

**RULES OF APPELLATE PROCEDURE**

**NOTICE**

Notice is hereby given that the following amendments to the Rules of Appellate Procedure were adopted to take effect September 30, 2016, except that the amendments to Sections 60-4, 60-7, 60-8, 62-6, 62-10, 63-3, 67-2, and 79a-12 were adopted to take effect August 1, 2016. The amendments were approved by the Appellate Court on June 2, 2016, and by the Supreme Court on June 15, 2016. With respect to Sections 60-4, 60-7, 60-8, 62-6, 62-10, 63-3, 67-2, and 79a-12, the courts have waived the provision of Section 86-1 requiring publication of rules sixty days prior to their effective date.

Attest:

Paul Hartan

*Chief Clerk Appellate*

**INTRODUCTION**

Contained herein are amendments to the Rules of Appellate Procedure. These amendments are indicated by brackets for deletions and underlined text for added language.

This material should be used as a supplement to the Connecticut Practice Book until the 2017 revision of the Practice Book becomes available.

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**RULES OF APPELLATE PROCEDURE**

**AMENDMENTS TO THE RULES OF APPELLATE PROCEDURE**

**CHAPTER 60**

**GENERAL PROVISIONS RELATING TO APPELLATE RULES AND APPELLATE REVIEW**

**Sec. 60-4. Definitions**

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shall mean all other parties in the trial court at the time of judgment, unless after judgment the matter was withdrawn as to them or unless a motion for permission not to participate in the appeal has been granted by the court.

“Counsel of record” shall also include all self-represented parties.

“Court reporter” shall refer to all court reporters and court reporting monitors.

“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.

“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.

“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.

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

“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.

“Signature” shall be made upon entry of an attorney’s individual juris number or a self-represented party’s user identification number during the filing transaction, unless an exemption from the requirements of Section 60-7 (c) has been granted or applies.

“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.

COMMENTARY—August, 2016: Each self-represented party receives a user identification number when that party enrolls in E-Services. Entry of this number during the electronic filing transaction constitutes the self-represented party’s signature.

**Sec. 60-7. Electronic Filing; Payment of Fees**

(a) [Attorneys] Counsel of record must file all appellate papers electronically unless the court grants a request for exemption. Papers may be filed, signed or verified by electronic means that comply with procedures and standards established by the chief clerk of the appellate system under the direction of the administrative judge of the appellate system. A paper filed by electronic means in compliance with such procedures and standards constitutes a written paper for the purpose of applying these rules.

(b) At the time of filing, the appellant must (1) pay all required fees; or (2) upload a signed application for waiver of fees and the order of the trial court granting the fee waiver; or (3) certify that no fees are required. Any document that requires payment of a fee as a condition of filing may be returned by the appellate clerk or rejected by the court upon review for compliance with the rules of appellate procedure.

(c) The requirements of this section do not apply to documents filed by incarcerated self-represented parties, the clerk of the trial court, the official court reporter, or the clerk of the court for any other state, federal or tribal court. This section also does not apply to any state board or commission filing documents with the appellate clerk pursuant to Sections 68-1, 74-2A, 74-3A, 75-4, 76-3, or 76-5.

COMMENTARY—August, 2016: The electronic filing requirements do not apply to incarcerated self-represented parties at this time. All other self-represented parties and attorneys are required to file all papers electronically unless an exemption or exclusion from electronic filing requirements has been granted.

**Sec. 60-8. Exemption from or Inapplicability of Electronic Filing; Payment of Fees**

Parties seeking an exemption from the electronic filing requirements shall [file a request for an exemption on a form prescribed] follow the procedures established by the office of the chief clerk of the appellate system and set forth in the Appellate E-filing Procedures and Technical Standards. When an exemption from electronic filing has been granted or if electronic filing requirements do not apply pursuant to Section 60-7 (c), papers shall be filed with the appellate clerk and must be accompanied by (1) a receipt showing that all required fees have been paid; or (2) a signed application for waiver of fees and the order of the trial court granting the fee waiver; or (3) certification that no fee is required.

With the exception of any fees related to appeals in child protection matters and appeals from interlocutory orders as permitted by law, all appellate filing fees under this section may be paid to the clerk of any trial court in the state. In child protection matters and appeals from interlocutory orders as permitted by law, all fees under this section must be paid to the clerk of the original trial court or the clerk of the court to which the case was transferred.

COMMENTARY—2016: Appellate filing fees must be paid to the trial court clerk if electronic filing requirements do not apply or if an e-filing exemption has been granted. [For example, because the electronic filing requirements do not apply to self-represented parties at this time, self-represented parties cannot pay appellate filing fees electronically at this time and fees must be paid to any trial court clerk's office in the state.]

When fees are paid to the trial court clerk, the filer will receive a receipt from the clerk indicating the name of the document, the trial court docket number and the amount paid. It is not necessary for the filer to present an appeal form to the trial court clerk for signature. The filer must then file the paper appeal form or appellate document and the receipt of payment, if required, with the appellate clerk. An appeal is not filed upon payment of the filing fee; instead, an appeal is filed when the appeal form has been timely filed with the office of the appellate clerk accompanied by receipt of payment or proof of waiver of fees.

It is not necessary to provide a certification that no filing fee is required unless the filing requires payment of a fee. For example, a party does not have to certify that no fee is required when filing a motion for extension of time or a motion to dismiss since there is no requirement to pay a fee for those filings. A party who files a petition for certification to the Supreme Court in a worker's compensation matter, however, would be required to certify that no fee is required since a petition for certification requires a filing fee.

## **CHAPTER 62**

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

#### **Sec. 62-6. Signature on Papers**

All papers including original copies of briefs shall be signed by counsel of record. Each pleading or other document filed shall set forth the signer's telephone and facsimile numbers, mailing address, and, if applicable, the signer's juris number or self-represented party user identification number. Attorneys shall sign electronically filed documents by entering their individual juris number during the filing transaction. Self-represented parties shall sign electronically filed documents by entering their self-represented party user identification number during the filing transaction. See Section 60-4.

#### **Sec. 62-7. Matters of Form; Filings; Certification to Counsel**

(Applicable to appeals filed **before** July 1, 2013.)

It is the responsibility of counsel of record to submit papers for filing in a timely manner and in the proper form.

The appellate clerk may refuse to accept for filing any papers presented in a form not in compliance with these rules; in refusing, the appellate clerk shall indicate how the papers have failed to comply. The clerk shall stamp any papers refused with the date on which they were received before returning them, and shall retain a copy thereof. Any papers correcting a noncomplying filing shall be deemed to be timely filed if resubmitted to the appellate clerk within fifteen days. The time for responding to any such paper shall not start to run until the correcting paper is filed.

Except for the transcript of evidence or where otherwise indicated, an original [and fifteen copies] of all papers shall be filed with the appellate clerk. For copies of the initial appeal papers, see Sections 63-3 and 63-4; for copies of papers withdrawing an appeal or writ of error, see Section 63-9; for copies of motions and opposition papers, see Section 66-3 (motions in general), Section 66-1 (extension of time), Section 61-11 (termination of stay of execution), and Section 66-5 (rectification); for copies of briefs, see Section 67-2; for copies of the record, see Section 68-7; for copies of petitions for certification and opposition papers, see Sections 84-4 and 84-6; for copies of certified questions from courts of other jurisdictions, see Section 82-4.

All papers except the transcript and regulations filed pursuant to Section 81-6 shall contain a certification that a copy has been served on each other counsel of record, including the names, addresses and telephone and facsimile numbers of all counsel served. The certification concerning briefs may be signed by counsel of record or the printer on the last page of one of the briefs or on a separate typewritten document filed with the briefs. All service and filing by mail shall be by first class or express United States mail, postage prepaid, or by hand delivery.

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. The signed original of documents filed pursuant to Sections 66-3, 67-2, 81-2, 81-3, 84-5 and 84-6 shall bear an attached certificate indicating that the

document is in compliance with all of the requirements of the rule under which it is being filed.

### **Sec. 62-10. Files to Be Available to Parties**

Subject to the provisions of Section 62-11, the clerk of the trial court and the appellate clerk or the appellate messenger having custody of the files, evidence and exhibits in any case shall make them available for the use of any party or counsel to that party, whether or not the file is sealed. This provision applies to counsel who have appeared in either the trial court or the appellate court. This rule shall not be deemed to permit appellate counsel to review records that were sealed as to trial counsel but retained in the trial court file for appellate review.

COMMENTARY—August, 2016: In civil and criminal cases that were filed on or after January 1, 2016, and that do not contain protected information, a case summary page and electronically filed documents in that case are available to the public on the Judicial Branch website. In family and child protection matters and in cases that contain protected information, attorneys and self-represented parties who have valid appearances in the case may view the case summary page and electronically filed documents in that case through E-Services. The applicable procedures for obtaining on-line access to these documents, set forth in the Appellate E-filing Procedures and Technical Standards, require a self-represented party to submit an “Appellate Electronic Access Form” and to provide the appellate clerk’s office with a valid photo identification.

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

### **Sec. 63-3. Filing of Appeal**

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

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

COMMENTARY—2016: This section has been rewritten to reflect the requirement that all appeals shall be electronically filed unless the electronic filing requirements do not apply to the filer or unless an exemption to the electronic filing requirements has been granted. [The electronic filing requirements do not apply to self-represented parties at this time.]

### **Sec. 63-9. Filing Withdrawals of Appeals or Writs of Error**

Prior to oral argument or the date the appeal is assigned for disposition without oral argument, an appeal or writ of error may be withdrawn as of right by filing form JD-AC-008 with the appellate clerk. The appellate clerk shall forward a copy to the trial judge and the clerk of the trial court.

After oral argument or the date the appeal is assigned for disposition without oral argument, an appeal or writ of error may be withdrawn only on the granting of a motion to the court in which the matter is pending.

Unless an appeal or writ of error is withdrawn on the consent of the appellee without costs, costs shall be taxed as if the trial court judgment had been affirmed.

**CHAPTER 66  
MOTIONS AND OTHER PROCEDURES**

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

All motions, petitions, applications, memoranda of law, [and] stipulations, and oppositions shall be filed with the appellate clerk in accordance with the provisions of Sections 60-7 and 60-8 and docketed upon filing. The submission may be returned by the appellate clerk or rejected by the court upon review for compliance with the rules of appellate procedure. All papers shall contain a certification that a copy has been delivered to each other counsel of record in accordance with the provisions of Section 62-7.

No [motion or other] paper mentioned above shall be filed after expiration of the time for its filing unless the filer demonstrates good cause for its untimeliness in a separate section captioned "good cause for late filing." [and n]No [amendment to any of these filings] motion directed to the trial court that is required to be filed with the appellate clerk shall be filed after expiration of the time for its filing, except on separate written motion accompanied by the proposed trial court motion and by consent of the supreme or appellate court. No amendment to any of the above mentioned papers shall be filed except on written motion and by consent of the court.

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

COMMENTARY: These amendments eliminate the requirement of filing a motion for permission to file a late paper in the supreme or appellate court. For example, a party may file a late motion for review, provided that the motion includes a separate section demonstrating good cause for its untimeliness. Motions that are directed to the trial court that are filed with the appellate clerk's office, for example, motions for articulation or rectification, still require a separate motion for permission to file late and must include the proposed trial court motion. This section does not apply to the late filing of the following: briefs, preliminary papers, writs of error, reservations, appeals, certified questions, and certification pursuant to General Statutes § 52-265a. See Section 60-2.

**Sec. 66-4. Hearings on Motions**

Hearings on motions will be assigned only upon order of the court and only in exceptional cases. In cases involving [parties who are self-represented and] incarcerated self-represented parties, hearings on motions may be conducted by videoconfer-ence upon direction of the court.

**CHAPTER 67  
BRIEFS**

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

(a) Original briefs and appendices shall be typewritten or clearly photocopied from a typewritten original on white 8 1/2 by 11 inch paper. Unless ordered otherwise, briefs shall be copied on one side of the page only. Appendices may be copied on both sides of the page. The page number for briefs and appendices shall be centered on the bottom of each page. The brief shall be fully double spaced and shall not exceed three lines to the vertical inch or twenty-seven lines to the page; footnotes and block quotations may, however, be single spaced. Only the following two

typefaces, of 12 point or larger size, are approved for use in briefs: arial and univers. Each page of a brief or appendix shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch. Briefs and appendices shall be firmly bound 1/4 inch from the left side, at points approximately 1/4, 1/2 and 3/4 of the length of the page, so as to make an easily opened volume.

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

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

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

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

(f) Briefs and separately bound appendices must bear on the cover, in the following order, from the top of the page: (1) the name of the court; (2) the number of the case; (3) the name of the case as it appears in the judgment file of the trial court; (4) the nature of the brief (e.g., brief of the defendant-appellant; brief of the plaintiff-appellee on the appeal and of the plaintiff-cross appellant on the cross appeal); and (5) the name, address, telephone and facsimile numbers and e-mail address of individual counsel who is to argue the appeal and, if different, the name, address, telephone and facsimile numbers and e-mail address of the party's counsel of record. The foregoing shall be displayed in the upper case of an arial or univers typeface of 12 point or larger size.

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

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

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

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

(k) Any request for deviation from the above requirements, including requests to deviate from the requirement to redact or omit personal identifying information or information that is prohibited from disclosure by rule, statute, court order or case law, shall be filed with the appellate clerk.

## **CHAPTER 69 ASSIGNMENT OF CASES FOR ARGUMENT**

### **Sec. 69-1. Docket**

The appellate clerk shall periodically prepare a docket of all pending cases which are not on a current assignment list [for oral argument] and which appear to be ready for assignment under Section 69-2 or have been ordered to be heard by the court and shall post the docket on the judicial branch website and deliver the docket to each appellate jurist, each counsel of record appearing in the cases entered on the docket, and the reporter of judicial decisions.

### **Sec. 69-2. Cases Ready for Assignment**

(Applicable to appeals filed on or after July 1, 2013.)

Cases will be considered ready for assignment when the briefs and appendices of all parties, including reply briefs, have been filed or the time for filing reply briefs has expired. Any case ready for assignment may be assigned pursuant to Section 69-3. After notice to counsel of record of a date and time to be heard, the chief justice, the chief judge, or a designee may order the assignment [for oral argument] of any appeal, notwithstanding the fact that the case on appeal does not appear on the docket.

Cases may be assigned for argument on a standby basis in which event counsel will be notified at least forty-eight hours before the time scheduled for oral argument that the standby case is to be heard.

If [a case scheduled for oral argument] an assigned case, whether on standby basis or not, is settled or withdrawn for any reason, counsel for the appellant shall notify the appellate clerk immediately.

**Sec. 69-3. Time for Assignments; Order of Assignment**

Assignments of cases [for oral argument] ordinarily will be made in the order in which the cases become ready for [argument] assignment pursuant to Section 69-2. Requests for variations from this order, stating the reason therefor, shall be made by filing an assignment form (JD-AC-14 or JD-SC-37) in the time frame specified on the docket with certification pursuant to Section 62-7.

An attorney making such a request shall also indicate that a copy of the request has been delivered to each of his or her clients who are parties to the appeal.

Assignments for oral argument in the supreme court and appellate court shall take precedence over all other judicial branch assignments.

The appellate clerk will mail copies of the assignment to all counsel of record and post the assignment on the judicial branch website.

**CHAPTER 70  
ARGUMENTS AND MEDIA COVERAGE OF COURT PROCEEDINGS****Sec. 70-1. Oral Argument; Videoconferencing of Oral Argument in Certain Cases**

(Applicable to appeals filed on or after July 1, 2013.)

(a) Oral argument will be allowed as of right in all appeals except as provided in subsection (b) of this rule.

(b) In civil cases where: (1) the dispositive issue or set of issues has been recently authoritatively decided; or (2) the facts and legal arguments are adequately presented in the briefs and the decisional process would not be significantly aided by oral argument, notice will be sent to counsel of record that the case will be decided on the briefs and record only. This notice will be issued after all briefs and appendices have been filed. Any party may file a request for argument stating briefly the reasons why oral argument is appropriate and shall do so within seven days of the issuance of the court's notice. After receipt and consideration of such a request, the court will either assign the case for oral argument or assign the case for disposition without oral argument, as it deems appropriate.

(c) In matters involving [parties who are self-represented and] incarcerated self-represented parties, oral argument may be conducted by videoconference upon direction of the court in its discretion.

**CHAPTER 72  
WRITS OF ERROR****Sec. 72-3. Applicable Procedure**

(Applicable to appeals filed on or after July 1, 2013.)

(a) The writ, if in proper form, shall be allowed and signed by a judge or clerk of the court in which the judgment or decree was rendered. The writ shall be presented for signature within twenty days of the date notice of the judgment or decision complained of is given but shall be signed by the judge or clerk even if not presented in a timely manner. Failure without cause to present the writ in a timely manner may be a ground for dismissal of the writ by the supreme court.

(b) The writ shall be served and returned as other civil process, except that the writ shall be served at least ten days before the return day. The return days of the supreme court are any Tuesday not less than twelve nor more than thirty days after the writ is signed. At least one day before the return day, the plaintiff in error shall (1) pay all required fees as set forth in Sections 60-7 or 60-8; (2) file the matter in accordance with the provisions of Section 63-3; and (3) file the return with the appellate clerk.

(c) The writ shall be docketed upon filing in accordance with Section 63-3 and payment of all required fees, but the writ may be returned upon review by the appellate clerk if the plaintiff in error fails to file the return with the appellate clerk, or for noncompliance with the rules of appellate procedure. The appellate clerk shall forthwith give notice to all parties of the filing of the writ.

(d) If the writ is brought against a judge of the superior court to contest a summary decision of criminal contempt by that judge, the defendant in error shall be the superior court. In all other writs of error, the writ shall bear the caption of the underlying action in which the judgment or decision was rendered. All parties to the underlying action shall be served in accordance with chapter 8 of these rules.

(e) Within twenty days after filing the writ, the plaintiff in error shall file with the appellate clerk [one copy of] such documents as are necessary to present the claims of error made in the writ, including pertinent pleadings, memoranda of decision and judgment file, accompanied by a certification that a copy thereof has been served on each counsel of record in accordance with Section 62-7.

(f) In the event a transcript is necessary, the plaintiff in error shall follow the procedure set forth in Sections 63-8 and 63-8A.

(g) Within ten days of the filing by the plaintiff in error of the documents referred to in subsections (e) and (f) of this rule, the defendant in error may file [one copy of] such additional documents as are necessary to defend the action, accompanied by a certification that a copy thereof has been served on each counsel of record in accordance with Section 62-7.

(h) Answers or other pleas shall not be filed in response to any writ of error.

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

**Sec. 79a-9. Oral Argument**

(Applicable to appeals filed on or after July 1, 2013.)

(a) Oral argument will be allowed as of right except as provided in subsection (b) of this rule.

(b) In child protection appeals as defined by Section 79a-1 where: (1) the dispositive issue or set of issues has been recently authoritatively decided; or (2) the facts and legal arguments are adequately presented in the briefs and the decisional process would not be significantly aided by oral argument, notice will be sent to counsel of record that the case will be decided on the briefs and record only. This notice will be issued after all briefs and appendices have been filed. Any party may file a request for argument stating briefly the reasons why oral argument is appropriate and shall do so within seven days of the issuance of the court’s notice. After receipt and consideration of such a request, the court will either assign the case for oral argument or assign the case for disposition without oral argument, as it deems appropriate.

(c) In matters involving [parties who are self-represented and] incarcerated self-represented parties, oral argument may be conducted by videoconference upon direction of the court in its discretion.

**Sec. 79a-12. Inspection of Records**

The records and papers of any juvenile matter shall be open for inspection only to counsel of record and to others having a proper interest therein only upon order of the court. The name of the child or youth involved in any appeal from a juvenile matter shall not appear on the record of the appeal.

COMMENTARY—August, 2016: In child protection matters that were filed on or after January 1, 2016, attorneys and self-represented parties who have valid appearances in a case may view the case summary page and electronically filed documents in that case through E-Services. The applicable

procedures, set forth in the Appellate E-filing Procedures and Technical Standards, require a self-represented party to submit an “Appellate Electronic Access Form” and to provide the appellate clerk’s office with a valid photo identification.

**CHAPTER 81  
APPEALS TO APPELLATE COURT BY CERTIFICATION FOR REVIEW  
IN ACCORDANCE WITH GENERAL STATUTES CHAPTERS  
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 Sections 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 [serve] deliver a copy of the petition [upon] to every other party in the manner set forth in Section 62-7 [and upon the clerk of the original trial court]. 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.

(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.

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