



Appellate News

Fall 2013

Welcome to the Second Issue of *Appellate News*!

[Jeffrey J. White, Chair](#)

Last spring, Robinson & Cole's [Appellate Practice Group](#) launched this newsletter to keep our clients, colleagues, and others in the business community apprised of recent developments on both a state and national level. The Appellate Practice Group as a whole continues to have success in appellate courts throughout the country. Additionally, members of our group continue to hold leadership positions in both state and national appellate groups. In particular, I would like to congratulate [Tom Donlon](#), who recently completed a three-year term as co-chair of the ABA Section of Litigation's Appellate Practice Committee. [Wystan Ackerman](#) was recently appointed vice chair of the Appellate Section of the Federation of Defense and Corporate Counsel (FDCC). The newsletter is a work in progress so we would appreciate any comments, questions, or suggestions for future topics.



UNDER THE FINAL JUDGMENT RULE, EARLY CAN BE EVEN WORSE THAN LATE

[Bradford S. Babbitt](#)

The risk of filing an appeal after the filing deadline is obvious to all practitioners: late appeals risk dismissal. Because a late filing does not deprive the court of subject matter jurisdiction, however, the merits of the appeal can still be considered if your opponent does not raise the issue or the court charitably agrees to accept the late appeal.

To read more, [click here](#).

2013 HAS BEEN A YEAR OF NUMEROUS CHANGES TO THE RULES



OUR APPELLATE TEAM RECENTLY PREVAILED AT THE CONNECTICUT APPELLATE COURT IN TWO "NUTS AND BOLTS" BUSINESS DISPUTES

[Linda L. Morkan](#)

The first concerned a simple breach of contract. Our client, DDS Wireless International, a global provider of taxicab dispatch units, had signed a multiyear agreement with the defendant, Nutmeg Leasing, Inc., to service the dispatch units Nutmeg had purchased from DDS. With eight months left on the agreement, Nutmeg informed DDS that it would not live up to its obligations under the contract because it had opted to purchase new dispatch units elsewhere. After negotiations failed, DDS commenced suit. Unfortunately, the trial court adopted



OF APPELLATE PROCEDURE IN THE CONNECTICUT PRACTICE BOOK

[J. Tyler Butts](#)

While some of these changes aim to simplify the language of the rules, or make minor technical or grammatical edits, others represent substantial changes to the way that appeals are handled in Connecticut. Appellate practitioners would be well served by reviewing the significant changes discussed below before initiating a new appeal.

To read more, [click here](#).

Nutmeg's defense that performance of the contract was "legally impossible" because Nutmeg was no longer using DDS's equipment.

To read more, [click here](#).

FOR MORE INFORMATION

If you have questions about any of these topics, please contact one of the following attorneys:

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