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, 2018. The amendments were approved by the Appellate Court on October 16, 2017, except that the adoption of Sections 77-3 and 77-4 was approved by the Appellate Court on September 14, 2017. The amendments were approved by the Supreme Court on October 18, 2017.

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 2018 edition of the Practice Book becomes available.

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CHAPTER 60
GENERAL PROVISIONS RELATING TO APPELLATE RULES AND APPELLATE REVIEW

Sec. 60-1. Rules to Be Liberally Interpreted

The design of these rules being to facilitate business and advance justice, they will be interpreted liberally in any [case] appellate matter where it shall be manifest that a strict adherence to them will work surprise or injustice.

Sec. 60-2. Supervision of Procedure

The supervision and control of the proceedings [on appeal] shall be in the court having appellate jurisdiction from the time the [appeal] appellate matter is filed, or earlier, if appropriate, and, except as otherwise provided in these rules, any motion the purpose of which is to complete or perfect the record of the proceedings below for presentation on appeal shall be made to the court in which the appeal is pending. The court may, on its own motion or upon motion of any party, modify or vacate any order made by the trial court, or a judge thereof, in relation to the prosecution of an appeal. It may also, for example, on its own motion or upon motion of any party: (1) order a judge to take any action necessary to complete the trial court record for the proper presentation of the appeal; (2) consider any matter in the record of the proceedings below necessary for the review of the issues presented by any appeal, regardless of whether the matter has been included in the appendix of any party; (3) order improper matter stricken from a brief or appendix; (4) order a stay of any proceedings ancillary to a case on appeal; (5) order that a party for good cause shown may file a late appeal, petition for certification, brief or any other document unless the court lacks jurisdiction to allow the late filing; (6) order that a hearing be held to determine whether it has jurisdiction over a pending matter; (7) order an appeal to be dismissed unless the appellant complies with specific orders of the trial court, submits to the process of the trial court, or is purged of contempt of the trial court; (8) remand any pending matter to the trial court for the resolution of factual issues where necessary; or (9) correct technical or other minor mistakes in a published opinion which do not affect the rescript.

Sec. 60-3. Suspension of the Rules

In the interest of expediting decision, or for other good cause shown, the court in which the [appeal] appellate matter is pending may suspend the requirements or provisions of any of these rules [in a particular case] on motion of a party or on its own motion and may order proceedings in accordance with its direction.

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 compliance 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.

[(c)] (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. 62-7. 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 hereof. 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. 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**[**ing**]** 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 certification 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, **[**as defined by Section 60-4**]** 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 ending 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 repaid, to the last known address of the intended recipient.

CHAPTER 63
FILING THE APPEAL; WITHDRAWALS

Sec. 63-4. Additional Papers to Be Filed by Appellant and Appellee when Filing 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 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 certificate stating that no transcript is deemed necessary, or a copy of the transcript order acknowledgment form (JD-ES-38) with section I thereof completed, filed with the official reporter pursuant to Section 63-8. If any other party deems any other parts of the transcript necessary, that party shall, within twenty days from the filing of the appellant's transcript papers, file a copy of the order form (JD-ES-38), which that party has placed in compliance with Section 63-8.

If the appellant is to rely on transcript delivered prior to the taking of the appeal, an order form (JD-ES-38) shall be filed stating that an electronic version of a previously delivered transcript has been ordered. The detailed statement of the transcript to be relied on required by Section 63-8 also must be filed. If any other party deems any other parts of the transcript necessary, and those parts have not been delivered at the time of the taking of the appeal, that party shall have twenty days to order those additional parts. If any other party is to rely on transcript delivered prior to the taking of the appeal, an order form (JD-ES-38) shall be filed within twenty days, stating that an electronic version of a previously delivered transcript has been ordered.

(3) 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, the names, addresses, and e-mail addresses of trial and appellate counsel of record, and the names and addresses of all persons having a legal interest in the cause on appeal sufficient to raise a substantial question whether a judge should be disqualified from participating in the decision on the case by virtue of that judge's personal or financial interest in any such persons; (B) the case names and docket numbers of all pending appeals to the supreme court or appellate court 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 there were exhibits in the trial court; and (D) in criminal cases, the defendant's conviction(s) and sentence(s) that are the subject of the appeal, and whether the defendant is incarcerated as a result of the proceedings in which the appeal is being filed. 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.

(4) In all noncriminal matters, except for matters exempt from a preargument conference pursuant to Section 63-10, a preargument conference statement.

(5) 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.

(6) In matters in which documents are under seal, conditionally or otherwise, or limited as to disclosure, a copy of the time, date, scope and duration of sealing order form (JD-CL-76). (See Section 77-2.)

(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.

COMMENTARY—The designation of an appellee as nonparticipating pursuant to Section 63-4 (a) (3) in no way affects that appellee's status in the appeal. The appellate clerk will continue to send notice to all parties pursuant to Section 60-4.

CHAPTER 66
MOTIONS AND OTHER PROCEDURES

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

(a) Motions, petitions and applications shall be specific. No motion, petition or application will be considered unless it clearly sets 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 a motion, petition or application shall file a brief statement clearly setting forth in separate paragraphs appropriately captioned 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, the motion, petition or application and memorandum of law filed together shall not exceed ten pages, and the memorandum of law in opposition thereto shall not exceed ten pages.

(c) Where counsel for the moving party certifies 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 opposition papers. Notice of such consent certification shall be indicated on the first page of the document.

(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; (3) include a proper order for the trial court if required by Section 11-1; and (4) 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—For the official release date of an opinion or memorandum decision, see Section 71-4.

CHAPTER 67
BRIEFS

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

(a) **[**Original b**]**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 number of the case; (3) the 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 numbers and e-mail address of individual counsel who is to argue the appeal and, if different, the name, address, telephone and facsimile numbers 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, 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, **[**the original and**]** 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, **[**the original and**]** ten legible photocopies of each brief and appendix, if any, shall be filed with the appellate clerk.

(i) **[**The original and a**]**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**[** and to any trial judge who rendered a decision that is the subject matter of the appeal**]**; (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[, and to any trial judge who rendered a decision that is the subject matter of the appeal] 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 [original] 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.

CHAPTER 70
ARGUMENTS AND MEDIA COVERAGE OF COURT PROCEEDINGS

Sec. 70-3. Order of Oral Argument; Nonappearance at Oral Argument

(a) Counsel of record for the appellant or plaintiff in error will be entitled to open and close [the] oral argument. On a reservation, the plaintiff will open and close, unless the court otherwise directs, except in suits for the construction of wills or of interpleader, when the court will fix the order of oral argument. If there are cross appeals, the original appellant will open and the cross appellant will close unless the court otherwise orders for cause shown. If there are consolidated appeals, the parties in the appeal filed first [in the trial court] will argue first unless the court otherwise orders.

(b) If either party fails to appear at oral argument, the court may decide the case on the basis of the briefs, the record, and the oral argument of the appearing party. If neither party appears at oral argument, the court may decide the case on the basis of the briefs and record only, without oral argument. The court may impose sanctions on a nonappearing party in accordance with Section 85-3, including dismissal of the case.

CHAPTER 71
APPELLATE JUDGMENTS AND OPINIONS

Sec. 71-4. Opinions; Rescripts; [Notice;] Official Release Date

(a) After the court [hands down] releases an opinion in any case other than a case involving a question certified from a federal court, the reporter of judicial decisions shall send a copy of the opinion and the [original] rescript to the clerk of the trial court and shall send [a copy of] the rescript to the appellate clerk. Notice of the decision of the court shall be deemed to have been given, for all purposes, on the official release date that appears in the court's opinion or memorandum decision.

[(b) Notices of decisions upon motions and of orders of the court shall be given by the appellate clerk to the clerk of the trial court and to all counsel of record.

(c) The official release date of an opinion or memorandum decision appears in the court's opinion or memorandum decision. In the case of an order on, for example, a motion or petition, the official release date is the date that the appellate clerk issues notice of an order to the clerk of the trial court and to all counsel of record.]

[(d)](b) The opinions of the court in the bound volumes of the Connecticut Reports and the Connecticut Appellate Reports are the official opinions. The appellate clerk is authorized to furnish official copies of those opinions and, until the bound volumes are published, of the opinions as they appear in the Connecticut Law Journal.

CHAPTER 77
PROCEDURES CONCERNING COURT CLOSURE AND SEALING ORDERS OR ORDERS LIMITING THE DISCLOSURE OF FILES, AFFIDAVITS, DOCUMENTS OR OTHER MATERIAL

(NEW) Sec. 77-3. Sealing Documents or Limiting Disclosure of Documents on Appeal

(a) Except as otherwise provided by law, there shall be a presumption that documents filed with the appellate clerk shall be available to the public.

(b) Except as otherwise provided in this section and except as otherwise provided by law, the court shall not order that any document filed or lodged with the appellate clerk be sealed or its disclosure limited.

(c) Upon written motion or upon its own motion, the court may order that any document filed or lodged with the appellate clerk be sealed or its disclosure limited only if the court concludes that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such document. The court shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. An agreement of the parties to seal or limit the disclosure of documents filed or lodged with the appellate clerk shall not constitute a sufficient basis for the issuance of such an order.

(d) The court may, upon determination that the resolution of the motion requires findings of fact, refer the motion to the trial court to make such findings.

(NEW) Sec. 77-4. Motion to Seal; Lodging of Documents with Appellate Clerk

(a) A motion to seal any document filed previously with the appellate clerk or to be filed with the appellate clerk shall be filed in accordance with the provisions of Sections 60-7 and 60-8 and delivered to all counsel of record in accordance with 62-7, but shall not disclose any information that the filing party is seeking to seal and shall indicate if documents are being lodged with the appellate clerk.

(b) If the motion to seal pertains to a document previously filed with the appellate clerk, the appellate clerk will, upon receipt of the motion, promptly remove the document in question from the Judicial Branch website on a temporary basis until the resolution of the motion. The motion to seal shall be accompanied by a memorandum explaining why the document should be sealed or its disclosure limited. The memorandum and any supporting documents shall be lodged with the appellate clerk on paper, but shall not be filed in accordance with the provisions of Section 60-7.

(c) If the motion to seal pertains to a document that has not yet been filed with the appellate clerk, the motion shall be accompanied by a memorandum explaining why the document or documents should be sealed. The memorandum, the document that the party is seeking to seal, and any supporting documents shall be lodged with the appellate clerk on paper, but shall not be filed in accordance with the provisions of Section 60-7

(d) Any response to a motion to seal shall be filed in accordance with the provisions of Sections 60-7 and 60-8 and be delivered to all counsel of record in accordance with 62-7, shall not disclose any information that the movant is seeking to seal and shall indicate if documents are being lodged with the appellate clerk. Any memorandum or documents filed in support of the response shall be lodged with the appellate clerk on paper, but shall not be filed in accordance with the provisions of Section 60-7.

(e) Upon the filing of a motion to seal or to limit disclosure of any records, or upon the court's own motion, the court may issue any orders it deems necessary to aid in the court's jurisdiction. Before a motion to seal or to limit disclosure may be granted, notice to the public of the motion shall be given, and a hearing shall

be held. Such notice shall be posted on the Judicial Branch website, listing the motion and the time and place of the hearing. In the order granting the motion, the court shall articulate the overriding interest being protected and set forth the more narrowly tailored method of protecting the overriding interest it considered inadequate or unavailable and the duration of the order. If any findings would reveal information entitled to remain confidential those findings shall be set forth in a sealed portion of the record. The order shall be posted immediately on the Judicial Branch website.

(f) Following a decision on the motion to seal, any documents lodged with the appellate clerk will be retained under seal or returned to the filing party.

COMMENTARY—The purpose of this rule is to provide a procedure for sealing a document or limiting its disclosure for the first time on appeal. All filers are obligated to redact such information from any documents before they are filed pursuant to Section 62-7. A motion to seal is appropriate, however, if a party is seeking to keep confidential any information that is not otherwise protected by statute, rule or case law. In addition, a motion to seal is appropriate if a party is unable to file a redacted document because doing so would render the document incomprehensible.

CHAPTER 79a
APPEALS IN CHILD PROTECTION MATTERS

Sec. 79a-11. Official Release Date

A judgment in child protection appeals shall be deemed to have been rendered on the date an opinion or memorandum decision appears in the Connecticut Law Journal; except that if an opinion or memorandum decision is issued by slip opinion, the official release date is the date indicated in the slip opinion, and the parties shall be notified and sent the opinion or memorandum decision by the reporter of judicial decisions via **[**electronic**]** e-mail. If any of the parties who participated in the appeal has not provided the reporter of judicial decisions with an **[**electronic**]** e-mail address, then the slip opinion or memorandum decision shall be mailed to the parties by the appellate clerk on the date indicated in the slip opinion.

If a judgment in a child protection appeal is given by oral announcement from the bench, then the judgment shall be deemed to have been rendered on the date the oral announcement is made.

[The official release date of decisions upon motions, petitions and of orders of the court shall be the date the appellate clerk issues notice to the parties. See Sections 71-1 and 71-4 and General Statutes §§ 51-213 and 51-215a.**]**

CHAPTER 85
SANCTIONS

Sec. 85-2. Other Actions Subject to Sanctions

Actions which may result in the imposition of sanctions include, but are not limited to, the following:

(1) Failure to comply with rules and orders of the court.

(2) Filing of any papers which unduly delay the progress of an appeal.

(3) Presentation of unnecessary or unwarranted motions or opposition to motions.

(4) Presentation of unnecessary or unwarranted issues on appeal.

(5) Presentation of a frivolous appeal or frivolous issues on appeal.

(6) Presentation of a frivolous defense or defenses on appeal.

(7) Failure to attend preargument settlement conferences.

(8) Failure to appear at oral argument.

[(8)**]** (9) Disregard of rules governing withdrawal of appeals.

[(9)**]** (10) Repeated failures to meet deadlines.

Offenders will be subject, at the discretion of the court, to appropriate discipline, including the prohibition against appearing in the court or filing any papers in the court for a reasonable and definite period of time, the imposition of a fine pursuant to General Statutes § 51-84, and costs and payment of expenses, together with attorney's fees to the opposing party.

The sanction of prohibition against filing any papers in the court shall not prevent an offender from filing a motion for reconsideration of that sanction within seven days.

Offenders subject to such discipline include both counsel and self-represented parties and, if appropriate, parties represented by counsel.

Sec. 85-3. Procedure on Sanctions

Sanctions may be imposed by the court, on its own motion, or on motion by any party to the appeal. A motion for sanctions may be filed at any time, but a request for sanctions may not be included in an opposition to a motion, petition or application. Before the court imposes any sanction on its own motion, it shall provide notice to the parties and an opportunity to respond.