

**Public Hearing on
Practice Book Revisions
to the Rules of Appellate Procedure
Being Considered by the
Justices of the Supreme Court and
Judges of the Appellate Court**

Including Commentaries to Proposals

April 25, 2023

NOTICE

**Public Hearing on Practice Book Revisions
to the Rules of Appellate Procedure
Being Considered by the Justices of the Supreme Court and
Judges of the Appellate Court**

On May 16, 2023, at 2 p.m., a public hearing will be conducted pursuant to General Statutes § 51-14 (c) in the Supreme Court courtroom, 231 Capitol Avenue, Hartford, for the purpose of receiving comments concerning revisions to the Rules of Appellate Procedure which are being considered by the Justices and Judges, as well as any proposed new rule or any change to an existing rule that any member of the public deems desirable. The revisions proposed by the Advisory Committee on Appellate Rules follow this notice and are posted on the Judicial Branch website at <http://www.jud.ct.gov/pb.htm>.

Each speaker will be allowed a maximum of five minutes to offer their remarks. Anyone who believes that they may need to exceed the five minute limit or who does not wish to speak at the public hearing but wishes to offer comments on the proposed revisions may submit their comments to the co-chairs of the Advisory Committee on Appellate Rules by email to Attorney Jill Begemann at Jill.Begemann@connapp.jud.ct.gov or by forwarding their comments to the co-chairs at the following address:

Co-Chairs of the Advisory Committee on Appellate Rules
Attn: Attorney Jill Begemann
Connecticut Appellate Court
75 Elm Street
Hartford, CT 06106

All comments should be received by May 10, 2023.

Wheelchair access is located in the rear of the Supreme Court building, and may be reached from the staff parking lot between Lafayette and Oak Streets. There are a limited number of handicap accessible parking spaces in the gated staff lot, which may be entered from Oak Street. Use the intercom at the gate to speak to security about the availability of parking. Once at the accessible door, use the intercom to request entry from security. If you would like to attend the meeting and need an accommodation under the Americans with Disabilities Act, please email ADA.Contact@connapp.jud.ct.gov or call (860) 757-2200, ext. 3141 before May 10, 2023.

Hon. Gregory T. D'Auria

Hon. Eliot D. Prescott

Co-Chairs, Advisory Committee on Appellate Rules

INTRODUCTION

The following are amendments to the Rules of Appellate Procedure that are being considered by the Justices of the Supreme Court and Judges of the Appellate Court. These amendments are indicated by brackets for deletions and underlined text for added language. The designation "NEW" is printed with the title of each new rule. This material should be used as a supplement to the Connecticut Practice Book until the 2024 edition of the Practice Book becomes available.

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CHAPTER 60
GENERAL PROVISIONS RELATING TO APPELLATE RULES
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Sec. 60-4. Definitions

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

“Appellant” shall mean the party, or parties if an appeal is jointly filed, taking the appeal.

“Appellee” shall mean all other parties in the trial court at the time of judgment, unless after judgment the matter was withdrawn as to them or unless a motion for permission not to participate in the appeal has been granted by the court.

“Certificate of interested entities or individuals” is a certificate filed in any civil appellate matter, excluding habeas corpus matters, by counsel of record for a party that is an entity as defined in this rule. The certificate shall list for that party: (1) any parent entities and (2) all entities or individuals owning or controlling an interest of 10 percent or more of that party. If there are no other interested entities or individuals, a certificate indicating that information is required. The certificate shall also state whether the party knows of any direct or indirect ownership, controlling or legal interest for that party that counsel of record thinks could reasonably require a judge to disqualify himself or herself under Rule 2.11 of the Code of Judicial Conduct.

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

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

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

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

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

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

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

“Record” shall include the case file, any decisions, documents, transcripts, recordings and exhibits from the proceedings below, and,

in appeals from administrative agencies, the record returned to the trial court by the administrative agency.

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

[“Signature” shall be made upon entry of an attorney’s individual juris number or a self-represented party’s user identification number during the filing transaction, unless an exemption from the requirements of Section 60-7 (d) has been granted or applies.]

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

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

COMMENTARY: The purpose of this amendment is to eliminate any conflict between this section and Section 62-6 by deleting the definition of “[s]ignature.”

Sec. 60-7. Electronic Filing; Payment of Fees

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

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

(c) All self-represented parties must have an account with E-Services unless exempt from electronic filing pursuant to Section 60-8. All non-exempt self-represented parties in family matters, child protection matters, matters involving protected information and in all other matters in which the self-represented party's E-Services user identification [number] has not already been provided must submit an appellate electronic access form (JD-AC-015). This form must be filed within ten days of the filing of the appeal. Failure to comply with this rule may result in the dismissal of the appeal or the imposition of sanctions pursuant to Section 85-1.

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

COMMENTARY: The purpose of this amendment is to make the rules consistently refer to a self-represented party's "E-Services user identification."

CHAPTER 61

REMEDY BY APPEAL

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

[Repealed as of Jan. 1, 2024.]

HISTORY—2024: Prior to 2024, this section read: “If the defendant is sentenced to death, the sentence shall be stayed for the period within which to file an appeal. If the defendant has taken an appeal to the Supreme or Appellate Court of this state or to the United States Supreme Court or brought a writ of error, writ of certiorari, writ of habeas corpus, application for a pardon or petition for a new trial, the taking of the appeal, the making of the application for a writ of certiorari or for a pardon, or the return into court of the writ of error, writ of habeas corpus, or petition for a new trial shall, unless, upon application by the state’s attorney and after hearing, the Supreme Court otherwise orders, stay the execution of the death penalty until the clerk of the court where the trial was had has received notification of the termination of any such proceeding by decision or otherwise, and for thirty days thereafter. Upon motion by the defendant, filed with the appellate clerk, the Supreme Court may grant a stay of execution to prepare a writ of error, a writ of certiorari, writ of habeas corpus, application for a pardon or petition for a new trial. Upon motion by the defendant and after hearing, the Supreme Court may extend a stay of execution beyond the time limits stated within this rule for good cause shown. No appellate procedure shall be deemed to have terminated until the end of the period allowed by law for the filing of a motion for reconsideration, or, if such motion is filed, until the proceedings consequent thereon are finally determined. When execution is stayed under the provisions of this section, the clerk of the court shall forthwith give notice thereof to the warden of the institution in which such defendant is in custody. If the original judgment of conviction has been affirmed or remains in full force at the time when the clerk has received the notification of the termination of any proceedings by appeal, writ of certiorari, writ of error, writ of habeas corpus, application for a pardon or petition for a new trial, and the day designated for the infliction of the death penalty has then passed or will pass within thirty days thereafter, the defendant shall, within said period of thirty days, upon an order of the court in which the judgment was rendered at a regular or special criminal session thereof, be presented before said court by the warden of the institution in which the defendant is in custody or his deputy, and the court, with the judge assigned to hold the session presiding, shall thereupon designate a day for the infliction of the death penalty and the clerk of the court shall issue a warrant of execution, reciting therein the original judgment, the fact of the stay of execution and the final order of the court, which warrant shall be forthwith served upon the warden or his deputy. (For stays of execution in other criminal cases, see Section 61-13.)

“(Adopted July 21, 1999, to take effect Jan. 1, 2000; amended Sept, 16, 2015, to take effect Jan. 1, 2016.)”

COMMENTARY: Public Acts 2012, No. 12-5 (P.A. 12-5) repealed the death penalty for all crimes committed on or after April 25, 2012, and *State v. Santiago*, 318 Conn. 1, 122 A.3d 1 (2015), held that the state constitution no longer permits the execution of individuals for crimes committed prior to the enactment of P.A. 12-5; therefore, this section is obsolete.

CHAPTER 62

CHIEF JUDGE, APPELLATE CLERK AND DOCKET: GENERAL ADMINISTRATIVE MATTERS

Sec. 62-6. Signature on Documents

(a) All documents shall be signed by counsel of record. Attorneys shall sign electronically filed documents and electronically submitted

briefs by entering their individual juris number during the filing transaction. Self-represented parties shall sign electronically filed documents and electronically submitted briefs by entering their [self-represented party] E-Services user identification [number] during the filing transaction. [See Section 60-4.] If a document or brief is electronically filed by more than one self-represented party, it must include the E-Services user identification or written signature of each self-represented party filing the document.

[Paper briefs and appendices and documents filed by counsel of record who are exempt from electronic filing requirements shall be signed and shall set forth the signer's telephone number, mailing address, and e-mail address below the signature.]

(b) All documents, except Judicial Branch forms, must include a signature block at the end of the document or brief, but before the appendix, if any. The signature block shall include the name, phone number, address, and, unless filed by counsel of record that are excluded from electronic filing, e-mail address for counsel of record filing the document.

(c) An attorney may assist a client in preparing a document or brief to be signed and filed by the client. In such cases, the attorney shall insert the notation "prepared with assistance of counsel" on any document or brief prepared by the attorney. The attorney is not required to sign the document or brief, and the filing of such a document or brief shall not constitute an appearance by the attorney.

COMMENTARY: The purpose of the amendments to subsections (a) and (b) of this section is to address filings by self-represented

parties and to eliminate any conflict between this section and Section 60-4, in which the definition of “[s]ignature” has been deleted. The purpose of the new subsection (c) is to allow an attorney to assist a client in the preparation of appellate filings without having to file an appearance.

Sec. 62-8. Names of Counsel; Appearance

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

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

This rule shall not be deemed to permit appellate counsel to review records that were sealed as to trial counsel but retained in the trial court file for appellate review.

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

COMMENTARY: The purpose of this amendment is to eliminate the requirement that counsel file a motion for permission to file an appearance after the case is ready, as any such appearance will simply be forwarded to the court by the appellate clerk for recusal screening purposes.

CHAPTER 63

FILING THE APPEAL; WITHDRAWALS

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

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

(1) A preliminary statement of the issues (JD-SC-038) intended for presentation on appeal. If any appellee wishes to: (A) present for review alternative grounds upon which the judgment may be affirmed; (B) present for review adverse rulings or decisions of the court which should be considered on appeal in the event the appellant is awarded a new trial; or (C) claim that a new trial rather than a directed judgment should be ordered if the appellant is successful on the appeal, that appellee shall file a preliminary statement of issues within twenty days from the filing of the appellant's preliminary statement of the issues.

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 e-mail 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 [which] arise from substantially the same controversy as the cause on appeal[,] or involve issues closely related to those presented by the appeal; (C) [whether] 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 [or issued during any of the underlying proceedings]; 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 a preargument conference pursuant to Section 63-10, 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. [If leave to file such an amendment is granted, the adverse party shall have the right to move for permission to file a supplemental brief and for an extension of time.] Amendments to the preargument conference statement shall not be presented in writing but may be presented orally at the preargument conference, if one is held.

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

(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.

COMMENTARY: These amendments update this section to correspond to new optional forms for the preliminary statement of the issues, designation of the proposed contents of the clerk appendix and certificate of transcript. Note that the preargument conference statement (JD-SC-028) in subsection (a) (5) is not optional. In addition, the purpose of the amendments to subsection (a) (4) (C) of this section is to assist the appellate clerk with its obligations under the Violence Against Women Act Reauthorization Act of 2022, as more specific information is requested to assist in the screening of appeals in civil matters for preargument conferences.

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

(a) [Prior to the deadline for compliance with Section 63-4 (a) (3),] Within ten days of filing an appeal, the appellant shall, subject to Section 63-6 or Section 63-7 if applicable, order from an official court reporter an electronic version of the transcript of the parts of the proceedings not already on file [which] that the appellant deems necessary for the proper presentation of the appeal. Such order shall specify the case name, docket number, judge's name(s), and hearing date(s), and include a brief, detailed statement describing the parts of the proceedings of which a transcript has been ordered. If any other party deems other parts of the transcript necessary that were not ordered

by the appellant, that party shall, within twenty days from the filing of the appellant's [transcript papers,] certificate that no transcript is deemed necessary or transcript order confirmation, similarly order those parts from an official court reporter. Upon submission of a transcript order, the ordering party will be provided with an order confirmation that includes the information required above.

(b) A party shall promptly make satisfactory arrangements for payment of the costs of the transcript, pursuant to guidelines established by the chief court administrator. After those arrangements have been made, an official court reporter shall provide to the ordering party an acknowledgment of the order, with an estimated date of delivery and estimated number of pages in the transcript order. The ordering party shall file the acknowledgment with the appellate clerk with certification pursuant to Section 62-7. If the final portion of the transcript cannot be delivered on or before the estimated delivery date on the acknowledgment, the official court reporter will, not later than the next business day, provide to the ordering party an amended transcript order acknowledgment with a revised estimated delivery date. The ordering party shall file the amended acknowledgment form immediately with the appellate clerk with certification pursuant to Section 62-7.

(c) [An official court reporter shall cause each court recording monitor involved in the production of the transcript to prepare a certificate of delivery stating the number of pages in the transcript and the date of its delivery to the party who ordered it. If delivery is by mail, the transcript shall be mailed first class certified, return receipt requested. The date of mailing is the date of delivery. If delivery is by hand, the court recording monitor shall obtain a receipt acknowledging delivery.

The date of the receipt is the date of delivery. Each court recording monitor shall forward the certificates of delivery to the official court reporter. Upon receipt of all the certificates of delivery, the official court reporter shall deliver to the ordering party a certificate of completion stating the total number of pages in the entire transcript order and the date of final delivery of the transcript order.] Whenever an electronic transcript is ordered in accordance with this section, Court Transcript Services shall have an electronic version of the transcript produced and deliver it to the ordering party and the official court reporter. Upon receipt of all electronic versions of the transcript ordered, the official court reporter shall deliver to the ordering party a certificate of completion stating the total number of pages in the entire transcript order and the date of final delivery of the transcript order. The official court reporter shall then deliver the electronic transcripts to the appellate clerk, with a certification that the electronic version of the transcript is accurate and a copy of the certificate of completion.

(d) Upon receipt of the certificate of completion from the official court reporter, the ordering party shall file with the appellate clerk the certificate of completion along with a certification that a copy of the certificate of completion has been delivered to all counsel of record in accordance with Section 62-7.

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

(2) All other parties are likewise required, either before or simultaneously with the filing of their briefs, to file those additional portions

ordered pursuant to subsection (a) but shall not include the portions already filed by the appellant.

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

COMMENTARY: The purpose of these amendments is to eliminate the requirement that parties file paper copies of transcripts with the appellate clerk, as several subsections concerning delivery and filing of paper transcripts are obsolete.

Sec. 63-8A. Electronic Copies of Transcripts

[Repealed as of Jan. 1, 2024.]

HISTORY—2024: Prior to 2024, this section read: “In addition to the requirements of Section 63-8:

“(a) Any party ordering a transcript of evidence as part of an appeal, a writ of error, or a motion for review shall, at the same time, order from a court recording monitor an electronic version of the transcript. If the party received the paper transcript prior to the filing of the appeal, the party shall order an electronic version of the transcript within the period specified by these rules for the ordering of a transcript.

“(b) Whenever an electronic transcript is ordered in accordance with this section, the court recording monitor shall produce an electronic version of the transcript and deliver it to the ordering party and the official court reporter. Upon receipt of all electronic versions of the transcript ordered, the official court reporter shall deliver them to the appellate clerk, with a certification that the electronic version of the transcript is accurate and a copy of the certificate of completion.”

COMMENTARY: Due to the proposed amendments to Section 63-8 that eliminate the requirement that parties file paper copies of transcripts with the appellate clerk, this section is obsolete.

CHAPTER 66 MOTIONS AND OTHER PROCEDURES

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

(a) Motions[, petitions and applications] shall be specific and shall not request multiple forms of relief. [No motion, petition or application will be considered unless it clearly sets] The motion shall set forth in

separate paragraphs appropriately captioned: (1) a brief history of the case; (2) the specific facts upon which the moving party relies; and (3) the legal grounds upon which the moving party relies. [A separate memorandum of law may but need not be filed. If the moving party intends to file a memorandum of law in support of the motion, petition or application, however, such memorandum shall be filed either as an appendix to or as a part of the motion, petition or application.]

[A party intending to oppose] Any opposition to a motion shall be filed within ten days after the filing of the motion and shall[, petition or application shall file a brief statement] clearly set[ting] 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. [the factual and legal grounds for opposition within ten days after the filing of the motion, petition or application. If an opposing party chooses to file a memorandum of law in opposition to a motion, petition or application, that party shall do so within ten days after the filing of the motion, petition or application.] An opposition shall not include any request for relief that should be filed as a separate motion [by the opposing party to the motion, petition or application]. Responses to oppositions are not permitted. [Except as provided in subsection (e) below, no proposed order is required.]

(b) Except [with special permission of the appellate clerk,] as otherwise ordered, [the] motions and oppositions[, petition or application and memorandum of law filed together] shall not exceed 3500 words [ten pages, and the memorandum of law in opposition thereto shall

not exceed ten pages]. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

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

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

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

(f) When the appellate clerk issues an order on a motion[, petition or application], the official notice date shall be the date indicated on the order for notice to the clerk of the trial court and all counsel

of record. The official notice date is not the date that such order is received.

COMMENTARY: These amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.

Sec. 66-3. Motion Procedures and Filing

All motions[, petitions, applications, memoranda of law, stipulations,] and oppositions shall be filed with the appellate clerk in accordance with the provisions of Sections 60-7 and 60-8 and docketed upon filing. The submission may be returned [or rejected] for noncompliance with the Rules of Appellate Procedure. All papers shall contain a certification that a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7.

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

[Motions shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two fonts, of 12 point or larger size, are approved for use in motions: Arial and Univers. Each page of a motion, petition, application, memorandum of law, stipulation and opposition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch.] Motions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

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

COMMENTARY: These amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.

Sec. 66-6. Motion for Review; In General

(a) The court may, on written motion for review stating the grounds for the relief sought, modify or vacate (1) any order made by the trial court under Section 66-1 (a); (2) any action by the appellate clerk

under Section 66-1 (c); ~~(3)~~ any order made by the trial court, or by the administrative law judge in cases arising under General Statutes § 31-290a (b), relating to the perfecting of the record for an appeal or the procedure of prosecuting or defending against an appeal; ~~(4)~~ any order made by the trial court concerning a stay of execution in a case on appeal; ~~(5)~~ any order made by the trial court concerning the waiver of fees, costs and security under Section 63-6 or Section 63-7; or ~~(6)~~ any order concerning the withdrawal of appointed appellate counsel pursuant to Section 62-9 (d). Motions for review of the clerk's taxation of costs under judgments of the court having appellate jurisdiction shall be governed by Section 71-3.

~~(b)~~ Motions for review shall be filed within ten days [from the issuance] of notice of the order sought to be reviewed. [Motions for review of the clerk's taxation of costs under judgments of the court having appellate jurisdiction shall be governed by Section 71-3.] If the order is issued in connection with a motion that was filed with the appellate clerk, the motion for review shall be filed within ten days from the issuance of notice by the appellate clerk of the order from the trial court sought to be reviewed. Otherwise, if notice of the order sought to be reviewed is given by the trial court in open court with the party seeking review present, the time for filing the motion for review shall begin on that day; if notice is given to the party seeking review only by mail or electronic delivery, the time for filing the motion for review shall begin on the day that notice was sent to counsel of record by the clerk of the trial court.

(c) If a motion for review of a decision depends on a transcript of evidence or proceedings taken by an official court reporter or court recording monitor, the moving party shall file with the motion either a transcript or a copy of the transcript order confirmation. The opposing party may, within one week after the transcript or the copy of the order confirmation is filed by the moving party, file either a transcript of additional evidence or a copy of the order confirmation for additional transcript. Parties filing or ordering a transcript shall order an electronic version of the transcript in accordance with Section 63-8A.

COMMENTARY: The purpose of these amendments is to address ambiguity in the rule as to when the ten days for filing a motion for review begins when an order is issued in connection with a motion that is filed in the Superior Court.

(NEW) Sec. 66-9. Disqualification of Appellate Jurists

(a) A justice of the Supreme Court or a judge of the Appellate Court shall, upon motion of either party or upon its own motion, be disqualified from acting in a matter if such justice or judge is disqualified from acting therein pursuant to Rule 2.11 of the Code of Judicial Conduct.

(b) A justice of the Supreme Court or a judge of the Appellate Court is not automatically disqualified from acting in a matter merely because: (1) the justice or judge previously practiced law with the law firm or attorney who filed an amicus brief in the matter; or (2) the justice's or judge's spouse, domestic partner, parent, or child, or any other member of the justice's or judge's family residing in his or her household is practicing or has practiced law with the law firm or attorney who filed an amicus brief in the matter; or (3) an attorney or party to the matter

has filed a lawsuit against the justice or judge or filed a complaint against the justice or judge with the Judicial Review Council or an administrative agency.

(c) When an attorney or party who has filed a lawsuit or a complaint against a justice or judge is involved in a matter before the court on which the justice or judge sits, such attorney or party shall so advise the court and other attorneys and parties to the matter, and, thereafter, the justice or judge who is the subject of the disqualification issue shall decide whether to disqualify himself or herself from acting in the matter.

COMMENTARY: The purpose of this new section is to create an appellate rule governing the disqualification of appellate jurists.

CHAPTER 67

BRIEFS

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

(a) Briefs and party appendices, if any, shall be typewritten or clearly photocopied from a typewritten original on white 8 1/2 by 11 inch paper. Unless ordered otherwise, briefs shall be copied on one side of the page only. Party appendices may be copied on both sides of the page. The page number for briefs and party appendices shall be centered on the bottom of each page. The brief shall be fully double spaced and shall not exceed three lines to the vertical inch or twenty-seven lines to the page; footnotes and block quotations may, however,

be single spaced. Only the following two fonts, of 12 point or larger size, are approved for use in briefs: Arial and Univers. Each page of a brief or party appendix shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inches; right, 1/2 inch; and bottom, 1 inch. Briefs and party appendices shall be firmly bound 1/4 inch from the left side, at points approximately 1/4, 1/2 and 3/4 of the length of the page, so as to make an easily opened volume.

(b) The brief and the party appendix, if any, may be bound together. When, however, binding the brief and party appendix together would affect the integrity of the binding, the party appendix shall be bound separately from the brief.

(c) The brief and party appendix, if any, shall include a single pagination scheme that starts on the cover page of the brief and continues throughout the entire document, on every page, including the cover and table of contents for the party appendix through to the last page of the party appendix. The page numbers shall be centered on the bottom of each page and shall be written as “Page X of XX” (e.g., Page 1 of 55 . . . Page 32 of 55 . . . Page 55 of 55). A party appendix shall have an index of the names of witnesses whose testimony is cited within it. If any part of the testimony of a witness is omitted, this shall be indicated by asterisks. After giving the name of a witness, the party who called that witness shall be designated, and it shall be stated whether the testimony quoted was given on direct, cross or other examination.

(d) If constitutional provisions, statutes, ordinances, regulations, or portions of the transcript are contained in a party appendix, they may

be reproduced in their original form so long as the document is not reduced to less than 75 percent of its original form.

(e) Briefs and separately bound party appendices, if any, shall have a suitable front cover of white heavy paper. A back cover is not necessary; however, if one is used, it must be white.

(f) Briefs and separately bound party appendices, if any, must bear on the cover, in the following order, from the top of the page: (1) the name of the court; (2) the appellate docket number; (3) the appellate case name; (4) the nature of the brief (e.g., brief of the defendant-appellant; brief of the plaintiff-appellee on the appeal and of the plaintiff-cross appellant on the cross appeal); and (5) the name, address, telephone number and e-mail address of individual counsel who is to argue the appeal and, if different, the name, address, telephone number and e-mail address of the party's counsel of record. The foregoing shall be displayed in Arial or Univers font of 12 point or larger size.

(g) [If the appeal is in the Supreme Court, twelve] Two legible photocopies of each brief and party appendix, if any, shall be filed with the appellate clerk. [If the appeal is in the Appellate Court, eight legible photocopies of each brief and party appendix, if any, shall be filed with the appellate clerk.]

(h) All copies of the brief filed with the Supreme Court or the Appellate Court must be accompanied by a: (1) certification that a copy of the brief and party appendix, if any, has been sent to each counsel of record in compliance with Section 62-7; (2) certification that the brief and appendix have been redacted or do not contain any names or other personal identifying information that is prohibited from

disclosure by rule, statute, court order or case law, except for briefs filed pursuant to Section 79a-6; and (3) certification that the brief complies with all provisions of this rule. The certification that a copy of the brief and party appendix has been sent to each counsel of record in compliance with Section 62-7 may be signed by counsel of record or the printing service, if any. All other certifications pursuant to this subsection shall be signed by counsel of record only.

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

COMMENTARY: The purpose of this amendment is to make the number of physical copies of briefs and appendices that are required to be filed by filers under this section match the number of physical copies that are required to be filed by other filers.

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

(a) Briefs filed under this rule shall include the words “Filed Under the Electronic Briefing Rules” at the top center of the cover of the brief. Briefs and party appendices, if any, shall be uploaded together as a text searchable single document. Bookmarks are required and must link to sections of the brief and to items included in the party appendix. Briefs shall include internal hyperlinks for citations to items included in the party appendix. Internal hyperlinks must be clearly distinguishable from other text in the brief (e.g., underlined blue text

or highlighted text). External hyperlinks are not permitted. Any external hyperlink included in a brief will be viewed as text only. Visual aids that comply with the guidelines published on the Judicial Branch website are permitted to be included in the brief. Additional formatting information and recommendations can be found in the guidelines published on the Judicial Branch website.

(b) Briefs shall be typed in a 12 point [Century Schoolbook or New Century Schoolbook] serif font, including footnotes but excluding headings. Headings must be in a 14 point [Georgia or New Baskerville Book] 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 [is] can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used in place of underlining. Sections shall be marked sequentially using numbers or letters (e.g., 1. Introduction, 2. Statement of the facts . . . 6. Conclusion; or A. Introduction, B. Statement of the facts . . . F. Conclusion).

(c) The brief and party appendix, if any, shall include a single pagination scheme that starts on the cover page of the brief and continues throughout the entire document, on every page, including the cover and table of contents for the party appendix through to the last page of the party appendix. The page numbers shall be centered on the bottom of each page and shall be written as “Page X of XX” (e.g., Page 1 of 55 . . . Page 32 of 55 . . . Page 55 of 55). The party appendix shall have an index of the names of witnesses whose testi-

mony is cited within it. Any part of the testimony of a witness that is omitted shall be indicated by asterisks. After giving the name of a witness, the party who called that witness shall be designated, and it shall be stated whether the testimony quoted was given on direct, cross or other examination.

(d) Two legible photocopies of each brief and party appendix, if any, shall be filed with the appellate clerk. The party appendix may be printed on both sides of a page. The brief and party appendix may be bound together or separately. No specific type or style of binding is required as long as the documents are securely bound. The covers for all types of briefs shall be white.

(e) Briefs and separately bound party appendices, if any, must bear on the cover, in the following order, from the top of the page: (1) the name of the court; (2) the appellate docket number; (3) the appellate case name; (4) the nature of the brief (e.g., brief of the defendant-appellant; brief of the plaintiff-appellee on the appeal and of the plaintiff-cross appellant on the cross appeal); and (5) the name, address, telephone number and e-mail address of individual counsel who is to argue the appeal and, if different, the name, address, telephone number and e-mail address of the party's counsel of record. The foregoing shall be displayed in [Century Schoolbook or New Century Schoolbook] a serif font of 12 point size.

(f) Counsel of record filing a brief shall submit the electronic version of the brief and party appendix, if any, in accordance with guidelines established by the court and published on the Judicial Branch website. The electronic version shall be submitted prior to the timely filing of

the party's paper copies of the brief and party appendix pursuant to subsection (d) of this section.

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

[(h) A copy of the electronic confirmation receipt indicating that the brief and party appendix, if any, were submitted electronically in compliance with subsection (f) of this section shall be filed with the paper briefs and party appendices.]

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

COMMENTARY: The purpose of these amendments is to modify some of the formatting requirements of electronic briefs while still maintaining consistency in appearance and readability.

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

Except as otherwise ordered, the brief of the appellant shall not exceed 13,500 words. The brief shall be filed with the party appendix, if any, either within forty-five days after the delivery date of the transcript ordered by the appellant or forty-five days after the clerk appendix is sent to the parties, whichever is later. In cases where no transcript is required or the transcript has been received by the appellant prior to the filing of the appeal, the appellant's brief and party appendix, if any, shall be filed either within forty-five days of the filing of the appeal or forty-five days after the clerk appendix is sent to the parties, whichever is later.

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

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

Except as otherwise ordered, the brief of the appellee shall not exceed 13,500 words, and shall be filed with any party appendix within thirty days after the filing of the appellant's brief or the delivery date of the portions of the transcript ordered only by that appellee, whichever is later.

The appellant may file a reply brief in accordance with Section 67-5A.

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

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

All word limitations shall be exclusive of party appendices, if any, the cover page, the table of contents, the table of authorities, the

statement of issues, the signature block of counsel of record, certifications and, in the case of an amicus brief, the statement of the interest of the amicus curiae required by Section 67-7A.

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

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

COMMENTARY: The purpose of this amendment is to address inconsistencies in the appellate rules.

Sec. 67-5A. The Reply Brief

The appellant may file a reply brief, which should respond directly and succinctly to the arguments in the appellee's brief. The format of a reply brief shall be in accordance with Section 67-2 or 67-2A.

The reply brief shall be filed within twenty days of the appellee's brief. If there are multiple appellees and they file separate briefs, then the time to file a reply brief shall run from the filing date of the last appellee's brief.

Except as otherwise ordered, the reply brief shall not exceed [fifteen pages or] 6500 words for electronic filers, or fifteen pages for filers that are excluded or exempt from electronic filing pursuant to Section 60-8. Word counts and page limitations are exclusive of the cover page, the table of contents, the table of authorities, the signature block of counsel of record, certifications and any appendix. Requests for

permission to exceed 6500 words or fifteen pages [or 6500 words] shall be filed in accordance with Section 67-3 or 67-3A.

If there is a cross appeal, the cross appellant may file a reply brief as to the cross appeal in accordance with the requirements of this rule.

Where a claim relies on the state constitution as an independent ground for relief, the clerk shall, upon request, grant an additional two pages or 800 words for the reply brief, which pages or words are to be used for the state constitutional argument only.

COMMENTARY: The purpose of these amendments is to address inconsistencies in the appellate rules.

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

(a) A brief of an amicus curiae in cases before the court on the merits may be filed only with the permission of the court unless Section 67-7A (f) applies. An application for permission to appear as amicus curiae and to file a brief shall be filed within twenty days after the filing of the brief of the party, if any, whom the applicant intends to support, and if there is no such party, then the application shall be filed no later than twenty days after the filing of the appellee's brief.

(b) The application shall state concisely the nature of the applicant's interest and the reasons why a brief of an amicus curiae should be allowed. If the applicant in a civil appeal is an entity as defined in Section 60-4, a certificate of interested entities or individuals shall be attached to the application. A party to the appellate matter in which the application is filed may, within ten days after the filing of the application, file an objection.

Applications and objections, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif

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

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

[The length of the] An amicus curiae brief shall not exceed 4000 words and shall conform with the requirements set forth in Chapter 67. [unless a specific request is made for a brief of more than that length. The application shall conform to the requirements set forth in Sections 66-2 and 66-3. The amicus application should specifically] The applicant may request to file a brief in excess of 4000 words by including a request in the application that sets forth reasons to justify the [filing of a brief in excess of 4000] additional words. [A party in receipt of an application may, within ten days after the filing of the application, file an objection concisely stating the reasons therefor.]

(c) All briefs filed under this section shall comply with the applicable provisions of this chapter, and shall set forth the interest of the amicus curiae. If the appeal is in a civil matter and the amicus curiae is an entity as defined in Section 60- 4, a certificate of interested entities or individuals shall be included in the brief.

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

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

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

COMMENTARY: These amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.

CHAPTER 74

DECISIONS OF JUDICIAL REVIEW COUNCIL

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

In the event that the Supreme Court, on its own motion, wishes to initiate proceedings against a judge, it [shall] may refer the matter to the Judicial Review Council or, if the judge to be investigated is a member of that council, to a committee of three state referees for investigation and hearing.

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

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

COMMENTARY: This amendment changes the use of “shall” to “may” when matters are referred for investigation and hearing.

CHAPTER 76

APPEALS IN WORKERS’ COMPENSATION CASES

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

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

All exhibits before the board or the administrative law judge are deemed exhibits on appeal. The appellate clerk shall notify the board

or the administrative law judge of the exhibits required by the court. It shall be the responsibility of the board or the administrative law judge to transmit those exhibits promptly to the appellate clerk.

Nothing in this section relieves the appellant and the appellee of their duty to comply with the appendix requirements of Section 67-8.

COMMENTARY: Files in workers' compensation matters are transmitted to the appellate clerk electronically; therefore, the language being deleted is obsolete.

CHAPTER 77

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

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

(a) Except as provided in subsection ([b] 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. [The petition shall fully comply with Sections 66-2 and 66-3.]

(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. [The petition shall not exceed ten pages in length, exclusive of the appendix, except with special permission of the Appellate Court.] An appendix containing the information or complaint, the answer, all motions pertaining to the matter, the opinion or orders of the trial court sought to be reviewed, a list of all parties with the names, addresses, telephone numbers, e-mail 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 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.

(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. Any party or nonparty who sought such order may file a response to the petition for review within ninety-six hours after the filing of the petition for review. 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. Within one business day of the receipt of the transcript and the certificate of completion provided for by Section 63-8 (c), the person filing the petition for review shall file the transcript and the certificate of completion with the Appellate Court.

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

After the receipt of the transcript and the response to the petition, if any, the Appellate Court shall hold an expedited hearing on any petition for review. The appellate clerk will notify the petitioner, the parties and any nonparties who sought the closure order or order sealing or limiting disclosure of files, affidavits, documents or other material on file with the court or filed in connection with a court proceeding of the date and time of the hearing. After such hearing the Appellate Court may affirm, modify or vacate the order reviewed.

([b] 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.

COMMENTARY: These amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.

CHAPTER 78

REVIEW OF GRAND JURY RECORD OR FINDING ORDER

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.

COMMENTARY: These amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.

CHAPTER 78a

REVIEW OF ORDERS CONCERNING RELEASE ON BAIL

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.

COMMENTARY: These amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.

CHAPTER 78b
REVIEW OF ORDERS DENYING APPLICATION FOR WAIVER OF
FEES TO COMMENCE A CIVIL ACTION OR A WRIT OF
HABEAS CORPUS

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 [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.

COMMENTARY: The purpose of these amendments is to eliminate the requirement that the moving party provide either a transcript or a transcript order confirmation when filing a petition for review under this section. In addition, these amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.

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

Sec. 81-2. Form of Petition

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

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

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

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

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

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

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

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

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

(5) An appendix containing a table of contents, the operative complaint, all briefs filed by all parties, the opinion or order of the trial court sought to be reviewed, a copy of the order on any motion, other than a motion for extension of time, which would stay or extend the time period for filing the petition, and a list of all parties to the appeal in the trial court with the names, addresses, telephone numbers, e-mail addresses, and, if applicable, the juris numbers of their counsel. If a petitioner in a civil matter is an entity as defined in Section 60-4, counsel of record must also provide a certificate of interested entities or individuals in the appendix. The appendix shall be paginated separately from the petition with consecutively numbered pages preceded by the letter "A."

(b) [The petition shall not exceed ten pages in length, exclusive of the appendix, except with special permission of the appellate clerk. The petition shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two fonts, of 12 point or larger size, are approved for use in petitions: Arial and Univers. Each page of a petition shall have

as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch.] Except as otherwise ordered, petitions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix. Petitions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

COMMENTARY: These amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.

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. [The statement in opposition shall not exceed ten pages in length, except with special permission of the appellate clerk. The statement in opposition shall be typewritten and fully double spaced and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single

spaced. Only the following two fonts, of 12 point or larger size, are approved for use in the statement in opposition: Arial and Univers. Each page of a statement in opposition to a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch.] 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.

COMMENTARY: These amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.

CHAPTER 83

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

Sec. 83-1. Application; In General

Within two weeks of the issuance of an order or decision of the Superior Court involving a matter of substantial public interest pursuant to General Statutes § 52-265a, any party may file an application for certification by the chief justice. The application for certification shall contain: (1) the question of law on which the appeal is to be based; (2) a description of the substantial public interest that is alleged to be involved; (3) an explanation as to why delay may work a substantial injustice; and (4) an appendix with: (A) the decision or order of the Superior Court sought to be appealed and (B) a list of all parties to the case in the Superior Court with the names, addresses, telephone numbers, e-mail addresses and, if applicable, the juris numbers of their counsel. If the party in a civil matter is an entity as defined in Section 60-4, counsel of record must also provide a certificate of interested entities or individuals in the appendix.

Using an expeditious delivery method such as overnight mail or facsimile or other electronic medium, in addition to the certification requirements of Section 62-7, the party submitting the application shall also notify the trial judge and the clerk of the trial court that rendered the decision sought to be appealed.

A party response to the application must be filed within five days from the filing of the application.

COMMENTARY: The purpose of this amendment is to require that any response to an application for certification be filed within five days, as the chief justice must act on such applications within seven days pursuant to statute.

CHAPTER 84
APPEALS TO SUPREME COURT BY CERTIFICATION
FOR REVIEW

Sec. 84-5. Form of Petition

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

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

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

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

(4) A concise argument expanding on the bases for certification, as presented in Section 84-2, and explaining why the Supreme Court should allow the extraordinary relief of certification. No separate mem-

orandum of law in support of the petition will be accepted by the appellate clerk.

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

(A) a table of contents,

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

(C) if the opinion or order of the Appellate Court was per curiam or a summary affirmance or dismissal, a copy of the trial court’s memorandum of decision that was entered in connection with the claim raised by the petitioner before the Appellate Court, or, if no memorandum was filed, a copy of the trial court’s ruling on the matter,

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

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

(b) [The petition shall not exceed ten pages in length, exclusive of the appendix, except with special permission of the appellate clerk. The petition shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only

the following two fonts, of 12 point or larger size, are approved for use in petitions: Arial and Univers. Each page of a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inches; right, 1/2 inch; and bottom, 1 inch.] Except as otherwise ordered, petitions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix. Petitions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

COMMENTARY: These amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.

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. [The statement in opposition shall not exceed ten pages in length except with special permission of the appellate clerk.] Except as otherwise ordered, oppositions shall not exceed 4000 words. The

word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix, if any.

[The statement in opposition shall be typewritten and fully double spaced and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two fonts, of 12 point or larger size, are approved for use in the statement in opposition: Arial and Univers. Each page of a statement in opposition to a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch.] Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

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

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

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

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

COMMENTARY: These amendments are made for efficiency purposes, specifically, to minimize the number of rules to which a party must refer to determine what is required to file an appellate document.
