



## STATE OF CONNECTICUT

### SUPREME COURT APPELLATE COURT

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# Optional Appellate E-briefing Program

## **1. Introduction:**

In response to the COVID-19 pandemic and pursuant to the Emergency Preparedness Plan, the Appellate Division has approved an optional program that allows for the filing of a more readable and functional electronic brief. This guide was created to assist filers who elect to participate in this program.

Much has been written in the past several years about the pros and cons of paper and electronic briefs. A common agreement in discussions on this topic is that reading a conventionally formatted brief on an electronic device is more difficult than reading the same brief on paper. Formatting changes are absolutely essential to making it easier to engage in comprehensive reading on an electronic device. The experiences and recommendations counsel of record, the justices, judges and staff will share with the e-briefing committee after either preparing or reading and working with these briefs will be the foundation for crafting final rule changes. While flexibility is necessary to achieve optimum results, there must be some parameters and limitations on flexibility to start in order to obtain the valuable feedback we need from the program.

## **2. About the optional e-briefing program.**

- Participation in this e-briefing program is optional.
- The time for filing briefs under the optional e-briefing program will continue to be in accordance with the rules of appellate procedure. If additional time to format the optional e-brief is needed, the party filing the optional e-brief should include this information in its statement of good cause for a motion for extension of time under Practice Book Section 66-1.
- If counsel of record participates in the optional e-briefing program and the appeal is in the Supreme Court, only 11 legible paper copies of each brief and appendix shall be filed with the appellate clerk and if the appeal is in the Appellate Court, only 8 legible paper copies of each brief and appendix, shall be filed with the appellate clerk. It is recommended that counsel participating in this optional e-briefing program submit the electronic version of the brief and appendix for review prior to printing the requisite paper copies.
- If counsel of record for one side opts to participate in the optional e-briefing program, opposing counsel of record is *not* required to participate and can continue to file briefs fully in accordance with the rules of appellate procedure.
- The rules of appellate procedure as to organization, content and format when not specifically addressed in these guidelines shall continue to apply.

- Any requests to deviate from the required format shall be made by filing a "Correspondence to Court" which is listed under the "Preliminary Paper/Appeal Document" section in Appellate E-filing.

### **3. Requirements:**

- Include the words "Filed under optional e-briefing program" at the top center of the first page (cover) of the brief.
- Electronically file all briefs and appendices as a text searchable single PDF. (This is a necessary requirement to facilitate the use of bookmarks and internal hyperlinks to provide automated links between citations in the brief and key record materials.)
- Word limits replace the page limit requirements currently required under the rules of appellate procedure in order to allow filers to incorporate other recommended format changes for better readability and comprehension without sacrificing substantive content. Headings, footnotes and quoted material count toward the word-count limitation. The front cover, table of contents, table of authorities, statement of issues, appendices, certifications and the signature block do not count toward the word-count limitation. The word count approximates the current brief pages and preserves the current ratios.
  - Appellant briefs are limited to 14,000 words.
  - Appellee briefs are limited to 14,000 words.
  - Appellant reply briefs are limited to 6,500 words.

- For cross-appeals, the appellee-cross-appellant's combined brief is limited to 18,000 words and the appellant-cross-appellee's combined brief and reply is limited to 16,000 words. The cross-appellant's reply brief is limited to 6,500 words.
  - When cases are consolidated or a joint appeal has been filed, the briefs shall not exceed the word limitations provided above.
  - When a claim relies on the state constitution as an independent ground for relief, the clerk shall, upon request, grant an additional 2,000 words for the appellant and appellee briefs, and an additional 800 words for the reply brief, which words are to be used for the state constitutional argument only.
  - Any requests to exceed the word limitations set forth above can be made by filing a request as a "Correspondence to Court" which is listed under the "Preliminary Paper/Appeal Document" section in Appellate E-filing stating the reasons and the number of additional words.
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- Line spacing is either 1.3x. or 1.4x and is uniform throughout, including the body of the document, footnotes, and block quotes.
  
  - Margins: 1.5" on all sides
  
  - Use 12pt or larger Century Schoolbook or New Century Schoolbook for all text in the document, including footnotes but excluding headings. Embedded fonts in the documents are required to avoid any risk of font substitution.

- For headings, use a different font and larger font than the text. The preference is for other proportionally spaced serif fonts. Recommended fonts are New Baskerville Book, Book Antiqua, Century Expanded, Bookman Old Style, and Georgia.
- Left aligned text.
- Format block quotes in the following ways:
  - Single indent
  - Left justified
  - 1.3 or 1.4 line spacing
- Use smart (curly) quotations marks and apostrophes rather than straight (Century Schoolbook and New Century Schoolbook automatically generate smart quotes).
- Use **bold face** or *italic* emphasis tools in place of underlining.
- Number sections using consecutive numbers at the beginning of each section of the document.
- Use a single pagination scheme that starts on the first (cover) page of the brief (**not** on the first page of the substantive text) and continues throughout the entire document, *on every page*, to the last page of the appendix. At the bottom center of each page, number the pages "Page 1 of 85" instead of "Page 1," "Page 2 of 85" instead of "Page 2," etc. Keep in mind that you will file paper copies of these briefs and appendices; if you have a large appendix that will require binding in

more than one volume, be sure to add a cover page at the appropriate spot in the electronic version as well so it has a page number and is consistent with the rest of the document.

- Use bookmarks so the reader can move easily to different sections of the brief. Instructions on creating bookmarks are contained in the "Guide to Electronic Briefing in the Supreme and Appellate Courts" which can be found on the Supreme Court and Appellate Court home pages.
  
- Avoid use of consecutive capital letters in headings or text and capitalize only the first word of titles.
  - The preferred method is to capitalize only the first word (ex: "The trial court's decision").
  - Do not use all capital letters, including on the covers of the brief and appendix.
  - Continue to capitalize proper names such as titles of books, journals, etc.
  
- An additional brief certification is required which shall include
  - the word count of the brief,
  - a statement that the e-brief is filed in compliance with the optional e-briefing guidelines, and
  - a list of approved deviations, or that no deviations were requested/approved.

#### **4. Visual aids permitted**

Visual aids, defined as images, photographs, graphs, illustrations, diagrams, charts, or tables, may be included in a brief when it is filed under the optional e-briefing program.<sup>1</sup> The use of visual aids should not be excessive. Visual aids may be used as a means to better present complex information and/or arguments in a brief. Visual aids included in an electronic brief must comply with the following requirements:

- Must be supported by appropriate citation, if applicable.
- Must be a reproduction of materials from the record or must be derived from data or information from the record.
  - If the visual aid is a reproduction of an exhibit or other materials from the record, and the size of the reproduction is not exactly as appears in the record, a footnote must be included on the same page where the visual aid appears setting forth that there has been a reduction or enlargement along with the exact dimensions of the original document.
- Shall not include material that is confidential or otherwise sealed from disclosure, contains personal identifying information protected by law, depicts a minor, or is of an explicit sexual nature.

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<sup>1</sup> Visual aids are not permitted in briefs filed under the current rules. VISUAL AIDS DO NOT INCLUDE VIDEOS OF ANY TYPE AT THIS TIME.

- Must be of high quality to ensure a legible and accurate representation of the exhibit, including color if color is relevant. The visual aid must not affect the integrity or reliability of the exhibit. A color photograph marked or admitted as an exhibit in the trial court must be reproduced in color.
- Any words contained in an embedded visual aid must be manually counted and added to the brief word count.

## **5. Optional items and recommendations:**

- Increased use of sub headings is recommended.
- Bullets should be used to delineate examples or support for argument.
- Internal hyperlinks - to allow reader to move from one part of the brief to another by clicking on an object on the page.

## **6. Items NOT allowed at this time:**

- External hyperlinks
- Videos of any kind