

RULES OF APPELLATE PROCEDURE

NOTICE

Notice is hereby given that the following amendments to the Rules of Appellate Procedure were adopted to take effect on January 1, 2019. The amendments were approved by the Appellate Court on October 15, 2018, and by the Supreme Court on October 24, 2018. The courts have waived the provision of Section 86-1 requiring publication of rules sixty days prior to their effective date.

Attest:

Carolyn Ziogas
Chief Clerk Appellate

INTRODUCTION

Contained herein are amendments to the Rules of Appellate Procedure. 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 2019 edition of the Practice Book becomes available.

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RULES OF APPELLATE PROCEDURE

AMENDMENTS TO THE RULES OF APPELLATE PROCEDURE

CHAPTER 60

GENERAL PROVISIONS RELATING TO APPELLATE RULES AND APPELLATE REVIEW

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 [by the appellate clerk] or rejected [by the court upon review] for noncompliance with the rules of appellate procedure.

(c) All self-represented parties must have an account with E-Services [and submit an appellate access form (JD-AC-15),] unless exempt from electronic filing pursuant to Section 60-8. All nonexempt 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 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 Sections 68-1, 74-2A, 74-3A, 75-4, 76-3, or 76-5.

CHAPTER 62

CHIEF JUDGE, APPELLATE CLERK AND DOCKET: GENERAL ADMINISTRATIVE MATTERS

Sec. 62-3. Entry of Cases

Appeals, reservations, writs of error, original jurisdiction actions, and other matters filed in accordance with the procedures set forth in Sections 60-7, 60-8, and 63-3, shall be docketed upon filing subject to return [by the appellate clerk] or rejection [by the court upon review] for noncompliance with the rules of appellate procedure.

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

(a) It is the responsibility of counsel of record to file papers in a timely manner and in the proper form. The appellate clerk may return any papers filed in a form not in compliance with these rules; in returning, the appellate clerk shall indicate how the papers have failed to comply. The clerk shall note the date on which they were received before returning them, and shall retain an electronic copy thereof. Any papers correcting a noncomplying filing shall be deemed to be timely filed if a complying document is refiled with the appellate clerk within fifteen days of the official notice date, which is the notice date indicated on the return form. The official notice date is not the date the return form is received. The time for responding to any such paper shall not start to run until the correcting paper is filed.

(b) All papers except the transcript and regulations filed pursuant to Section 81-6 shall contain: (1) certification that a copy has been delivered to each other counsel of record, except as provided in Section 63-4 (a) (3), which certification shall include names, addresses, e-mail addresses, and telephone numbers; (2) certification that the document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and (3) certification that the document complies with all applicable rules of appellate procedure.

Electronic papers shall contain a certification as set forth in subsection (b) (1), but filers can comply with the certification requirements set forth in subsections (b) (2) and (b) (3) during the electronic filing process. Any request to deviate from the requirement regarding personal identifying information shall be filed with the appellate clerk pursuant to Section 67-2 (k). Briefs and appendices require additional certifications pursuant to Section 67-2 (g) and (i). Other certifications [requirements] may be required by the rules under which specific documents are filed.

(c) Any counsel of record who files a document electronically with the court must deliver it electronically to all other counsel of record, except as provided in Section 63-4 (a) (3), unless the intended recipient has notified the appellate clerk and all other counsel of record in writing that the recipient declines to accept electronic delivery of documents or the intended recipient is exempt from the requirements of electronic filing pursuant to Section 60-8. Any counsel of record who has signed an electronically filed document shall be deemed to have consented to electronic delivery under this section. Delivery by e-mail is complete upon sending the electronic notice unless the party sending notice learns that the attempted delivery did not reach the e-mail address of the intended recipient.

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

CHAPTER 63

FILING THE APPEAL; WITHDRAWALS

Sec. 63-3. Filing of Appeal

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

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

Sec. 63-10. Preargument Conferences

The chief justice or the chief judge or a designee may, in cases deemed appropriate, direct that conferences of the parties be scheduled in advance of oral argument. All civil cases are eligible for preargument conferences except habeas corpus appeals[;], appeals involving juvenile matters, including child protection appeals as defined in Section 79a-1, [juveniles, such as delinquency and termination of parental rights cases;] summary process appeals, and appeals from the suspension of a motor vehicle license due to operating under the influence of liquor or drugs. A party in an exempt case may file a request for a preargument conference with the appellate clerk explaining why the case should not be exempt. The chief justice may designate a judge trial referee or senior judge to preside at a conference. The scheduling of or attendance at a preargument conference shall not affect the duty of the parties to adhere to the times set for the filing of briefs. Failure of counsel to attend a preargument conference may result in the imposition of sanctions under Section 85-2. Unless other arrangements have been approved in advance by the conference judge, parties shall be present at the conference site and available for consultation. When a party against whom a claim is made is insured, an insurance adjuster for such insurance company shall be available by telephone at the time of such preargument conference unless the conference judge, in his or her discretion, requires the attendance of the adjuster at the conference. The conference proceedings shall not be brought to the attention of the court by the presiding officer or any of the parties unless the conference results in a final disposition of the appeal.

The following matters may be considered:

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

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

CHAPTER 66

MOTIONS AND OTHER PROCEDURES

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 [by the appellate clerk] or rejected [by the court upon review] 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 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, except on separate written motion 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 shall be filed except on written motion and by consent of the court.

Motions shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in motions: arial and univers. Each page of a motion, petition, application, memorandum of law, stipulation and opposition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch.

CHAPTER 67

BRIEFS

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

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

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

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

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

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

(f) Briefs and separately bound appendices must bear on the cover, in the following order, from the top of the page: (1) the name of the court; (2) the appellate

docket number[of the case]; (3) the appellate case name[name of the case as it appears in the judgment file of the trial court]; (4) the nature of the brief (e.g., brief of the defendant-appellant; brief of the plaintiff-appellee on the appeal and of the plaintiff-cross appellant on the cross appeal); and (5) the name, address, telephone [and facsimile] number[s] and e-mail address of individual counsel who is to argue the appeal and, if different, the name, address, telephone [and facsimile] number[s] and e-mail address of the party's counsel of record. The foregoing shall be displayed in the upper case of an arial or univers typeface of 12 point or larger size.

(g) Counsel of record filing a brief shall submit an electronic version of the brief and appendix in accordance with guidelines established by the court and published on the judicial branch website. [Where paper copies of the brief and appendix are bound together, t]The brief and appendix shall be submitted electronically as separate documents. The electronic version shall be submitted prior to the timely filing of the party's paper brief and appendix pursuant to subsection (h) of this section. Counsel of record must certify that electronically submitted briefs and appendices: (1) have been delivered electronically to the last known e-mail address of each counsel of record for whom an e-mail address has been provided; and (2) have been redacted or do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law.

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

(i) All copies of the brief filed with the supreme court or the appellate court must be accompanied by: (1) certification that a copy of the brief and appendix has been sent to each counsel of record in compliance with Section 62-7; (2) certification that the brief and appendix being filed with the appellate clerk are true copies of the brief and appendix that were submitted electronically pursuant to subsection (g) of this section; (3) certification that the brief and appendix have been redacted or do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and (4) certification that the brief complies with all provisions of this rule. The certification that a copy of the brief and appendix has been sent to each counsel of record in compliance with Section 62-7 may be signed by counsel of record or the printing service, if any. All other certifications pursuant to this subsection shall be signed by counsel of record only.

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

(k) Any request for deviation from the above requirements, including requests to deviate from the requirement to redact or omit personal identifying information or

information that is prohibited from disclosure by rule, statute, court order or case law, shall be filed with the appellate clerk.

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

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

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

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

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

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

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

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

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

Briefs shall not exceed the page limitations set forth herein except by permission of the chief justice or chief judge. Requests for permission to exceed the page

limitations shall be filed with the appellate clerk, stating both the compelling reason for the request and the number of additional pages sought.

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

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

The appellant's brief shall contain the following:

(a) A table of contents.

(b) [(a)] A concise statement setting forth, in separately numbered paragraphs, without detail or discussion, the principal issue or issues involved in the appeal, with appropriate references to the page or pages of the brief where the issue is discussed, pursuant to subsection (e) [(d)] hereof. [The court may refuse to receive a brief not complying with this requirement.] Such statement shall be deemed in replacement of and shall supersede the preliminary statement of issues.

(c) [(b)] A table of authorities cited in the brief, with references to the page or pages of the brief where the citations to those authorities appear. Citations shall be in the form provided in Section 67-11.

(d) [(c)] A statement of the nature of the proceedings and of the facts of the case bearing on the issues raised. The statement of facts shall be in narrative form, shall be supported by appropriate references to the page or pages of the transcript or to the document upon which the party relies and shall not be unnecessarily detailed or voluminous.

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

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

(2) When error is claimed in the charge to the jury, the brief or appendix shall include a verbatim statement of all relevant portions of the charge and all relevant exceptions to the charge. Unless essential to review of a claimed error, a verbatim statement of the entire charge to the jury should not be included in the brief or appendix.

Evidence relevant to the claimed error shall be recited in narrative form with appropriate references to the page or pages of the transcript.

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

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

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

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

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

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

(i) [(h)] The appellant's brief shall be organized in the following order: table of contents[, if any]; statement of issues; table of authorities; if the appeal was filed pursuant to Section 81-4, statement identifying version of land use regulations filed with the appellate clerk; statement of facts; argument; conclusion and statement of relief requested; signature; and certification pursuant to Section 62-7.

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

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

(a) A table of contents.

(b) [(a)] A counter statement of any issue involved as to which the appellee disagrees with the statement of the appellant or a statement of any other grounds which were properly raised by an appellee under Section 63-4. Such statement shall be deemed in replacement of and shall supersede the preliminary statement of the issues.

(c) [(b)] A table of authorities cited in the brief, with references to the page or pages of the brief where the citations to those authorities appear. Citations shall be in the form provided in Section 67-11.

(d) [(c)] A counter statement of any fact as to which the appellee disagrees with the statement of the appellant. The counter statement of facts shall be in narrative form and shall be supported by appropriate references to the page or pages of the transcript or to the relevant document upon which the appellee relies. An appellee may not rely on any fact unless it is set forth in the appellee's counter statement of facts or in the appellant's statement of facts or is incorporated in any brief of the parties in accordance with Section 67-4 (e) [(d)] or with subsection (e) [(d)] hereof.

(e) [(d)] The argument of the appellee, divided as provided in Section 67-4 (e) [(d)]. The argument on each point shall include a separate, brief statement of the standard of review the appellee believes should be applied. The argument may augment or take exception to the appellant's presentation of rulings or the charge by reference to any relevant part of the court's charge or any other evidence in narrative or verbatim form which is relevant to such question, with appropriate references to the statements of facts or to the page or pages of the transcript or to the relevant document.

(f) [(e)] Claims, if any, directed to any rulings or decisions of the trial court adverse to the appellee. These shall be made in the manner provided in Section 67-4 (e) [(d)].

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

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

(i) [(h)] In appeals filed pursuant to Section 81-4, a statement as to whether the appellee disputes the applicability of the version of the land use regulations filed with the appellate clerk. If the appellee disputes the applicability of such regulations, it shall set forth its basis for maintaining that such regulations do not apply.

(j) [(i)] The appellee's brief shall be organized in the following order: table of contents[, if any]; statement of issues; table of authorities; statement of facts; argument; conclusion and statement of relief requested; signature; and certification pursuant to Section 62-7.

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

CHAPTER 68 CASE FILE

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

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

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

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

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

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

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

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

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

CHAPTER 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 § 31-290a commissioner, 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 § 31-290a commissioner are deemed exhibits on appeal. The appellate clerk shall notify the board or the § 31-290a commissioner of the exhibits required by the court. It shall be the responsibility of the board or the § 31-290a commissioner to transmit those exhibits promptly to the appellate clerk.

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

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), 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. The petition shall not exceed ten pages in length, exclusive of the appendix, except with special permission of the appellate court. An appendix containing the information or complaint, the answer, all motions pertaining to the matter, the opinion or orders of the trial court sought to be reviewed, a list of all parties with the names, addresses, telephone [and facsimile] numbers, e-mail addresses, and, if applicable, the juris number of their counsel, the names of all judges who participated in the case, and a transcript order acknowledgment form (JD-ES-38), shall be filed with the petition for review.

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, [T]the appellate court shall hold an expedited hearing on any petition for review, [on the fifth business day next following the day upon which the certificate of completion provided for by Section 63-8 (c) has been filed with the appellate clerk.] 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) 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, and any order issued pursuant to a rule that seals or limits the disclosure of any affidavit in support of an arrest warrant, or any other provision of the General Statutes under which the court is authorized to close proceedings.

CHAPTER 79a

APPEALS IN CHILD PROTECTION MATTERS

Sec. 79a-6. Format and Time for Filing Briefs and Appendices

Briefs and appendices shall be prepared and submitted in accordance with chapter 67 of these rules except that the briefs and appendices are not required to be redacted, and the time for filing briefs and appendices shall be strictly observed and abbreviated as set forth below.

(a) Except as otherwise ordered, the appellant's brief and appendix shall be filed within forty days after the delivery of the transcript ordered by the appellant. In cases where no transcript is required or the transcript has been received by the appellant prior to the filing of the appeal, the appellant's brief and appendix shall be filed within forty days of the filing of the appeal.

(b) Except as otherwise ordered, the brief and appendix of the appellee shall be filed 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.

(c) Counsel for the minor child and/or counsel for the guardian ad litem shall, within ten days of the filing of the appellee's brief, file either: (1) a brief, (2) a statement adopting the brief of either the appellant or an appellee, or (3) a detailed statement that the factual or legal issues on appeal do not implicate the child's interests.

(d) The appellant may file a reply brief within ten days of the filing of the appellee's brief.

(e) Except as otherwise ordered, the case shall be deemed ready for assignment by the court after the filing of the appellee's brief and appendix.

(f) The unexcused failure to file briefs and appendices in accordance with this schedule may result in a dismissal of the appeal pursuant to Section 85-1, a refusal of the court to accept the late brief and/or an assignment of the case without the delinquent brief.

COMMENTARY: The purpose of this rule change is to codify the court policy that only opinions and orders crafted in a redacted format are available to the public, rendering redaction of the briefs and appendices unnecessary. See General Statutes § 46b-124 and Section 79a-12.

CHAPTER 84

APPEALS TO SUPREME COURT BY CERTIFICATION FOR REVIEW

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

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

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

The petitioner shall deliver a copy of the petition to every other party in the manner set forth in Section 62-7. The appellate clerk will send notice of the filing to the clerk of the original trial court and to the clerk of any trial courts to which the matter was transferred.

A fee shall not be required for a petition when either (1) no fee was required to file the appeal, or (2) the petitioner was granted a waiver of fees to file the appeal.

In workers' compensation cases, the petitioner shall also deliver a copy of the petition to the § 31-290a commissioner, and in an appeal from the board, the petitioner shall also deliver a copy of the petition to the board.

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

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