



2025 Edition

Motion for Articulation

A Guide to Resources in the Law Library

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See also:

- [Motion for Review](#)
- [Motion to Reargue](#)
- [Motion for Clarification](#)

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Introduction

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

(b) The failure of any party on appeal to seek articulation pursuant to Section 66-5 shall not be the sole ground upon which the court declines to review any issue or claim on appeal. If the court determines that articulation of the trial court decision is appropriate, it may, pursuant to Section 60-5, order articulation by the trial court within a specified time period. The trial court may, in its discretion, require assistance from the parties in order to provide the articulation. Such assistance may include, but is not limited to, supplemental briefs, oral argument and provision of copies of transcripts and exhibits.” Conn. Practice Book § [61-10](#) (2025).
- **Motion for Articulation:** “A motion seeking an articulation of the decision of the trial court shall be called a motion for articulation.” Conn. Practice Book § [66-5](#) (2025).
- “It is well settled that it ‘is the responsibility of the appellant to provide an adequate record for review.’ Practice Book § 61-10 (a). ‘The general purpose of [the relevant] rules of practice ... [requiring the appellant to provide a sufficient record] is to ensure that there is a trial court record that is adequate for an informed appellate review of the various claims presented by the parties.’ (Internal quotation marks omitted.) [State v. Donald](#), 325 Conn. 346, 353–54, 157 A.3d 1134 (2017). To ensure an adequate record, the appellant may move for articulation pursuant to Practice Book § 66-5.” [Office of Chief Disciplinary Counsel v. Miller](#), 335 Conn. 474, 478–79, 239 A.3d 288 (2020).
- “Where the factual or legal basis of a trial court's decision is unclear, ambiguous, incomplete or the court has failed to state any basis for its decision, this court may remand the case, pursuant to Practice Book § 60-5, for further articulation of the basis of the trial court's decision.” [Housing Authority v. Charter Oak Terrace/Rice Heights Health Center](#), 82 Conn. App. 18, 24, 842 A.2d 601 (2004).
- “An appellant may seek to remedy any ambiguities or deficiencies in a trial court's decision by filing a motion for articulation as provided in Practice Book § 66-5.” [American Honda Finance Corp. v. Johnson](#), 80 Conn. App. 164, 168, 834 A.2d 59 (2003).
- “That language of Practice Book § 66-5 makes clear that the motions for articulation under that section may be filed only after the filing of an appeal.” [Brycki v. Brycki](#), 91 Conn. App. 579, 594, 881 A.2d 1056 (2005).
- **Motion for review:** “Any party aggrieved by the action of the trial judge regarding rectification of the appeal or articulation under Section 66-5 may, within ten days of the issuance of notice by the appellate clerk of the decision from the trial court sought to be reviewed, file a motion for review with the appellate clerk, and the court may, upon such a motion, direct any action it deems proper.” Conn. Practice Book § [66-7](#) (2025).

Table 1: Amendment to § 61-10 and Official Commentary – Effective January 1, 2013

<p align="center">Amendment to § 61-10 and Official Commentary Effective January 1, 2013</p> <p align="center">(Applicable to appeals filed on or after July 1, 2013)</p>
<p>Sec. 61-10. Responsibility of Appellant to Provide Adequate Record for Review</p> <p>(a) It is the responsibility of the appellant to provide an adequate record for review. The appellant shall determine whether the entire trial court record is complete, correct and otherwise perfected for presentation on appeal.</p> <p>(b) The failure of any party on appeal to seek articulation pursuant to section 66-5 shall not be the sole ground upon which the court declines to review any issue or claim on appeal. If the court determines that articulation of the trial court decision is appropriate, it may remand the case pursuant to section 60-5 for articulation by the trial court within a specified time period. After remand to the trial court for articulation, the trial court may, in its discretion, require assistance from the parties in order to provide the articulation. Such assistance may include, but is not limited to, supplemental briefs, oral argument and provision of copies of transcripts and exhibits.</p> <p><i>COMMENTARY: January 2013: Subsection (b) was adopted to effect a change in appellate procedure by limiting the use of the forfeiture sanction imposed when an appellant fails to seek an articulation from the trial court pursuant to Section 66-5 with regard to an issue on appeal, and the court therefore declines to review the issue for lack of an adequate record for review. In lieu of refusing to review the issue, when the court determines that articulation is appropriate, the court may now order an articulation and then address the merits of the issue after articulation is provided. The adoption of subsection (b) is not intended to preclude the court from declining to review an issue where the record is inadequate for reasons other than solely the failure to seek an articulation, such as, for example, the failure to procure the trial court's decision pursuant to Section 64-1 (b) or the failure to provide a transcript, exhibits or other documents necessary for appellate review.</i></p>
<p>Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted online.</p>

Section 1: Motion for Articulation

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to the postjudgment motion for articulation.

SEE ALSO:

- [Motion for Review](#)
- [Motion for Clarification](#)

DEFINITIONS:

- **Motion for Articulation:** ". A motion seeking an articulation of the decision of the trial court shall be called a motion for articulation." Conn. Practice Book § [66-5](#) (2025).
- **Appropriateness:** "An articulation is appropriate where the trial court's decision contains some ambiguity or deficiency reasonably susceptible of clarification." [Miller v. Kirshner](#), 225 Conn. 185, 208, 621 A.2d 1326 (1993).
- **Ambiguity:** "[P]roper utilization of the motion for articulation serves to dispel any such ambiguity by clarifying the factual and legal basis upon which the trial court rendered its decision, thereby sharpening the issues on appeal." [Barnes v. Barnes](#), 190 Conn. 491, 494, 460 A.2d 1302 (1983).
- **What it is not:** "An articulation, however, is not an opportunity for a trial court to substitute a new decision [or] to change the reasoning or basis of a prior decision." [internal quotes omitted]. [Miller v. Kirshner](#), 225 Conn. 185, 208, 621 A.2d 1326 (1993).
- **Statutory Criteria** "A motion for articulation is the proper procedure to seek elucidation from the trial court of its considered evaluation of statutory criteria." [Barnes v. Barnes](#), 190 Conn. 491, 493-94, 460 A.2d 1302 (1983).
- **Unclear:** "Where the factual basis of the court's decision is unclear, proper utilization of the motion for articulation serves to dispel any such ambiguity by clarifying the factual and legal basis upon which the trial court rendered its decision, thereby sharpening the issues on appeal." [Holmes v. Holmes](#), 2 Conn. App. 380, 383, 478 A.2d 1046 (1984).
- **Timing:** "Any motion for . . . 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." Conn. Practice Book § [66-5](#) (2025).

COURT RULES:

- Conn. Practice Book (2025)

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

§ [60-5](#). Review by the Court; Plain Error; Preservation of Claims

§ [61-10](#). Responsibility of Appellant to Provide Adequate Record for Review

§ [66-2](#)(e). Motions

§ [66-5](#). Motion for rectification; Motion for articulation

§ [66-7](#). Motion for review of motion for rectification of appeal or articulation

OFFICIAL COMMENTS:

- See [Table 1](#): Text and Official Commentary for § 61-10 (2013).
- See [Table 3](#): Official Commentary and Histories for § 66-5.

FORMS:

- Connecticut Supreme and Appellate Court – [Sample Appellate Documents](#).
[Motion – General \(Trial Court\)](#)
- Schoonmaker, George & Blomberg, P.C., *Library of Connecticut Family Law Forms*, 2d (2014).
Motion for articulation, Form 16-001, p. 543
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2025. (also available on Westlaw).
§ 26:10. Motion for Articulation of Court’s Basis for Decision

RECORDS & BRIEFS:

- [Figure 1](#): *Motion for Articulation*, AC 34669 (No. DDB CV11-6006963 S).
- [Figure 2](#): *Decision on Motion for Articulation*, Connecticut Appellate Court Records and Briefs (March 2013), [Sikorsky Financial Credit Union, Inc v. Butts](#), 144 Conn. App. 755, 75 A. 3d 700 (2013).

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Simpson v. Simpson](#), 222 Conn. App. 466, 480-481, - A.3d – (2023). “As a general rule, [a]n articulation is appropriate [if] the trial court's decision contains some ambiguity or deficiency reasonably susceptible of clarification. . . . An articulation may be necessary [if] the trial court fails completely to state any basis for its decision . . . or where the basis, although stated, is unclear. . . . The purpose of an articulation is to dispel any . . . ambiguity by clarifying the factual and legal basis upon which the trial court rendered its decision, thereby sharpening the issues on appeal. . . . An articulation is not an opportunity for a trial court to substitute a new decision nor to change the reasoning or basis of a prior decision. . . . If, on appeal, this court cannot reconcile an articulation with the original decision, a remand for a new trial is the appropriate remedy. . . . Such a remedy, however, is appropriate only [if] [t]he crucial findings of fact in the memorandum of decision are

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inconsistent and irreconcilable, and the articulation obfuscates rather than clarifies the court's reasoning.' (Internal quotation marks omitted.) [Sabrina C. v. Fortin](#), 176 Conn. App. 730, 750, 170 A.3d 100 (2017). 'Insofar as we must construe the dissolution judgment and the court's articulations, our review is plenary.' [C. D. v. C. D.](#), 218 Conn. App. 818, 828, 293 A.3d 86 (2023)."

- [D2E Holdings, LLC v. Corp. for Urban Home Ownership of New Haven](#), 212 Conn. App. 694, 713-714, 277 A.3d 261 (2022). "In [Schoonmaker v. Lawrence Brunoli, Inc.](#), 265 Conn. 210, 231-32, 828 A.2d 64 (2003), the plaintiffs argued on appeal that the trial court incorrectly determined the date on which certain actions accrued for purposes of the statute of limitations. The plaintiffs raised the same arguments before the trial court, however, 'the record [was] silent with respect to the trial court's treatment of these specific claims' because 'the trial court did not discuss the statute of limitations issues in rendering its . . . decision.' Our Supreme Court declined to review the plaintiffs' statute of limitations arguments on appeal because 'the plaintiffs never remedied this defect in the record by moving for articulation or rectification of the trial court's decision' and, thus, 'leaves us with the inappropriate task of speculating about the trial court's reasoning . . .'; see also, e.g., [Stiffler v. Continental Ins. Co.](#), 288 Conn. 38, 52-53, 950 A.2d 1270 (2008) (declining to review claim on appeal in absence of articulation when trial court's decision entirely failed to address party's claim); [Ravetto v. Triton Thalassic Technologies, Inc.](#), 285 Conn. 716, 731, 941 A.2d 309 (2008) (declining to review claim on appeal in absence of articulation when trial court's decision failed to address claim)."
- [Brennan v. Brennan Associates](#), 316 Conn. 677, 705, 113 A.3d 957 (2015). "We conclude that the record is inadequate to review the defendants' claim through no fault of the defendants. In its memorandum of decision, the trial court did not make any findings of fact with respect to the indemnity provision of the partnership agreement. Without findings of fact regarding whether the partnership is obligated to pay the defendants' attorney's fees under the indemnity provision, we cannot review the defendants' claim that the trial court should have treated their attorney's fees as a liability of the partnership. Nevertheless, the defendants made sufficient attempts to obtain an adequate record for review in their motion for articulation and/or clarification, which was denied, and their motion for review, which this court granted but ultimately denied the relief sought therein. Accordingly, under the unique circumstances of this case, we remand the case for further proceedings."
- [Deroy v. Estate of Baron](#), 136 Conn. App. 123, 43 A. 3d 759 (2012). "No ambiguity exists in the present case. The trial

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court concluded that the decedent was 'incompetent' because she was unable to make decisions with respect to complex financial transactions and needed a conservator. The trial court's implicit—and exclusive—adoption of this reasoning sufficiently demonstrates that the correct legal standard was not applied to the issue of testamentary capacity. The defendant, under such circumstances, had no duty to file a motion for articulation."

- [Discover Bank v. Mayer](#), 127 Conn. App. 813, 17 A.3d 80 (2011). "On March 15, 2010, the plaintiff filed a motion for articulation of the court's decision denying its request for postjudgment interest. The court denied the motion, and the plaintiff filed a motion for review of the court's denial of its motion for articulation. On June 16, 2010, this court granted review and ordered the trial court to articulate the legal and factual basis for denying the plaintiff's request for postjudgment interest."
- [Pike v. Bugbee](#), 115 Conn. App. 820, 974 A.2d 743 (2009). "It is well established that [i]t is the appellant's burden to provide an adequate record for review.... It is, therefore, the responsibility of the appellant to move for an articulation or rectification of the record where the trial court has failed to state the basis of a decision ... to clarify the legal basis of a ruling ... or to ask the trial judge to rule on an overlooked matter.... In the absence of any such attempts, we decline to review this issue.... [T]his court may not surmise or speculate as to the reasons why the trial court granted the motion to strike...." (Citations omitted; internal quotation marks omitted.) [Hollister v. Thomas](#), 110 Conn. App. 692, 708, 955 A.2d 1212, cert. denied, 289 Conn. 956, 961 A.2d 419 (2008); see also Practice Book §§ 60-5 and 66-5. Accordingly, we decline to reach the issue of whether the court improperly failed to evaluate the thirteenth count as a claim sounding in premises liability."
- [Brycki v. Brycki](#), 91 Conn. App. 579, 594, 881 A.2d 1056 (2005). "There is no provision in the Practice Book for a motion for articulation to be filed in a case that has not been appealed. Practice Book §§ 60-5, 63-1, 66-5 and 66-7."
- [Miller v. Kirshner](#), 225 Conn. 185, 208, 621 A.2d 1326 (1993). "An articulation, however, is not an opportunity for a trial court to substitute a new decision [or] to change the reasoning or basis of a prior decision." [Internal quotes omitted].
- [Eichman v. J & J Building Co.](#), 216 Conn. 443, 458, 582 A.2d 182 (1990). "Although a trial court may not alter its initial findings by way of a further articulation . . . we do not regard the court's supplemental memorandum of decision as having done so. In view of that supplemental decision, we conclude that the plaintiff has not carried her appellate

burden of establishing that the error of the trial court was harmful."

- [Barnes v. Barnes](#), 190 Conn. 491, 494, 460 A.2d 1302 (1983). "[P]roper utilization of the motion for articulation serves to dispel any such ambiguity by clarifying the factual and legal basis upon which the trial court rendered its decision, thereby sharpening the issues on appeal."
- 8A Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 52. Post-Judgment motions
 - § 52:3. Motion for articulation or clarification
 - Chapter 54. Appeals
 - § 54:7. Motion for articulation
- *LexisNexis Practice Guide: Connecticut Family Law*, by Louise Truax, Ed., 2025 ed., Matthew Bender.
 - Chapter 16. Appellate Procedure
 - § 16.23. Filing a Motion for Articulation
- 6 Connecticut Practice Series, *Connecticut Trial Practice*, 2d ed., by Robert B. Yules, Thomson West, 2000, with 2024-2025 supplement (also available on Westlaw).
 - Chapter 8. Motions During Trial or After the Evidence
 - § 8.11. Motions for articulation (in supplement only)
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2025. (also available on Westlaw).
 - Author's Comments to § 26:10. Motion for Articulation of Court's Basis for Decision
- Connecticut Practice Series, *Rules of Appellate Procedure*, by Wesley W. Horton and Kenneth J. Bartschi, 2024-2025 ed., Thomson West (also available on Westlaw).
 - Authors' Comments following §§ 66-5 and 66-7
- *Connecticut Appellate Practice and Procedure*, 8th ed., by Hon. Eliot D. Prescott and Julie A. Lavoie, Connecticut Law Tribune, 2023.
 - § 6-2:3. Motion for rectification or articulation
- *Pleadings and Pretrial Practice: A Deskbook for Connecticut Litigators*, by Jeanine M. Dumont, Connecticut Law Tribune, 1998.
 - Chapter XIV, Motions to set aside or open, reargue, correct, articulate and enforce settlements, and the accidental failure of suit statute
 - 8. Motions to articulate (p. 157)

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Wesley W. Horton, *2005 Connecticut Appellate Review*, 79 Connecticut Bar Journal 93 (2005).
- Melvin J. Silverman, *Hurdles on the Path to Appellate Review - The Motion to Set aside the Verdict and Articulation*, 4 Connecticut Lawyer 15 (1994).

Table 2: Procedures under P.B. § 66-5 and § 66-2(e) (Articulation)

Procedures Conn. Practice Book § 66-5 (2025 ed.) (Effective January 1, 2025)	
Relief sought	"Any motion filed pursuant to this section shall state with particularity the relief sought and shall be filed with the appellate clerk."
Opposing parties	"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 require assistance from the parties to rectify the record or provide an articulation. Such assistance may include, but is not limited to, provision of copies of transcripts and exhibits."
Superior Court	"The appellate clerk shall forward the motion and the opposition, if any, to the trial judge who decided, or presided over, the subject matter of the motion for a decision. 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."
Appellate review	"The sole remedy of any party 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."
Time for filing briefs	"Upon the filing of a 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."
Time limits and extension thereof	"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."
Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted online .	

Procedures Conn. Practice Book § 66-2(e) (2025 ed.)	
<p>"Motions that are directed to the trial court, such as ... motions for rectification or articulation pursuant to Section 66-5, shall:</p>	<p>(1) include both the trial court and the Appellate Court docket numbers in the caption of the case;</p> <p>(2) state in the first paragraph the name of the trial judge, or panel of judges, to whom the motion is directed; and</p> <p>(3) comply with the requirements of Section 66-3. Such motions will be forwarded to the trial court by the appellate clerk."</p>
<p>Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted online.</p>	

Table 3: Official Comments and History to P.B. § 66-5 (Articulation)

Official Comments and History to P.B. § 66-5	
September 1999	<p>"HISTORY: Prior to 2000, the first paragraph read 'A motion seeking corrections in the transcript or the trial court record or seeking an articulation or further articulation of the decision of the trial court shall be called a motion for rectification or a motion for articulation, whichever is applicable. Any motion filed pursuant to this section shall state with particularity the relief sought. An original and three copies of such motion shall be filed with the appellate clerk. Any other party may oppose the motion by filing an original and three copies of an opposition with the appellate clerk within ten days of the filing of the motion for rectification or articulation.'</p> <p>The second paragraph, which includes the second and third sentences of the former first paragraph, was added at that time." 61 Conn. L.J. 13C (Sept. 21, 1999). Also appears in 2000 Conn. Practice Book 318 (Rev. of 1998).</p>
August 2002	<p>"COMMENTARY: The need for articulation may not appear until a party has read the transcripts or begun drafting the brief. The filing deadline provides time to read the transcript, conduct legal research, and begin drafting the brief so that a party can make this assessment. The practice lately, however, has been to order, sua sponte, that the first brief be filed 45 days after the first pre-argument conference. The purpose of such orders is to encourage settlement before the parties have invested substantial resources in writing a brief. If a party must make this investment in order to determine whether to file a motion for articulation, the benefit of the delayed deadline is lost.</p> <p>Although a party can affirmatively seek an extension of time to file a motion for articulation, doing so is a minor nuisance for the alert and, more significantly, a trap for the unwary, given the seriousness with which the courts treat an appellant's obligation to perfect the record. Automatically advancing the deadline for articulation avoids unnecessary paperwork, and potentially, the preclusion of appellate review of issues." 64 Conn. L.J. 5C (August 20, 2002). Also appears in 2003 Conn. Practice Book 371 (Rev. of 1998).</p>

July 2013	<p>HISTORY—July, 2013: In July, 2013, “two” was substituted for “three” in the first sentence of the second paragraph. “[F]our” was substituted for “five” in the second sentence of the second paragraph. In the third sentence of the second paragraph, “two” was substituted for “three,” and “four” was substituted for “five.” In the third sentence of the third paragraph, “raised or for the proper presentation of questions reserved” was deleted, following “issues.”</p> <p>Refer to Section 66-5, applicable to appeals filed before July 1, 2013, to compare the amended language with the fifth paragraph of the predecessor rule.</p> <p>COMMENTARY—July, 2013: This amendment clarifies that corrections and articulations by the trial judge in response to a motion for articulation or a motion for rectification that are relevant to the issues on appeal shall be included in the appendices. 2014 Conn. Practice Book 458 (Rev. of 1998).</p>
June 2017	<p>HISTORY—June, 2017: What are now the final two sentences of the first paragraph were added. 2018 Conn. Practice Book 456 (Rev. of 1998).</p> <p>COMMENTARY: Effective June 15, 2017, the trial court may require transcript and documentary assistance from the parties in deciding articulation matters. This rule was amended for 2016 to clarify that the trial court clerk sends the articulation to the appellate clerk, who sends it to the counsel of record. Wesley W. Horton and Kenneth J. Bartschi, Connecticut Practice Series, <u>Connecticut Rules of Appellate Procedure</u> (2017-2018 ed.).</p>
January 2023	<p>HISTORY - 2023: Prior to 2023, the fourth paragraph provided: "Corrections or articulations made before the clerk appendix, if applicable, is prepared shall be included in the clerk appendix. Corrections or articulations made after the clerk appendix, if applicable, is prepared but before the appellant's brief and appendix or party appendix are prepared shall be included in the appellant's appendix or party appendix. Corrections or articulations made after the appellant's brief and appendix or party appendix have been filed, but before the appellee's brief and appendix or party appendix have been filed, shall be included in the appellee's appendix or party appendix. When corrections or articulations are made after both parties' briefs and appendices have been filed, the appellant shall file the corrections or articulations as an addendum to its appendix or party appendix. Any addendum shall be filed within ten days after issuance of notice of the trial court's order correcting the record or articulating the decision."</p> <p>In addition, prior to 2023, the seventh paragraph provided: "Any motion for rectification or articulation shall be filed within thirty-five days after the delivery of the last portion of the transcripts or, if none, after the filing of the appeal, or, if no memorandum of decision was filed before the filing of the appeal, after the filing of the memorandum of decision. If the court, sua sponte, sets a different deadline from that provided in Section 67-3 or 67-3A for filing the appellant's brief, a motion for rectification or</p>

	<p>articulation shall be filed ten days prior to the deadline for filing the appellant's brief, unless otherwise ordered by the court. The filing deadline may be extended for good cause. No motion for rectification or articulation shall be filed after the filing of the appellant's brief except for good cause shown."</p> <p>COMMENTARY - 2023: These amendments make the rule consistent with the recently enacted amendments regarding the preparation of the clerk appendix and to reflect the current practice that, if a final order has been issued for the appellant's brief, the appellant must obtain permission of the court before filing a motion for rectification or articulation.</p> <p>TECHNICAL CHANGE: Technical changes were made to the fourth paragraph for purposes of consistency.</p>
January 2025	<p>HISTORY—2025: Prior to 2025, this section provided: "A motion seeking corrections in the transcript or the trial court record or seeking an articulation or further articulation of the decision of the trial court shall be called a motion for rectification or a motion for articulation, whichever is applicable. Any motion filed pursuant to this section shall state with particularity the relief sought 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 in providing an articulation. Such assistance may include, but is not limited to, provision of copies of transcripts and exhibits.</p> <p>"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.</p> <p>"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.</p> <p>"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.</p> <p>"The sole remedy of any party desiring the court having appellate jurisdiction to review the trial court's decision on the motion filed pursuant to this section or any other correction or addition ordered by the trial court</p>

	<p>during the pendency of the appeal shall be by motion for review under Section 66-7.</p> <p>"Upon the filing of a timely motion pursuant to Section 66- 1, the appellate clerk may extend the time for filing briefs until after the trial court has ruled on a motion made pursuant to this section or until a motion for review under Section 66-7 is decided.</p> <p>"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, 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.</p> <p>"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."</p> <p>COMMENTARY—2025: The purpose of these amendments is to add clarity to the rule regarding motions for articulation and rectification, including deleting as unnecessary the provision regarding motions for further articulation."</p>
<p>Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted online.</p>	

Figure 1: Motion for Articulation

DDB CV11-6006963 S
AC 34669
SIKORSKY FINANCIAL
CREDIT UNION, INC.

APPELLATE COURT
STATE OF CONNECTICUT

v.

WILLIAM D. BUTTS

JULY 2, 2012

MOTION FOR ARTICULATION

I. BRIEF HISTORY OF THE CASE

Plaintiff brought this action seeking to collect a balance due from monies loaned to the Defendant. After securing a default the Plaintiff claimed this matter to the hearing in damages list. On April 16, 2012, the court (Ozalis, J.), entered judgment in favor of the Plaintiff. The court's judgment order contained an award of discretionary post judgment interest at a rate of 2%. As the court had awarded the Plaintiff post maturity interest until the date of judgment at the rate set forth by contract, the Plaintiff, in accordance with C.P.B. § 11-11, sought re-argument and reconsideration of the post judgment interest portion of the court's order. On May 7, 2012, the court (Ozalis, J.) granted reconsideration, but left the judgment order undisturbed. This appeal followed.

II. SPECIFIC FACTS RELIED UPON

Plaintiff brought this appeal because it believes that the court erred in granting an award of discretionary post judgment interest in this contract action. The court has failed to identify the statutory authority it is exercising with its discretionary award of post judgment interest. The statutory basis upon which the court is relying has a direct impact on the issues in this appeal. Plaintiff moves the court pursuant to Connecticut Practice Book § 66-5 to more fully articulate its legal and factual basis for its decisions as follows:

1. Articulate the statutory authority the court relies upon in entering its order of discretionary post judgment interest at a rate of 2%.

2. Articulate whether the award of discretionary post judgment interest at a rate of 2% is an award of interest as damages to be calculated in addition to post maturity eo nomine interest.

III. LEGAL GROUNDS

This motion is brought pursuant to Practice Book §§ 61-10 and 66-5 and the Plaintiff's rights to due process, equal protection and effective assistance of appellate counsel. Practice Book § 66-5 provides that the Appellant can file a motion seeking an articulation of the decision of the trial court. "[A]n articulation is appropriate where the trial court's decision contains some ambiguity or deficiency reasonably susceptible of clarification ... [P]roper utilization of the motion for articulation serves to dispel any ... ambiguity by clarifying the factual and legal basis upon which the trial court rendered its decision, thereby sharpening the issues on appeal." (Internal quotation marks omitted.) *Alliance Partners, Inc. v. Oxford Health Plans, Inc.* 263 Conn. 191, 204, 819 A.2d 227 (2003); see also *Miller v. Kirshner*, 225 Conn. 185, 208, 621 A.2d 1326 (1993). *Cable v. Bic Corp.*, 270 Conn 433, 444-45, 854 A.2d 1057, 1065 (2004). "It is the responsibility of the appellant to provide an adequate record for review." Practice Book §61-10. In order to ensure an adequate record for review, the appellant may move for articulation pursuant to Practice Book §4051.2 (now 66-5). *Lockwood v. Professional Wheelchair Transportation, Inc.*, 37 Conn. App. 85, 90, 654 A.2d 1252, cert. denied, 233 Conn. 902, 657 A.2d 641 (1995), *Viets v. Viets*, 39 Conn App. 610, 612, 666 A.2d 434, 435-36 (1995).

WHEREFORE, the Plaintiff respectfully requests that articulation be rendered as requested herein.

Respectfully submitted,
PLAINTIFF-APPELLANT
Sikorsky Financial Credit Union, Inc.

By: _____
William L. Marohn
Tobin & Melien
Its Attorney

Figure 2: Decision on Motion for Articulation

Docket No. DBD-CV-11-6006963	:	SUPERIOR COURT
SIKORSKY FINANCIAL CREDIT UNION,	:	JUDICIAL DISTRICT OF
	:	DANBURY AT DANBURY
Plaintiff,	:	
	:	
vs.	:	
	:	
WILLIAM D. BUTTS,	:	
	:	
Defendant.	:	August 9, 2012

DECISION ON MOTION FOR ARTICULATION

The court has reviewed the Motion for Articulation filed pursuant to Practice Book § 11-11 by the plaintiff Sikorsky Financial Credit Union, Inc. and the plaintiff's Motion for Articulation is granted. The plaintiff has requested articulation on two issues relating to a judgment entered by the court on April 16, 2012. The issues are: (1) the statutory authority the court relies upon in entering its order of discretionary post judgment interest at the rate of 2%; and (2) whether the award of discretionary post judgment interest at the rate of 2% is an award of interest as damages to be calculated in addition to post maturity eo nomine interest.

As to the first request for articulation, the court awarded 2% post judgment interest pursuant to General Statutes § 37-3(a). "The decision of whether to grant interest under § 37-3a is primarily an equitable determination and a matter lying within the discretion of the trial court..." *Sosin v. Sosin*, 300 Conn. 205, 227 (2011). "It is well settled ... that the court's determination [as to whether interest should be awarded under §37-3a] should be made in view of the demands of justice rather than through the application of any arbitrary rule Whether interest may be awarded depends on whether the detention of money is payable ... and whether the detention of money is or is not wrongful under the circumstances." (Citations omitted; internal quotation marks omitted.) *Id.*, at 229. The

court's decision to order 2% post judgment interest was an equitable decision based on the facts surrounding this debt, including the defendant's wrongful retention of funds.

As to the second request for articulation, the discretionary post judgment interest awarded by this court at a rate of 2% was not an award of interest in damages to be calculated in addition to "post maturity eo nomine interest", as the court interpreted such "post maturity eo nomine interest" as accruing under the terms of the agreement as prejudgment interest, not post judgment interest.

BY THE COURT

Ozalis, J.

Table 4: Unreported Decisions, Motion for Articulation

Unreported Decisions	
<p><u>Taylor v. Frazier</u>, Superior Court, Judicial District of Hartford, HHD-CV-24-5081506-S (April 28, 2025) (2025 WL 1303896).</p>	<p>"The plaintiffs/appellants base their Request on Practice Book Sec. 64-1 (b), which concerns articulation of the bases for a decision. See <u>S. C. v. J. C.</u>, 227 Conn. App. 326, 336, 321 A.3d 427 (2024). Practice Book Sec. 64-1 (b) provides, in relevant part, 'If the trial judge fails to file a memorandum of decision or sign a transcript of the oral decision in any case covered by subsection (a), the appellant may file with the appellate clerk a notice that the decision has not been filed in compliance with subsection (a).' Practice Book Sec. 64-1 (a) provides, in relevant part, that '[t]he trial court shall state its decision either orally or in writing' in certain enumerated circumstances.</p> <p>'The purpose of ... a motion [for articulation] is to clarify an ambiguity or incompleteness in the decision of the trial court.... [It] is not an opportunity for a trial court to substitute a new decision [or] to change the reasoning or basis of a prior decision.' (Citation omitted; internal quotation marks omitted.) <u>Matka Corp. v. Automated Material Handling, Inc.</u>, 34 Conn. App. 723, 725, 643 A.2d 276 (1994). '[A]n articulation relates back to the original decision and explains the basis for that decision.' <u>Neri v. Neri</u>, 35 Conn. App. 812, 818, 647 A.2d 1, cert. denied, 231 Conn. 916, 648 A.2d 154 (1994)."</p>
<p><u>Johansson, et al., v. Perez, Banking Commissioner</u>, Superior Court, Judicial District of Hartford, HHD-CV-23-6174762-S (Feb. 18, 2025) (2025 WL 602190).</p>	<p>"The defendants' motion asks the court to 'articulate the factual and legal basis for its decision in favor of plaintiff appellee....' in order to clarify the issues on appeal and preserve their appellate rights." (Emphasis added)</p>
<p><u>Ocwen Loan Servicing, LLC v. Mordecai</u>, Superior Court, Judicial District of Bridgeport at Bridgeport, FBT-CV11-6021971-S (Sept. 12, 2024) (2024 WL 4211759).</p>	<p>"There are four groupings of requests. The first is on page 8 of the motion, and contains at least five subparts. The second is on page 11, and contains two subparts. The third is on page 12, and appears to contain three subparts. The fourth starts on page 12 and contains six subparts – and the sixth subpart appears to contain eight sub-subparts. Functionally, then, depending on how they are counted, there are anywhere from 15 to over 20 aspects of the decision that the defendants contend require articulation."</p> <p>----</p>

	<p>"The court sees no point in attempting to address the remaining subparts of this request for articulation, as the focus is not on aspects of the record that are incomplete, with a focus on adequacy of the record for appellate review. To the contrary, it appears that the defendants may be seeking to create issues, by seeking explanations where no explicit explanation is needed."</p> <p>----</p> <p>"As to the second portion of this request, asking the court to identify 'where in plaintiff's 10/10/2023 motion for judgment it raised the issue that the counterclaims were improper because plaintiff was not liable for conduct of its predecessors,' that may be a valid issue on appeal, but the court does not perceive it to be a proper aspect of a motion for articulation. It might have been a basis for a motion to reargue, but the defendants did not seek to have the court revisit the existence of a foundation (assuming it were a necessary aspect of the decision). If such a claimed required predicate is absent, the existing record would appear to be sufficient."</p> <p>----</p> <p>"Is the court required to provide an issue-by-issue summary of where it addressed each identified point, including express and implied discussions? The court may be required to provide explanations, but this seems to be asking for a roadmap."</p> <p>----</p> <p>"The court has addressed probably a majority of the sub-requests for articulation with some measure of detail, but at some point, there is a diminishing-returns quality to continued efforts to address each sub-request with particularity, when there is no apparent basis to claim that the record before the Appellate Court is materially deficient so as to need further articulation in order to ensure an adequate record for appellate review."</p> <p>----</p> <p>"For all of these reasons, this court declines to provide any articulation of its earlier decision, as the court sees no need for any articulation as requested by the defendants."</p>
<p><u>Desmond v. Yale–New Haven Hospital, Inc. et al.</u>, Superior Court, Judicial District of New Haven, CV 136040736 S (Aug.</p>	<p>"[The plaintiff is correct that a motion for articulation ... must be filed with the Appellate Court and not, as the defendant did in this case, directly with the trial court ... 'A motion for articulation is only in support of a pending appeal and must be filed with the Appellate Court.' <i>Travelers Casualty & Surety Co. of America v. Caridi</i>, Superior Court, judicial district of Stamford–Norwalk, Docket No. CV–11–5013598–S (July 16, 2012, Tierney, J.T.R.)."</p>

6, 2015) (2015 WL 5314877).	
<u>Klein v. Bratt</u> , Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST CV 05 5000502 S (Feb. 18, 2011).	"There is no provision in the Practice Book for a motion for articulation to be filed in a case that has not been appealed. P.B. 60-5, 63-1(c)(1), 66-5 and 66-7. <u>Brycki v. Brycki</u> , 91 Conn. App. 579, 594 (2005)."
<u>Greene v. Keating</u> , Superior Court, Judicial District of Stamford/Norwalk at Stamford, CV 10-6007166 S (December 2, 2013) (2013 WL 6912907).	"The plaintiff frames pages 2-3 of her September 27, 2013 Memorandum of Law as a request for articulation. This matter is not on appeal. The trial court has no authority to articulate when the matter is not on appeal. Practice Book 66-5."
<u>Bieler v. Continental Insurance Co.</u> , Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. CV02 0189454 S (Dec. 24, 2003), (36 Conn. L. Rptr. 248) (2003 WL 23177484).	"On December 1, 2003 defendant Federal Insurance requested articulation of the court's order denying the motion for severance. In response to that motion the court finds that the defendant had not demonstrated to the court's satisfaction that good cause exists for the separate trial of these actions. The defendant has not brought to the court's attention any reason for reversing the order of Judge Mintz consolidating the cases for trial. Both actions involve the same event or occurrence, the same plaintiff and the same injuries. It is obvious that a consolidated trial will serve the interests of justice and of judicial economy. For the foregoing reasons, the court denied the motion for severance."
<u>Marquette v. Marquette</u> , Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FA 98 0163816 S (Feb. 21, 2001) (2001 WL 236853).	"... it is within the discretion of the trial court 'to make such corrections or additions as are necessary for the proper presentation of the issues raised . . . or . . . reserved.' Section 66-5 Connecticut Practice Book. (Emphasis added) A motion for articulation, by definition, implies that the court failed to state the basis for its decision on one or more points. However, if upon review of that decision, the court believes that is not the case, but that the decision would otherwise benefit by a clarification and/or correction, it lies within the power of the court to do so, even sua sponte ." [Emphasis added.]
<u>Samuels v. Samuels</u> , Superior Court, Judicial District of	"The plaintiff has filed a motion for articulation dated September 30, 1999 seeking to articulate the court order to

New Haven, No. FA98-0414531 (Nov. 24, 1999) (2001 WL 649749).	the extent that it relates to the plaintiff's pendente lite obligation to make the monthly mortgage payment."
<u>Benedetto v. Stamford Transit District</u> , Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. SC 16204 (Nov. 17, 1999) (1999 WL 1081510).	"In their motion for articulation, the plaintiffs appear to criticize the court's decision on the grounds that: (1) it was only 'one paragraph;' (2) it stated that the motion for summary judgment was granted 'in its entirety;' (3) the court did not set forth the 'factual and legal basis for its decision,' but rather simply adopted the moving party's 'factual or legal conclusions;' and (4) the decision did not discuss the third and fourth claims made by J. R. Maintenance in its motion for summary judgment. The two claims were described by the plaintiffs as asserting a statute of limitations defense and that the direct claims were 'inappropriate because the apportionment complaint was improper.'"
<u>Popp v. Bacon</u> , Superior Court, Judicial District of Fairfield at Bridgeport, CV 93 030 29 73 S (July 15, 1994) (12 Conn. L. Repr. 137) (1994 WL 386009).	"Since '[t]he denial of a motion for summary judgment is not ordinarily appealable because it is not a final judgment'; <u>Prishwalko v. Bob Thomas Ford, Inc.</u> , 33 Conn. App. 575, 589, 636 A.2d 1383 (1994); it is submitted that an articulation of the court's reasoning in denying the motion would serve no useful purpose."
<u>Gretsch v. Housatonic Cable Vision Co.</u> , 8 Conn. Law Trib. No. 14, p. 13 (1982).	"No appeal has been taken in this case. Consequently, Section 3082 [now 66-5] of the Practice Book which pertains to rectification of appeal does not apply and is inappropriate."
Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.	