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2011 Edition

Motion for Review

A Guide to Resources in the Law Library

- "Indeed, several rules of practice aim to facilitate the process by which an appealing party ensures the adequacy of the record. See Practice Book § [66-5](#) (Rectification of Appeal, Articulation), § [66-6](#) (Motion for Review In General), § [66-7](#) (Motion for Review of Motion for Rectification of Appeal or Articulation). These rules foster the basic policy that an appellate tribunal cannot render a decision without first fully understanding the disposition being appealed. Our role is not to guess at possibilities, but to review claims based on a complete factual record developed by a trial court Without the necessary factual and legal conclusions furnished by the trial court ... any decision made by us respecting [the defendant's claims] would be entirely speculative." (Citations omitted; internal quotation marks omitted.) [Gladstone, Schwartz, Baroff & Blum v. Hovhannissian](#), 53 Conn. App. 122, 127, 728 A.2d 1140 (1999)." [McManus v. Roggi](#), 78 Conn. App. 288, 300-301, 826 A.2d 1275 (2003).
- "Any party aggrieved by the action of the trial judge as regards rectification of the appeal or articulation under Section 66-5 may, within ten days of the issuance of notice of the order sought to be reviewed, make a written motion for review to the court, to be filed with the appellate clerk, and the court may, upon such a motion, direct any action it deems proper." CONN. PRACTICE BOOK § [66-7](#) (2011 ed.).
- "We note that where a party is dissatisfied with the trial court's response to a motion for articulation, he may, and indeed under appropriate circumstances he must, seek immediate appeal of the rectification memorandum to this court via the motion for review." [Bames v. Barnes](#), 190 Conn. 491, 493 fn.2, 460 A.2d 1302 (1983).
- "Here, the defendant failed to file a motion for review. It is the appellant's burden to provide an adequate record for review Because the record is inadequate, we decline to review the merits of this issue. We therefore affirm the judgment with respect to the cross appeal." [Suffield Development A. v. Nat. Loan Investors](#), 60 Conn. App. 842, 852-853, 763 A.2d 1049 (2000).

Table of Contents

Section 1: Motion for Review (Rectification)	3
Section 2: Motion for Review (Articulation)	5
Figure 1: Motion to Correct Articulation	8

These guides are provided with the understanding that they represent only a beginning to research.

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Section 1: Motion for Review (Rectification)

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to the appellate motion for review.
- CURRENCY:**
- 2011 EDITION
- SEE ALSO:**
- [Articulation, Motion for](#) – Research Guide
- DEFINITIONS:**
- Motion for review: "Any party aggrieved by the action of the trial judge as regards rectification of the appeal or articulation under Section 66-5 may, within ten days of the issuance of notice of the order sought to be reviewed, make a written motion for review to the court, to be filed with the appellate clerk, and the court may, upon such a motion, direct any action it deems proper." CONN. PRACTICE BOOK § [66-7](#) (2011 ed).
 - Motion for rectification: "A motion seeking correction in the transcript or trial court record ... shall be called a motion for rectification." CONN. PRACTICE BOOK § [66-5](#) (2011 ed).
- COURT RULES:**
- CONN. PRACTICE BOOK (2011 ed).
 - § [66-5](#). Motion for rectification; Motion for articulation
 - § [66-6](#). Motion for review; in general
 - § [66-7](#). Motion for review of motion for rectification of appeal or articulation
- FORMS:**
- 2 CONN. PRACTICE BOOK (1997), Form 3000.15
- CASES:**
- [Ragin v. Lee](#), 78 Conn. App. 848, 864, 829 A.2d 93 (2003). "Pursuant to Practice Book § 66-5, the sole remedy of any party desiring the court having appellate jurisdiction to review a decision on a motion for rectification or articulation shall be by motion for review under Practice Book § 66-7."
 - [State v. Lewis](#), 60 Conn. App. 219, 251, 759 A.2d 518 (2000). "An appellant is not without recourse, i.e., a motion for rectification under our rules of practice, to assist him in sustaining his burden of providing an adequate record for review. See Practice Book § 66-5. As noted, we do not have the evidence before us that is the factual predicate for the legal issue that the defendant asks us to consider. We must decline to review this claim."
- TEXTS & TREATISES:**
- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).
 - Chapter 52. Post-Judgment motions
 - § 52.3. Motion for articulation or clarification
 - WESLEY W. HORTON AND SUSAN M. CORMIER, [CONNECTICUT](#)

[RULES OF APPELLATE PROCEDURE](#) (2011 ed.).

Authors' Comments following § 66-6

1. Review of extensions of time
2. Stays of execution
3. Waiver of fees
4. Finding
5. Review prior to appeal
6. Timeliness
7. Withdrawal of appearance
8. Bond
9. Review on merits on appeal
10. Denial of request to appeal
11. Workers' Compensation appeal
12. Miscellaneous

Authors' Comments following § 66-7

- COLIN C. TAIT AND ELIOT D. PRESCOTT, [CONNECTICUT APPELLATE PRACTICE AND PROCEDURE](#) (2000).
 - § 1.18(b). Supreme court rules. Motion for review
 - § 6.10. Motion for review

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* Originally compiled by Lawrence Cheeseman, retired Judicial
Branch Supervising Law Librarian.

Section 2: Motion for Review (Articulation)

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to the appellate motion for review.
- CURRENCY:**
- 2011 EDITION
- SEE ALSO:**
- [Articulation, Motion for](#) – Research Guide
- DEFINITIONS:**
- Motion for review: "Any party aggrieved by the action of the trial judge as regards rectification of the appeal or articulation under Section 66-5 may, within ten days of the issuance of notice of the order sought to be reviewed, make a written motion for review to the court, to be filed with the appellate clerk, and the court may, upon such a motion, direct any action it deems proper." CONN. PRACTICE BOOK § [66-7](#) (2011 ed).
 - Motion for articulation: "A motion ... seeking articulation or further articulation of the decision of the trial court shall be called ... a motion for articulation.... " CONN. PRACTICE BOOK § [66-5](#) (2011 ed).
- COURT RULES:**
- CONN. PRACTICE BOOK (2011 ed).
 - § [66-5](#). Motion for rectification; Motion for articulation
 - § [66-6](#). Motion for review; in general
 - § [66-7](#). Motion for review of motion for rectification of appeal or articulation
- RECORDS & BRIEFS:**
- CONNECTICUT APPELLATE COURT RECORDS AND BRIEFS, December 1986, [Southington v. De Mello](#), 10 Conn. App. 581, 524 A.2d 1151 (1987). "In this [further] articulation, the court ordered that the fine imposed was to be paid to the state. The defendant filed a motion for review of this articulation with this court in which he requested that the trial court be directed to order that the fine be paid to the town of Southington as originally ordered. The trial court was so directed and it amended its order accordingly. [Figure 1](#)
- CASES:**
- [Emrich v. Emrich](#), 127 Conn.App. 691, 15 A. 3d 1104 (2011). When ruling on the financial orders at issue, the court simply stated its orders, without any reasoning. The defendant filed a motion to reargue and for articulation in which he sought reargument and/or articulation with respect to the financial orders at issue, which the court denied. The defendant, however, failed to file a motion for review with this court in accordance with Practice Book §§ 66-5 and 66-7. 'It is axiomatic that the appellant must provide this court with an adequate record for review. See Practice Book § 61-10. . . . [W]here a party is dissatisfied with the trial court's response to a motion for articulation, he may, and indeed under

appropriate circumstances he must, seek immediate appeal of the rectification memorandum to this court via the motion for review.' (Citation omitted; internal quotation marks omitted.) [Ramondetta v. Amenta](#), 97 Conn.App. 151, 167-68, 903 A.2d 232 (2006). The defendant's failure to seek review by this court pursuant to Practice Book § 66-7 precludes further review of the defendant's claims."

- [Kaczynski v. Kaczynski](#), 294 Conn 121, 122-123, 981 A.2d 1068 (2009). "When a trial court opinion is silent as to the standard of proof applied, an appellate court is not the proper forum to first raise a claim that the trial court applied the wrong standard when that claim could have been raised in, and more fairly remedied by, a motion for articulation or reargument."
- [Burke v. Burke](#), 94 Conn. App. 416, 892 A.2d 964 (2006). "Because this rule provides the sole means to challenge an articulation ruling, a party may not appeal a ruling on an articulation."
- [Tolman v. Banach](#), 82 Conn. App. 263, 267, 843 A.2d 650 (2004). "The defendant has not sought an articulation of that judgment, as provided by Practice Book § 66-5. On the limited record before us, we cannot conclude that the court abused its discretion in denying the defendant's motion to compel."
- [Wendover Financial Services Corp. v. Connolly](#), 61 Conn. App. 244, 247, 763 A.2d 670 (2000). "Although the defendant filed a motion for articulation, which the court denied, the defendant did not seek a review of the court's denial pursuant to Practice Book § 66-7. Consequently, the record does not adequately reveal the grounds for the court's denial of the defendant's motion to set aside the judgment."
- [Reising v. General Dynamics Corp./Elec. Boat Div.](#), 38 Conn. App. 637, 637, 661 A.2d 1042 (1995). "In this appeal from a decision by the workers' compensation review board, the defendant General Dynamics Corporation IElectric Boat Division (General Dynamics) has filed a motion for review of the board's denial of General Dynamics' motion for articulation. The dispositive issue is whether Practice Book § 4054 [now 667] provides a mechanism by which this court can review requests for articulation denied by the board. We conclude that it does not and therefore dismiss General Dynamics' motion as improper."
- [Highgate Condominium Assn. v. Watertown Fire Dist.](#), 210 Conn. 6, 21, 553 A.2d 1126 (1989). "The plaintiff failed to move for review in this court of the trial court's refusal to articulate further its decision. Accordingly, we decline to address the plaintiffs assignment of error on that point."
- [Stamford Apartments Co. v. Stamford](#), 203 Conn. 586, 594 fn

1,525 A.2d 1327 (1987). "Since the defendant did not move for review of the trial court's articulation, we have no reason to conclude that the court improperly allocated the burden of proof."

**TEXTS &
TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).
Chapter 52. Post-Judgment motions
§ 52.3. Motion for articulation or clarification
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* Originally compiled by Lawrence Cheeseman, retired Judicial Branch Supervising Law Librarian.

Figure 1: Motion to Correct Articulation

No. CV 76 0128261

SUPERIOR COURT

TOWN OF SOUTHLINGTON, ET AL.

JUDICIAL DISTRICT OF
HARTFORD-NEW BRITAIN

vs.

AT NEW BRITAIN,
CONNECTICUT

ANTONIO DEMELLO

OCTOBER 29, 1985

MOTION TO CORRECT ARTICULATION

The Defendant in the above-entitled case requests the court to correct its Articulation dated October 24, 1985 and filed October 25, 1985 in one respect namely: to delete the sentence on Page 3 "The fine imposed is to be paid to the State of Connecticut." Replace it with: The fine imposed is to be paid to the Town of Southington, pursuant to the orders of the court made on July 18, 1985 pursuant to the transcript attached hereto. (TR pp. 37-38, 40-41).

Defendant, Antonio Demello

By
Attorney

The undersigned hereby certifies that a copy of the foregoing was mailed postage prepaid: to Clerk, Appellate Court, 231 Capitol Avenue, Drawer A, Station A, Hartford, CT 06106, and _____ this 29th day of October, 1985.