Table of Contents

Chapter 1: Connecticut's Appellate Court System 1
1-1 INTRODUCTORY NOTE 1
  1-1:1 Historical Background...1
    1-1:1.1 Courts of Last Resort 1
    1-1:1.2 Intermediate Appellate Courts.....................2
  1-1:2 Appellate Procedure..6
    1-1:2.1 Historical Background.................................6
    1-1:2.2 Rule-Making Power 7
    1-1:2.3 Interpretation of the Rules...........................9
    1-1:2.4 Applicability of Rules; Rule Changes.........10
1-2 ORIGINAL JURISDICTION...11
  1-2:1 Supreme Court 11
  1-2:2 Appellate Court 12
1-3 APPELLATE JURISDICTION 13
  1-3:1 Appeal to the Appellate Court From the Superior Court 13
  1-3:2 Appeal to the Supreme Court From the Superior Court 14
  1-3:3 Appeal to the Supreme Court by Certification From the Appellate Court...16
  1-3:4 Appeal to the Appellate Court by Certification From the Superior Court 17
  1-3:5 Petitions for Review to the Appellate Court................18
  1-3:6 Transfer of Jurisdiction...18
    1-3:6.1 Supreme Court 18
    1-3:6.2 Appellate Court 21
  1-3:7 Retained Jurisdiction 21
  1-3:8 Pendent Appellate Jurisdiction 22
1-4 ADVISORY JURISDICTION...24
  1-4:1 In General...24
  1-4:2 Reservations of Questions of Law From the Superior Court 25

1-4:3 Certification of Questions of Law to and From Other Courts 25
1-5 OTHER JURISDICTION 26
1-5:1 Jurisdiction in Aid of Jurisdiction 26
1-5:1.1 In General 26
1-5:1.2 Appellate Court 26
1-5:1.3 Supreme Court 27
1-5:2 Extraordinary or Prerogative Writs 31
1-5:2.1 Writ of Error 31
1-5:2.2 Writ of Mandamus 31
1-5:2.3 Writ of Prohibition 32
1-5:2.4 Writ of Certiorari 32
1-5:2.5 All Writs Act 32
1-5:3 Supreme Court Rules 33
1-5:3.1 Supervision of Proceedings on Appeal 33
1-5:3.2 Motion for Review 35
1-5:3.3 Suspension of the Rules 37
1-6 ROLES OF THE SUPREME AND APPELLATE COURTS 38
1-6:1 Roles of the Supreme and Appellate Courts 38
1-6:2 Rules of Evidence and the Connecticut Code of Evidence 40
1-7 JURISDICTIONAL ISSUES 41
1-7:1 Subject Matter Jurisdiction 41
1-7:2 Personal Jurisdiction 42

Chapter 2: Appealability: Right to Appellate Review 43
2-1 METHODS OF REVIEW FROM SUPERIOR COURT 43
2-1:1 Right of Appeal 43
2-1:1.1 Basis 43
2-1:1.2 Scope 44
2-1:1.3 Waiver 44
2-1:1.4 Forfeiture 45
2-1:1.5 Restoration 46
2-1:2 Appeal as of Right 48
2-1:2.1 Civil Cases 48
2-1:2.2 Criminal Cases 48
2-1:3 Qualified Right to Appeal — Types of Cases 49
2-1:3.1 Planning and Zoning Matters 49
2-1:3.2 By the State in Criminal Cases 49
2-1:3.3 Habeas Corpus Proceedings 51
2-1:3.4 Petitions for New Trial in Criminal Cases ... 52

2-1:4 Qualified Right to Appeal — Procedure 52
  - 2-1:4.1 In General 52
  - 2-1:4.2 By the State in Criminal Cases 52
  - 2-1:4.3 Habeas Corpus Proceedings 54
  - 2-1:4.4 Petitions for New Trial in Criminal Cases 56
  - 2-1:4.5 Appellate Review 57

2-1:5 No Right of Review 58
  - 2-1:5.1 Small Claims 58
  - 2-1:5.2 Decisions of the Sentence Review Division 59
  - 2-1:5.3 Criminal Contempt in the Courtroom 59

2-1:6 Petitions for Review 60

2-1:7 Writs of Error 61
  - 2-1:7.1 In General 61
  - 2-1:7.2 Limitations on Use 61
  - 2-1:7.3 Basis in Statute 62

2-1:8 Reservations of Questions of Law 63

2-2 PERSONS ENTITLED TO REVIEW 64

2-2:1 Aggrievement 64
  - 2-2:1.1 Prerequisite 64
  - 2-2:1.2 Purpose 65
  - 2-2:1.3 Test 65
  - 2-2:1.4 Duration 68

2-2:2 Identity of Persons Entitled to Appeal 69
  - 2-2:2.1 Parties 69
  - 2-2:2.2 Non-Parties 70
  - 2-2:2.3 De Facto Parties and Others 70

2-2:3 Losing Party 74

2-2:4 Prevailing Party 75

2-2:5 Consenting and Defaulting Parties 76
  - 2-2:5.1 Civil Cases 76
  - 2-2:5.2 Criminal Cases 78

2-2:6 Fiduciary Parties 79
  - 2-2:6.1 Trust Assets 79
  - 2-2:6.2 Advice 79
  - 2-2:6.3 Removal of Fiduciary 80
  - 2-2:6.4 Receivers 80

2-2:7 Other Parties 81
  - 2-2:7.1 Governmental Entities 81
  - 2-2:7.2 Bidders on Public Contracts 82

2-2:8 New Parties 82

Chapter 3: Reviewability: Matters Subject to Review 85
3-1 FINAL JUDGMENT RULE..85
  3-1:1 The Final Judgment Rule..85
    3-1:1.1 In General..85
    3-1:1.2 Judgment by Implication 89
    3-1:1.3 Judgments Subject to Modification............89
  3-1:2 The *Curcio* Test...90
    3-1:2.1 In General..90
    3-1:2.2 The "Separate and Distinct Proceeding" Test 90
    3-1:2.3 The "Rights" Test 92
  3-1:3 Statutory Exceptions 100
    3-1:3.1 Grant of Motion to Set Aside the Verdict 100
    3-1:3.2 Matters of Substantial Public Interest 100
    3-1:3.3 State Election Appeals 101
    3-1:3.4 Reservations of Questions of Law 101
    3-1:3.5 Subject Matter Jurisdiction (Competency of Court) 102
    3-1:3.6 Temporary Injunction in Labor Disputes..103
    3-1:3.7 Judgment Ordering an Accounting..........103
    3-1:3.8 Order Closing Courtroom or Sealing Court Files 104
    3-1:3.9 Disclosure Order of Grand Jury 105
    3-1:3.10 Bail Order 105
    3-1:3.11 Accelerated Rehabilitation.......................106
  3-1:4 Rule-Based Exceptions 106
    3-1:4.1 In General..106
    3-1:4.2 Supervision or Review of Pre-Appeal Proceedings..107
    3-1:4.3 Judgments That Do Not Terminate Litigation 108
  3-1:5 Prejudgment Remedies 110
    3-1:5.1 In General..110
    3-1:5.2 Analogous Remedies................................111
    3-1:5.3 Temporary Injunctions 111
    3-1:5.4 Awards Pendente Lite 113
    3-1:5.5 Analogous Matters 114
  3-1:6 Motions Related to Parties 115
    3-1:6.1 Motion to Drop a Party...........................115
    3-1:6.2 Motion for Joinder...................................115

3-1:6.3 Motion to Intervene 116
3-1:6.4 Motion to Interplead 117
3-1:6.5 Motion to Implead 117
3-1:6.6 Certification of Class Action 118
3-1:7 Preliminary Matters in Criminal Cases 118
3-1:7.1 In General 118
3-1:7.1a Appeal by Defendant: Final Judgment 119
3-1:7.1b Appeal by Defendant: Following Conditional Plea of Nolo Contendere 119
3-1:7.1c Appeal by the State 119
3-1:7.1d Appeal From a Ruling 120
3-1:7.2 Entry of Nolle Prosequi 120
3-1:7.3 Transfer From Juvenile Docket to Regular Docket 121
3-1:7.4 Pretrial Diversion Programs 122
3-1:7.4a Diversion From Criminal Docket 122
3-1:7.4b Discharge on Successful Completion 123
3-1:7.5 Findings of Probable Cause 124
3-1:7.6 Motion to Suppress and Other Defense Motions 125
3-1:7.6a In General 125
3-1:7.6b Motion to Suppress or Dismiss: Conditional Plea of Nolo Contendere 126
3-1:7.6c Defense Motions: Conditional Plea of Guilty or Nolo Contendere 129
3-1:7.7 Withdrawal of Plea 130
3-1:7.8 Motion to Dismiss on Double Jeopardy Grounds 130
3-1:7.9 Judgment on Fewer Than All Counts 132
3-1:7.10 Order to Restore Competency to Stand Trial 132
3-1:7.11 Speedy Trial 133
3-1:7.12 Disqualification of Defendant's Counsel 133
3-1:8 Pretrial Matters in Civil Cases 133
3-1:8.1 Withdrawal 133

3-1:8.2 Pleadings ... 135
3-1:8.3 Discovery ... 135
3-1:8.4 Choice of Trier ... 140
3-1:8.5 Pretrial Conference ... 140
3-1:8.6 Stay ... 140
3-1:8.7 Motion in Limine ... 141
3-1:8.8 Appearance ... 141
3-1:8.9 Temporary Injunctions ... 142
3-1:8.10 Stay of Proceedings ... 142
3-1:8.11 Decertification of Class Action ... 142
3-1:9 Judgment Before Trial ... 143
3-1:9.1 Motion to Dismiss ... 143
3-1:9.2 Motion to Strike ... 147
3-1:9.3 Summary Judgment ... 148
3-1:9.4 Disciplinary Non-Suit, Default and Dismissal ... 151
3-1:9.5 Order Enforcing Settlement Agreement ... 152
3-1:10 Trial Motions Resulting in Judgment ... 152
3-1:10.1 Dismissal for Failure to Make Out a Prima Facie Case ... 152
3-1:10.2 Directed Verdict ... 154
3-1:10.3 Judgment Notwithstanding the Verdict ... 155
3-1:11 Trial Motions Resulting in New Trial ... 156
3-1:11.1 Motion to Set Aside the Verdict ... 156
3-1:11.2 Motion for a New Trial ... 157
3-1:11.3 Motion in Arrest of Judgment ... 159
3-1:11.4 Motion for a Mistrial ... 160
3-1:12 Final Judgment Disposing of Certain Issues But Not Terminating the Litigation ... 160
3-1:13 Motions After Judgment ... 164
3-1:13.1 Motion to Open a Judgment on the Merits ... 164
3-1:13.1a In General ... 164
3-1:13.1b Motions Filed Within Appeal Period ... 164
3-1:13.1c Motions Filed Within Four Months ... 166
3-1:13.1d Motions Filed After Four Months ... 169

3-1:13.1e Judgments of Strict Foreclosure ... 171
3-1:13.2 Motions to Open Disciplinary Non-Suits and Default Judgments ... 172
3-1:13.3 Motion to Open Dismissal and to Restore Case to Docket ... 174
3-1:13.4 Petition for New Trial ... 175
3-1:13.5 Motions for Prejudgment Interest, Costs and Attorneys' Fees ... 176
3-1:13.5a Costs ... 176
3-1:13.5b Attorneys' Fees ... 176
3-1:13.5c Prejudgment Interest ... 177
3-1:13.6 Remittitur and Additur ... 178
3-1:13.7 Other Post-Judgment Procedures ... 178
3-1:14 Administrative Appeals ... 179
3-1:14.1 Administrative Appeals in the Superior Court ... 179
3-1:14.2 Administrative Appeals in the Appellate Court ... 182
3-1:15 Decisions of the Sentence Review Division ... 183
3-1:16 Decisions of Quasi-Judicial Officers ... 183
3-1:16.1 Decisions of Magistrates ... 183
3-1:16.1a Motor Vehicle Violations ... 183
3-1:16.1b Small Claims Matters ... 184
3-1:16.1c Family Support Matters ... 184
3-1:16.2 Fact-Finding Proceedings ... 184
3-1:16.3 Court-Annexed Arbitration ... 185
3-1:16.4 Judge Trial Referees ... 187
3-1:16.5 Attorney Trial Referees ... 187
3-1:17 Special Proceedings ... 188
3-1:17.1 Admission and Disqualification of Attorneys ... 188
3-1:17.2 Private Arbitration ... 189
3-1:17.3 Eminent Domain Proceedings ... 192
3-1:17.4 Receivership Proceedings ... 193
3-1:17.5 Grand Jury Proceedings ... 194
3-1:17.6 Discharge of Liens ... 194
3-1:17.7 Mortgage Foreclosure Proceedings ... 194
3-1:17.8 Contempt ... 197
3-2 JUSTICIABILITY ... 200
3-2:1 In General ... 200

3-2:2 Actual Controversy 201
3-2:2.1 Moot or Academic Questions 201
3-2:2.2 Advice to Other Courts 205
3-2:3 Adverseness 205
3-2:4 Judicial Capability 206
3-2:5 Practical Relief 206
3-2:6 Capable of Repetition Yet Evading Review 208
3-2:6.1 In General 208
3-2:6.2 Shortness of Duration 209
3-2:6.3 Capable of Repetition 210
3-2:6.4 Public Importance and Programmatic Effect 212
3-2:7 Collateral Consequences 213

Chapter 4: Filing the Appeal 215
4-1 APPEALS 215
4-1:1 Filing an Appeal 215
4-1:2 Appeals 215
4-1:2.1 In General 215
4-1:2.2 Appellants 216
4-1:2.3 Appellees 217
4-1:2.4 Substitution or Addition of Parties in General 218
4-1:2.5 Amicus Curiae 218
4-1:2.6 Death of a Party 219
4-1:3 Joint and Consolidated Appeals 221
4-1:3.1 Joint Appeals 221
4-1:3.2 Consolidated Appeals 223
4-1:4 Cross Appeals 223
4-1:4.1 In General 223
4-1:4.2 Use 224
4-1:5 Reservation of Right to Appeal 225
4-1:5.1 In General 225
4-1:5.2 Procedure 226
4-1:6 Amended Appeals 227
4-1:6.1 In General 227
4-1:6.2 Procedure 230
4-1:7 Withdrawal of Appeal 231
4-2 TIME TO APPEAL 232
4-2:1 Nature of Time Limits 232
4-2:2 Time Limits Set by Rule 234
4-2:2.1 Appeals 234

4-2:2.2 Cross Appeals 235
4-2:2.3 Reservation of Right to Appeal 235
4-2:2.4 Appeal After Certification 235
4-2:2.5 Writs of Error 236
4-2:3 Time Limits Set by Statute 236
4-2:3.1 In General 236
4-2:3.2 Prejudgment Remedies 237
4-2:3.3 Mechanic's Liens 237
4-2:3.4 Lis Pendens 238
4-2:3.5 Summary Process 238
4-2:3.6 Temporary Injunctions in Labor Disputes 239
4-2:3.7 Habeas Corpus 239
4-2:3.8 Petition for Review 240
4-2:3.9 Expedited Appeals Under General Statutes § 52-265a 240
4-2:3.10 Writ of Error 242
4-2:3.11 Contempt of Court 242
4-2:4 Computation of Time Periods 243
4-2:4.1 Period Set by Rule 243
4-2:4.2 Period Set by Statute 244
4-2:5 Motion for Extension of Time to File Appeal 245
4-2:5.1 Motion and Content 245
4-2:5.2 Time to File 246
4-2:5.3 Effect of Motion 247
4-2:5.4 Objections to Motion 247
4-2:5.5 Ruling on the Motion 248
4-2:5.6 Appellate Review 249
4-2:6 Effect of Post-Judgment Motions— New Appeal Period 250
4-2:6.1 Period Set by Statute 250
4-2:6.2 Period Set by Rule 251
4-2:6.2a In General 251
4-2:6.2b Motions Rendering Judgment Ineffective 251
4-2:6.2c Motions for Additur or Remittitur 252
4-2:6.2d Waiver of Fees, Costs and Security, or Appointment of Counsel 252
4-2:6.2e Other Motions and Proceedings 252

4-2:6.2f Who May Appeal During a New Appeal Period 253
4-2:6.2g What May Be Appealed During a New Appeal Period 253
4-2:7 Late Appeals 254
4-2:7.1 In General 254
4-2:7.2 Motion for Leave to File Late Appeal 255
4-2:7.3 Jurisdiction to Permit Late Appeal 256
4-2:7.4 Habeas Corpus Proceedings 257
4-2:8 Premature Appeals 258
4-3 DOCUMENTS TO BE FILED 259
4-3:1 Electronic Filing 259
4-3:2 The Appeal 260
4-3:2.1 In General 260
4-3:2.2 Appeals in Child Protection Matters 262
4-3:2.3 Reservation of Right to Appeal 263
4-3:3 Fees, Costs and Security 263
4-3:3.1 Fees and Costs 263
4-3:3.2 Security 264
4-3:3.3 Failure to Pay Fees or Post Security 264
4-3:4 Appointment of Counsel and Waiver of Fees, Costs and Expenses 265
4-3:4.1 Appointment of Counsel and Waiver in Civil Cases 265
4-3:4.2 Child Protection Matters 267
4-3:4.3 Waiver in Criminal Cases 271
4-3:4.4 Appellate Review 273
4-3:5 Counsel of Record 273
4-3:5.1 Appearance 273
4-3:5.2 Withdrawal 275
4-3:5.3 Hybrid Representation 279
4-3:6 Preliminary Statement of Issues 279
4-3:6.1 Appellant's Statement 279
4-3:6.2 Appellee's Statement 281
4-3:6.3 Procedure 283
4-3:7 Documentation Concerning Transcript 283
4-3:8 Docketing Statement 285
4-3:9 Miscellaneous 287
4-4 STAY OF EXECUTION 287
4-4:1 Stays in Non-Criminal Cases 287

4-4:1.1 Automatic Stay 287
4-4:1.2 Exceptions to Automatic Stay 289
4-4:1.3 Termination of Stay 292
4-4:1.4 Request for Stay 293
4-4:1.5 Bankruptcy Stays 294
4-4:2 Stays in Criminal Cases 295
4-4:2.1 In General 295
4-4:2.2 Appeal by Defendant 296
4-4:2.3 Appeal by State 297
4-4:2.4 Motion to Stay or to Terminate Stay 297
4-4:3 Stays in Death Penalty Cases 298
4-4:3.1 Automatic Stay 298
4-4:3.2 Discretionary Stay 299
4-4:3.3 New Execution Date 300
4-4:4 Writs of Error 300
4-4:5 Summary Process Appeals 301
4-4:6 Foreclosure Actions 302
4-4:7 Appellate Review 303
4-5 TRANSFER 304
4-5:1 Transfer of Appeal Brought to Wrong Court 304
4-5:2 Discretionary Transfer by the Supreme Court 305
4-5:2.1 Jurisdiction 305
4-5:2.2 Considerations 306
4-5:2.3 Transfer to the Supreme Court 307
4-5:2.4 Transfer to the Appellate Court 308
4-5:2.5 Transfer to the Supreme Court on Request by Appellate Court 308
4-5:2.5a Pre-1996 308
4-5:2.5b Post-1996 309
4-6 EXPEDITED APPEALS 310
4-6:1 Matters of Substantial Public Interest 310
4-6:1.1 In General 310
4-6:1.2 Constitutionality 311
4-6:1.3 Application for Certification 312
4-6:1.4 The Appeal 315
4-6:2 Primary and Election Disputes 315
4-6:2.1 In General 315
4-6:2.2 Scope 316
4-6:2.3 Procedure 317
4-6:2.4 Optional Procedures 317
4-6:2.5 Remedy 318
4-6:2.6 Constitutionality 319

4-6:3 Temporary Injunctions in Labor Disputes 319
4-6:4 Court Closure and Other Sealing Orders 320
    4-6:4.1 In General.. 320
    4-6:4.2 Procedure... 321
4-6:5 Suspension of the Rules 322
    4-6:5.1 In General.. 322
    4-6:5.2 Procedure... 323
4-6:6 Disclosure of Investigatory Grand Jury Record or Finding 323
    4-6:6.1 In General.. 323
    4-6:6.2 Procedure... 324
4-6:7 Bail Orders.. 324
    4-6:7.1 In General.. 324
    4-6:7.2 Procedure... 325

Chapter 5: Perfecting the Appeal 327
5-1 IN GENERAL 327
    5-1:1 Perfection 327
        5-1:1.1 In General.. 327
        5-1:1.2 Inability to Perfect 328
            5-1:1.2a Death or Incapacity of Official 328
            5-1:1.2b Loss or Destruction of Documents............................ 329
        5-1:1.3 Reconstructed Record............................. 329
    5-1:2 Docketing 330
5-2 THE RECORD 331
5-3 THE TRANSCRIPT 331
    5-3:1 In General... 331
5-4 THE BRIEF 334
    5-4:1 Appellant's Brief 335
        5-4:1.1 Time to File 335
            5-4:1.1a In General............................ 335
            5-4:1.1b Stay of Briefing Deadlines 336
        5-4:1.2 Table of Contents and Statement of Issues 337
        5-4:1.3 Tables.. 338
        5-4:1.4 Statement of Facts................................... 339
        5-4:1.5 Argument.. 339
            5-4:1.5a In General............................ 339
            5-4:1.5b Jury Charge........................... 340
            5-4:1.5c Other Rulings........................ 341

5-4:1.6 Text of Constitution, Statutes, Regulations 341
5-4:1.7 Land Use Regulations 341
5-4:1.8 Relief Sought 342
5-4:2 Appellee's Brief 342
5-4:2.1 Time to File 342
5-4:2.2 Content 342
5-4:3 Reply Briefs 344
5-4:3.1 Appellant 344
5-4:3.2 Appellee 345
5-4:4 Supplemental Briefs 345
5-4:5 Briefs on Cross Appeals 346
5-4:6 Appendices 346
5-4:6.1 Use 346
5-4:6.2 Format 349
5-4:7 Evidence 350
5-4:7.1 In General 350
5-4:7.2 Briefs and Appendices 350
5-4:7.3 Ruling on Motion to Set Aside Verdict as Against the Evidence 351
5-4:8 Briefs and Appendices: Format; Page Limits; Copies 352
5-4:8.1 Format 352
5-4:8.2 Page Limits 353
5-4:8.3 Copies 354
5-4:9 Improper Content 355
5-4:10 Documents to Be Filed With Briefs 355
5-4:11 Briefs in Death Penalty Cases 356
5-4:12 Briefs in Family and Juvenile Matters 356
5-5 ORAL ARGUMENT 357
5-5:1 Assignment of Cases for Hearing 357
5-5:1.1 Docket 357
5-5:1.2 Assignment 358
5-5:1.3 Order of Assignment 358
5-5:2 Preargument Conference 359
5-5:3 Oral Argument 362
5-5:3.1 Right to Oral Argument 362
5-5:3.2 Order of Argument 362
5-5:3.3 Limitations: Time; Counsel 363
5-5:3.4 Content 364
5-5:3.5 Public Attendance and Media Coverage 366
5-5:3.6 Failure to Appear 367

Chapter 6: Motions and Other Procedures 369
6-1 MOTIONS IN GENERAL 369
 6-1:1 The Motion 369
  6-1:1.1 Content.. 369
  6-1:1.2 Filing and Form....................................... 369
 6-1:2 Statement in Opposition 371
  6-1:2.1 Content.. 371
  6-1:2.2 Filing and Form....................................... 372
 6-1:3 Extensions of Time; Amendments 372
  6-1:3.1 Extensions of Time................................. 372
  6-1:3.2 Amendments.. 373
 6-1:4 Hearings 373
  6-1:4.1 Motions 373
  6-1:4.2 Issues of Fact... 373
 6-1:5 Decision.. 374
  6-1:5.1 Hearing Panel 374
  6-1:5.2 Vote Required 375
6-2 PARTICULAR MOTIONS 375
 6-2:1 Motion to Extend Time to Take Appeal 375
 6-2:2 Motion to Extend Time to Prosecute or Defend Appeal 376
  6-2:2.1 Content.. 376
  6-2:2.2 Time to File 376
  6-2:2.3 Opposition... 377
  6-2:2.4 Decision... 377
 6-2:3 Motion for Rectification or Articulation................... 378
  6-2:3.1 In General.. 378
  6-2:3.2 Pre-Appeal Motion.................................. 381
  6-2:3.3 Rectification.. 382
  6-2:3.4 Articulation 382
 6-2:4 Other Motions Regarding the Record....................... 386
  6-2:4.1 Order to Complete, Correct or Perfect the Record 386
  6-2:4.2 Remand for Further Articulation............. 387
  6-2:4.3 Remand to Find Facts 388
 6-2:5 Motion for Review... 388
  6-2:5.1 In General.. 388
  6-2:5.2 Extension of Time 389
  6-2:5.3 Waiver of Fees, Costs and Security 389
  6-2:5.4 Withdrawal of Appointed Appellate Counsel 390
  6-2:5.5 Rectification or Articulation 390

- 6-2:5.6 Perfecting the Record; Appellate Procedures 391
- 6-2:5.7 Orders Concerning Stay of Execution...... 392
- 6-2:5.8 Orders Concerning Bail 393
- 6-2:5.9 Procedure........ 393
- 6-2:5.10 Review of Appellate Court Decision by Supreme Court 394
- 6-2:6 Motion to Invoke Supervisory Power........ 394
  - 6-2:6.1 In General........ 394
  - 6-2:6.2 Complete, Correct or Perfect the Record 395
  - 6-2:6.3 Modification or Vacation of Trial Order 396
  - 6-2:6.4 Ad Hoc Actions........ 396
  - 6-2:6.5 Procedure........ 398
  - 6-2:6.6 Commentary........ 399
- 6-2:7 Motion to Suspend the Rules........ 401
  - 6-2:7.1 In General........ 401
  - 6-2:7.2 Scope 401
  - 6-2:7.3 Grounds........ 403
- 6-2:8 Motion to Dismiss — Lack of Jurisdiction........ 404
  - 6-2:8.1 In General........ 404
  - 6-2:8.2 Grounds........ 404
  - 6-2:8.3 Procedure........ 405
- 6-2:9 Motions to Dismiss — Other Defects 405
  - 6-2:9.1 In General........ 405
  - 6-2:9.2 Procedure........ 407
  - 6-2:9.3 Grant or Denial 408
- 6-2:10 Motions to Withdraw Appearance........ 408
- 6-2:11 Motions to Seal or Limit Disclosure of Documents 408

6-3 APPLICATIONS 411
- 6-3:1 In General........ 411
- 6-3:2 Request for Transfer or Consolidation........ 412

6-4 SANCTIONS 412
- 6-4:1 Lack of Diligence in Prosecuting or Defending Appeal 412
  - 6-4:1.1 In General........ 412
  - 6-4:1.2 Dilatory Appellant........ 413
  - 6-4:1.3 Dilatory Appellee........ 414
  - 6-4:1.4 Appropriateness of Sanctions 414
- 6-4:2 Actions That May Result in Sanctions........ 415

6-4:3 Sanctions Under Supervisory Power 417
6-4:4 Procedure on Sanctions 418
6-5 AMICUS CURIAE...420
6-5:1 In General...420
6-5:2 Application 420
6-5:3 Extent of Participation 421
6-5:4 Brief 421
6-5:5 Oral Argument 422

Chapter 7: Review by Way of Certification..423
7-1 CERTIFICATION IN GENERAL 423
7-1:1 Nature of Certification 423
7-1:2 Jurisdiction 425
7-1:2.1 In General...425
7-1:2.2 Judgments of the Superior Court.............425
7-1:2.3 Final Determinations of an Appeal by the Appellate Court............................426
7-1:3 Grounds for Certification...431
7-1:3.1 In General...431
7-1:3.2 Questions of First Impression or Wrongly Decided 432
7-1:3.3 Conflict With Other Decisions of the Appellate Court 432
7-1:3.4 Gross Departures From Accepted Course of Judicial Proceedings 433
7-1:3.5 Questions of Great Public Importance 434
7-1:3.6 Divided Appellate Panel 434
7-1:3.7 Requests by Appellate Panel 434
7-2 PROCEDURE ON PETITION OR REQUEST...................435
7-2:1 Petition by a Party 435
7-2:1.1 Filing; Fees 435
7-2:1.2 Time Limits 435
7-2:1.3 Form and Content 436
7-2:1.4 Motion to Amend Petition.......................438
7-2:1.5 Dismissal of Petition...............................438
7-2:1.6 Cross Petition 439
7-2:1.7 Statement in Opposition 439
7-2:2 Request by Appellate Panel......................................440
7-2:3 Stay of Execution 440
7-2:4 Decision on Petition or Request...............................441
7-2:4.1 Certification Granted...............................441

7-2:4.2 Certification Denied 442
7-2:4.3 Certification Improvidently Granted 442
7-3 APPEAL FOLLOWING CERTIFICATION 442
7-3:1 The Appeal 442
7-3:1.1 In General 442
7-3:1.2 The Appeal 443
7-3:1.3 Fees and Security 443
7-3:1.4 Counter-Statement of Issues; Other Papers 443
7-3:1.5 Cross Appeal 444
7-3:2 Stay of Execution 445
7-3:3 Subsequent Procedure 446
7-3:3.1 In General 446
7-3:3.2 Motions 446
7-3:3.3 Briefs and Oral Argument 446
7-3:4 Scope of Review 447
7-3:4.1 Issues Raisable by Appellant 447
7-3:4.2 Issues Raisable by Appellee 448
7-3:5 Standard of Review 448
7-3:6 Decision 449
7-4 CERTIFICATION TO THE APPELLATE COURT 449
7-4:1 In General 449
7-4:2 Jurisdiction 450
7-4:3 Petitions for Certification 451
7-4:3.1 Grounds 451
7-4:3.2 Procedure 451
7-4:3.3 Extensions of Time 452
7-4:3.4 Decision 452
7-4:4 Appeal Following Certification 453
7-4:5 Review of Denial of Certification 453

Chapter 8: Disposition of the Appeal 455
8-1 PARTICIPATING JUDGES 455
8-1:1 Hearing Panel — Supreme Court 455
8-1:1.1 Justices 455
8-1:1.2 Full Court 456
8-1:1.3 More Than Five Justices 457
8-1:1.3a In General 457
8-1:1.3b Policy 458
8-1:1.3c Criteria 459
8-1:1.4 Fewer Than Five Justices 460

8-1:1.5 Vote Required 461
8-1:1.5a By Rule 461
8-1:1.5b By Statute 462
8-1:2 Hearing Panel — Appellate Court 462
8-1:2.1 In General 462
8-1:2.2 Vote Required 463
8-1:2.3 Hearing En Banc 463
8-1:3 Disqualification of Appellate Jurists 464
8-1:3.1 In General 464
8-1:3.2 Grounds — Code of Judicial Conduct 465
8-1:3.3 Procedure 465
8-1:3.4 Waiver 466
8-2 SCOPE OF REVIEW 466
8-2:1 Preserving Issues for Review 466
8-2:1.1 Waiver of Objections at Trial 466
8-2:1.2 Waiver of Objections on Appeal 472
8-2:1.3 Preservation of Issues by Appellee 473
8-2:2 Exceptions to Preserving Issues for Review 474
8-2:2.1 In General 474
8-2:2.2 Subject Matter Jurisdiction 475
8-2:3 Exceptional Circumstances (“*Golding* Rule”) 476
8-2:4 Plain Error 483
8-2:5 Review of Claims Not Raised Below or on Appeal (“*Blumberg* Review”) 488
8-3 STANDARD OF REVIEW 490
8-3:1 Review of Factual Findings 490
8-3:1.1 Restrictions 490
8-3:1.2 Exceptions 491
8-3:2 Issues of Fact — Jury Verdicts 492
8-3:2.1 In General 492
8-3:2.2 Setting Aside a Jury Verdict 494
8-3:3 Issues of Fact — Judicial Findings 494
8-3:3.1 In General 494
8-3:3.2 The Clearly Erroneous Standard 497
8-3:3.3 Remand for Finding of Facts or Further Articulation 499
8-3:4 Issues of Law 500
8-3:5 Review of Discretionary Rulings 503
8-3:6 Review of Decisions on Admissibility of Hearsay 504
8-4 REVERSIBLE ERROR 505
8-4:1 Reversible Error 505

8-4:1.1 In General 505
8-4:1.2 Burden of Proof 506
8-4:1.3 Discretion 509
8-4:2 General Verdict Rule 509
8-4:2.1 The Rule 509
8-4:2.2 Application 510
8-4:3 Harmless Error 511
8-4:3.1 In General 511
8-4:3.2 Errors Not Affecting the Result 512
8-4:3.3 Errors Not Affecting the Appellant 513
8-4:3.4 Technical and Formal Errors 513
8-4:3.5 Trivial Errors 514
8-4:3.6 Errors That Are Cured 514
8-4:4 Invited Error 515
8-4:4.1 In General 515
8-4:4.2 Adopting Appellant's Theory of the Case 516
8-4:5 Alternative Grounds to Sustain Judgment 516
8-5 DECISION 517
8-5:1 Appeal Dismissed 517
8-5:2 "No Error"; "Error" 517
8-5:3 Affirmed 518
8-5:4 Reversed — Unless Condition Accepted 518
8-5:5 Reversed — Judgment Directed 519
8-5:5.1 In General 519
8-5:5.2 Modification of Judgment 519
8-5:6 Reversed — New Trial 520
8-5:6.1 In General 520
8-5:6.2 New Trial Instead of Directed Judgment 521
8-5:6.3 Limited New Trial 522
8-5:7 Reversed — Further Proceedings 523
8-5:8 Consent Judgment 524
8-5:9 Reconsideration After Decision 525
8-5:9.1 In General 525
8-5:9.2 Grounds 527
8-5:10 Mandate 528
8-5:10.1 In General 528
8-5:10.2 Further Proceedings 529
8-5:10.3 Law of the Case 531
8-5:11 Judge Dying or Ceasing to Hold Office 532

8-6 JUDGMENT 532
  8-6:1 Opinion 532
    8-6:1.1 Supreme Court 532
    8-6:1.2 Appellate Court 533
    8-6:1.3 Content 534
  8-6:2 Notice 535
  8-6:3 Date of Judgment 535
  8-6:4 Judgment File 536
  8-6:5 Correction of Opinion 536
  8-6:6 Stay of Execution 537
    8-6:6.1 In General 537
    8-6:6.2 Review by the U.S. Supreme Court 538
8-7 TAXATION OF COSTS 539
  8-7:1 Authority to Tax Costs 539
    8-7:1.1 In General 539
    8-7:1.2 Appeals 539
    8-7:1.3 Reservations 540
    8-7:1.4 Writs of Error 541
    8-7:1.5 Petitions for Review 541
    8-7:1.6 Specialized Proceedings 541
    8-7:1.7 Sanctions 542
  8-7:2 Procedure 542
    8-7:2.1 Appellate Clerk and Judicial Review 542
    8-7:2.2 Bill of Costs 543
8-8 SETTLEMENT 543
  8-8:1 In General 543
  8-8:2 Vacatur of Court Opinion 544
    8-8:2.1 In General 544
    8-8:2.2 Notice 546

Chapter 9: Specialized Procedures 547
9-1 WRITS OF ERROR 547
  9-1:1 In General 547
    9-1:1.1 Historical Background 547
    9-1:1.2 Basis in Rule and Statute 548
    9-1:1.3 Jurisdictional Requirements 549
  9-1:2 To and From Which Courts 549
    9-1:2.1 To the Appellate Court 549
    9-1:2.2 From the Superior Court 550
  9-1:3 Availability 550
    9-1:3.1 Exhaustion of Appeal Rights 550
    9-1:3.2 As of Right 551

9-1:4 Writ of Error Where No Right of Appeal Exists 552
    9-1:4.1 In General 552
    9-1:4.2 Criminal Contempt in the Courtroom 552
    9-1:4.3 Small Claims 553
    9-1:4.4 Decisions of the Sentence Review Division 554
    9-1:4.5 Miscellaneous 554
9-1:5 Writ of Error Where Right to Appeal Qualified 555
    9-1:5.1 In General 555
    9-1:5.2 Writs of Error in Habeas Corpus Proceedings 555
9-1:6 Scope of Review 556
9-1:7 Procedure 556
    9-1:7.1 In General 556
    9-1:7.2 Time Within Which to File 557
    9-1:7.3 The Writ 558
    9-1:7.4 Fees 559
    9-1:7.5 Security 559
    9-1:7.6 Issuance, Service and Return 560
    9-1:7.7 Other Documents; Transcript 560
    9-1:7.8 Stay of Execution 561
    9-1:7.9 Duties and Rights of Defendant-in-Error 561
    9-1:7.10 Subsequent Procedures 561
9-1:8 Modern Utility 562
9-2 RESERVATIONS OF QUESTIONS OF LAW 563
9-2:1 In General 563
    9-2:1.1 Scope 563
    9-2:1.2 Conditions Precedent 564
    9-2:1.3 Reservations From Superior Court to Appellate Court 565
    9-2:1.4 Reservations From Compensation Review Board to Appellate Court 566
9-2:2 Trial Procedure 568
    9-2:2.1 Stipulation 568
    9-2:2.2 Statement of Facts 568
    9-2:2.3 Questions of Law 569
    9-2:2.4 When Entertained 570
    9-2:2.5 Reservation by Trial Court 570
9-2:3 Acceptance by Appeals Court 571
    9-2:3.1 In General 571
    9-2:3.2 When Entertained 572

9-2:4 Appellate Procedure 573
  9-2:4.1 In General 573
  9-2:4.2 Fees and Security 574
  9-2:4.3 Record, Briefs and Argument 574
  9-2:4.4 Advice by Appeals Court 575
9-2:5 Review of Appellate Court Advice on Reservation 575
9-2:6 Judgment by Trial Court 576
9-3 DISCIPLINE OF JUDGES OF THE SUPERIOR, APPELLATE AND SUPREME COURT 576
9-3:1 Jurisdiction of the Supreme Court 576
  9-3:1.1 Original Jurisdiction 576
  9-3:1.2 Appellate Jurisdiction 577
9-3:2 Judicial Review Council 578
  9-3:2.1 In General 578
  9-3:2.2 Authority 578
9-3:3 Removal or Suspension by the Supreme Court 579
  9-3:3.1 In General 579
  9-3:3.2 On Its Own Motion 579
  9-3:3.3 On Recommendation When No Appeal 579
  9-3:3.4 On Recommendation After Appeal 580
  9-3:3.5 Necessary Vote 580
9-3:4 Appeals to the Supreme Court 581
  9-3:4.1 In General 581
  9-3:4.2 Time Limits 581
  9-3:4.3 Documents to Be Filed 582
  9-3:4.4 Fees, Costs and Security 582
  9-3:4.5 Remand by Court 582
  9-3:4.6 Subsequent Procedure 582
9-4 DISCIPLINE OF PROBATE JUDGES 583
9-4:1 Jurisdiction of the Supreme Court 583
  9-4:1.1 Original Jurisdiction 583
  9-4:1.2 Appellate Jurisdiction 583
9-4:2 Council on Probate Judicial Conduct 583
  9-4:2.1 In General 583
  9-4:2.2 Time Limits 584
  9-4:2.3 Documents to Be Filed 584
  9-4:2.4 Fees, Costs and Security 584
  9-4:2.5 Remand by Court 584
  9-4:2.6 Subsequent Procedure 585
9-5 REVIEW OF SENTENCES 585

9-5:1 Death Sentences....................585
9-5:1.1 In General....................585
9-5:1.2 Scope of Review....................585
9-5:1.3 Procedure....................587
9-5:2 Decisions of the Sentence Review Division of the Superior Court....................589

Chapter 10: Original Proceedings in the Supreme Court......................591

10-1 ORIGINAL JURISDICTION....................591
10-1:1 In General....................591
10-1:1.1 Appellate Fact Finding....................591
10-1:1.2 Rules of Practice....................592
10-2 REAPPORTIONMENT MATTERS....................593
10-2:1 Jurisdiction of the Supreme Court....................593
10-2:2 Petition by Registered Voter....................593
10-2:2.1 In General....................593
10-2:2.2 Time Limits....................594
10-2:2.3 Filing, Form and Contents....................594
10-2:3 Subsequent Procedure....................594
10-2:3.1 In General....................594
10-2:3.2 Factual Issues....................595
10-2:4 Decision....................595
10-3 CERTIFIED QUESTIONS OF LAW TO AND FROM OTHER COURTS....................595
10-3:1 In General....................595
10-3:1.1 Jurisdiction....................595
10-3:1.2 Constitutionality....................597
10-3:2 Certification From Other Courts: Power to Answer Questions....................598
10-3:2.1 Certification From Federal Courts....................598
10-3:2.2 Certification From Other State Courts....................598
10-3:2.3 Certification From Tribal Courts....................599
10-3:3 Certification From Other Courts: Conditions Precedent....................599
10-3:4 Certification to the Connecticut Supreme Court: Procedure....................600
10-3:4.1 Certification Order....................600
10-3:4.2 Acceptance or Rejection....................601
10-3:4.3 Procedure After Acceptance....................602
10-3:4.4 Answers to Certified Questions....................602
10-3:4.5 Fees and Costs....................603

10-3:5 Certification to Other Courts: Power to Ask Questions 603
10-3:6 Certification to Other Courts: Conditions Precedent 603
10-3:7 Certification to Other Courts; Procedure 604
10-4 REMOVAL OR SUSPENSION OF JUDGES 604
10-4:1 In General 604
10-5 FEDERAL ELECTION DISPUTES 604
10-5:1 In General 604
10-5:2 The Complaint 605
10-5:3 Pre-Election Complaints 606
10-5:4 Post-Election Complaints 607
10-5:5 Procedure 608
10-5:5.1 Rules of Practice 608
10-5:5.2 Rules of Evidence 608
10-5:6 The Hearing 609
10-5:7 The Decision 610
10-5:7.1 Time 610
10-5:7.2 Finality 610

Table of Cases 611

Table of Connecticut General Statute References 679

Table of Practice Book Sections 687

Table of Connecticut Constitutional References 699

Table of Connecticut Public Acts References 701

Table of United States Code References 703

Index 705