

**Note: This document is not effective until August 1, 2016**

## **Procedures and Technical Standards for Appellate E-Filing**

### **1. General Provisions**

**a. Scope/Authority** – These Procedures and Technical Standards for Appellate E-filing have been issued by Paul Hartan, Chief Clerk of the Supreme and Appellate Courts, to become effective on August 1, 2016. They apply to electronic services offered by the Judicial Branch for *appellate filings only*. These provisions do not apply to incarcerated self-represented parties at this time or filers who have been granted an exclusion from e-filing requirements.

**b. Technical/System Requirements and Security** –

- i. The hardware and software requirements for participation in appellate E-filing are set forth in the E-Services Procedures and Technical Standards, section IB, available at: <http://www.jud.ct.gov/external/super/E-services/e-standards.pdf>

**c. Enrollment and Passwords** –

- i. The procedures to enroll in E-Services and to obtain a secure password are set forth in the E-Services Procedures and Technical Standards, section IC1, available at: <http://www.jud.ct.gov/external/super/E-services/e-standards.pdf>. Note that an email verification notice is not required and will not be sent for appellate e-filing.
- ii. Incarcerated self-represented parties cannot file appellate documents electronically at this time.

**d. Obtaining an Exclusion** – The procedures to request an exclusion from electronic services requirements are set forth in the E-Services Procedures and Technical Standards, section ID, available at: <http://www.jud.ct.gov/external/super/E-services/e-standards.pdf>

**e. Signatures**

- i. The following applies to documents filed by attorneys:
  1. A document that is submitted electronically through the appellate e-filing system must be signed by the attorney submitting the document as follows:
    - a. For any document electronically filed in the e-filing system, entry in the e-filing system of the individual juris number of the attorney who electronically filed the document will constitute the signature of the attorney for the purposes of Section 60-7 and Section 62-7(b) of the Practice Book.
    - b. Documents signed in accordance with this section will have the same validity and status as a paper document that was signed or verified by the attorney.

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- ii. The following applies to documents filed by self-represented parties:
  1. A document that is submitted electronically through the appellate e-filing system must be signed by the self-represented party submitting the document as follows:
    - a. For any documents electronically filed in the e-filing system, entry in the e-filing system of the user login id number of the self-represented party who electronically filed the document will constitute the signature for the purposes of Section 60-7 and Section 62-7(b) of the Practice Book.
    - b. Documents signed in accordance with this section will have the same validity and status as a paper document that was signed by the self-represented party.
- iii. The following applies to documents issued by the Supreme Court, the Chief Justice of the Supreme Court or a Justice of the Supreme Court, the Appellate Court, the Chief Judge of the Appellate Court, or a Judge of the Appellate Court, or to any notice, order, decision, execution, process or other document issued by the chief clerk, deputy chief clerk, assistant clerk, temporary assistant clerk, paralegal/caseflow coordinator, paralegal or administrative clerk for the Supreme and Appellate courts:
  1. A document issued by the Supreme Court, the Chief Justice of the Supreme Court or a Justice of the Supreme Court, the Appellate Court, the Chief Judge of the Appellate Court or a Judge of the Appellate Court, including any notice, order, judgment, decision, decree, memorandum, ruling, opinion, mittimus or similar document, may be signed or verified by the electronic entry of the juris number of the signing authority on the signature line of the notice, order, judgment, decision, decree, memorandum, ruling, opinion, mittimus or similar document and the electronic entry of the name of the signing authority on the document.
  2. A document, including any notice, order, decision, execution, process or other document, issued by the chief clerk, deputy chief clerk, assistant clerk, temporary assistant clerk, paralegal/caseflow coordinator, paralegal or administrative clerk for the Supreme and Appellate courts under sections 51-52, 51-52a or any other section that authorizes the issuance of documents by the chief clerk, deputy chief clerk, assistant clerk, temporary assistant clerk, paralegal/caseflow coordinator, paralegal or administrative clerk for the Supreme and Appellate courts may be signed or verified by the electronic entry of a "By the Clerk" juris number on the signature line of the notice, order, decision, execution, process or other document, and the electronic entry of the name of the person logged in to the computer, which cannot be changed by the user of the computer, and must be the name of the signer of the document. No transactions can be processed by a user under another person's name.
  3. Documents signed in accordance with this section will have the same validity and status as a paper document that was signed or

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verified by the Supreme Court, Chief Justice of the Supreme Court or a Justice of the Supreme Court, the Appellate Court, the Chief Judge of the Appellate Court or a Judge of the Appellate Court, a chief clerk, deputy chief clerk, assistant clerk, temporary assistant clerk, paralegal/caseload coordinator, paralegal or administrative clerk for the Supreme and Appellate courts.

**f. Payment**

1. Attorneys and law firms- Payment of court fees and any applicable service fees by credit card or by electronic check must be made at the time of filing. Filers are required, as part of the payment process, to certify that, by entering the bank account and routing number or by entering the credit card account information and submitting the payment, they are authorized to permit the Connecticut Judicial Branch to debit or charge the account for the amount(s) indicated.

2. Self-represented Parties – Payment of court fees and any applicable service fees can be made only by credit card. Any payment must be made at the time of filing. Filers are required, as part of the payment process, to certify that, by entering the credit card account information and submitting the payment, they are authorized to permit the Connecticut Judicial Branch to charge the account for the amount(s) indicated.

**g. Official appellate file**

For all e-filable appeals that were initiated as a paper file prior to January 1, 2016, the paper file is the official file. For all e-filable appeals that were initiated on or after January 1, 2016, the electronic file is the official court file. The electronic image that resides in the court's electronic filing database, whether filed electronically or filed in paper format and scanned into an electronic image and placed in the electronic file by the appellate clerk, will be deemed to be the original.

**h. System Availability**

Appellate e-filing services are available in accordance with the procedures set forth in the E-Services Procedures and Technical Standards, section H, available at <http://www.jud.ct.gov/external/super/E-services/e-standards.pdf>

**i. Retention and Destruction of Files and Records**

The Practice Book provisions concerning the retention and destruction of court files are applicable to electronic files and records.

**j. Modifications to standards and procedures**

The Judicial Branch reserves the right to add to, modify, or delete any section of these procedures and technical standards for appellate e-filing, including but not limited to the electronic transactions, at any time without notice. Additionally, these procedures and technical standards for appellate e-filing will be updated as necessary to incorporate any changes or additions to the available electronic services. It is, therefore, suggested that attorneys and law firms review these procedures and technical standards periodically. Accessing electronic

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services after any additions, modifications, or deletions have been made will constitute the acceptance of such changes on the part of the user.

**k. Privacy Policy**

The Judicial Branch has posted a PRIVACY POLICY which should be reviewed.

**It is the responsibility of each attorney or self-represented party who files an appellate document to omit from the filing any confidential or otherwise privileged information and any personal identifying information unless the inclusion of such information is required by law, requested on a Judicial Branch form, or otherwise ordered by the Judicial Authority.**

**I. Proprietary Rights**

The State of Connecticut Judicial Branch web site is owned and operated by the Branch. All contents of the site, including but not limited to intellectual property, text, graphics, and other images, are the property of the Branch and are protected by U.S. copyright laws.

**2. Appellate Electronic Filing (e-filing) – Appeals, Motions, Petitions and other Documents**

**a. Scope** –The following procedures are established by the Administrative Justice for the Appellate System for the filing of appeals, applications, motions or other documents by electronic means through the appellate e-filing system.

**b. Mandatory Appellate Electronic Filing and Exceptions** – It is mandatory for attorneys, law firms and self-represented parties without an exclusion from electronic services requirements to file electronically all appeals, applications, motions and documents. Incarcerated self-represented parties are exempt from the requirement of appellate electronic filing at this time.

**c. Document destruction and retention by the Appellate Clerk –**

i. Any document that is properly filed with the appellate clerk in paper format on or after January 1, 2016 for a file that is electronic will be scanned by the clerk into an electronic image, and placed in the electronic file. Any original paper document which has been scanned into an electronic file will be destroyed unless the filer includes with the paper document at the time of filing a self-addressed, postage prepaid, return envelope.

ii. All documents filed with the appellate clerk in paper format prior to January 1, 2016 shall be retained in that format as part of the court file.

**d. Filing Specific Types of Documents and Document Retention by the Filer –**

The requirements in these Procedures and Technical Standards for Appellate E-filing regarding when a paper document that has been electronically filed must be retained by the filer do not supersede or alter any other law, court order or policy requiring the filer to keep the paper document.

**i. Case Initiation Documents**

1. For appellate matters initiated prior to January 1, 2016, the filer shall retain the signed original paper documents throughout the pendency of the appeal, and any applicable post-appeal motion or

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petition for certification period, including the applicable filing and disposition procedures regarding a petition for certiorari to the United States Supreme Court. For appellate matters initiated on or after January 1, 2016 signed original paper documents are not required to be retained by the filer unless an exclusion from the electronic filing requirements has been granted.

- ii. Documents requiring oath/affirmation or returns of service – Returns of service and documents that require an oath or affirmation must be signed and fully executed in writing, and then scanned into an electronic image and filed electronically with the appellate clerk.
  - iii. Documents requiring signatures of multiple parties –Documents that require signatures from multiple parties must be signed and fully executed in writing, and then scanned into an electronic image and filed electronically with the appellate clerk. Any parties seeking to join an appeal must file a joint appeal consent form (JD-SC-35) with the appellate clerk.
  - iv. Documents that have been redacted – If a document has been redacted, the filer must keep the original unredacted document throughout the pendency of the appeal, and any applicable post-appeal motion or petition for certification period, including the applicable filing and disposition procedures regarding a petition for certiorari to the United States Supreme Court.
- e. Filing Date/Confirmation of Filing** – An electronically transmitted document shall be deemed filed when it is received by the appellate clerk’s office during the normal hours of operation of the office. A document that is received outside of the normal business hours, including a day on which the appellate clerk’s office is closed, shall be deemed filed on the next business day upon which such office is open. The time that a document is submitted and the time that such document is filed shall be recorded in the electronic filing database and shall be directly associated with the specific document. Confirmation of the date and time of an electronic transaction and of the filing date of the document filed electronically shall be transmitted electronically to the filer. It is recommended that the filer of the document print out or electronically copy and retain such confirmation throughout the pendency of the action, any appeal period, and any applicable appellate process.
- f. Corrective Measures in E-Filing** - The Office of the Appellate Clerk has the authority to return documents not in compliance with the Rules of Appellate Procedure pursuant to Practice Book Section 62-7, or where a technical problem (i.e. readability and/or legibility errors) exists with an e-filed document. A document that is returned is not removed from the file. It will remain viewable, but is not available for ruling.
- g. Failure to comply with standards and procedures as required** – If any document is filed on paper but should have been filed electronically, the appellate clerk shall not file the document and shall return the document.

These Procedures and Technical Standards for Appellate E-Filing are effective August 1, 2016.