

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

RODERICK L. IRELAND

Chief Justice

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1. Court Submitting Rules for Approval:

Appeals Court

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2. Date Rules Submitted for Approval:

November 7, 2012

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3. Date Approved and Promulgated by the Supreme Judicial Court:

December 17, 2012

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4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Continuation of Pilot Program Requiring Appellants to File

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Docketing Statements in Criminal Cases until December 31,

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2015

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Effective Date: January 1, 2013

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(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)



COMMONWEALTH OF MASSACHUSETTS  
THE APPEALS COURT  
BOSTON, MASSACHUSETTS 02108

PHILLIP RAPOZA  
CHIEF JUSTICE

November 7, 2012

Honorable Robert J. Cordy  
Chair,  
SJC Rules Committee  
Supreme Judicial Court  
John Adams Courthouse  
Boston, Massachusetts 02108

Re: Continuation of Pilot Program Requiring Appellants to File Docketing Statements in  
Criminal Appeals

Dear Justice Cordy:

On November 10, 2011, the Justices of the Supreme Judicial Court approved an Appeals Court pilot program requiring appellants to file docketing statements in all criminal appeals. The pilot program commenced on December 1, 2011 and is set to expire on December 31, 2012. The program has been a success to date and the Justices of the Appeals Court now request that it be extended for three years until December 31, 2015.

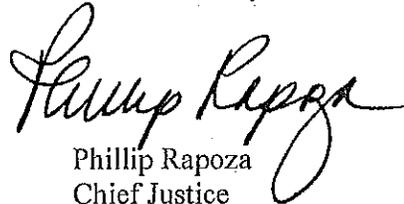
The docketing statement provides the court with important background information that is useful when the case is entered and screened, and also while it is under consideration. The docketing statement is posted on the Appeals Court website as a PDF form that has drop-down menus, calendars, and text that will automatically fill in certain information. Attorneys and litigants are able to complete and save the form with little difficulty and then file it by e-mail. Incarcerated self-represented appellants are not required to participate.

In October 2012, the Appeals Court Clerk's Office surveyed the Appeals Court Justices and relevant staff to determine whether the forms remain useful and whether they should be changed. The responses were positive overall. In response to an attorney's proposal, the Appeals Court made a minor change to the form, adding to page three the option of "Reported Question" under the section "Procedural Nature of the Case",

A copy of the docketing statement, with proposed changes, is attached for your review. I will also forward to you an electronic PDF copy to provide you the opportunity to review its various features.

I respectfully request that the Supreme Judicial Court extend the adoption of this Appeals Court Pilot Program Requiring Appellants to File Docketing Statements in Criminal Appeals for three years through December 31, 2015.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Phillip Rapoza". The signature is written in a cursive style with a large, looping initial "P".

Phillip Rapoza  
Chief Justice

PR/md

# MASSACHUSETTS APPEALS COURT

John Adams Courthouse  
One Pemberton Square, Suite 1200  
Boston, MA 02108  
(617) 725-8106

<http://www.mass.gov/courts/appealscourt/>

## PILOT PROGRAM CRIMINAL DOCKETING STATEMENT INSTRUCTIONS

1. Counsel representing an appellant shall file a docketing statement for every case appealed or cross-appealed to the Massachusetts Appeals Court. It must be received by the Appeals Court's Clerk's Office within fourteen days after the Appeals Court issues the "Notice of Entry" of the appeal. The docketing statement shall be filed by e-mailing the completed form to: [emotions@appct.state.ma.us](mailto:emotions@appct.state.ma.us). The subject line of the e-mail and docketing statement's file name shall consist of (a) an abbreviated docket number, e.g., 11P0023 (i.e., a two digit year followed, without a space, by a "P" followed, again without a space, by the last four digits of the docket number); (b) followed by a hyphen; (c) followed by a description of the filing containing no more than 56 characters, indicating what it is and who filed it, for example, "11P0023-Docketing Statement Jason Jones.pdf". Upon motion and a showing of good cause, the court can allow a paper copy to be filed by first-class mail or hand delivery.
2. In the case of multiple appellants represented by separate counsel, each counsel for an appellant shall file a separate docketing statement. Counsel representing multiple appellants shall file one docketing statement on behalf of all appellants represented by that counsel.
3. Incarcerated self-represented appellants are not required to file a docketing statement at this time.
4. All fields and the certificate of service must be completed. If inadequate space has been provided for the information requested, please provide the additional information in an attachment.
5. The docketing statement and certificate of service may be signed electronically by the person filing the docketing statement. The proper format for an electronic signature is "/s/" followed by the name of the filer, e.g., "/s/ Jason Jones". Upon agreement between the parties, service of this docketing statement by electronic mail will be deemed in compliance with Mass.R.A.P. 13(c).
6. If the appellant fails to file the docketing statement, the court can decline to act on any motion to enlarge time to file a brief or a motion to stay appellate proceedings, until the appellant has filed the docketing statement.
7. For the purposes of this form, the term "impounded" includes any portion of the record that is impounded, sealed, or deemed confidential or excluded from public access by statute, court order, rule, or standing order.

### **Important Requirements for the Filing of the Brief and Record Appendix**

8. Parties filing a brief or record appendix that contains impounded material must comply with M.R.A.P. 16(d), 16(m), and 18(g). If a brief or record appendix includes any items listed as "personal identifying data" in the S.J.C.'s Interim Guidelines on Personal Identifying Data, the parties shall comply with the guidelines in all filings with the Appeals Court.

**MASSACHUSETTS APPEALS COURT  
CRIMINAL DOCKETING STATEMENT**

Docket Number                   -P-                  

Commonwealth v. \_\_\_\_\_

**Party Information**

Name of the appellant(s) on whose behalf this statement is being filed:

\_\_\_\_\_  
**Attorney Information**

Name \_\_\_\_\_ BBO# \_\_\_\_\_

Or, check this box if you are self-represented and provide your name \_\_\_\_\_

**Trial Court Information**

Court Department

Docket Number(s) \_\_\_\_\_

Specify the name and the role of each judge whose orders are at issue on appeal.

Judge, first and last name _____	Role	<input style="width: 100%; height: 20px;" type="text"/>
Judge, first and last name _____	Role	<input style="width: 100%; height: 20px;" type="text"/>
Judge, first and last name _____	Role	<input style="width: 100%; height: 20px;" type="text"/>

Was the case or any information in the record impounded in the trial court? (see Instructions, # 7)

If the case is impounded or partially impounded, explain why and specify which documents are impounded

**Nature of the Case**

Select the most appropriate description, or enter a description:

**Procedural Nature of the Case**

Nature of the Appeal:  Commonwealth's Appeal  Defendant's Direct Appeal  
 Defendant's Collateral Appeal  Reported Question

Appeal taken from (check all that apply):

Pretrial Order  Jury Trial  Non-Jury Trial  Post-Conviction Order

If the appeal involves a pretrial or post-conviction order, please list the order:

If the appeal involves a motion to suppress, did the judge enter findings?  Yes  No

If yes, are the findings:  Written  Transcribed

List each offense charged, its disposition, and any sentence imposed:

Is the defendant incarcerated?  Yes  No

Defendant's current address: \_\_\_\_\_

Is there a current order staying execution of the sentence?  Yes  No

If yes, provide the order's date: \_\_\_\_\_

And the name of the judge who entered the stay: \_\_\_\_\_

**Related Appeals**

Are there any pending, past, or anticipated future appeals, or original appellate proceedings that involve these parties or this case that have been entered in the Appeals Court or Supreme Judicial Court?  Yes  No

Do you know of any pending appeals raising related issues?  Yes  No

If you answered yes to either question, provide the case name and docket number and describe the related matter or issue:

Respectfully Submitted,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
BBO Number

### CERTIFICATE OF SERVICE

Pursuant to Mass.R.A.P. 13(d), I hereby certify, under the penalties of perjury, that on this date of \_\_\_\_\_  
I have made service of a copy of the "Massachusetts Appeals Court Docketing Statement filed on behalf of

\_\_\_\_\_, " upon the attorney of record for each party, or if the party  
has no attorney then I made service directly to the self-represented party, by  hand delivery  first class mail  e-mail  
to the following person(s) and address(es). Note: Service may be made by e-mail only with the consent of each party or  
opposing counsel:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Address