

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

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**Including Commentaries to Proposals**

**May 6, 2025**



## NOTICE

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

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On Tuesday, June 3, 2025, at 2 p.m., a public hearing will be conducted pursuant to General Statutes § 51-14 (c) in the Supreme Court courtroom, 231 Capitol Avenue, Hartford, for the purpose of receiving comments concerning revisions to the Rules of Appellate Procedure that are being considered by the Justices and Judges, as well as any proposed new rule or any change to an existing rule that any member of the public deems desirable. The revisions proposed by the Advisory Committee on Appellate Rules follow this notice and are posted on the Judicial Branch website at <http://www.jud.ct.gov/pb.htm>.

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

Co-Chairs of the Advisory Committee on Appellate Rules

Attn: Attorney Jill Begemann

Connecticut Appellate Court

75 Elm Street

Hartford, CT 06106

All comments should be received by Wednesday, May 28, 2025.

Wheelchair access is located in the rear of the Supreme Court building and may be reached from the staff parking lot between Lafayette and Oak Streets. There are a limited number of handicap accessible parking spaces in the gated staff lot, which may be entered from Oak Street. Use the intercom at the gate to speak to security about the availability of parking. Once at the accessible door, use the intercom to request entry from security. If you would like to attend the meeting and need an accommodation under the Americans with Disabilities Act, please email [ADA.Contact@connapp.jud.ct.gov](mailto:ADA.Contact@connapp.jud.ct.gov) or call (860) 757-2200, ext. 3141, before Wednesday, May 28, 2025.

Hon. Gregory T. D'Auria

Hon. Eliot D. Prescott

Co-Chairs, Advisory Committee on Appellate Rules

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## INTRODUCTION

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The following are amendments to the Rules of Appellate Procedure that are being considered by the Justices of the Supreme Court and Judges of the Appellate Court. These amendments are indicated by brackets for deletions and underlined text for added language. The designation “NEW” is printed with the title of each new rule. This material should be used as a supplement to the Connecticut Practice Book until the 2026 edition of the Practice Book becomes available.

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**AMENDMENTS TO THE RULES OF APPELLATE PROCEDURE  
CHAPTER 60  
GENERAL PROVISIONS RELATING TO APPELLATE RULES  
AND APPELLATE REVIEW**

**Sec. 60-4. Definitions**

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

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

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

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

of interested entities or individuals to include any direct or indirect ownership or controlling or legal interest for any parent entities or listed interested entities, and so on, until the certificate lists all of the parent entities, interested entities, and interested individuals for that party and its affiliates. Counsel of record has a continuing duty to amend the certificate of interested entities or individuals during the pendency of the appeal if any changes occur.

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

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

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

sufficient that a document be mailed by that date to the appellate clerk unless a rule or statutory provision expressly so computes the time.

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

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

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

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

“Record” shall include the case file, any decisions, documents, transcripts, recordings and exhibits from the proceedings below, and, in appeals from administrative agencies, the record returned to the trial court by the administrative agency.

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

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

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

COMMENTARY: The purpose of these proposed amendments is to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary, and to broaden the definition of “entity” to include trusts and joint ventures.

**CHAPTER 61**  
**REMEDY BY APPEAL**

**Sec. 61-16. Notice of Bankruptcy Filing, Order of Bankruptcy Court Granting Relief from Automatic Stay and Disposition of Bankruptcy Case**

(a) If a party to an appeal files a bankruptcy petition or is a debtor named in an involuntary bankruptcy petition, that party shall immediately file a notice with the appellate clerk, including any supporting documentation from the Bankruptcy Court file, setting forth the date the bankruptcy petition was filed, the Bankruptcy Court in which the petition was filed, the name of the bankruptcy debtor, the docket number of the bankruptcy case and how the automatic bankruptcy stay applies to the case on appeal. Any appearing party seeking to challenge the application of the automatic bankruptcy stay shall immediately file a notice with the appellate clerk, including any supporting documentation from the Bankruptcy Court file.

(b) If the Bankruptcy Court grants relief from the automatic bankruptcy stay, in rem relief regarding the property or any other pertinent relief, the party obtaining such relief shall immediately file a notice with the appellate clerk indicating such relief.

(c) Upon resolution of the bankruptcy case, the party who filed the bankruptcy petition or who was the debtor named in an involuntary bankruptcy petition shall immediately file a notice with the appellate clerk, including any supporting documentation from the Bankruptcy Court file, indicating that the case has been resolved in the Bankruptcy Court. Failure to comply with the notice requirement of this rule may result in the dismissal of the appeal or the imposition of sanctions pursuant to Section 85-1. Any other appearing party may also file a



notice with the appellate clerk, including any supporting documentation from the Bankruptcy Court file, indicating that the case has been resolved in the Bankruptcy Court.

(d) Until resolution of the bankruptcy case or relief from the automatic bankruptcy stay, the appellant and the debtor shall file a notice of the status of the bankruptcy case with the appellate clerk every six months, unless otherwise ordered by the court. Failure to comply with the notice requirement of this rule may result in the imposition of sanctions pursuant to Section 85-2 upon the resolution of the bankruptcy case or relief from the bankruptcy stay.

COMMENTARY: The purpose of these proposed amendments is to make it the parties' responsibility to keep the reviewing court informed of the status of bankruptcy cases when there is a bankruptcy stay in place.

## **CHAPTER 62 CHIEF JUDGE, APPELLATE CLERK AND DOCKET: GENERAL ADMINISTRATIVE MATTERS**

### **Sec. 62-5. Changes in Parties**

Any change in the parties to an action pending an appeal shall be made in the court in which the appeal is pending. The appellate clerk shall notify the clerk of the trial court of any change.

[If any party to a civil action is an entity as defined in Section 60-4, counsel of record shall include a certificate of interested entities or individuals with any motion seeking a change in the parties filed with the appellate clerk.]

COMMENTARY: The purpose of this proposed amendment is to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

### **Sec. 62-9. Withdrawal of Appearance**

(a) An attorney or party whose appearance has been filed shall be deemed to have withdrawn such appearance upon failure to file a

written objection within ten days after written notice has been given or mailed to such attorney or party that a new appearance has been filed in place of the appearance of such attorney or party in accordance with Section 62-8.

(b) An attorney may, by motion, seek to withdraw his or her appearance for a party or parties [after an additional] provided that a substitute appearance representing the same party or parties has been entered on the docket. A motion to withdraw pursuant to this subsection shall state that an additional appearance has been entered [on appeal] and that notice of the withdrawal has been given to the party or parties. The appellate clerk may as of course grant the motion if the additional appearance has been entered.

(c) Except as provided in subsections (a) and (b), no attorney whose appearance has been entered on the docket shall withdraw his or her appearance without leave of the court. A motion for leave to withdraw shall be filed with the appellate clerk in accordance with Sections 66-2 and 66-3. The motion shall include the current address of the party or parties as to whom the attorney seeks to withdraw. No motion for leave to withdraw shall be granted until the court is satisfied that reasonable notice has been given to the party or parties being represented and to other counsel of record. Reasonable notice to the party or parties may be satisfied by filing along with the motion, a certified or registered mail return receipt signed by the individual party or parties represented by the attorney.

(d) (1) A motion for leave to withdraw appearance of appointed appellate counsel filed pursuant to Section 23-41 (a) or 43-34, and

supporting documentation, shall be filed under seal with the appellate clerk. Except as otherwise provided herein, the form of the motion shall comply with Sections 66-2 and 66-3. The brief or memorandum of law accompanying the motion shall comply with Section 23-41 (b) or 43-35 in form and substance. The transcript of the relevant proceedings shall be filed concurrently with the motion to withdraw.

(2) The motion and supporting brief or memorandum of law shall be delivered to the petitioner or defendant. Counsel shall deliver a notice that a motion for leave to withdraw as appointed counsel has been filed, but shall not deliver a copy of the motion and supporting brief or memorandum of law to opposing counsel of record. The motion shall contain a certification that such notice has been delivered to opposing counsel of record and that a copy of the motion and supporting brief or memorandum of law has been delivered to the petitioner or defendant.

(3) The motion, brief or memorandum of law, and transcript shall be referred to the trial court for decision. If the trial court grants the motion to withdraw, counsel shall immediately notify his or her former client, by letter, of the status of the appeal, of the responsibilities necessary to prosecute the appeal, and that, if the former client wishes to challenge the trial court's decision allowing counsel to withdraw, the former client must file a motion for review with the Appellate Court in accordance with Section 66-6. Counsel shall file a copy of the letter with the appellate clerk. The trial court's decision shall be sealed and may be reviewed pursuant to Section 66- 6. Subsequent motions regarding the trial court's decision on the motion to withdraw appointed counsel shall also be filed under seal.

(4) The appellate clerk shall maintain all filings and related decisions pursuant to this subsection under seal. The panel hearing the merits of the appeal shall not view any briefs and materials filed under seal pursuant to this subsection.

COMMENTARY: The purpose of these proposed amendments is to ensure that clients are notified when an attorney has moved to withdraw his or her appearance, even when there is another appearance on file.

### **CHAPTER 63 FILING THE APPEAL; WITHDRAWALS**

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

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

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

Whenever the failure to identify an issue in a preliminary statement of issues prejudices an opposing party, the court may refuse to consider such issue.

(2) A designation of the proposed contents of the clerk appendix (JD-SC-039) that is to be prepared by the appellate clerk under Section

68-2A listing the specific documents docketed in the case file that the appellant deems are necessary to include in the clerk appendix for purposes of presenting the issues on appeal, including their dates of filing in the proceedings below, and, if applicable, their number as listed on the docket sheet. The appellant shall limit the designation to the documents referenced in Section 68-3A for inclusion in the clerk appendix. If any other party disagrees with the inclusion of any documents designated by the appellant, or deems it necessary to include other documents docketed in the case file in the clerk appendix, that party may, within seven days from the filing of the appellant's designation of the proposed contents of the clerk appendix, file its own designation of the proposed contents of the clerk appendix.

(3) A certificate stating that no transcript is deemed necessary (JD-SC-040) or a transcript order confirmation from the official court reporter pursuant to Section 63-8. If the appellant is to rely on any transcript delivered prior to the filing of the appeal, the transcript order confirmation shall indicate that an electronic version of a previously delivered transcript has been ordered.

If any other party deems any other parts of the transcript necessary that were not ordered by the appellant, that party shall, within twenty days of the filing of the appellant's transcript papers, file a transcript order confirmation for an order placed in compliance with Section 63-8. If the order is for any transcript delivered prior to the filing of the appeal, the transcript order confirmation shall indicate that an electronic version of a previously delivered transcript has been ordered.

If, after filing a certificate regarding transcript, a party determines that additional transcripts from proceedings in the trial court action

that is on appeal are necessary for the presentation of the issues on appeal, that party may amend their certificate regarding transcript and file a transcript order confirmation from the official court reporter for the additional dates that are deemed necessary. Pursuant to this section, parties are permitted one amendment as of right to their transcript order, except as provided herein. The following amendments require permission of the court: (A) any additional amendments after the initial amendment permitted pursuant to this section; (B) any amendments that seek to add transcripts from a different trial court matter; (C) any amendments that seek to add hearing dates that occurred after the appeal was filed, except as provided in Section 61-9; (D) any amendments sought after a final order for the appellant's brief has been issued; and (E) any amendments sought after the appellant's brief has been filed.

[Amendments to the transcript statement may be made only upon the granting of a motion.]

(4) A docketing statement containing the following information to the extent known or reasonably ascertainable by the appellant: (A) the names and addresses of all parties to the appeal, and the names, addresses, and email addresses of trial and appellate counsel of record; (B) the case names and docket numbers of all pending cases, including appeals to the Supreme Court or Appellate Court, that arise from substantially the same controversy as the cause on appeal or involve issues closely related to those presented by the appeal; (C) the case name and docket number with respect to any active criminal protective order, civil protective order, or civil restraining order that governs any of the parties to the appeal as well as the case name

and docket number with respect to any such order that has expired or previously was requested but not issued; and (D) in criminal and habeas cases, the defendant's or petitioner's conviction(s) and sentence(s) that are the subject of the direct criminal or habeas appeal and whether the defendant or petitioner is incarcerated. If additional information is or becomes known to, or is reasonably ascertainable by the appellee, the appellee shall file a docketing statement supplementing the information required to be provided by the appellant. Amendments to the docketing statement may be filed at any time.

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.

(b) If applicable, within ten days of filing an appeal, the appellant shall also file with the appellate clerk the following:

(1) A preargument conference statement (JD-SC-028A) in matters that are eligible for a preargument conference pursuant to Section 63-10, if all parties participating in the appeal are interested in attending a preargument conference.

(2) A constitutionality notice, in all noncriminal cases where the constitutionality of a state statute, rule, regulation, or executive action is called into question. Said notice shall identify the statute, rule, regulation, or executive action; the name and address of the party questioning it; and whether the constitutionality of the questioned item was upheld by the trial court. The appellate clerk shall deliver a copy of such notice to the attorney general. If a question becomes apparent to a party or to the court at any time after preliminary papers are filed, the party shall immediately file or amend the notice mandated by this section, and the court, even absent a party filing a notice, shall issue such notice. 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.

(3) In matters in which documents are under seal, conditionally or otherwise, or limited as to disclosure, a notice identifying the time, date, scope and duration of the sealing order with a copy of the order. (See Section 77-2.)

[(4) If an entity as defined in Section 60-4 is an appellant, counsel of record for that entity shall file a certificate of interested entities or individuals as defined in Section 60-4 in any civil appeal to assist the appellate jurists in making an informed decision regarding possible disqualification from the appeal. If an entity in a civil appeal is an



appellee, counsel of record for the entity shall file a certificate of interested entities or individuals within twenty days of the filing of the appellant's preliminary statement of the issues. Counsel of record has a continuing duty to amend the certificate of interested entities or individuals during the pendency of the appeal if any changes occur.]

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

(d) The use of the forms indicated in subdivisions (1), (2) and (3) of subsection (a) is optional. The party may instead draft documents in compliance with the rules.

COMMENTARY: The purpose of these proposed amendments is to allow parties to file one amended transcript order form as of right, so long as certain conditions are met, to delineate when certain amendments require the permission of the court, and to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

## **CHAPTER 64**

### **PROCEDURE CONCERNING MEMORANDUM OF DECISION**

#### **Sec. 64-1. Statement of Decision by Trial Court; When Required; How Stated; Contents**

(a) The trial court shall state its decision either orally or in writing, in all of the following: (1) in rendering judgments in trials to the court in civil and criminal matters, including rulings regarding motions for stay of executions, (2) in ruling on aggravating and mitigating factors in capital penalty hearings conducted to the court, (3) in ruling on motions to dismiss under Section 41-8, (4) in ruling on motions to suppress under Section 41-12, (5) in granting a motion to set aside a verdict under Section 16-35, and (6) in making any other rulings that constitute a final judgment for purposes of appeal under Section 61-1, including those that do not terminate the proceedings. The court's

decision shall encompass its conclusion as to each claim of law raised by the parties and the factual basis therefor. If oral, the decision shall be recorded by an official court reporter or court recording monitor, and, if there is an appeal, the trial court shall create a memorandum of decision for use in the appeal by ordering a transcript of the portion of the proceedings in which it stated its oral decision. The transcript of the decision shall be signed by the trial judge and filed with the clerk of the trial court. This section does not apply in small claims actions and to matters listed in Section 64-2.

(b) If the trial judge fails to file a memorandum of decision or sign a transcript of the oral decision in any case covered by subsection (a), [the appellant] any party may file with the appellate clerk a notice that the decision has not been filed in compliance with subsection (a). The notice shall specify the trial judge involved and the date of the ruling for which no memorandum of decision was filed. The appellate clerk shall promptly notify the trial judge of the filing of the appeal and the notice. The trial court shall thereafter comply with subsection (a).

COMMENTARY: The purpose of this proposed amendment is to allow any party to file a notice that the memorandum of decision has not been filed.

## **CHAPTER 65 TRANSFER OF MATTERS**

### **Sec. 65-5. Proceedings after Transfer**

The appellate clerk shall notify all parties and the clerk of the trial court that a matter has been transferred. The transferred matter shall be entered upon the docket of the court to which it was transferred. There shall be no fee on such transfer. [The appellate clerk may require the parties to take such steps as may be necessary to make the matter conform to the rules of the court to which it has been

transferred, for example, supply the court with additional copies of briefs and party appendices, if any.] If a matter is transferred after one or more briefs have been filed, the parties shall update the covers to their briefs with the new court and docket number, and file them in the new docket number.

COMMENTARY: The purpose of this proposed amendment is to clarify proceedings after transfer.

## **CHAPTER 66 MOTIONS AND OTHER PROCEDURES**

### **Sec. 66-3. Motion Procedures and Filing**

All motions 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 for noncompliance with the Rules of Appellate Procedure. All papers shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the motion or opposition complies with the word count requirement of Section 66-1 (b) or Section 66-2 (b), as applicable.

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

No motion to dismiss a motion will be accepted by the appellate clerk. Any objection to the jurisdiction of the court to entertain the motion shall be included in the opposition.

Motions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Motions and oppositions shall each be filed as one document with a single pagination scheme that starts on the first page of the motion or opposition and continues throughout the entire document, on every page, including the pages in an attached appendix, if any. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33).

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

COMMENTARY: The purpose of these proposed amendments is to make the formatting rules for briefs, motions, petitions and oppositions consistent such that all of them are filed, with any attachments, as one document with a single pagination scheme, to make clear that a party cannot file a motion to dismiss a motion and, instead, shall raise any jurisdictional claim in an opposition, to add a word count certification requirement, and to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

## **CHAPTER 67 BRIEFS**

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

(a) Briefs and party appendices, if any, shall be typewritten [or clearly photocopied from a typewritten original] on white 8 1/2 by 11 inch

paper. Unless ordered otherwise, briefs shall be copied on one side of the page only. Party appendices may be copied on both sides of the page. The page number for briefs and party appendices shall be centered on the bottom of each page. The brief shall be fully double spaced and shall not exceed three lines to the vertical inch or twenty-seven lines to the page; footnotes and block quotations may, however, be single spaced. [Only the following two fonts, of 12 point or larger size, are approved for use in briefs: Arial and Univers. Each page of a brief or party appendix shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inches; right, 1/2 inch; and bottom, 1 inch.] Margins shall be 1 inch on all sides. Briefs and party appendices, which may be bound together, 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] bound in a way that preserves the integrity of the document. Any such binding shall be easy to remove so that the briefs and party appendices, if any, can be scanned.

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

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

appendix shall have an index of the names of witnesses whose testimony is cited within it. If any part of the testimony of a witness is omitted, this shall be indicated by asterisks. After giving the name of a witness, the party who called that witness shall be designated, and it shall be stated whether the testimony quoted was given on direct, cross or other examination.

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

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

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

~~[(g) e]~~ ~~]~~ ~~Two]~~ One legible ~~]~~ ~~photocopies]~~ copy of ~~]~~ ~~each]~~ the brief and party appendix, if any, shall be filed with the appellate clerk.

~~[(h) f]~~ ~~]~~ ~~All copies of the]~~ The brief filed with the Supreme Court or the Appellate Court must be accompanied by a: (1) certification that

a copy of the brief and party appendix, if any, has been sent to each counsel of record in compliance with Section 62-7; (2) certification that the brief and appendix have been redacted or do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law, except for briefs filed pursuant to Section 79a-6; and (3) certification that the brief complies with all provisions of this rule. The certification that a copy of the brief and party appendix has been sent to each counsel of record in compliance with Section 62-7 may be signed by counsel of record or the printing service, if any. All other certifications pursuant to this subsection shall be signed by counsel of record only.

([i] g) 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. The request may be submitted in the form of a letter indicating the deviations sought and the reasons for the request or, when appropriate, by using form SC-\_\_\_\_\_.

COMMENTARY: The purpose of these proposed amendments is to update the filing and formatting requirements of paper briefs and party appendices for filers excluded or exempt from electronic filing, notably requiring that one copy of the brief and party appendix, if any, shall be filed with the appellate clerk, and to introduce a new form for use when a deviation from the rule's requirements is requested.

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

(a) [Briefs filed under this rule shall include the words “Filed Under the Electronic Briefing Rules” at the top center of the cover of the brief.] Briefs and party appendices, if any, shall be uploaded together as a text searchable single document. Bookmarks [are required and

must link] to each section[s] of the brief and to each item[s] included in [the] a party appendix are required. Briefs shall include internal hyperlinks for citations to items included in the party appendix. Internal hyperlinks must be clearly distinguishable from other text in the brief (e.g., underlined blue text or highlighted text). [External hyperlinks are not permitted.] Any external hyperlink included in a brief will be viewed as text only. Visual aids that comply with the guidelines published on the Judicial Branch website are permitted to be included in the brief. Additional formatting information and recommendations can be found in the guidelines published on the Judicial Branch website.

(b) Briefs shall be typed in a 12 point serif font, including footnotes but excluding headings. Headings must be in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used in place of underlining. Sections shall be marked sequentially using numbers or letters (e.g., 1. Introduction, 2. Statement of the facts . . . 6. Conclusion; or A. Introduction, B. Statement of the facts . . . F. Conclusion).

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



Page 1 of 55 . . . Page 32 of 55 . . . Page 55 of 55). The party appendix shall have an index of the names of witnesses whose testimony is cited within it. Any part of the testimony of a witness that is omitted shall be indicated by asterisks. After giving the name of a witness, the party who called that witness shall be designated, and it shall be stated whether the testimony quoted was given on direct, cross or other examination.

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

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

[(f) e] Counsel of record filing a brief shall [submit the electronic version of] file the brief and party appendix, if any, in accordance with guidelines established by the court and published on the Judicial

Branch website. [The electronic version shall be submitted prior to the timely filing of the party's paper copies of the brief and party appendix pursuant to subsection (d) of this section.]

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

([h] g) 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. The request may be submitted in the form of a letter indicating the deviations sought and the reasons for the request or, when appropriate, by using form SC-

COMMENTARY: The purpose of these proposed amendments is to update the filing and formatting requirements of electronic briefs and party appendices, notably eliminating the requirement of filing a paper copy with the appellate clerk, and to introduce a new form for use when a deviation from the rule's requirements is requested.

**Sec. 67-3. Page Limitations; Time for Filing Paper Briefs and Appendices for Filers Excluded or Exempt from Electronic Filing Pursuant to Section 60-8; Copies**

Except as otherwise ordered, the brief of the appellant shall not exceed thirty-five pages and shall be filed with the party appendix, if any, within forty-five days after the delivery date of the initial transcript order[ed] by the appellant or forty-five days after the clerk appendix is sent to the parties, whichever is later. In cases where no transcript is required or the transcript has been received by the appellant prior to the filing of the appeal, the appellant's brief and party appendix, if any, shall be filed [within forty-five days of the filing of the appeal or] forty-five days after the clerk appendix is sent to the parties[, whichever is later]. Amendments to the transcript order pursuant to Section 63-4 (a) (3) or with permission of the court are not considered in determining the due date for the appellant's brief under this section.

[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 party appendix within thirty days after the filing of the appellant's brief or the delivery date of the portions of the transcript ordered only by that appellee, whichever is later.

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

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

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

All page limitations shall be exclusive of party appendices, if any, the cover page, the table of contents, the table of authorities, the statement of issues, the signature block of counsel of record and certifications.

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

sion 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, which pages are to be used for the state constitutional argument only.

COMMENTARY: The purpose of these proposed amendments is to clarify the time for filing paper briefs and party appendices.

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

Except as otherwise ordered, the brief of the appellant shall not exceed 13,500 words. The brief shall be filed with the party appendix, if any, either within forty-five days after the delivery date of the initial transcript order[ed] by the appellant or forty-five days after the clerk appendix is sent to the parties, whichever is later. In cases where no transcript is required or the transcript has been received by the appellant prior to the filing of the appeal, the appellant's brief and party appendix, if any, shall be filed [either within forty-five days of the filing of the appeal or] forty-five days after the clerk appendix is sent to the parties[, whichever is later]. Amendments to the transcript order pursuant to Section 63-4 (a) (3) or with permission of the court are not considered in determining the due date for the appellant's brief under this section.

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

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

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

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

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

All word limitations shall be exclusive of party appendices, if any, the cover page, the table of contents, the table of authorities, the statement of issues, the signature block of counsel of record, certifications and, in the case of an amicus brief, the statement of the interest of the amicus curiae required by Section 67-7A.

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

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

COMMENTARY: The purposes of these proposed amendments is to clarify the time for filing electronic briefs and party appendices.

#### **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 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) hereof. Such statement shall be deemed in replacement of and shall supersede the preliminary statement of issues.

(c) 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) 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) 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) (3) or (e) (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) A short conclusion stating the precise relief sought.

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

[(i) In civil appeals filed by an entity as defined in Section 60-4, counsel of record shall include a current certificate of interested entities or individuals in the appellant's brief.]

[(j) i) The appellant's brief shall be organized in the following order: [if the appeal is in a civil matter and the appeal was filed by an entity, a current certificate of interested entities or individuals as defined in Section 60-4;] table of contents; 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.

COMMENTARY: The purpose of these proposed amendments is to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

**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 counterstatement 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) 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) 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) or with subsection (e) hereof.

(e) The argument of the appellee, divided as provided in Section 67-4 (e). 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) 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).

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

(h) 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) 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) If the appellee is an entity as defined in Section 60-4, counsel of record shall include a current certificate of interested entities or individuals in the appellee's brief.]

[(k) j) The appellee's brief shall be organized in the following order: [a current certificate of interested entities or individuals as defined in Section 60-4;] table of contents; statement of issues; table of authorities; statement of facts; argument; conclusion and statement of relief requested; signature; and certification pursuant to Section 62-7.

[(l) k) 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.

COMMENTARY: The purpose of these proposed amendments is to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

### **Sec. 67-5A. The Reply Brief**

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

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

Except as otherwise ordered, the reply brief shall not exceed 6500 words for electronic filers, or fifteen pages for filers that are excluded or exempt from electronic filing pursuant to Section 60-8. Word counts and page limitations are exclusive of the cover page, the table of contents, the table of authorities, the signature block of counsel of record, certifications and any appendix. Requests for permission to exceed 6500 words or fifteen pages shall be filed in accordance with Section 67-3 or 67-3A.

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

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

COMMENTARY: The purpose of this proposed amendment is intended to clarify the deadline for filing a reply brief when there are multiple appellees.

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

(a) A brief of an amicus curiae in cases before the court on the merits may be filed only with the permission of the court unless Section

67-7A (f) applies. An application for permission to appear as amicus curiae and to file a brief shall be filed within twenty days after the filing of the brief of the party, if any, whom the applicant intends to support. [and if] If there is no such party, then the application shall be filed no later than twenty days after the filing of the last appellee's brief, or if no appellee files a brief, no later than twenty days after the due date for the filing of the last appellee's brief.

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

Applications and objections, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

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

An amicus curiae brief shall not exceed 4000 words and shall conform with the requirements set forth in Chapter 67. The applicant may

request to file a brief in excess of 4000 words by including a request in the application that sets forth reasons to justify the additional words.

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

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

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

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

files a brief, the attorney general's brief shall be filed no later than twenty days after the due date for the filing of the last appellee's brief.

COMMENTARY: The purpose of these proposed amendments is to clarify the deadlines for filing an amicus curiae electronic brief, and to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

### **Sec. 67-10. Citation of Supplemental Authorities after Brief Is Filed**

When pertinent and significant authorities come to the attention of a party after the party's brief has been filed, or after oral argument but before decision, a party may promptly file with the appellate clerk a letter listing such supplemental authorities, including citations, with a copy certified to all counsel of record in accordance with Section 62-7. If the authority is an unreported decision, a copy of the text of the decision must accompany the filing, unless the authority is an advance release opinion of the Supreme or Appellate Court that is available on the Judicial Branch website or a slip opinion of the United States Supreme Court available on that court's website. The letter shall concisely [and without argument] state the relevance of the supplemental citations and shall include, where applicable, reference to the pertinent page(s) of the brief. The body of the letter must not exceed 350 words. Any response shall be made promptly and shall be similarly limited. Replies to responses are not permitted.

This section may not be used after oral argument to elaborate on points made or to address points not made.

All papers shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the letter or response complies with the word count requirement of this section.

COMMENTARY: The purpose of these proposed amendments is to remove the "without argument" requirement from and add a word count certification requirement to the rule.

**Sec. 67-13. Briefs in Family and Juvenile Matters and Other Matters involving Minor Children**

In family and juvenile matters and other matters involving minor children, counsel for the minor child and/or counsel for the guardian ad litem shall, within ten days of the filing of the last 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. If no appellee files a brief, the court will set a due date for the above filing.

COMMENTARY: The purpose of these proposed amendments is to clarify the deadline for the filing requirements of counsel for minor children and counsel for the guardian ad litem when there are multiple appellees, and to provide a procedure for when no appellee files a brief.

**CHAPTER 68  
CASE FILE AND CLERK APPENDIX**

**Sec. 68-3A. Clerk Appendix Contents**

The clerk appendix shall contain the oral or written decision that is the subject of the appeal, pleadings, motions, orders and other documents [(but not memoranda of law)] docketed in the case file that are necessary for presenting the issues on appeal. The appellate clerk shall assemble the clerk appendix based on a review of the case file and the preliminary papers submitted by the parties pursuant to Section 63-4. The appellate clerk may confer with counsel and with the clerk of the trial court to determine the contents of the clerk appendix. Officer's returns, transcripts and exhibits shall not be included in the clerk appendix unless they had been annexed to a document docketed in the case file in the proceedings below. Nevertheless, exhibits annexed to a document docketed in the case file in the proceedings below may be excluded from the clerk appendix at the discretion of



the appellate clerk. The contents of the clerk appendix in administrative appeals is governed by Section 68-10A.

COMMENTARY: The purpose of this proposed amendment is to remove the prohibition on including memoranda of law in the clerk appendix.

## **CHAPTER 70 ARGUMENTS AND MEDIA COVERAGE OF COURT PROCEEDINGS**

### **Sec. 70-5. Points To Be Argued**

(a) Oral argument should clarify and focus arguments in the [written] briefs. The court discourages oral argument read from a prepared text and lengthy quotations from legal precedents, the transcript, or the record.

(b) Counsel of record should assume that the court has read the briefs in advance of oral argument. No points made in briefs will be considered waived because not argued orally. Rebuttal argument shall be confined to the points presented by the argument of opposing counsel of record.

COMMENTARY: This proposed amendment was made for purposes of clarity and consistency.

## **CHAPTER 72 WRITS OF ERROR**

### **Sec. 72-1. Writs of Error; In General**

(a) Writs of error for errors in matters of law only may be brought from a final judgment of the Superior Court to the Appellate Court in the following cases: (1) a decision binding on an aggrieved nonparty; (2) a summary decision of criminal contempt; (3) a denial of transfer of a small claims action to the regular docket; and (4) as otherwise necessary or appropriate in aid of its jurisdiction and agreeable to the usages and principles of law.

(b) No writ of error may be brought in any civil or criminal proceeding for the correction of any error where (1) the error might have been

reviewed by process of appeal, or by way of certification, or (2) the parties, by failure timely to seek a transfer or otherwise, have consented to have the case determined by a court or tribunal from whose judgment there is no right of appeal or opportunity for certification.

[(c) If an entity as defined in Section 60-4 is a plaintiff in error or a defendant in error, counsel for that entity shall file a certificate of interested entities or individuals.]

COMMENTARY: The purpose of this proposed amendment is to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

## **CHAPTER 73 RESERVATIONS**

### **Sec. 73-1. Reservation of Questions from the Superior Court to the Supreme Court or Appellate Court; Contents of Reservation Request**

(a) Counsel may jointly file with the Superior Court a request to reserve questions of law for consideration by the Supreme Court or Appellate Court. A reservation request shall set forth: (1) a stipulation of the essential undisputed facts and a clear and full statement of the question or questions upon which advice is desired; (2) a statement of reasons why the resolution of the question by the appellate court having jurisdiction would serve the interest of simplicity, directness and judicial economy; and (3) whether the answers to the questions will determine, or are reasonably certain to enter into the final determination of the case. All questions presented for advice shall be specific and shall be phrased so as to require a Yes or No answer.

(b) Reservation requests may be brought only in those cases in which an appeal could have been filed directly to the Supreme Court,

or to the Appellate Court, respectively, had judgment been rendered. Reservations in cases where the proper court for the appeal cannot be determined prior to judgment shall be filed directly to the Supreme Court.

[(c) If one of the parties to the reservation request in a civil matter is an entity as defined in Section 60-4, the reservation request must also include a certificate of interested entities or individuals filed by counsel of record for that entity.]

COMMENTARY: The purpose of this proposed amendment is to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

**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 (d), any person affected by a court order which prohibits the public or any person from attending any session of court, or any order that seals or limits the disclosure of files, affidavits, documents or other material on file with the court or filed in connection with a court proceeding, may seek review of such order by filing a petition for review with the Appellate Court within seventy-two hours after the issuance of the order.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon

which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. An appendix containing the information or complaint, the answer, all motions pertaining to the matter, the opinion or orders of the trial court sought to be reviewed, a list of all parties with the names, addresses, telephone numbers, email addresses, and, if applicable, the juris number of their counsel, the names of all judges who participated in the case, and an expedited transcript order confirmation, shall be filed with the petition for review. Any opposition to the petition shall be filed within ninety-six hours after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

Petitions and oppositions shall each be filed as one document with a single pagination scheme that starts on the first page of the petition or opposition and continues throughout the entire document, on every

page, including the pages in an attached appendix. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33).

All papers shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition or opposition complies with the word count requirement of this subsection.

(c) Any person filing a petition for review pursuant to this rule shall deliver a copy of the petition and appendix to (1) all parties to the case and (2) any nonparty who sought the closure order or order sealing or limiting disclosure in compliance with the provisions of Section 62-7 on the same day as the petition is filed. Within one business day of the receipt of the transcript and the certificate of completion provided for by Section 63-8 (c), the person filing the petition for review shall file the transcript and the certificate of completion with the Appellate Court.

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

After the receipt of the transcript and the response to the petition, if any, the Appellate Court shall hold an expedited hearing on any petition for review. The appellate clerk will notify the petitioner, the

parties and any nonparties who sought the closure order or order sealing or limiting disclosure of files, affidavits, documents or other material on file with the court or filed in connection with a court proceeding of the date and time of the hearing. 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. After such hearing the Appellate Court may affirm, modify or vacate the order reviewed.

(d) This section shall not apply to court orders concerning any session of court conducted pursuant to General Statutes § 46b-11, § 46b-49, § 46b-122, § 54-76h or any other provision of the General Statutes under which the court is authorized to close proceedings. This section also shall not apply to any order issued pursuant to General Statutes § 46b-11 or § 54-33c or any other provision of the General Statutes under which the court is authorized to seal or limit the disclosure of files, affidavits, documents or materials and any order issued pursuant to a court rule that seals or limits the disclosure of any affidavit in support of an arrest warrant.

COMMENTARY: The purpose of these proposed amendments is to make the formatting rules for briefs, motions, petitions and oppositions consistent such that all of them are filed, with any attachments, as one document with a single pagination scheme, and to add a word count certification requirement.

### **Sec. 77-2. Sealing Orders; Treatment of Lodged Records**

(a) When, by order of the trial court or by operation of statute, a trial court file is sealed or is subject to limited disclosure, all filings with the appellate clerk in that matter shall be treated similarly unless otherwise ordered by the court having appellate jurisdiction. Any sealing or limitation on disclosure ordered by the trial court or required by operation of statute as to any affidavit, document or other material filed in the trial court shall continue throughout the appellate process.

(b) If a party includes material in a brief or appendix that is sealed or subject to limited disclosure, that party shall file a redacted brief and appendix, if any, to be made available to the public, and an unredacted brief and appendix, if any, to be made available to only the parties and the court. Both the redacted and unredacted brief and appendix shall be filed in accordance with the applicable provisions of Section 67-2 or Section 67-2A[, except that only one paper copy of the redacted brief and appendix is required]. Prior to filing, counsel of record shall file a letter notifying the court that the briefs and appendices will be filed pursuant to this subsection. This subsection shall not apply to briefs or appendices filed in child protection matters pursuant to Section 79a-6, or where the only redacted material are names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law.

(c) If a claim is raised on appeal challenging the denial of a motion to seal or limit disclosure pursuant to Section 7-4B (d), a lodged record shall remain conditionally under seal in the court having appellate jurisdiction and shall be treated as an exhibit pursuant to the provisions of Section 68-1.

COMMENTARY: This proposed amendment was made for purposes of clarity and consistency.

## **CHAPTER 78 REVIEW OF GRAND JURY RECORD OR FINDING ORDER**

### **Sec. 78-1. Review of an Order concerning Disclosure of Grand Jury Record or Finding**

(a) Any person aggrieved by an order of a panel or an investigatory grand jury pursuant to General Statutes § 54-47g may seek review of such order by filing a petition for review with the Appellate Court within

seventy-two hours after the issuance of the order. The filing of any such petition for review shall stay the order until the final determination of the petition. The Appellate Court shall hold an expedited hearing on such petition. After such hearing, the Appellate Court may affirm, modify or vacate the order reviewed.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. Any opposition to the petition shall be filed within ten days after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

Petitions and oppositions shall each be filed as one document with a single pagination scheme that starts on the first page of the petition



or opposition and continues throughout the entire document, on every page, including the pages in an attached appendix, if any. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33).

All papers shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition or opposition complies with the word count requirement of this subsection.

COMMENTARY: The purpose of these proposed amendments is to make the formatting rules for briefs, motions, petitions and oppositions consistent such that all of them are filed, with any attachments, as one document with a single pagination scheme, and to add a word count certification requirement.

## **CHAPTER 78a**

### **REVIEW OF ORDERS CONCERNING RELEASE ON BAIL**

#### **Sec. 78a-1. Petition for Review of Order concerning Release on Bail**

(a) Any accused person or the state, aggrieved by an order of the Superior Court concerning release, may petition the Appellate Court for review of such order. Any such petition shall have precedence over any other matter before the Appellate Court and any hearing ordered by the court shall be held expeditiously with reasonable notice.

Petitions for review of bail must conform to the requirements for motions for review set forth in Section 66-6 and are subject to transfer to the Supreme Court pursuant to Section 65-3.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. Any opposition to the petition shall be filed

within ten days after the filing of the petition and shall set forth in separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

Petitions and oppositions shall each be filed as one document with a single pagination scheme that starts on the first page of the petition or opposition and continues throughout the entire document, on every page, including the pages in an attached appendix, if any. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33).

All papers shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition or opposition complies with the word count requirement of this subsection.

COMMENTARY: The purpose of these proposed amendments is to make the formatting rules for briefs, motions, petitions and oppositions consistent such that all of them are filed, with any attachments, as one document with a single pagination scheme, and to add a word count certification requirement.

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

**Sec. 78b-1. Petition for Review of Order Denying Application for**  
**Waiver of Fees to Commence a Civil Action or a Writ of**  
**Habeas Corpus**

(a) Any person aggrieved by an order of the Superior Court denying an application for waiver of the payment of a fee for filing an action or the cost of service of process to commence a civil action or a writ of habeas corpus in the Superior Court may petition the Appellate Court for review of such an order after a hearing pursuant to the provisions of Section 8-2 (d) and a decision thereon.

Petitions for review of the denial of an application for waiver of the payment of a fee for filing an action or the cost of service of process to commence a civil action or writ of habeas corpus are subject to transfer to the Supreme Court pursuant to Section 65-3, and must conform to the requirements for motions for review set forth in Section 66-6, except that the moving party shall not be required to provide a transcript or transcript order confirmation.

(b) The petition shall set forth in separate paragraphs appropriately captioned: (1) a brief history of the case, (2) the specific facts upon which the petitioning party relies and (3) the legal grounds upon which the petitioning party relies. Any opposition to the petition shall be filed within ten days after the filing of the petition and shall set forth in

separate paragraphs appropriately captioned: (1) the specific facts upon which the opposing party relies, and (2) the legal grounds upon which the opposing party relies. Except as otherwise ordered, petitions and oppositions shall not exceed 3500 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications, and appendix, if any.

Petitions and oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining. Responses to oppositions are not permitted.

Petitions and oppositions shall each be filed as one document with a single pagination scheme that starts on the first page of the petition or opposition and continues throughout the entire document, on every page, including the pages in an attached appendix, if any. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33).

All papers shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition or opposition complies with the word count requirement of this subsection.

COMMENTARY: The purpose of these proposed amendments is to make the formatting rules for briefs, motions, petitions and oppositions consistent such that all of them are filed, with any attachments, as one document with a single pagination scheme, and to add a word count certification requirement.

**CHAPTER 79a**  
**APPEALS IN CHILD PROTECTION MATTERS**

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

Briefs and appendices, if any, 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, if any, 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, if any, 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 last 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. If no appellee files a brief, the court will set a due date for the above filing.

(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, if any.

(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 these proposed amendments is to clarify the deadline for the filing requirements of counsel for minor children and counsel for the guardian ad litem when there are multiple appellees, and to provide a procedure for when no appellee files a brief.

**CHAPTER 81**  
**APPEALS TO APPELLATE COURT BY CERTIFICATION FOR**  
**REVIEW IN ACCORDANCE WITH GENERAL STATUTES CHAP-**  
**TERS 124 AND 440**

**Sec. 81-1. Petition; Where To File; Time To File; Service; Fee**

(a) A petition for certification in accordance with chapters 124 and 440 of the General Statutes shall be filed with the appellate clerk by the party aggrieved by the decision of the trial court within twenty days from the issuance of notice of the decision of the trial court. All petitions for certification to appeal shall be filed and all fees paid in accordance with the provisions of Section 60-7 or 60-8. If within this period a timely motion is filed which, if granted, would render the trial court judgment ineffective, as, for example, a motion for a new trial, then the twenty days shall run from the issuance of notice of the decision thereon.

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] trial judge and the clerk of the trial court that rendered the decision sought to be appealed.

(b) Any other party aggrieved by the decision of the trial 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, service 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.

(c) The filing of a petition or cross petition by one party shall be deemed to be a filing on behalf of that party only.

(d) No petition or opposition shall be filed after the 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 amendment to a petition or opposition shall be filed without permission of the court.

COMMENTARY: The purpose of these proposed amendments is to codify the practice of the Office of the Appellate Clerk of sending a copy of the petition to the trial judge and the clerk of the trial court that rendered the decision that is the subject of the prospective appeal, and to reinstate the good cause requirement for the filing of a late petition or opposition.

### **Sec. 81-2. Form of Petition**

(a) A petition for certification shall be filed as one document with a single pagination scheme that starts on the first page of the petition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33). The petition must contain the following sections in the order indicated here:

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

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

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

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

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

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

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

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



rately from the petition with consecutively numbered pages preceded by the letter “A.”]

(6) A certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition complies with the word count requirement of subsection (b) of this section.

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

COMMENTARY: The purpose of these proposed amendments is to make the format of petitions consistent with recent changes to the format of briefs, to add a word count certification requirement, and to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

### **Sec. 81-3. [Statement in] Opposition to Petition**

(a) Within ten days of the filing of the petition, any party may file [a statement in] an opposition with the appellate clerk stating the reasons why certification should not be granted. The [statement] opposition shall be presented in a manner which is responsive, in form and content, to the petition it opposes. Except as otherwise ordered, oppositions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications

and appendix, if any. Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the opposition and continues throughout the entire document, on every page, including the pages in an attached appendix, if any. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33).

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

(b) The [statement in] opposition shall be delivered in the manner set forth in Section 62-7 and shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the opposition complies with the word count requirement of subsection (a) of this section.

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

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

**([e] d)** Responses to oppositions are not permitted.

COMMENTARY: The purpose of these proposed amendments is to make the formatting rules for briefs, motions, petitions and oppositions consistent such that all of them are filed, with any attachments, as one document with a single pagination scheme, to add a word count certification requirement, and to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

### **Sec. 81-5. Extensions of Time**

Motions for extensions of time for purposes of filing a petition for certification or [a statement in] an opposition thereto shall be filed with the appellate clerk and shall be governed by Section 66-1.

COMMENTARY: This proposed amendment was made for the purpose of consistency.

## **CHAPTER 82 CERTIFIED QUESTIONS TO OR FROM COURTS OF OTHER JURISDICTIONS**

### **Sec. 82-3. Contents of Certification Request**

A certification request shall set forth: (1) The questions of law to be answered; (2) a finding or stipulation approved by the court setting forth all facts relevant to answering the questions certified and showing fully the nature of the controversy in which the questions arose; (3) that the receiving court may reformulate the questions; and (4) the names and addresses of counsel of record.

The questions presented should be such as will be determinative of the case, and it must appear that their present determination would be in the interest of simplicity, directness and economy of judicial action.

All questions presented shall be specific and shall be phrased so as to require a Yes or No answer, wherever possible.

[If one of the parties to the certification request in a civil matter is an entity as defined in Section 60-4, the certification request must

also include a certificate of interested entities or individuals filed by counsel of record for that entity.]

COMMENTARY: The purpose of this proposed amendment is to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

**CHAPTER 83**  
**CERTIFICATION PURSUANT TO GENERAL STATUTES § 52-265a**  
**IN CASES OF SUBSTANTIAL PUBLIC INTEREST**

**Sec. 83-1. [Application; In General] Time To File; Where To File**

Within [two weeks] fourteen days of the issuance of an order or decision of the Superior Court involving a matter of substantial public interest pursuant to General Statutes § 52-265a, any party may file an application for certification by the chief justice. [The application for certification shall contain: (1) the question of law on which the appeal is to be based; (2) a description of the substantial public interest that is alleged to be involved; (3) an explanation as to why delay may work a substantial injustice; and (4) an appendix with: (A) the decision or order of the Superior Court sought to be appealed and (B) a list of all parties to the case in the Superior Court with the names, addresses, telephone numbers, email addresses and, if applicable, the juris numbers of their counsel. If the party in a civil matter is an entity as defined in Section 60-4, counsel of record must also provide a certificate of interested entities or individuals in the appendix.] The applicant shall deliver a copy of the application to every other party in the manner set forth in Section 62-7. The appellate clerk will send notice of the filing to

[Using an expeditious delivery method such as overnight mail or facsimile or other electronic medium, in addition to the certification

requirements of Section 62-7, the party submitting the application shall also notify] the trial judge and the clerk of the trial court that rendered the decision sought to be appealed.

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

COMMENTARY: The purpose of these proposed amendments is to update the rule to conform to current practice, to make the format for applications pursuant to General Statutes § 52-265a more consistent with the format for motions, and to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

### **(NEW) Sec. 83-1A. Form of Application**

(a) The application for certification shall contain: (1) the question of law on which the appeal is to be based; (2) a description of the substantial public interest that is alleged to be involved; (3) an explanation as to why delay may work a substantial injustice; (4) an appendix with: (A) the decision or order of the Superior Court sought to be appealed and (B) a list of all parties to the case in the Superior Court with the names, addresses, telephone numbers, email addresses and, if applicable, the juris numbers of their counsel; and (5) a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the application complies with the word count requirement of subsection (b) of this section.

(b) Except as otherwise ordered, the application shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix. Applications, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website.

Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Applications shall be filed as one document with a single pagination scheme that starts on the first page of the application and continues throughout the entire document, on every page, including the pages in an attached appendix. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33).

COMMENTARY: The purpose of this proposed new rule is to update the rules to conform to current practice and to make the format for applications pursuant to General Statutes § 52-265a more consistent with the format for motions.

**(NEW) Sec. 83-1B. Opposition to Application**

(a) Within three days of the filing of the application, unless otherwise ordered by the court, any party may file an opposition to the application with the appellate clerk. Except as otherwise ordered, oppositions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix, if any.

Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the opposition and continues throughout the entire document, on every page, including the pages in an attached appendix, if any. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33).

No separate memorandum of law in support of the opposition will be accepted by the appellate clerk. Responses to oppositions are not permitted.

(b) The opposition shall be delivered in the manner set forth in Section 62-7 and shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the opposition complies with the word count requirement of subsection (a) of this section.

COMMENTARY: The purpose of this proposed new rule is to update the rules to conform to current practice and to make the format for applications pursuant to General Statutes § 52-265a more consistent with the format for motions.

## **CHAPTER 84**

### **APPEALS TO SUPREME COURT BY CERTIFICATION FOR REVIEW**

#### **Sec. 84-3. Stay of Execution**

(a) In any action in which a stay of proceedings was in effect during the pendency of the appeal, proceedings to enforce or carry out the judgment shall be stayed until the time to file the petition has expired. If no stay of proceedings was in effect, but the decision of the Appellate Court would change the position of any party from its position during the pendency of the appeal, proceedings to enforce or carry out the judgment shall be stayed until the time to file the petition has expired. If a petition by a party is timely filed, the proceedings shall continue

to be stayed until the Supreme Court acts on the petition and, if the petition is granted, until the final determination of the cause.

(b) Any party may file a motion in the Appellate Court to terminate the stay provided for in subsection (a). Such motion shall comply with Sections 66-2 and 66-3 and state, in the first paragraph, the panel of Appellate Court judges that heard the case. The presiding judge, or if such presiding judge is unavailable, the most senior judge on such panel who is available, may act upon such a motion for termination of the stay up to the time the Supreme Court acts upon the petition. If the judge is of the opinion that the certification proceedings have been filed only for delay or that the due administration of justice so requires, such judge may order that the stay be terminated.

COMMENTARY: The purpose of this proposed amendment is to make clear that, if a stay is in effect when the Appellate Court decides an appeal and a timely petition for certification to appeal to the Supreme Court is filed, then the proceedings shall continue to be stayed until the Supreme Court decides the petition.

**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 Section 60-7 or 60-8. The petition for certification will be docketed upon filing but may be returned or rejected 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 trial judge and the clerk of the [original] trial court that rendered the decision sought to be appealed [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 administrative law judge, 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.

(e) No petition or opposition shall be filed after the 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 amendment to a petition or opposition shall be filed without permission of the court.

COMMENTARY: The purpose of these proposed amendments is to codify the practice of the Office of the Appellate Clerk of sending a copy of the petition to the trial judge and the clerk of the trial court that rendered the decision that is the subject of the prospective appeal, and to reinstate the good cause requirement for the filing of a late petition or opposition.

**Sec. 84-5. Form of Petition**

(a) A petition for certification shall be filed as one document with a single pagination scheme that starts on the first page of the petition and continues throughout. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33). The petition must contain the following sections in the order indicated here:

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

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

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

(4) A concise argument expanding on the bases for certification, as presented in Section 84-2, and explaining why the Supreme Court should allow the extraordinary relief of certification. No separate memorandum of law in support of the petition will be accepted by the appellate clerk.

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

(A) a table of contents,

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

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

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

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

(6) A certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the petition complies with the word count requirement of subsection (b) of this section.

(b) Except as otherwise ordered, petitions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix. Petitions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in

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

COMMENTARY: The purpose of these proposed amendments is to make the format of petitions consistent with recent changes to the format of briefs, to add a word count certification requirement, and to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

#### **Sec. 84-6. [Statement in] Opposition to Petition**

(a) Within ten days of the filing of the petition, any party may file [a statement in] an opposition to the petition with the appellate clerk. The [statement in] opposition shall disclose any reasons why certification should not be granted by the Supreme Court and shall be presented in a manner which is responsive, in form and content, to the petition it opposes. Except as otherwise ordered, oppositions shall not exceed 4000 words. The word count is exclusive of the case caption, signature block of counsel of record, certifications and appendix, if any.

Oppositions, including footnotes, shall be typed in a 12 point serif font. Section captions shall be typed in a 14 point serif font. A list of serif fonts can be found in the guidelines published on the Judicial Branch website. Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Oppositions shall be filed as one document with a single pagination scheme that starts on the first page of the opposition and continues

throughout the entire document, on every page, including the pages in an attached appendix, if any. The page numbers shall be centered on the bottom of the page and shall be written as “Page X of XX” (e.g., Page 1 of 33 . . . Page 7 of 33 . . . Page 33 of 33).

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

(b) The [statement in] opposition shall be delivered in the manner set forth in Section 62-7 and shall contain a certification that: (1) a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7, and (2) that the opposition complies with the word count requirement of subsection (a) of this section.

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

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

~~[(e) d] Responses to oppositions are not permitted.~~

COMMENTARY: The purpose of these proposed amendments is to make the formatting rules for briefs, motions, petitions and oppositions consistent such that all of them are filed, with any attachments, as one document with a single pagination scheme, to add a word count certification requirement, and to provide that parties are required to file a certificate of interested entities or individuals only when the reviewing court orders the parties to file the certificate when necessary.

**Sec. 84-6A. [Petitions, Responses and Statements in Opposition] Positions of Minor Children and Guardians ad Litem in Family and Child Protection Matters and Other Matters Involving Minor Children**

In family and child protection matters and other matters involving minor children, counsel for the minor child and/or counsel for the

guardian ad litem shall, within ten days of the filing of the [response or] opposition to a petition for certification or, if no [response or] opposition is filed, within fifteen days of the filing of the petition, file either (1) [a response] an opposition, (2) a statement adopting the position of either the petitioner or a respondent or (3) a detailed statement that the factual or legal issues proposed in the petition for certification do not implicate the child's interests.

COMMENTARY: These proposed amendments were made for the purpose of consistency.

#### **Sec. 84-7. Extensions of Time**

Motions for extensions of time for purposes of filing a petition for certification or [a statement in] an opposition thereto shall be filed with the appellate clerk and shall be governed by Section 66-1.

COMMENTARY: This proposed amendment was made for the purpose of consistency.

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