Ray

Additional Attendees:
Attorney Julie Lavoie (for Attorney Krisch)
Attorney Andrew Redman
Attorney Michael Skold

This meeting was held in the Attorney Conference Room at the Connecticut Supreme Court.

I. OLD BUSINESS

A. Approval of minutes of April 6, 2023.

Attorney Weller moved to approve the minutes. Attorney Robertson seconded. The motion passed unanimously, with Attorney Horton abstaining.

B. Whether to recommend a rule governing appellate intervention

Attorney Perry has met once with the work group and is preparing a memorandum regarding the different approaches to appellate intervention in state and federal courts. Such a proposal requires careful consideration, but it is his belief that there are some instances in which intervention at the appellate level may be appropriate. He requested that this matter be marked over to the next agenda as the proposal was still a work in progress.

II. NEW BUSINESS

A. Whether to amend § 63-4 to clarify the time for filing amendments to the preliminary papers

Attorney Cicchetti presented this proposal, which removed the language in subsection (b) as to how and when different § 63-4 papers could be amended and added that information to subsection (a) following the requirements for filing each paper. What had been subsections (c) and (d) were redesignated as (b) and (c), respectively.

Attorney Horton moved to adopt the proposal. Attorney Perry seconded. The motion passed unanimously.

B. Whether to adopt § 67-14 regarding joint briefs and statements adopting briefs and amend § 70-4 to reference § 67-14

Judge Prescott explained that this proposal grew out of a concern that the rules were unclear as to whether a person who filed a statement adopting the brief of another party is entitled to oral argument. Attorney Robertson explained that the new § 67-14 contrasts the joining of a brief with filing a statement adopting the brief of another party and the proposed amendment to § 70-4 clarifies that only those who have joined a brief may argue.

A statement adopting the brief must be filed before the case is ready for assignment. Discussion included the timing and the adoption of reply briefs, and whether the rule should more clearly require the parties filing a joint brief work out among themselves the time to be apportioned for oral argument. No amendments were ultimately proposed.

A technical correction to § 67-14 (a) ("want" was made singular) was incorporated.

Attorney Horton moved to adopt the proposal. Attorney Cicchetti seconded. The motion passed unanimously.

C. Whether to amend § 61-4 to reference §§ 66-2 and 66-3.

Attorney Robertson explained that this proposal was to make this rule consistent with the proposal adopted in spring concerning motions. A motion filed under § 61-4 (b) should comply with the usual motion requirements of §§ 66-2 and 66-3.

Attorney Horton moved to adopt the proposal. Attorney Weller seconded. The motion passed unanimously.

D. Whether to amend § 67-10 to provide a 350-word limit for supplemental authority letters

Attorney Cicchetti presented this proposal, which was to amend the rule to make it consistently refer to a "letter" (as opposed to "filing" or "notice"), to place a word limit on such letters, and to make it clear that replies to responses were not permitted.

There was general agreement among practitioners with the proposed 350-word limit.

Attorney Babbin proposed an additional amendment: to remove the phrase "and without argument" from the rule. He explained that the federal rules were amended to similarly include a 350-word limit but removed the restriction on argument. There was discussion in favor of this additional amendment, with some noting the difficulty of writing a reply to a supplemental authority letter to state that the authority cited is inapposite without being argumentative. There were also comments against removing the restriction, as such letters are not meant to be supplemental briefs. Ultimately, this proposal was put to a separate vote and three members of the committee voted to remove the phrase "and without argument" from § 67-10, with several abstaining. The motion failed.

Attorney Horton moved to adopt the proposal as presented by Attorney Cicchetti. Attorney Weller seconded. The motion passed unanimously.

E. Whether to amend § 71-4 to include electronic volumes

Attorney Levine presented this proposal, which made technical changes to subsection (a) and added "or electronic" following "bound" in subsection (b) to describe the publication of the official opinion of the court. Some members expressed dismay at the anticipated demise of bound volumes.

Attorney Horton moved to adopt the proposal. Attorney Levine seconded. The motion passed unanimously.

F. Whether to amend § 78a-1 regarding motions for review of bail determinations

Attorney Barnett presented this proposal, which arose out of discussions in the Appellate Court following the Supreme Court's decision in *Pan*. Petitions for review in which the sole issue is whether the amount of bail is unreasonable often do not have an adequate record and have been denied without prejudice to the petitioner pursuing a motion for modification pursuant to § 38-14. However, Attorneys Perry and Bourn expressed concern that this proposal placed an impediment to an incarcerated person filing a petition by requiring that the person seek modification first, which was not what *Pan* contemplated.

The proposal was tabled for further study.

G. Whether to amend § 84-1 to clarify that the Office of the Appellate Clerk can reject an appeal to the Supreme Court from a final decision of the Appellate Court if a petition has not been granted

Attorney Cicchetti presented this proposal to address concerns that there is no express language in the rule permitting the Appellate Clerk to reject an appeal where the party

aggrieved by a decision of the Appellate Court has not sought or received certification to appeal to the Supreme Court.

Attorney Levine proposed a technical correction to the second sentence ("file an appeal with the Supreme Court") that was accepted. There were proposals to change the third sentence offered by Attorneys Babbin and Weller and Judge Huddleston and counterproposals offered by Attorneys Robertson and Cicchetti.

The matter was tabled for an email vote on the final language and, ultimately, tabled until the Spring meeting.

The issue of whether petitions for certification to the Appellate Court in land use cases should be similarly amended was referred to the work group. It was noted, however, that the appellate clerk's office is in an excellent position to determine whether certification from a final decision by the Appellate Court is required but the certification requirement is less clear where sometimes zoning boards are parties to lawsuits other than land use appeals in the Superior Court.

H. Whether to amend § 60-7 (c) regarding filing of the electronic access form

Attorney Robertson explained that this proposal is designed to simplify appellate e-filing for self-represented litigants. If a self-represented party already has electronic access to their case at the Superior Court, there is a streamlined process for the party to have their E-Services user identification verified. Instructions will be provided on the Appellate E-filing homepage in E-Services. This rule change does not affect incarcerated self-represented litigants.

Attorney Robertson moved to adopt the proposal. Attorney Horton seconded. The motion passed unanimously.

I. Whether to amend §§ 84-9 and 84-11 to clarify the issues that can be raised following certification

Attorney Lavoie presented this proposal on behalf of Attorney Krisch to address the lack of a clear procedure in the appellate rules to ask the Supreme Court, following the granting of certification, to also consider issues that were briefed in the Appellate Court but were not reached by the Appellate Court in its disposition of the appeal. Attorney Krisch had met with the work group in preparing this proposal. The proposal is focused on the appellant before the Supreme Court because there is a clear avenue in the rules for an appellee to raise an alternative ground for affirmance.

There was discussion as to whether the proposal should include the word "adequately" before "briefed"; "briefed" was chosen to replace the word "raised," which is in the

current § 84-11. Others noted that the proposal, as drafted, may permit the appellant to circumvent the Court's limited grant of cert. (For example, an appellant seeks certification on four issues; the court grants certification on two issues; could the appellant file a statement of adverse rulings claiming that the other two issues should be considered in the interest of judicial economy?) It was also noted that perhaps this should be a motion rather than a "statement," although it had been noted during the work group process that a motion closely following certification may not be preferred by the court.

The matter was tabled for additional study.

J. Whether to amend § 66-4 to provide for the addition of a justice or judge in ruling on motions when the justices are equally divided

Attorney Horton presented this proposal to respond to the decision in *State* v. *Malone*, 346 Conn. 1012 (2023), which highlighted the lack of a rule providing for the addition of a judge or justice in ruling on a motion with the panel of jurists is equally divided. Attorney Babbin suggested amending the proposed final sentence to begin "Decisions by the court on both dispositive..." This amendment was incorporated into the proposal.

The proposal provided in part that the court "shall reconsider the motion with an odd number of justices or judges." Attorney Weller wondered whether the proposal should state the next highest odd number, to prevent the subtraction of a member of the panel instead of the contemplated addition. Also discussed was whether this should be embodied in a rule or whether it was a matter of court policy.

Attorney Horton moved to adopt the proposal. Attorney Babbin seconded. There were seven votes in favor, two votes against, and eight abstentions. The motion carried and the proposal will be submitted to the Courts.

III. ANY OTHER BUSINESS THAT MAY COME BEFORE THE COMMITTEE

None.

IV. NEXT MEETING

It is anticipated that the next meeting will be in spring 2024.

The meeting adjourned at 3:35 p.m.

Respectfully submitted,

Colleen Barnett

OFFICE OF THE ATTORNEY GENERAL
CONNECTICUT

JOSHUA PERRY
SOLICITOR GENERAL

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February 27, 2024

By Email

Jill B. Begemann
Director of Appellate Operations
75 Elm Street
Hartford, CT 06106
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Re: *Proposed Rule on Appellate Intervention*

Dear Attorney Begemann,

I appreciate the opportunity to follow up with you about my appellate intervention proposal.

I wrote in March 2023 asking the Advisory Committee on Appellate Rules to consider implementing a broad rule governing intervention on appeal. In later conversations, including a call with court staff, I heard that perhaps a narrower rule, limited to the Attorney General's Office, might be more appropriate.

Taking that guidance to heart, I propose that the Committee consider adopting a rule explicitly allowing the Attorney General's Office to intervene as of right when the constitutionality of a state statute is questioned. This streamlined, workable approach would align Connecticut with our sister states.

My proposal would implement procedures that track existing law. The Attorney General's Office has a unique duty to defend state statutes. *See* Conn. Op. Att'y Gen. No. 2004-006 (May 17, 2004), 2004 Conn. AG LEXIS 5. To fulfill that duty, the General Assembly gave the Office the prerogative and the responsibility "to appear for the state . . . in all suits and other civil proceedings . . . in which the state is a party or is interested, or in which the official acts and doings of said officers are called in question . . . ." Conn. Gen. Stat. § 3-125.

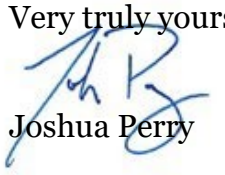
The existing rule does not fully embody the Attorney General's powers or responsibilities. When a law is questioned, the Attorney General's Office has a unique

duty to defend—a responsibility that no private party can share or fully vindicate. The state's interests should not be privatized, with the Attorney General relegated to amicus status.

Other states already have procedures in place allowing the Attorney General to intervene as a full party whenever state laws, rules, and executive actions are questioned. In New York, for instance, Executive Law § 71 requires courts to notice the Attorney General, who is authorized to appear as of right, whenever "the constitutionality of a statute, or a rule or regulation adopted pursuant thereto, is brought into question," including on appeal. *And see* National Association of Attorneys General, *State Attorneys General Powers and Responsibilities* 100 (2007) ("In the vast majority of jurisdictions, the office of Attorney General must be notified by private litigants of all constitutional challenges to state statutes. Typically, the Attorney General has a discretionary right to intervene to defend the statute in question."). The federal courts have a similar provision, entitling state attorneys general to notice and an opportunity to intervene as of right when a party "files a pleading, written motion, or other paper drawing into question the constitutionality of a . . . state statute." Fed. R. Civ. P. 5.1.

The attached proposed language draws heavily from parallel provisions in New York, Massachusetts, and the federal courts. I am eager to engage with the Committee.

Very truly yours,



Joshua Perry

Attachment: Proposed language

PROPOSED AMENDMENTS: 63-4(a)

63-4(a) CURRENT

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

63-4(a) PROPOSED

(6) A constitutionality notice, in all noncriminal cases where the constitutionality of a statute, rule, regulation, or Executive action ~~has been challenged~~ is called into question. Said notice shall identify the statute, rule, regulation, or Executive action, the name and address of the party ~~challenging~~ questioning it, and whether the statute's constitutionality was upheld by the trial court. The appellate clerk shall deliver a copy of such notice to the attorney general. If a question becomes apparent to a party or to the court at any time after preliminary papers are filed, the party or the court shall immediately give the attorney general the notice mandated by this section. 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.

COMMENTS

This amendment is intended to do three things. First: Like the parallel New York provision, it clarifies that the notice provisions apply not just to statutes but also to other duly-enacted state rules and regulations. New York Executive Law § 71. Second: Like the parallel Massachusetts provision, it extends the notice obligation past an appeal's original filing date, so that new issues arising during the appeal are also called to the Attorney General's attention. ALM App. Proc. Rule 10. Third: The amendment aligns the language here with General Statutes § 3-125, which requires the Attorney General to act whenever state action is "called in question."

PROPOSED AMENDMENTS: 67-7A

67-7A CURRENT

(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.

67-7A PROPOSED

(f) Except for habeas corpus matters based on criminal convictions, if an appeal in a noncriminal matter ~~involves an attack on~~ calls into question the constitutionality of a state statute, rule, regulation, or Executive action, the attorney general may intervene, or appear and file a brief amicus curiae, as of right. Any such appearance or notice of intervention 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. If the attorney general supports neither party, then the attorney general shall file an appearance or notice of intervention no later than the date on which the appellee's brief is filed, with any brief due twenty days after the appellee's brief is filed.

COMMENTS

This amendment would clarify that the Attorney General may intervene as of right when state law is called into question during appellate litigation. It tracks what the National Attorney General's Association characterizes as "typical" state law. National Association of Attorneys General, *State Attorneys General Powers and Responsibilities* 100 (2007).

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

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. A petition in which the sole issue is whether the amount of bail is unreasonable may only be filed after a hearing and order on a motion for modification filed pursuant to Section 38-14. 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.

Commentary: This rule change is consistent with our Supreme Court's clarification of the procedures that are used in Connecticut to ensure that the trial court sets bail in compliance with the constitutional requirement of reasonableness in *State* v. *Pan*, 345 Conn. 922, 952–59 (2022).

CHAPTER 84

Sec. 84-1. Certification by Supreme Court

~~An~~ No appeal may ~~be taken from a final decision of the Appellate Court to be filed with~~ the Supreme Court unless the Supreme Court grants certification. When an~~d~~ appeal is decided by the ~~upon the final determination of an appeal in the~~ Appellate Court, ~~where the Supreme Court, upon petition of~~ 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 comply with the provisions of this section will result in the rejection of the appeal to the Supreme Court. ~~certifies the case for review.~~

Sec. 84-9. Proceedings after Certification

(a) Within twenty days from the issuance of notice that certification to appeal has been granted, the petitioner, who shall be considered the appellant, shall file the appeal in accordance with the procedure set forth in Section 63-3 and shall pay all required fees in accordance with the provisions of Section 60-7 or 60-8.

(b) The issues which the appellant may present are limited to those set forth in ~~the petition for certification, except where the issues are further limited by~~ the order granting certification or where other issues are presented for review pursuant to Section 84-11.

Sec. 84-11. Papers To Be Filed by Appellant and Appellee in an Appeal After Certification

(a) Within ten days of filing the appeal, the appellant shall also file a docketing statement pursuant to Section 63-4(a)(4) and a designation of the proposed contents of the clerk appendix pursuant to Section 63-4(a)(2). The parties shall not file other Section 63-4 papers on a certified appeal without permission of the Supreme Court.

(b) Within ten days of the filing of the appeal, the appellee may file a statement of alternative grounds for affirmance ~~or adverse rulings or decisions to be considered in the event of a new trial~~, provided that ~~such party~~the appellee ~~has raised~~ briefed such ~~claims~~ alternative grounds in the Appellate Court. If such alternative grounds for affirmance ~~or adverse rulings or decisions to be considered in the event of a new trial~~ were not raised in the Appellate Court, the ~~party~~ appellee seeking to raise them in the Supreme Court must move for ~~special~~ permission to do so prior to the filing of ~~that~~ the appellee's ~~party's~~ brief. ~~Such permission will be granted only in exceptional cases where the interests of justice so require.~~

(c) Within thirty days of the filing of the appeal, any party to the appeal may seek permission to present for review: (1) adverse rulings or decisions which, in the interest of judicial economy, should be considered in the event of a remand for further proceedings, provided that such party briefed such issues in the Appellate Court and (2) ~~Any party may also present for review~~ any claim that the relief afforded by the Appellate Court in its judgment should be modified, provided such claim was briefed ~~raised~~ in the Appellate Court ~~either in such party's brief~~ or raised in ~~upon~~ a motion for reconsideration.

Sec. 63-1. Time To Appeal

(a) **General provisions**

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

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

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

(b) **When appeal period begins**

If notice of the judgment or decision is given in open court, the appeal period shall begin on that day. If notice is given only by mail or by electronic delivery, the appeal period shall begin on the day that notice was sent to counsel of record by the clerk of the trial court. The failure to give notice of judgment to a nonappearing party shall not affect the running of the appeal period.

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

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

(c) **New appeal period**

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

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

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

Motions that, if granted, would render a judgment, decision or acceptance of the verdict ineffective include, but are not limited to, motions that seek: the opening or setting aside of the judgment; a new trial; the setting aside of the verdict; judgment notwithstanding the verdict;

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

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

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

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

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

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

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

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

~~(e)~~(d) **Simultaneous filing of motions**

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

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

[Repealed as of Jan. 1, 2025.]

HISTORY—2025: Prior to 2025, this section read:

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

Sec. 61-11. Stay of Execution in Noncriminal Cases
(Amended July 21, 1999, to take effect Jan. 1, 2000.)

(a) **Automatic stay of execution**

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

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

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

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

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

(c) **Stays in family matters and cases involving orders of civil protection, and appeals from decisions of the Superior Court in family support magistrate matters**

Unless otherwise ordered, no automatic stay shall apply to orders of relief from physical abuse pursuant to General Statutes § 46b-15, to orders of civil protection pursuant to General Statutes § 46b-16a, to orders for exclusive possession of a residence pursuant to General Statutes § 46b-81 or § 46b-83 or to orders of periodic alimony, support, custody or visitation in family matters brought pursuant to Chapter 25, or to any decision of the Superior Court in an appeal of a final determination of a support order by a family support magistrate brought pursuant to Chapter 25a, or to any later modification of such orders. The automatic orders set forth in Section 25-5 (b) (1), (2), (3), (5) and (7) shall remain in effect during any appeal period and, if an appeal is filed, until the final determination of the cause unless terminated, modified or amended further by order of a judicial authority upon motion of either party.

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

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

(d) **Termination of stay**

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

(e) **Motions to terminate stay**

(1) A motion to terminate a stay of execution filed before judgment is entered shall be filed with the trial court, and the judge who tried or presided over the matter may rule upon the motion when judgment is entered. If such a motion is filed after judgment but before an appeal is filed, the motion shall be filed with the clerk of the trial court and may be ruled upon by the trial judge thereafter.

(2) After an appeal is filed, such a motion shall be filed with the appellate clerk and shall be forwarded by the appellate clerk to the trial judge for a decision. If the judge who tried or presided over the case is unavailable, the motion shall be forwarded to the clerk of the trial court in which the case was tried, who shall assign the motion for a hearing and decision to any judge of the Superior Court.

(3) Upon hearing and consideration of the motion, the trial court shall file with the clerk of the trial court its written or oral memorandum of decision that shall include the factual and legal basis therefor. If oral, the decision shall be transcribed by an official court reporter or court recording monitor and signed by the trial court. If an appeal has not been filed, the clerk shall enter the decision on

the trial court docket and shall send notice of the decision to counsel of record. If an appeal has been filed, the clerk of the trial court shall enter the decision on the trial court docket and send notice of the decision to the appellate clerk, and the appellate clerk shall issue notice of the decision to all counsel of record.

(f) **Motions to request stay**

Requests for a stay pending appeal where there is no automatic stay shall be governed by Section 61-12. (For stays of execution in criminal cases, see Section 61-13~~; for stays in death penalty cases, see Section 61-15~~.)

(g) **Strict foreclosure—motion rendering ineffective a judgment of strict foreclosure**

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

(h) **Foreclosure by sale—motion rendering ineffective a judgment of foreclosure by sale**

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

Sec. 61-12. Discretionary Stays

(Amended July 21, 1999, to take effect Jan. 1, 2000.)

In noncriminal matters in which the automatic stay provisions of Section 61-11 are not applicable and in which there are no statutory stay provisions, any

motion for a stay of the judgment or order of the Superior Court pending appeal shall be filed in the trial court. If the judge who tried the case is unavailable, the motion may be decided by any judge of the Superior Court. Such a motion may also be filed before judgment and may be ruled upon at the time judgment is rendered unless the court concludes that a further hearing or consideration of such motion is necessary. A temporary stay may be ordered sua sponte or on written or oral motion, ex parte or otherwise, pending the filing or consideration of a motion for stay pending appeal. The motion shall be considered on an expedited basis and the granting of a stay of an order for the payment of money may be conditional~~al~~ed on the posting of suitable security.

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

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

Sec. 61-14. Review of Order concerning Stay; When Stay May Be Requested from Court Having Appellate Jurisdiction
(Amended July 23, 1998, to take effect Jan. 1, 1999.)

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

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

(b) In any case in which there is no automatic stay of execution and in which the trial court denies, or refuses to rule on, a motion for stay, an aggrieved party may file a motion requesting a stay of execution of the judgment from the court having appellate jurisdiction pending the filing of and ruling upon a motion for review. The motion must be filed with the appellate clerk. **The motion must clearly state on the first page that it seeks a temporary stay of execution of the judgment pursuant to Section 61-14 (b).**

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(c) Any stay of proceedings that was in effect during the pendency of the motion for review shall continue, unless the court having appellate jurisdiction rules otherwise, until the time for filing a motion for reconsideration under Section 71-5 has expired. If such a timely motion for reconsideration is filed, any stay that was in effect shall continue until its disposition and, if it is granted, until the matter is finally determined.

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

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

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

Sec. 71-6. Stay of Proceedings
(Amended July 21, 1999, to take effect Jan. 1, 2000.)

(a) Unless the chief justice or chief judge shall otherwise direct, any stay of proceedings which was in effect during the pendency of the appeal shall continue until the time for filing a motion for reconsideration has expired, and, if a motion is filed, until ~~twenty days after~~ its disposition, and, if it is granted, until the appeal is finally determined. For appeals in the Appellate Court, any stay in effect shall continue until the time to file a petition for certification to the Supreme Court has expired, and if such a petition is timely filed, any stay shall be governed by Section 84-3.

(b) If no stay of proceedings was in effect during the pendency of the appeal and the decision of the court having appellate jurisdiction would change the position of any party from its position during the pendency of the appeal, all proceedings to enforce or carry out the decision of the court having appellate jurisdiction shall be stayed until the time for filing a motion for reconsideration has expired, and, if a motion is filed, until ~~twenty days after~~ its disposition, and, if it is granted, until the appeal is finally determined. For appeals in the Appellate Court, any stay in effect shall continue until the time to file a petition for certification to the Supreme Court has expired, and if such a petition is timely filed, any stay shall be governed by Section 84-3. (See also Section 61-11.)

84-3- Stay of Execution

(a) In any action in which a stay of proceedings was in effect during the pendency of the appeal, ~~or, if no stay of proceedings was in effect, in which the decision of the Appellate Court would change the position of any party from its position during the pendency of the appeal,~~ proceedings to enforce or carry out the judgment shall be stayed until the time to file the petition has expired. If no stay of proceedings was in effect, but the decision of the Appellate Court would change the position of any party from its position during the pendency of the appeal, proceedings to enforce or carry out the judgment shall be stayed until the time to file the petition has expired. If a petition by a party is timely filed, the proceedings shall be stayed until the Supreme Court acts on the petition and, if the petition is granted, until the final determination of the cause.~~;~~

(b) Any party may file a motion in the Appellate Court to terminate the stay provided for in subsection (a). Such motion shall comply with Sections 66-2 and 66-3, and state, in the first paragraph, the panel of Appellate Court judges, that heard the case. ~~but if t~~The presiding judge, ~~-~~or if such presiding judge is unavailable, the most senior judge on such panel who is available, may act upon such a motion for termination of the stay up to the time the Supreme Court acts upon the petition. If the judge ~~of an appellate panel which heard the case~~ is of the opinion that the certification proceedings have been filed only for delay or that the due administration of justice so requires, such presiding judge may, ~~up to the time the Supreme Court acts upon the petition~~, ~~upon motion~~ order that the stay be terminated. ~~If such presiding judge is unavailable, the most senior judge on such panel who is available may act upon such a motion for termination of the stay.~~

Sec. 66-1. Extension of Time

(a) Motions to extend the time limit for filing an appeal shall be filed with the clerk of the trial court. Except as otherwise provided in these rules, the judge who tried the case may~~, for good cause shown,~~ extend the time limit provided for filing the appeal, except that such extension shall be of no effect if the time within which the appeal must be filed is set by statute and is a time limit that the legislature intended as a limit on the subject matter jurisdiction of the court in which the appeal is filed. ~~In no event shall t~~The trial judge shall not extend the time for filing the appeal ~~to a date which is~~ more than twenty days from the expiration date of the appeal period. Where a motion for extension of the period of time within which to appeal has been filed at least ten days before expiration of the time limit sought to be extended, the party seeking to appeal shall have no less than ten days from issuance of notice of denial of the motion to file the appeal.

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(b) Motions to extend the time limit for filing any appellate document, other than the appeal or a motion for review of a ruling concerning a stay of execution pursuant to Section 61-14, shall be filed with the appellate clerk. An extension of time may be requested by filing form (JD-SC-0XX) or by filing a motion not to exceed 2000 words, and in compliance with the provisions of Section 66-3. Requests to extend multiple deadlines cannot be filed together on a single form or in a single motion. If filing a motion, ~~T~~the motion shall ~~set forth~~include the following: (1) the reason for the requested extension, (2) a statement as to whether the other parties consent or object to the requested extension, ~~and shall be accompanied by~~(3) a certification that complies with Section 62-7; and, if an attorney is filing the motion on the client's behalf, (4)~~. An attorney filing such a motion on a client's behalf shall also indicate~~ a statement that a copy of the motion has been delivered to each of his or her clients who are parties to the appeal. ~~The moving party shall also include a statement as to whether the other parties consent or object to the motion.~~ A motion for extension of time to file a brief must specify the current status of the brief or preparations therefor, indicate the estimated date of completion, and, in criminal cases, state whether the defendant is incarcerated as a result of the proceeding in which the appeal has been filed.

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

(d) An opposing party who objects to a motion for extension of time filed pursuant to subsection (b) of this section shall file an objection with reasons in support thereof with the appellate clerk within five days from the filing of the motion. Parties that are exempt from electronic filing pursuant to Section 60-8 shall file the objection within ten days from the filing of the motion.

~~(e) No motion under this rule shall be granted unless it is filed before the time limit sought to be extended by such motion has expired~~.

(~~f~~e) Any action by the trial judge pursuant to subsection (a) of this section or the appellate clerk pursuant to subsection (c) of this section is reviewable pursuant to Section 66-6.

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

~~Unless the court grants a request for additional time made before oral argument begins, a~~Argument of any case shall not exceed thirty minutes on each side in the Supreme Court and twenty minutes on each side in the Appellate Court unless the court grants a request for additional time made prior to argument. ~~The time allowed may be apportioned among counsel on the same side of a case as they may choose.~~ The court may terminate the argument whenever in its judgment further argument is unnecessary.

When a case has multiple parties on the same side, the parties may apportion time for argument as they choose, but counsel of record must provide notice to the court prior to argument.

When a party has more than one counsel of record, counsel may file a request with the appellate clerk to allow more than one counsel to present argument for that party. The request must be approved by the court prior to argument.

When a party has more than one counsel of record, and counsel not identified as arguing counsel on the brief wishes to argue, the attorney who will be arguing shall file a letter notifying the court of the change prior to argument. ~~Prior to the date assigned for hearing, counsel of record may file a request with the appellate clerk to allow more than one counsel to present oral argument for one party to the appeal.~~

When counsel of record has a firm appearance, and an attorney from the appearing firm wishes to argue the appeal but is not identified as the arguing attorney on the brief, the attorney who will be arguing the appeal shall file a letter notifying the court of the change prior to argument. ~~In cases in which there is a firm appearance, or in which there are multiple appearances for the same party, if an attorney from the appearing firm or who already has an appearance wishes to argue the appeal but is not identified as the arguing attorney on the brief, the attorney who will be arguing the appeal shall file a letter notifying the court of the change as soon as possible prior to argument.~~

No argument shall be allowed by any party who has not filed a brief or who has not joined in the brief of another party in accordance with Section 67-14 (a).

Sec. 72-3. Applicable Procedure

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

(b) The writ of error shall be served and returned as other civil process, except that the writ of error shall be served at least ten days before the return day and shall be returned to the appellate clerk at least one day before the return day. The return days are any Tuesday not less than twelve nor more than thirty days after the writ of error is signed by a judge or clerk of the court.

(c) The writ of error shall be deemed filed the day it is properly returned to the appellate clerk. The plaintiff in error shall return the writ of error to the appellate clerk by (1) complying with Section 60-7 or 60-8 by paying the required fee, submitting a signed application for waiver of fees and the order of the trial court granting the fee waiver, or certifying that no fees are required; (2) submitting the matter in accordance with the provisions of Section 63-3; and (3) submitting the allowed and signed writ of error and the signed marshal’s return to the appellate clerk.

(d) An electronically filed writ of error will be docketed upon the submission of the matter in accordance with Section 63-3 but will be rejected upon review by the appellate clerk if the plaintiff in error fails to comply with Section 60-7 or to submit an allowed and signed writ of error and the signed marshal’s return on the same business day the matter is submitted in accordance with the provisions of Section 63-3. The writ of error may also be returned upon review by the appellate clerk for noncompliance with the Rules of Appellate Procedure. The appellate clerk shall forthwith give notice to all parties of the filing of the writ of error.

(e) If the writ of error is brought against a judge of the Superior Court to contest a summary decision of criminal contempt by that judge, the defendant in error shall be the Superior Court. In

all other writs of error, the writ of error shall bear the caption of the underlying action in which the judgment or decision was rendered. All parties to the underlying action shall be served in accordance with Chapter 8 of these rules.

(f) Within ten days of filing a writ of error, the plaintiff in error shall file with the appellate clerk:

(1) A certificate stating that no transcript is deemed necessary or a transcript order confirmation from the official court reporter in compliance with Section 63-4 (a) (3). If any other party deems any other parts of the transcript necessary that were not ordered by the plaintiff in error, that party shall, within twenty days of the filing of the plaintiff in error's transcript papers, file a transcript order confirmation for an order placed in compliance with Section 63-8.

(2) A docketing statement in compliance with Section 63-4 (a) (4). If additional information is or becomes known to, or is reasonably ascertainable by the defendant in error, the defendant in error shall file a docketing statement supplementing the information required to be provided by the plaintiff in error.

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

(h) Within ten days of the filing by the plaintiff in error of the documents referred to in subsection (g) of this rule, the defendant in error may file such additional documents as are necessary to defend the action, accompanied by a certification that a copy thereof has been served on each counsel of record in accordance with Section 62-7.

(i) Answers or other pleas shall not be filed in response to any writ of error. No amended writ of error may be filed without leave of the court having appellate jurisdiction.

(j) Briefing is in accordance with Section 67-1 et seq. in which the rules applicable to appellants shall apply to plaintiffs in error, and the rules applicable to appellees shall apply to defendants in error.

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

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

(b) Any attorney who is in good standing at the bar of another state and who ~~has~~ does not ~~appeared~~ already have a pro hac vice appearance in the underlying matter, may apply to participate in the presentation of an appeal. Such application shall be filed by a member of the bar of this state using form JD-CL-141, Application for Permission for Attorney to Appear Pro Hac Vice in a Court Case. ~~in the Superior Court to participate in the cause now pending on appeal, may for good cause shown, upon written application, on form JD-CL-141, Application for Permission for Attorney to Appear Pro Hac Vice in a Court Case, presented by a member of the bar of this state, be permitted in the discretion of the court having jurisdiction over the appeal to participate in the presentation of the appeal, provided, however, that~~:

~~(1) s~~Such application shall be accompanied by a~~n~~ completed affidavit on form JD-CL-143, Affidavit of Attorney Seeking Permission to Appear Pro Hac Vice, and the filing fee shall be paid with the court for the application submitted pursuant to General Statutes § 52-259 (i).

~~(A) providing the full legal name of the applicant with contact information, including firm name, business mailing address, telephone number and email address, as applicable;~~

~~(B) certifying whether such applicant has a grievance pending against him or her in any other jurisdiction, has ever been reprimanded, suspended, placed on inactive status, disbarred or otherwise disciplined, or has resigned from the practice of law and, if so, setting forth the circumstances concerning such action;~~

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

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

~~(E) certifying that the applicant agrees to register with the Statewide Grievance Committee in accordance with the provisions of Chapter 2 of the rules of practice while appearing in the appeal and for two years after the completion of the matter in which the attorney appeared and to notify the Statewide Grievance Committee of the expiration of the two year period;~~

~~(F) identifying the number of cases in which the attorney has appeared pro hac vice in any court of this state since the attorney first appeared pro hac vice in this state as well as any previously assigned juris number;~~

~~(G) stating the number of applications previously filed in the Superior Court pursuant to Section 2-16 and whether any of those applications were denied and the reason for that denial;~~

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

~~(2) the filing fee shall be paid with the court for the application submitted pursuant to General Statutes § 52-259 (i); and~~

~~(3) a~~A member of the bar of this state must be present at all proceedings and arguments and must sign all motions, briefs and other papers filed and assume full responsibility for them and for the conduct of the appeal and of the attorney to whom such privilege is accorded. ~~Good cause for according such privilege may include a showing that by reason of a long-standing attorney-client relationship, predating the cause of action or subject matter of the appeal, the attorney has acquired a specialized skill or knowledge with respect to issues on appeal or to the client's affairs that are important to the appeal, or that the litigant is unable to secure the services of Connecticut counsel.~~

(c) Upon the granting of an application to appear pro hac vice, the clerk of the court in which the application is granted shall immediately notify the Statewide Grievance Committee of such action.

~~(c) No application to appear pro hac vice shall be permitted after the due date of the final reply brief as set forth in Section 67-3 or 67-5A without leave of the court.~~

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

(a) ~~It is the responsibility of counsel of record to~~Counsel of record must file papers in a timely manner and in ~~the proper form~~compliance with the appellate rules. The appellate clerk may return any ~~papers filed in a form not in compliance with these rules; in returning, the appellate clerk~~ noncomplying papers and shall indicate on the return how the papers have failed to comply with the appellate rules. If a party is exempt from the requirements of electronic filing pursuant to Section 60-8, t~~T~~he clerk shall ~~note the date on which they were received~~docketupload copies of the noncomplying papers into the file before returning them~~, and shall retain an electronic copy thereof~~. When a timely, noncomplying document is returned, a complying document will be deemed timely filed if it is refiled with the appellate clerk within seven days of the notice date indicated on the return. If a party is exempt from the requirements of electronic filing pursuant to Section 60-8, and a timely, noncomplying document is returned, a complying document will be deemed timely filed if it is refiled with the appellate clerk within fifteen days of the ~~official~~ notice date indicated on the return~~ form~~. ~~Any papers correcting a timely, noncomplying filing shall be deemed to be timely filed if a complying document is refiled with the appellate clerk within fifteen days of the official notice date, which is the notice date indicated on the return form. The official notice date is not the date the return form is received~~. Subsequent returns for the same filing will not initiate a new ~~fifteen day~~ refiling period. The refiling period shall not be extended. The time for responding to any ~~such~~ paper shall not start to run until a complying paper is filed.

(b) All papers ~~except the transcript and regulations filed pursuant to Section 81-6~~ shall contain~~: (1)~~ a certification that a copy has been delivered to each other counsel of record, except as provided in Section 63-4 (a) (4), which certification shall include the names and email addresses for counsel of record that were sent the document electronically, or the names and physical addresses for counsel of record that were sent or delivered a paper copy of the document.~~names, addresses, email addresses, and telephone numbers of each other counsel of record.;~~ Papers filed by a party exempt from the requirements of electronic filing pursuant to Section 60-8, must also include certifications that (1~~2~~) ~~certification that~~ the document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and (2~~3~~) ~~certification that~~ the document complies with all applicable Rules of Appellate Procedure. ~~Electronic papers shall contain a certification as set forth in subsection (b) (1), but filers can comply with the certification requirements set forth in subsections (b) (2) and (b) (3) during the electronic filing process.~~ Parties that electronically file documents comply with (b)(1)

and (b)(2) during the electronic filing transaction. Any request to deviate from the requirement regarding personal identifying information shall be filed with the appellate clerk pursuant to Section 67-2 (i) or 67-2A (i). Briefs and appendices require additional certifications pursuant to Section 67-2 or 67-2A. Other certifications may be required by the rules under which specific documents are filed.

(c) Any counsel of record who files a document electronically with the court must deliver it electronically to all other counsel of record, except as provided in Section 63-4 (a) (4), unless the intended recipient has notified the appellate clerk and all other counsel of record in writing that the recipient declines to accept electronic delivery of documents or the intended recipient is exempt from the requirements of electronic filing pursuant to Section 60-8. Any counsel of record who has signed an electronically filed document shall be deemed to have consented to electronic delivery under this section. Delivery by email is complete upon sending the electronic notice unless the party sending notice learns that the attempted delivery did not reach the email address of the intended recipient.

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

Sec. 61-7. Joint and Consolidated Appeals

(a) (1) Two or more ~~plaintiffs or defendants~~parties in the same case may appeal jointly or severally. Separate cases heard together and involving at least one common party may as of right be appealed jointly, provided all the trial court docket numbers are shown on the appeal form (JD-SC-033).

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

(3) In the case of a joint appeal, only one entry fee is required. The appellant filing the appeal shall pay the entry fee. If using a fee waiver for a joint appeal, a granted waiver is required for each trial court docket number being appealed.

(4) When ~~additional~~ joint appellants are represented by ~~other~~ different counsel or are self-represented, a single joint appeal consent form (JD-SC-035) signed by all joint appellants or their counsel shall be filed on the same business day the appeal is filed.

(b) (1) The Supreme Court or Appellate Court, on motion of any party or on its own motion, may order to consolidate ~~that~~ appeals pending ~~in the Supreme Court be consolidated~~before it.

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

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

(4~~3~~) There shall be no refund of fees if appeals are consolidated.

(c) Whenever appeals are jointly filed or are consolidated, all appellants shall file a single, consolidated brief and party appendix, if any, and a single, consolidated reply brief, if any. ~~All appellees shall file a single, consolidated brief or, if applicable, a single, consolidated brief and party appendix.~~ If the ~~parties~~ appellants cannot agree upon the contents of the brief, reply brief or party appendix, or if the issues to be briefed are not common to the joint ~~parties~~appellants, any ~~party~~ appellant may file a motion for permission to file a separate brief, reply brief or party appendix. Appellees may jointly or separately file their briefs. Briefing shall otherwise be in accordance with the requirements of Section 67-2 et seq.

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

~~Should~~ If the trial court issues an additional decision after an appeal has been filed ~~, subsequent to the filing of a pending appeal, make a decision~~ that the appellant ~~desires~~ wants to ~~have reviewed~~appeal, the appellant shall file an amended appeal within twenty days from the issuance of notice of the decision as provided for in Section 63-1.

The amended appeal shall be filed in the pending appeal using form JD-SC-033, along with a certification pursuant to Section 62-7. No additional fee is required to be paid upon the filing of an amended appeal.

Within ten days of filing the amended appeal, the appellant shall file with the appellate clerk ~~either a certificate stating that there are no changes to the Section 63-4 papers filed with the original appeal or any amendments to those papers~~(1) a preliminary statement of issues (JD-SC-038) intended for presentation in the amended appeal, (2) a certificate stating that no transcript is necessary (JD-SC-040) for the amended appeal or a transcript order confirmation from the official court reporter pursuant to Section 63-8, and, if applicable, (3) a preargument conference statement. Amendments to the designation of the proposed contents of the clerk appendix and docketing statement are permitted for an amended appeal but not required. Any other party may file responsive ~~Section 63-4~~ papers ~~within twenty days of the filing of the certificate or the amendments~~in accordance with the provisions of Section 63-4 (a).

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

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

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

Once an appeal is ready pursuant to Section 69-2, any appeal from a subsequent decision in the trial court shall be filed as a new appeal in accordance with the provisions of Section 63-3. After disposition of an appeal where no amended appeals related to that appeal are pending, a subsequent appeal shall be filed as a new appeal.

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

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

A motion seeking corrections in the transcript or the trial court record shall be called a motion for rectification. A motion ~~or~~ seeking an articulation ~~or further articulation~~ of the decision of the trial court shall be called ~~a motion for rectification or~~ a motion for articulation~~, whichever is applicable~~. Any motion filed pursuant to this section shall state with particularity the relief sought and shall be filed with the appellate clerk. Any other party may oppose the motion by filing an opposition with the appellate clerk within ten days of the filing of the motion ~~for rectification or articulation~~. The trial court may~~, in its discretion,~~ require assistance from the parties to rectify the record or provide~~in providing~~ an articulation. Such assistance may include, but is not limited to, provision of copies of transcripts and exhibits.

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

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

Corrections or articulations made before the clerk appendix is prepared shall be included in the clerk appendix. Corrections or articulations made after the clerk appendix is prepared but before the appellant's brief is prepared shall be included in the appellant's party appendix. Corrections or articulations made after the appellant's brief has been filed, but before the appellee's brief has been filed, shall be included in the appellee's party appendix.

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

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

Any motion for rectification or articulation shall be filed at least ten days prior to the deadline for filing the appellant's brief, unless otherwise ordered by the court. If a final order has been issued for the appellant's brief, or if the appellant's brief has been filed, no motion for rectification or articulation shall be filed without permission of the court. ~~No motion for rectification or articulation shall be filed after the filing of the appellant's brief except for good cause shown.~~

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

Sec. 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

(Amended July 21, 1999, to take effect Jan. 1, 2000;
amended Oct. 24, 2018, to take effect Jan. 1, 2019.)

(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 and1 /2inches 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.

(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 he 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.

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.

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.

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.

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 1/2inches 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) Responses to oppositions are not permitted.

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.

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.

(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.

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.

(5) In ~~all noncriminal~~ matters~~, except for matters exempt from~~ that are eligible for a preargument conference pursuant to Section 63-10, the appellant may file a preargument conference statement (JD-SC-028).

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

(7) 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.)

(8) 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.

(b) Except as otherwise provided, a party may as of right file amendments to the preliminary statement of issues at any time until that party's brief is filed. Amendments to the docketing statement may be filed at any time. Amendments to the transcript statement may be made only with leave of the court. ~~Amendments to the preargument conference statement shall not be presented in writing but may be presented orally at the preargument conference, if one is held.~~

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

(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. 63-10. Preargument Conferences

The chief justice or the chief judge or a designee may, in cases deemed appropriate, direct that conferences of the parties be scheduled in advance of oral argument. All ~~civil cases~~noncriminal cases are eligible for preargument conferences except habeas corpus appeals, appeals involving juvenile matters, including child protection appeals as defined in Section 79a-1, summary process appeals, foreclosure appeals, and appeals from the suspension of a motor vehicle license due to operating under the influence of liquor or drugs. In order for an eligible case to receive a preargument conference, the appellant shall file a preargument conference statement pursuant to Section 63-4 (a) (5) certifying that all parties who are interested in participating in the appeal are jointly requesting a preargument conference. A preargument conference will not be scheduled in an eligible case unless a preargument conference statement with a joint request for preargument conference is filed pursuant to Section 63-4 (a) (5).

In any exempt case, all parties appearing and participating in the appeal may file a joint request for a preargument conference. In a foreclosure case, the request for a preargument conference is sufficient if jointly submitted by the owner of the equity and the foreclosing party. In any exempt case, however, the chief justice or the chief judge or a designee may, if deemed appropriate, order a preargument conference.

The chief justice may designate a judge of the Superior Court, a senior judge or a judge trial referee to preside at a preargument conference. The scheduling of or attendance at a preargument conference shall not affect the duty of the parties to adhere to the times set for the filing of briefs. Failure of counsel of record to attend a preargument conference may result in the imposition of sanctions under Section 85-2. Unless other arrangements have been approved in advance by the presiding judge, parties shall be present at the preargument conference site and available for consultation. When a party against whom a claim is made is insured, an insurance adjuster for such insurance company shall be available by telephone at the time of such preargument conference unless the presiding judge, in his or her discretion, requires the attendance of the adjuster at the preargument conference. The preargument conference proceedings shall not be brought to the attention of the court by the presiding judge or any of the parties unless the preargument conference results in a final disposition of the appeal.

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

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