
MASSACHUSETTS REPORTS

STYLE MANUAL

PREPARED BY

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1.00 GENERAL RULES

1.01 Introduction

This style manual is used by the Justices of the Supreme Judicial Court (SJC), their law clerks, and the staff of the office of the Reporter of Decisions in the creation of slip opinions. The manual may be useful to those preparing appellate briefs, and it may offer readers of the official reports a better understanding of the process of reporting the SJC's opinions.

The manual includes general rules of SJC writing style, tables of abbreviations, guidelines for case citation, and rules of punctuation and capitalization followed in preparing the official reports. There are sections explaining the method of forming case captions and party designations. Examples of common statements of dispositive language, referred to as "snappers," are provided. The manual also contains information with regard to the publication of the court's decisions.

In the past, the SJC followed the Uniform System of Citation as its general authority for citations, with certain exceptions followed in the interest of consistency with long-standing Massachusetts custom. These exceptions are memorialized here, and the Uniform System of Citation should be consulted only when referred to by the Style Manual or when the Style Manual is silent on a given matter.

1.02 Footnotes

The SJC has not adopted the practice followed by many legal periodicals of placing most citations in footnotes, rather than in the text.

1.03 Numerals

The use of arabic numerals is preferred. However, in referring to articles of Constitutions (Federal or State) and statutes, where indicated in session laws, roman numerals should be retained.

Spell out all numbers smaller than 101. Use a comma when expressing numbers of four or more digits (e.g., 1,000; 10,000).

Exceptions:

1. Numbers that begin sentences are always spelled out.
2. Substitute words for strings of zeroes (e.g., \$10 million) or units of measure.
3. Use numerals where numbers occur throughout the text.

1.04 Italics

Italicize a word or phrase by underlining with a single line.

1. Foreign words and phrases are not italicized.
2. Italicize the expressions ante, post, supra, infra, id., and [sic].
3. Italicize the parties within a citation.
4. Introductory signals are not italicized.

1.05 Signals

Signals are used to introduce citations by indicating the purpose of the citation and the degree of support a particular citation gives. The rules governing the use of signals may be found in the Uniform System of Citation, with the following exceptions.

Within a signal, cite cases of the SJC first, the Appeals Court second, and follow the Uniform System of Citation for the rest. The exception to this rule, however, is that citations to cases decided by the Supreme Court of the United States should be placed first. In citing statutes, cite Massachusetts statutes first and follow the Uniform System of Citation for the rest.

In a string citation introduced by a signal, a semicolon should separate the individual citations. Where a string citation has not been introduced by a signal, a period should separate the individual citations. Each signal requires its own sentence. “See also” cannot be used as signal without being preceded by a “see” signal.

1.06 Pages

When citing material that spans more than one page, separate the beginning and ending page numbers with a hyphen and retain all digits:

Matthews v. Ocean Spray Cranberries, Inc., 426 Mass. 122, 128-129 (1997)

When the use of a hyphen would create confusion, use the word "to":

6 Moore's Federal Practice § 26.06[2], at 26-41 to 26-42 (3d ed. 2010)

To cite to an entire footnote that spans multiple pages, cite only the page on which the footnote

begins:

Caffyn v. Caffyn, 441 Mass. 487, 494 n.16 (2004)

1.07 Parenthetical Phrases

Unless directly quoting another source, parenthetical phrases appearing after citations should not include articles (the, an, a) but should include all connectors (that, which, etc.) and all forms of the verb "to be." Omit final punctuation. For example,

"See G. L. c. 233, § 20B (e) (psychotherapist-patient privilege does not apply to child custody or adoption proceedings if judge finds that it is more important for psychotherapist's evidence to be disclosed than to preserve confidential relationship)." Board of Registration in Medicine v. Doe, 457 Mass. 738, 745 (2010).

Parenthetical phrases appear after any subsequent history to a cited case, as well as after "quoting" or "citing" phrases and citations. For example,

Commonwealth v. Delaney, 425 Mass. 587, 591 (1997), cert. denied, 522 U.S. 1058 (1998), quoting Matter of Kenney, 399 Mass. 431, 435 (1987) ("[t]he fundamental requisite of due process is an opportunity to be heard at a meaningful time and in a meaningful manner").

1.08 Maps and Plans

The engineering department in the Land Court will lend assistance in drafting a plan or map that is suitable for reproduction in the official reports.

2.00 CITATION GUIDELINES

2.01 Court Decisions

When citing a published decision, italicize (underline) case names and use roman type for the letter "v."

Commonwealth v. Latimore, 378 Mass. 761 (1979)

Commonwealth v. Delaney, 425 Mass. 587, 591 (1997), cert. denied, 522 U.S. 1058 (1998)

Always include denials of certiorari by the United States Supreme Court.

Abbreviate titles of reports according to the Uniform System of Citation. Abbreviate case names according to Appendix 1.

Abbreviations used for subsequent history and other explanatory phrases can be found in Appendix 2.

2.02 Massachusetts Decisions

From 1822 to 1867, the volumes of the official reports were named for the individuals (i.e., the reporters) who prepared the volumes for publication. When citing cases from this era, use the following reporter names, with abbreviations as indicated. A table converting early Massachusetts Reports to these names can be found in Appendix 3.

Pickering (1822-1839)

Pick.

e.g., Lawrence v. Stearns, 11 Pick. 500, 501 (1831)

Metcalf (1840-1847)

Met.

e.g., Washburn v. Phillips, 2 Met. 296, 298-299 (1841)

Cushing (1848-1853)

Cush.

e.g., Robinson v. Gould, 11 Cush. 55, 57 (1853)

Gray (1854-1860)

Gray

e.g., Farnsworth v. Taylor, 9 Gray 162 (1858)

Allen (1861-1867)

Allen

e.g., Oliver v. Washington Mills, 11 Allen 268, 270 (1865)

Where pagination differs between the original edition and the reprints of the early Massachusetts Reports, use the original pagination as indicated by asterisks appearing in the reprinted version. (Do not include asterisks in citations.)

Citation to Massachusetts Reports from 1867 to the present (i.e., 97 Mass. to the present) should be to the official reports:

Gaffney v. Contributory Retirement Appeal Bd., 423 Mass. 1 (1996)

Citation to Massachusetts Appeals Court Reports should be to the official reports:

Commonwealth v. Bartlett, 41 Mass. App. Ct. 468 (1996)

2.02.1 Subsequent History

S.C. stands for "same case." This is used with a case of either the SJC or the Appeals Court where subsequent action has taken place in the SJC. Note that the SJC reviews the action in the court of origin and does not reverse or affirm Appeals Court decisions.

Examples:

Reversal by the SJC followed by an appeal from convictions at new trial:

Commonwealth v. Lanoue, 392 Mass. 583, 589 (1984), S.C., 400 Mass. 1007 (1987), and 409 Mass. 1 (1990).

Commonwealth v. Schnopps, 383 Mass. 178, 180 (1981), S.C., 390 Mass. 722 (1984).

Commonwealth v. Haas, 373 Mass. 545, 550 (1977), S.C., 398 Mass. 806 (1986).

Remands for further proceedings:

Onofrio v. Department of Mental Health, 408 Mass. 605 (1990), S.C., 411 Mass. 657 (1992).

Dynan v. Fritz, 400 Mass. 230 (1987), S.C., Martin v. F.S. Payne Co., 409 Mass. 753 (1991).

Cases considered by the SJC on further appellate review:

Wilcox v. Riverside Park Enters., 21 Mass. App. Ct. 419, 421 (1986), S.C., 399 Mass. 533 (1987).

White Constr. Co. v. Commonwealth, 11 Mass. App. Ct. 640, 647 (1981), S.C., 385 Mass. 1005 (1982).

Ferrari v. Toto, 9 Mass. App. Ct. 483 (1980), S.C., 383 Mass. 36 (1981).

2.02.2 Other Massachusetts Sources

See Appendix 4 for abbreviations the style of citations for sources reporting decisions of Massachusetts lower courts or agencies.

2.03 Federal Court Decisions

Abbreviate the titles of reports according to the Uniform System of Citation.

A citation to a United States Supreme Court decision should be to the United States Reports (U.S.). If that citation is not available, citation should be to S. Ct. or U.S.L.W., in that order.

2.04 Out-of-State Court Decisions

(a) Where a court's decisions are officially reported, as in the Commonwealth of Massachusetts, use only the official citation. No parallel citation is required.

(b) Where an out-of-State case is found only in the National Reporter System, such as those jurisdictions that have adopted that system as their sole law reporter (e.g. Maine), specify the court in parentheses before the year of decision: e.g., (Me. 1992); (Minn. Ct. App. 1989).

(c) For those States that have adopted a public domain format, ignore such format in favor of citation under method (a) or (b), as applicable.

(d) Abbreviate the titles of reports according to the Uniform System of Citation.

2.05 Unpublished Orders, Decisions, and Slip Opinions

Use the following basic citation form:

name vs. name, court, No. --, slip op. at --- (full date)

Do not cite to online legal research services such as Lexis and Westlaw.

Examples:

1. Raines vs. Byrd, U.S. Supreme Ct., No. 96-1671, slip op. at 8 (June 26, 1997)
2. United States vs. Labovitz, U.S. Ct. App., No. 94-1725, slip op. at 2 (1st Cir. Mar. 28, 1997)
3. Olin Corp. vs. Fisons PLC, U.S. Dist. Ct., No. 93-11166 (D. Mass. Apr. 24, 1995)
4. Parks vs. Petraglia, Boston Hous. Ct., No. 93-CV-00155 (Jan. 20, 1995)

2.06 Massachusetts Statutes

Citations to the General Laws should refer to the official compilation, including the supplement, if any, in which the cited material appears. Insert spaces between subsections and underline lettered subsections.

Use of the phrases "inserted by," "as appearing in," "as amended by," or "as amended through," with reference to the General Laws, is no longer required except for identifying the source of a quotation, although these phrases may be inserted, in any precise form, at the discretion of the author. Their use may be avoided (again at the discretion of the author) by use of either of the following forms when reference to the statute as in effect at a particular time is important.

Forms of citation to Massachusetts statutory material:

| | | |
|-----------------------|-------|--|
| General Laws | e.g., | G. L. c. 156, § 10 G. L. c. 93A, § 2 (a) (1) G. L. c. 231, § 2, first par. G. L. c. 272, § 99 C 1 G. L. c. 30A, § 14 (7) (a)-(d), (f), (g) G. L. cc. 108, 109 |
| amendment | e.g., | G. L. c. 175, § 35 (Supp. 1996) |
| legislative history | e.g., | G. L. c. 6, § 168, inserted by St. 1972, c. 805, § 1 G. L. c. 156, § 10, as amended through St. 1943, c. 549, § 4 |
| legislative documents | e.g., | 1989 House Doc. No. 482 1992 Senate Doc. No. 301 |
| ordinances | e.g., | Ordinances, c. 34 (1984), of the city of Boston |

If the citation begins a sentence in running text, spell out the abbreviation appearing at the beginning of the citation:

General Laws c. 93A, § 2 (a), makes unlawful

Statute 1997, c. 164, which amended the siting board statute

2.07 Federal Statutes

Cite only to official compilations. There are no spaces between subsections. Do not underline lettered subsections.

United States Code (U.S.C.) e.g., 42 U.S.C. § 1395 (1994)
42 U.S.C. § 1396p(c)(1) (1988 & Supp. IV 1992)

amendments e.g., Pub. L. No. 101-239, 101st Cong., 1st Sess., reprinted in 1989
U.S.C.C.A.N. 1906
Pub. L. No. 101-239, Title VI, Subtitle B, Part 2, § 6411(e)(1), 103
Stat. 2271 (1989)

congressional e.g., H.R. Rep. No. 265, 99th Cong., 1st Sess., pt. 1, at 71-72 (1985)
(Committee on Energy and Commerce)
H.R. Conf. Rep. No. 104-458, 104th Cong., 2d Sess. [page] (1996)

2.08 Out-of-State Statutes

Cite only to official compilations, following the Uniform System of Citation. There are no spaces between subsections. Do not underline lettered subsections.

2.09 Massachusetts Court Rules

Citations to the Rules of Civil Procedure, the Rules of Appellate Procedure, the Rules of the Supreme Judicial Court, and the Rules of Criminal Procedure are followed by a reference to the volume of the Massachusetts Reports in which the SJC promulgated or amended the rule. Include spaces between subparts, but do not underline lettered subparts of rules.

Citations for the Rules of Civil Procedure can be found in Appendix 5.

Citations for the Rules of Appellate Procedure can be found in Appendix 6.

Citations for the Rules of the Supreme Judicial Court can be found in Appendix 7.

Citations for the Rules of Criminal Procedure can be found in Appendix 8.

Citation examples for other Massachusetts court rules can be found in Appendix 9.

2.10 Federal Court Rules

e.g., Fed. R.A.P. xx (20xx)
Fed. R. Civ. P. xx (20xx)
Fed. R. Crim. P. xxx (20xx)
Fed. R. Evid. xxx (20xx)

2.11 Massachusetts Regulations

Cite to the Code of Massachusetts Regulations according to the following examples. There are no spaces between subsections. Do not underline lettered subsections.

301 Code Mass. Regs. § 11.01(3) (1993)
106 Code Mass. Regs. § 303.230(A)(2)(b) (1986)

Do not use "et seq." when citing multiple provisions of the Code of Massachusetts Regulations. Use multiple section signs only.

970 Code Mass. Regs. §§ 5.00 (1999)

If the citation begins a sentence in running text, place "Title" at the beginning of the citation.

Title 301 Code Mass. Regs. § 11.01(3) (1993) provides that

Cite to the Massachusetts Register only when no citation to the Code of Massachusetts Regulations is available.

1171 Mass. Reg. 7-9 (Dec. 10, 2010)

2.12 Federal Regulations

Code of Federal Regulations

45 C.F.R. § 233.90(c)(1)(v)(B) (1994)
18 C.F.R. § 292.304(e) (1988)

Federal Register

55 Fed. Reg. 36,813, 36,816 (1990)

53 Fed. Reg. 8034, 8068 (1988)

2.13 Massachusetts Constitution

The Massachusetts Constitution will be cited in the same manner as appears in recent volumes of Massachusetts Reports. Common examples are

art. 48, The Initiative, II, § 3

art. 12 of the Declaration of Rights of the Massachusetts Constitution ("Massachusetts Declaration of Rights" is also acceptable)

art. 114 of the Amendments to the Massachusetts Constitution

art. 63, § 5, of the Amendments to the Massachusetts Constitution, as amended by art. 90 of the Amendments

art. 16 of the Declaration of Rights, as amended by art. 77 of the Amendments to the Massachusetts Constitution

Part II, c. 1, § 2, art. 8, of the Constitution of the Commonwealth

art. 101, § 3, of the Amendments to the Massachusetts Constitution

If the citation begins a sentence in running text, spell out the abbreviation appearing at the beginning of the citation:

Article 12 of the Massachusetts Declaration of Rights provides that in a criminal trial

Article 46, § 1, of the Amendments to the Massachusetts Constitution further provides that

.

2.14 Federal Constitution

e.g., Fourteenth Amendment to the United States Constitution
art. I, § 10, of the United States Constitution

2.15 Texts

The titles of texts appear in roman type. Omit language such as "The Law of" or "A Treatise on" when it appears at the beginning of the title.

The author of a text is referred to by last name, with initials used for the author's first name and middle name, if given. Cite all authors. The use of "et al." is not encouraged.

The style of citation for popular texts appears in Appendix 10.

Citation forms for volumes in the Massachusetts Practice Series appear in Appendix 11.

2.16 Periodicals and Articles

The titles of articles and periodicals appear in roman type. Abbreviate the titles of periodicals according to the Uniform System of Citation. The author of an article is referred to by last name only. For example,

Weigand, Employee Duty of Loyalty and the Doctrine of Forfeiture, 42 Boston B.J. 6
(Sept.-Oct. 1998)

Cite to articles in the American Law Reports by the designation "Annot.," followed by the title of the work in roman type. For example,

Annot., Taking and Use of Trial Notes by Jury, 36 A.L.R. 5th 255 (1996 & Supp. 2002)

2.17 Electronic Sources

Cite to the Internet only when the material cited is not available in a traditional printed format or when a citation to the Internet would substantially aid the reader in accessing material that is not widely available in printed format.

2.17.1 Direct Citations to the Internet

A direct citation to material on the Internet should include the last name of the author (if any), the title (in roman type), and the uniform resource locator (URL). For example,

Innocence Project, Eyewitness Misidentification, <http://www.innocenceproject.org/understand/Eyewitness-Misidentification.php>.

Notice Inviting Comment on Provisional Jury Instruction Regarding Eyewitness Evidence, <http://www.mass.gov/courts/case-legal-res/rules-of-court/rule-changes-invitations-comment/invitation-to-comment-provisional-jury-instructions-eyewitness-identification.html>

Reeves & Cuddy, Hitting Kids: American Parenting and Physical Punishment, Brookings Inst. Long Memos No. 4 (Nov. 6, 2014), <http://www.brookings.edu/blogs/social-mobility-memos/posts/2014/11/06-parenting-hitting-mobility-reeves>.

Note that, as reflected in the above examples, we no longer include a "last visited" line indicating the date the source was last accessed. Instead, the Reporter's office inserts a Perma.cc link. See 2.17.3, *infra*.

2.17.2 Parallel Citations to the Internet

A citation to a primary source (e.g., an article or report) should be formatted pursuant to the guidelines in this style manual. Where appropriate, such a citation may also include a parallel citation to the Internet introduced by the phrase "available at." For example,

Massachusetts Parole Board, Guidelines for Life Sentence Decisions (updated Mar. 3, 2014), available at <http://www.mass.gov/eopss/agencies/parole-board/guidelines-for-life-sentence-decisions.html>.

Supreme Judicial Court Study Group on Eyewitness Evidence: Report and Recommendations to the Justices (July 25, 2013), available at <http://www.mass.gov/courts/docs/sjc/docs/eyewitness-evidence-report-2013.pdf>

The Multistate Tax Compact: Suggested Legislation and Enabling Act, art. I, at 1 (effective Aug. 4, 1967), available at [http://www.mtc.gov/uploadedFiles/Multistate_Tax_Commission/About_MTC/MTC_Compact/COMPACT\(1\).pdf](http://www.mtc.gov/uploadedFiles/Multistate_Tax_Commission/About_MTC/MTC_Compact/COMPACT(1).pdf)

Report of the Special Master, State vs. Henderson, N.J. Supreme Ct., No. A-8-08, at 14 (June 18, 2010), available at <http://www.judiciary.state.nj.us/pressrel/henderson%20final%20brief%20.pdf%20%2800621142%29.pdf>

2.17.3 Perma.cc

In 2014, the SJC and the Appeals Court began using Perma.cc, a service that helps courts, scholars, and others create Web citation links that will never expire by archiving content found at a

URL and generating a Perma.cc link to the archived content. To learn more about how Perma.cc works, visit <https://perma.cc/docs>.

As part of the editorial process, the Reporter's office adds Perma.cc links in brackets to citations to the Internet. For example,

Innocence Project, Eyewitness Misidentification, <http://www.innocenceproject.org/understand/Eyewitness-Misidentification.php> [<http://perma.cc/XAQ2-4QJG>].

Supreme Judicial Court Study Group on Eyewitness Evidence: Report and Recommendations to the Justices (July 25, 2013), available at <http://www.mass.gov/courts/docs/sjc/docs/eyewitness-evidence-report-2013.pdf> [<http://perma.cc/WY4M-YNZN>].

3.00 WRITING STYLE

3.01 Punctuation

3.01.1 Apostrophe

Singular possessive:

administratrix's

Congress's

Richards's

witness's

Plural possessive:

Johnsons'

Richardses'

witnesses'

3.01.2 Brackets

Brackets are used around the expression [sic] and to enclose citations, corrections, explanations, etc., that were not in the original text but that have been subsequently added.

3.01.3 Colon

Use the colon after an independent clause to introduce a list.

3.01.4 Comma

In a list of three or more terms, insert a comma after every term except the last.

The following list provides further examples of comma usage.

Joseph Calloway vs. Richard Smith & others, trustees.

ABC Mortgage Co., Inc. vs. Drury Corp., Inc., & another.

Lydia Griffin, administratrix, vs. Lars Boman.

Commonwealth vs. Marion H. Hall, Sr.

Federal Deposit Insurance Corporation, receiver, vs. Robert Poc.

100,000; 10,000; 1,000

The accident occurred in January, 1996, before . . .

The statute, G. L. c. 123, § 6, violates . . .

See Morgan v. Johnson, *supra* at 63.
See Tucker v. Smith, *supra*, in which . . .

3.01.5 Dash

The em-dash (--) is used to indicate a break in the structure of a sentence. It should be typed by using two hyphens.

3.01.6 Hyphen

Unless otherwise provided in Appendix 12 (Style of Particular Words), place a hyphen in an adjectival phrase when it precedes the noun it modifies.

Examples: child-support payment; common-law indemnity; felony-murder rule;
long-standing arrangement; second-floor apartment

Otherwise, avoid hyphens.

Examples: the arrangement was long standing;
the action was time barred;
an apartment on the second floor;
antitrust; biweekly; codefendant;
coconspirator; counterclaim;
extrajudicial; interstate;
intrastate; multistate; nonpayment;
postjudgment; posttrial; pretrial;
subcontractor; prearrest

Exceptions: Proper noun: anti-Marxist
Looks bad: anti-intellectual
Confusing: re-sign

3.01.7 Parentheses

If a full sentence is enclosed in parentheses, the final punctuation should be included; if less than a full sentence is enclosed, the punctuation should not remain inside the parentheses. Brackets are used within parentheses to avoid double parentheses.

3.01.8 Virgules (slashes)

Avoid using slashes: and/or, his/her, etc. Use "or" in most situations.

3.01.9 Quotation Marks

Quotation marks are commonly used with a colloquialism, e.g., "rock concert," "double aught buckshot," "cruising," "crack" cocaine.

Quotation marks are used in an opinion when material is quoted directly from another source whether it appears in the text or footnotes, or as blocked text. With blocked text, the indentation is only on the left side of the page.

With the exception of colons and semicolons, all punctuation is enclosed in the quotation marks.

An author who wishes to bring a word in a quotation to the reader's attention may use "[sic]." The author may correct or change a word in a quotation as desired. The change should appear in brackets. Omissions should be indicated by the use of ellipses.

3.01.10 Subquotes

Where, within a direct quote, there is material quoted from another source, single quotation marks are used.

"The polling procedure serves a similar purpose because it provides each juror with an opportunity . . . 'to change his mind about a verdict to which he has agreed in the jury room.'" Commonwealth v. Nettis, 418 Mass. 715, 719 (1994), quoting United States v. Shepherd, 576 F.2d 719, 724 (7th Cir.), cert. denied, 439 U.S. 852 (1978).

If both sources quote identical material, the single quotation marks are unnecessary and the first citation is followed by a second citation.

"We consider the state of the evidence both at the close of the Commonwealth's case, and at the close of all the evidence." Commonwealth v. Zevitas, 418 Mass. 677, 680 (1994), quoting Commonwealth v. Basch, 386 Mass. 620, 622 (1982).

3.02 Colloquy

Colloquies between or among judges, counsel, witnesses, or parties may appear in the text or footnotes and may be blocked or may run on in the text. See, e.g., Commonwealth v. Woods, 419 Mass. 366, 375 n.13 (1995) (run-on in footnote); Commonwealth v. Barnoski, 418 Mass. 523, 534 n.6 (1994) (footnote); Commonwealth v. Noble, 417 Mass. 341, 343 (1994) (footnote); Commonwealth v. Fordham, 417 Mass. 10, 16 (1994) (blocked in text).

3.03 Alterations in Quotations

Parentheticals regarding alterations to quotations, such as (citation omitted) or (emphasis added), are placed immediately following the altered quotation and before the citation to the quoted source.

When the alteration appears in the quotation before the last sentence quoted, use "(Citation omitted.)" or "(Emphasis added.)" When the alteration appears in the last sentence quoted, use "(citation omitted)." or "(emphasis added)."

If multiple alterations have been made (e.g., a citation has been omitted and emphasis has been added), this may be indicated in the same parenthetical, using a semicolon between the phrases. For example:

There is thus significant justification for the position that "because Congress only expressly permitted employers to hold . . . alcoholics to the same objective standards of conduct as other employees even though their disability causes misconduct . . . Congress implicitly did not intend to extend the same employer prerogative to employees with other disabilities" (emphasis added; citation omitted). Den Hartog v. Wasatch Academy, 129 F.3d 1076, 1086 (10th Cir. 1997).

Finally, if the altered quotation is itself enclosed within parentheses, the alteration should be noted in brackets within the parentheses. For example:

See G. L. c. 234A, § 39 ("The court shall have authority to excuse a juror . . . only upon a finding of an emergency or other compelling reason" [emphasis added]).

3.04 Cross-references

Within the same opinion. When reference is made in an opinion to a portion of the text within the same opinion, supra and infra may be used. With supra and infra, the page number is used without the abbreviation "p."

Supra and infra may be used in an opinion to refer to a footnote appearing elsewhere in the same opinion. (E.g., "See note 6, supra.") Do not use a page number or the abbreviation "n."

In addition, supra and infra (as well as id., where permissible) may be used in referring to cases and statutory material cited within the same opinion. Ibid. is never used.

To dissenting and concurring opinions. When citation is made within a majority opinion to a dissenting or concurring opinion in that case, use "post at ." If there is only one dissenting or concurring opinion, there is no need to identify the author (i.e., "post at [xxxx, J., dissenting]"). If there is more than one dissenting or concurring opinion, use "post at (xxxx, J., dissenting)" only if the text does not identify the dissenting or concurring Justice. For citations to the majority opinion from a dissenting or concurring opinion, use "ante at ."

3.05 Capitalization

3.05.1 Governments, Officials, & Parties

Capitalize the following words when they appear in the text of an opinion. It is not necessary to alter quotations where these words appear in lower-case type.

1. Federal, such as Federal government, Federal Reserve, Federal constitutional right, Federal law, etc.
2. State, when referring to a State of the United States.
3. Commonwealth.
4. Titles of the Commonwealth's constitutional officers:

Governor, Lieutenant Governor, Attorney General, Secretary of the Commonwealth, Treasurer and Receiver General, Auditor, Attorney General
5. Names of Statewide Commonwealth offices (except when defined as lower case):

Department of Revenue, Department of Environmental Protection
6. Titles of the heads of Statewide Commonwealth offices (except when defined as lower case):

Commissioner of Revenue, Registrar of Motor Vehicles
7. Courts:

Supreme Judicial Court, Appeals Court, Superior Court, District Court, Probate and Family Court, Juvenile Court

8. Justice, when referring to a Justice of the Supreme Judicial Court or the Appeals Court (but not when referring to a single justice: for example, "A single justice reported the case . . .").
9. References to the Supreme Court or intermediate appellate court of a particular State or the United States Court of Appeals for a particular circuit.
10. Names of governmental bodies:

| | |
|---------------------|---------------|
| Appellate Tax Board | Congress |
| Legislature | Assembly |
| Senate | Parliament |
| House | General Court |

Do not capitalize the following:

bureaus or divisions of the Commonwealth offices (except Division of Insurance and Division of Special Education)
 mayors and lesser municipal officials
 district attorney
 city (e.g., "city of Boston")
 town (e.g., "town of Danvers")
 assistant attorney general
 house of correction
 zoning boards
 other municipal-level entities

3.05.2 State and Federal Constitutions

The word "Constitution" is capitalized in references to either the Federal or a State Constitution. References to major parts of either, such as "Declaration of Rights" or "Fifth Amendment," take capitals, but expressions such as "due process," "commerce clause," and "equal protection clause" do not.

3.05.3 Statutes

Capitalize the expressions "Statute of Frauds" and "Statute of Wills" (but not "statute of limitations").

3.05.4 Title or Designation Preceding a Name

Capitalize a title or designation preceding a name, e.g., Officer Smith, Trooper Johnson, President Obama, Governor Patrick.

3.06 Specific Word Styles

A listing of the style of particular words appears in Appendix 12. For words not appearing on the list, consult the latest available unabridged edition of Webster's Third New International Dictionary of the English Language.

3.07 Gender Neutral Writing

The following suggestions are offered as aids to the use of inclusive language in opinion writing.

1. Use plural pronouns and antecedents.

Attorneys should conscientiously represent the interests of their clients.

2. Eliminate the direct object.

An attorney should conscientiously represent the interests of clients.

3. Eliminate the personal pronoun.

An attorney can give you his advice as to a possible solution.
becomes

An attorney can give you advice as to a possible solution.

4. Replace the personal pronoun with "the," "this," or "a."

A prudent testator will review his will to ensure that it continues to provide for an appropriate distribution of his estate.

becomes

A prudent testator will review the will from time to time to ensure that it continues to provide for an appropriate distribution of the estate.

5. Use the gender-neutral "who" or "whose."

A law professor often assumes that if a student cannot write clearly, he cannot analyze a complex legal problem.

becomes

A law professor often assumes that a student who cannot write clearly cannot analyze a complex legal problem.

6. Use passive voice instead of active voice.

If the judge concludes that venue is improper, he should grant a motion to transfer venue.

becomes

If the judge concludes that venue is improper, a motion to transfer venue should be granted.

7. Repeat the noun.

If the judge concludes that the court lacks jurisdiction, he should dismiss the appeal.

becomes

If the judge concludes that the court lacks jurisdiction, then the judge should dismiss the appeal.

Additional suggestions:

Use

presiding juror

member of congress, senator,
or representative

chair

anchor

colleagues

fire fighter

homemaker

executive

representative

Avoid

foreman

congressman

chairman

anchorman

brethren

fireman

housewife

businessman

spokesman

reasonable person

artificial

staff

diplomacy

server

reasonable man

man-made

manpower

statesmanship

waiter

4.00 GUIDELINES FOR FORMATTING OPINIONS

4.01 Guidelines for Word Processing

All new decisions or documents that may become part of such decisions must be composed in Word 10 and saved in the .docx format.

The required font is Courier New, twelve-point type. Separate sentences with two spaces after a period. Indent the first line of each footnote.

When copying and pasting material into Word 10 decisions from any source other than another Word 10 document, always choose the “Keep Text Only” or “past Special, Unformatted Text” options. This eliminates disruptive formatting from being pasted into the decision.

Indent "snapper" lines at the end of an opinion through the use of a series of seven tabs; do not change the margin (e.g., to a 4" left margin) or use of a series of spaces. Where a second or third line of a "snapper" paragraph is needed, insert a hard return at the end of each line, and begin each new line with a series of tabs followed by an additional two spaces to further indent the second or third line of the "snapper"). Thus:

Judgment affirmed.

Order denying motion for new trial
affirmed.

4.02 Case Captions and Party Designations

(a) Criminal Cases

1. Case caption. The name that appears in the caption is the name that appears on the complaint or indictment. Where there is an obvious error in the indictment or complaint, the defendant's correct name should be used with an explanatory footnote.

2. Party designation. The defendant can be referred to in the text either as "the defendant" or by his or her last name.

(b) Multiple Indictments and Companion Cases

1. Case caption. Each indictment (the conviction of which is appealed) is considered a case. When more than one indictment and more than one defendant exists, there must be a companion case for each.

Examples:

Commonwealth vs. David Alvarez
(and seventeen companion cases).
422 Mass. 198 (1996)

Commonwealth vs. Ventry Gordon
(and six companion cases).
422 Mass. 816 (1996)

Commonwealth vs. Daniel J. Curtis
(and a companion case¹).
417 Mass. 619 (1996)

¹ Commonwealth vs. Mark J. Giglio.

DISTINGUISH: When there is more than one defendant named in the indictment itself, it is considered one case and is indicated in the case caption by "& another" or "others."

Example:

Commonwealth vs. Max J. Allen & others.¹
379 Mass. 564 (1980)

¹ Michael R. Cappiello and Martin Koplow.

(c) Tax Cases

1. Case caption. The party appealing is named first. The title "Commissioner of Revenue" is used rather than the commissioner's name.

2. Party designation. The taxpayer, whether individual or corporate, should be referred to in the text as "taxpayer." It is also correct, for an individual, to simply use his or her last name. The party is not referred to as "plaintiff" or "petitioner."

In most cases, the appeal is from a decision of the Appellate Tax Board. In the text, it should be referred to as:

Appellate Tax Board (board)

Refer to the Commissioner of Revenue in the text as:

Commissioner of Revenue (commissioner)

(d) Administrator(trix) or Executor(trix) of an Estate

General Laws c. 195, § 19: The administrator(trix) or executor(trix) of an estate is sued in his or her fiduciary capacity. The administrator(trix) or executor(trix) does not appear in the case caption in an individual capacity, unless personal liability is alleged in the complaint.

1. Case caption. The fiduciary's capacity is indicated in the case caption but not in general citations.

2. Party designation. Refer to as executor(trix) or administrator(trix) when appropriate.

(e) Miscellaneous Probate Cases

1. Case caption. Administrator(trix) de bonis non and administrator(trix) with the will annexed may be indicated by using just administrator(trix) in the case caption and giving the full title in the text.

2. Party designation. If an individual or a group of individuals are sued in more than one capacity, that is indicated in the case caption.

Examples:

_____, individually and as administrator,
_____, executors and trustees,

(f) Trusts

Case caption. The trustee is the party as the trust itself cannot be sued. Provide the name of the trust in a footnote.

Americo Lopes, trustee,¹ vs. City of Peabody.
430 Mass. 305 (1999)

¹ Of the 841 Lake Realty Trust.

Exception. Where a trust is organized as a Massachusetts business trust, it can be sued as if it were a corporation. Therefore, the name of the trust can be used in the case caption.

Marco Realty Trust vs. Commissioner of Revenue.
385 Mass. 798 (1982)

(g) Corporations

A corporation is sued in its corporate capacity, and the corporate name should appear in the case heading.

To get the official names of insurance companies and banks, look for a piece of their stationery or an official stamp in the record appendix.

(h) Partnerships

General Laws cc. 108 and 109 govern the formation of general and limited partnerships.

The name of the partnership should not be used in the case caption; ideally, all partners should be named. See, e.g., Anderson v. Phoenix Investment Counsel of Boston, Inc., 387 Mass. 444 (1982).

The name of an LLP or LLC may be used in a case caption. See, e.g., Imprimis Investors, LLC v. KPMG Peat Marwick, LLP, 69 Mass. App. Ct. 218 (2007).

(i) Unions

DiLuzio v. United Elec., Radio & Mach. Workers, Local 274, 386 Mass. 314 (1982), held that labor unions are legal entities for the purpose of suing or being sued. Therefore, the official name of the union appears in the case caption.

(j) Minors or Incompetent Persons

A minor or incompetent person cannot be sued. Parent(s), a guardian, or a conservator are named parties.

With respect to minors, the term p/p/a is not to be used. See, e.g., Bouchard v. DeGagne, 368 Mass. 45 (1975).

Where an incompetent is of age, his or her surname is used. See, e.g., Matter of Spring, 380 Mass. 629 (1980).

Where the incompetent is not of age, he or she is referred to by an assigned pseudonym. See, e.g., Matter of Moe, 385 Mass. 555 (1982).

(k) Custody and Adoption Cases

1. Case caption. In custody and adoption cases, the case captions appear according to the following examples:

Custody of Brandon.
407 Mass. 1 (1990)

Adoption of Mary.
414 Mass. 705 (1993)

2. Party designation. The child is referred to by an assigned pseudonym. The real name of the child is never used.

(l) Juveniles

1. Case caption. In a case involving a juvenile, the case caption appears as follows:

Patrick P., a juvenile, vs. Commonwealth.
421 Mass. 186 (1995)

2. Party designation. The name of the juvenile is never used. Refer to the "juvenile."

(m) Workers' Compensation Cases

1. Case caption. Use the claimant's last name, followed by the word "Case." E.g.,

Gateley's Case.
415 Mass. 397 (1993)

2. Party designation. The person who is appealing is referred to as the claimant.

Remember to distinguish between administrative judges and administrative law judges at the Department of Industrial Accidents. The two titles are not interchangeable. An administrative judge is a hearing officer or trial judge. He or she, individually, renders a

decision based on the evidence presented before him or her. The reviewing board, which is comprised of administrative law judges, is the appellate branch within the department. Administrative law judges review the decisions of administrative judges and issue opinions via multi-member panels.

(n) Inanimate Objects

Inanimate objects can be sued where they are the goods that have been forfeited pursuant to G. L. c. 94C, § 47. A description of the inanimate object appears in the case caption.

Commonwealth vs. One 1976 Cadillac DeVille Automobile.
380 Mass. 411 (1980)

Commonwealth vs. Fourteen Thousand Two Hundred Dollars.
421 Mass. 1 (1995)

(o) Petition for Writ of Habeas Corpus

1. Case caption. Use the petitioner's last name, followed by a comma and the word "petitioner."

Upton, petitioner.
387 Mass. 359 (1982)

2. Party designation. The petitioning party may be referred to as "petitioner."

(p) Cities and Towns

General rule. Omit the term "city of" or "town of" unless the expression begins a party name.

Roda Realty Trust vs. Board of Assessors of Belmont.
385 Mass. 493 (1982)

Worcester Vocational Teachers Association vs. City of Worcester.
385 Mass. 1103 (1982)

Note. The name of a board or committee precedes the municipality's name: e.g., Rent Control Board of Belmont; School Committee of Beverly; Retirement Board of Springfield, Board of Selectmen of Wenham.

(q) Office Holders

The title of the office appears in the case caption, not the surname of the office holder.

Attorney General vs. Travelers Insurance Co.
385 Mass. 598 (1982)

Libby vs. Commissioner of Correction.
385 Mass. 421 (1982)

(r) Sexually Dangerous Persons (SDP)

In appeals from petitions for release from confinement under G. L. c. 123A, § 9, the individual's last name appears in the case caption, followed by a comma and the word "petitioner." In the text, the individual is referred to as "petitioner."

George Johnstone, petitioner.
453 Mass. 544 (2009)

In appeals from classifications under G. L. c. 6, § 178M, the case caption contains the individual's registry number, in the following format. In the text, the individual is referred to as "plaintiff" or "Doe."

John Doe, Sex Offender Registry Board No. 3974 vs. Sex Offender Registry Board.
457 Mass. 53 (2010)

In appeals from SDP adjudications under G. L. c. 123A, § 12 (b), the case caption is identical to captions used in criminal cases. In the text, the individual is referred to as "defendant."

Commonwealth vs. Joseph Blake.
454 Mass. 267 (2009)

(s) Interveners

Interveners (note spelling) are usually indicated by "& another" or "& others," with a footnote detailing the names of the interveners.

Gale Costa vs. Fall River Housing Authority & another.¹
453 Mass. 614 (2009)

¹ The Attorney General, intervener.

(t) Double Case Captions

Double case captions appear in the rare circumstance when cases separately argued are addressed in a single opinion. This is not the same as cases being consolidated in the trial court or in an appellate court.

The New York Times Company vs. Commissioner of Revenue.
Federal Express Corporation vs. Commissioner of Revenue.
427 Mass. 399 (1998)

(u) Third-Party Cases

A third-party plaintiff or defendant is indicated in the case caption as follows.

Louise R. MacDonald vs. Joseph N. Najjar; Canada Dry Corporation, third-party defendant.
362 Mass. 119 (1972)

4.03 Snappers; General

A judgment is the final decisive act taken by a court in setting forth the rights of the parties. The judgment may include a decree and order from which an appeal lies. Traditionally, a decree was the final act taken by an equity court. Today we use judgment as the term for final disposition in either an equity or legal proceeding.

A verdict is handed down by a jury. Also, an appeal is taken from a judgment, not a verdict.

In drafting a judgment or snapper the lower court must be given clear instruction. If the words "So ordered" are used, they should be preceded by a statement making the disposition clear.

The following distinctions should be kept in mind: The SJC affirms, reverses, or modifies judgments and remands cases.

The court will sometimes issue an order in a case "with opinion or opinions to follow"; no snapper is needed when opinion is subsequently released. See, e.g., Commonwealth v. Bernardo B., 453 Mass. 158 (2009).

No snapper is necessary on opinions answering questions certified to this court by the Federal District Court or the Court of Appeals for the First Circuit. See, e.g., Foxworth v. St. Amand, 457 Mass. 200 (2010).

A number of common errors committed in drafting an order or snapper are illustrated in a law review article written by former Chief Justice Robert W. Calvert of the Supreme Court of Texas (6 Tex. Tech. L. Rev. 915 [1975]).

1. Do not mistake the lower court for its judgment.

Ex. "We deny the petitions and affirm [the order of the] Interstate Commerce Commission."

2. Do not mistake the case for the judgment below.

Ex. "The case [judgment] is affirmed."

3. Do not mistake the lower court's opinion for its judgment.

Ex. "The opinion [judgment] of the District Court is reversed."

4. Do not mistake the judgment for the case.

Ex. "The judgment of the trial court is reversed and [the case] remanded."

5. Do not omit a remand.

Ex. "The judgment that the plaintiff take nothing is reversed" should read, "We reverse the judgment and remand for a determination of damages."

4.03.1 Judgment Reversed or Vacated

The snapper "Judgment reversed" should be used when the judge in the trial court should have disposed of a case in a different manner. If the trial judge may not have been incorrect in deciding a case but the SJC is remanding the case for further proceedings, the snapper "Judgment vacated" should be used.

4.03.2 Common Examples; Civil Cases

(a) Judgment affirmed.

(b) Judgment reversed.

(c) The judgment is vacated, and the case is remanded to the Superior Court for entry of an order declaring that

So ordered.

- (d) Judgment affirmed.
Order denying motion for a new trial affirmed.

4.03.3 Common Examples; Criminal Cases

- (a) Judgment affirmed.
- (b) Judgment reversed.
Verdict set aside.
- (c) If the evidence remaining after a suppression motion is allowed is insufficient to warrant a conviction on the charges, then judgment is entered for the defendant, or if a retrial is implausible or impossible:

Judgment reversed.
Verdict set aside.
Judgment for the defendant.
- (d) Judgment affirmed.
Order denying motion for a new trial affirmed.
- (e) If the case was tried to a judge rather than a jury:

Judgment reversed.
Finding set aside.

4.03.4 Particular Cases

- (a) Appellate Division

When the Appellate Division agrees with the trial court, it dismisses the report.

Order of Appellate Division dismissing report affirmed.

Order of Appellate Division reversed.

Judgment for the plaintiff on the findings of the District Court.

- (b) Appellate Tax Board

Decision of the Appellate Tax Board reversed (affirmed).

(c) Arbitration

A judgment of a lower court is either to "confirm" or "vacate" an arbitration award.

Judgment affirmed.

(d) Care and Protection

The judge's order granting the petition to dispense with parental consent to adoption of the two children is affirmed.

So ordered.

The judge's order committing the children to the care and protection of the department and the orders allowing the petitions to dispense with the need for consent to adoption are affirmed.

So ordered.

(e) Companion and Consolidated Cases

The snapper should recognize multiple judgments.

Judgments affirmed (reversed).

(f) Contributory Retirement Appeal Board

The judgment of the Superior Court affirming the Contributory Retirement Appeal Board's decision to deny benefits is affirmed.

So ordered.

The judgment of the Superior Court is vacated. An order is to enter remanding the case to the Contributory Retirement Appeal Board for further proceedings consistent with this opinion.

So ordered.

(g) Multiple Convictions

An order and snapper should clearly identify which convictions are being reviewed (convictions that are filed or not appealed do not count; count only those convictions from which an appeal is taken).

(h) Dismissal

Appeal dismissed.

(i) Habeas Corpus

Order denying petition for writ of habeas corpus affirmed.

(j) Labor Relations Commission

Decision (or order) of commission dismissing the . . . affirmed.

(k) Medical Malpractice Tribunal

Judgment of dismissal affirmed.

The findings of the tribunal are to be replaced by the decision of this court that the offer of proof of the original plaintiffs, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry. The judgment of dismissal is vacated and the present plaintiffs may proceed with their claims.

So ordered.

(l) Mootness

The judgment is vacated, not on the merits but because the case became moot, and a new judgment is to be entered dismissing the action.

So ordered.

The issues raised on appeal are moot and the appeal is dismissed. The judgment is to stand.

So ordered.

(m) Rate Setting Commission

The judgment of the Superior Court reversing the decision of the commission is affirmed.

So ordered.

5.00 PUBLICATION OF MASSACHUSETTS OPINIONS

5.01 Slip opinions; advance sheets; bound volumes

Opinions of the SJC and the Appeals Court are originally released in slip opinion form and contain the opinion and certain preliminary material added by the Reporter's office (county of origin, date of argument, date of decision, panel, catchwords indicating various issues, statement of procedural history, and listing of counsel).

Each week's decisions are then published in weekly advance sheet form. The advance sheets include headnotes written by the Reporter's office and permanent pagination provided by the official printer, thus making official citations available upon publication of the advance sheets. Decisions issued by Wednesday of a given week will appear in the issue of advance sheets dated Friday of the same week. Any corrections or amendments to the advance sheets should be forwarded to the Reporter by 2 P.M. on Wednesday so that they may appear in the next issue of the advance sheets.

Slip opinions are superseded by the publication of the advance sheets. If discrepancies exist between the slip opinion and the advance sheet versions, the advance sheet version controls. If discrepancies exist between print and electronic versions of a slip opinion, the print version controls.

After a sufficient number of advance sheet pages have been published, the volume is closed and these pages form the bound volume. Any corrections to the advance sheets should be forwarded to the Reporter by mail or e-mail so that they may appear in the bound volume. The bulk of such corrections do not require immediate inclusion in the advance sheets (e.g., typographical errors that do not blur the author's meaning). If a Justice wishes to amend an opinion, an amendment is prepared. If a significant error is found that affects the meaning of the opinion or in some way makes the opinion unclear, a correction is prepared.

Advance sheets are superseded by the publication of the bound volume. If discrepancies exist between the advance sheet and bound volume versions, the bound volume version controls.

The bound volumes of the Massachusetts Reports and Massachusetts Appeals Court Reports contain the only official text of the opinions of the SJC and Appeals Court. If discrepancies exist between any other version of a case and the bound volume version of the Massachusetts Reports or Massachusetts Appeals Court Reports, the bound volume version controls.

5.02 Electronic resources.

1. The official Web site of the Reporter's office is www.mass.gov/courts/court-info/sjc/about/reporter-of-decisions, which is also found at www.massreports.com. This Web site includes the following:

- (a) Daily slip opinions. An announcement is made on the Web site (under "New Published Opinions") at 8 A.M. indicating whether the Supreme Judicial Court or Appeals Court intends to issue opinions at 10 A.M. and listing the case captions and docket numbers of those opinions each court intends to release. Slip opinions are posted to the Web site daily after 10 A.M. They are removed at the end of two weeks and, thereafter, may be found in the archive of published opinions (see below).

- (b) Registration to receive notification of the release of slip opinions by e-mail on a daily basis.

- (c) Historical information regarding the Reporter's office, from 1804 to the present.

- (d) A downloadable copy of the SJC Style Manual in PDF format.

- (e) Full text of memorials to Justices of the Supreme Judicial Court that have been published in the Massachusetts Reports, as well as the full text of memorials to Justices of the Appeals Court that have been published in the Massachusetts Appeals Court Reports.

2. As part of its contract with the Reporter's office, LexisNexis has created a free Web site at www.lexisnexis.com/clients/macourts. This Web site includes the following:

- (a) Searchable, free access to an archive of published opinions of the Supreme Judicial Court and the Appeals Court, from 2001 to the present.

- (b) Searchable, free access to unpublished decisions of the Appeals Court issued pursuant to its rule 1:28 (unpublished decisions), which have been released since the decision of the Appeals Court in Chace v. Curran, 71 Mass. App. Ct. 258, 260 n.4 (2008). These decisions are primarily addressed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale. Moreover, rule 1:28 decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 1:28, issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent.

APPENDICES

APPENDIX 1

ABBREVIATIONS FOR CASE NAMES

1. Do not abbreviate the first word of a party's name.
2. Do not use "Inc." if the name of the firm also contains words that clearly indicate that the entity is a business (e.g., Co., Bros., Corp., Ass'n).
3. Do not include the words "City of," "Town of," or "Inhabitants of" in citations. However, these words are included in the "running heads" (i.e., the page headers that appear at the top of each page of the opinions in the advance sheets and the bound volume).
4. The words "Board of" are dropped when the expression refers to constituent members (e.g., "Board of Overseers" or "Board of Selectmen"). The words are retained in such expressions as "Board of Appeals" or "Board of Health." Where a municipal official or board is a party, the name of the city (or town) should be retained. The name of the city (or town) appears at the end of the party's name (e.g., Smith v. Board of Appeals of Salem; Jones v. Mayor of Peabody) and not the beginning (e.g., Smith v. Salem Board of Appeals).
5. The following words and the names of States are to be abbreviated for purposes of citation. Abbreviations for the names of States appear in the Uniform System of Citation. Unless otherwise indicated, add an "s" inside the period to make an abbreviation plural.

| | | | |
|--------------------------|------------|-------------|--------|
| Accident | Acc. | America[n] | Am. |
| Administrat[ion, ive] | Admin. | Associate | Assoc. |
| Administrat[or, rix] | Adm'[r, x] | Association | Ass'n |
| Agricultur[al, e] | Agric. | Assurance | Assur. |
| And | & | Atlantic | Atl. |
| | | Authority | Auth. |
| | | Automobile | Auto. |

| | | | |
|-------------------|---------|---------------------|----------|
| Avenue | Ave. | Distribut[ing, or] | Distrib. |
| Board | Bd. | District | Dist. |
| Boulevard | Blvd. | Division | Div. |
| Brotherhood | Bhd. | Domestic | Dom. |
| Brothers | Bros. | East[ern] | E. |
| Builder | Bldr. | Education[al] | Educ. |
| Building | Bldg. | Electric[al, ity] | Elec. |
| Bureau | Bur. | Electronic | Elec. |
| Casualty | Cas. | Engineer | Eng'r |
| Cent[er, re] | Ctr. | Engineering | Eng'g |
| Central | Cent. | Enterprise | Enter. |
| Chemical | Chem. | Environment | Env't |
| Civil | Civ. | Environmental | Envtl. |
| Commission | Comm'n | Equipment | Equip. |
| Commissioner | Comm'r | Exchange | Exch. |
| Committee | Comm. | Execut[or, rix] | Ex'[r,x] |
| Company | Co. | Federal | Fed. |
| Consolidated | Consol. | Federation | Fed'n |
| Construction | Constr. | Fidelity | Fid. |
| Continental | Cont. | Financ[e, ial, ing] | Fin. |
| Contract[ing, or] | Contr. | Foundation | Found. |
| Cooperative | Coop. | General | Gen. |
| Corporation | Corp. | Government | Gov't |
| Department | Dep't | Guaranty | Guar. |
| Development | Dev. | Hospital | Hosp. |

| | | | |
|----------------------|--------|-------------------------------------|---------|
| Housing | Hous. | Mutual | Mut. |
| Incorporated | Inc. | National | Nat'l |
| Indemnity | Indem. | North[ern] | N. |
| Independent | Indep. | Number | No. |
| Industr[y, ies, ial] | Indus. | Orchestra | Orch. |
| Information | Info. | Organiz[ation, ing] | Org. |
| Institut[e, ion] | Inst. | Pacific | Pac. |
| Insurance | Ins. | Pharmaceutical | Pharm. |
| International | Int'l | Product[ion] | Prod. |
| Investment | Inv. | Property | Prop. |
| Junior | Jr. | Public | Pub. |
| Laborator[y, ies] | Lab. | Publication[s], Publish[er, ing] | Publ. |
| Liability | Liab. | | |
| Limited | Ltd. | Purchasing | Purch. |
| Litigation | Litig. | Railroad | R.R. |
| Machine[ry] | Mach. | Railway | Ry. |
| Management | Mgt. | Redevelopment | Redev. |
| Manufacturer | Mfr. | Refining | Ref. |
| Manufacturing | Mfg. | Reproduct[ion, ive] | Reprod. |
| Market | Mkt. | Road | Rd. |
| Marketing | Mktg. | Savings | Sav. |
| Medic[ine, al] | Med. | School[s] | Sch. |
| Metropolitan | Metro. | Securit[y, ies] | Sec. |
| Mortgage | Mtge. | Service | Serv. |
| Municipal | Mun. | Society | Soc'y |

| | | | |
|----------------------------------|-----------|------------------|---------|
| South[ern] | S. | Theological | Theol. |
| Square | Sq. | Transport[ation] | Transp. |
| Steamship[s] | S.S. | Treasurer | Treas. |
| Street | St. | Typographical | Typo. |
| Superintendent | Supt. | University | Univ. |
| Surety | Sur. | Utility | Util. |
| System[s] | Sys. | West[ern] | W. |
| Techn[ical, ology] | Tech. | | |
| Telecommunication[s] | Telecomm. | | |
| Tele[gram, graph, phone, vision] | Tel. | | |

APPENDIX 2

MISCELLANEOUS ABBREVIATIONS

| | |
|----------------------|-------------------|
| affirmed | aff'd |
| American Law Reports | A.L.R. |
| amended | do not abbreviate |
| Annotation | Annot. |
| appeal | do not abbreviate |
| certiorari | cert. |
| certiorari denied | cert. denied |
| certiorari dismissed | cert. dismissed |
| certiorari granted | cert. granted |
| chapter(s) | c. & cc. |
| Circuit | Cir. |
| denied | do not abbreviate |
| dismissed | do not abbreviate |
| edition | ed. |
| footnote(s) | n. & nn. |
| modified | do not abbreviate |
| paragraph | par. |
| rehearing | do not abbreviate |
| reversed | rev'd |
| revised | rev. |
| volume | vol. |

APPENDIX 3

EARLY MASSACHUSETTS REPORTS CONVERSION TABLE

| | | |
|---------------------|--------------------|---------------------|
| 1 Pick. = 18 Mass. | 5 Met. = 46 Mass. | 4 Gray = 70 Mass. |
| 2 Pick. = 19 Mass. | 6 Met. = 47 Mass. | 5 Gray = 71 Mass. |
| 3 Pick. = 20 Mass. | 7 Met. = 48 Mass. | 6 Gray = 72 Mass. |
| 4 Pick. = 21 Mass. | 8 Met. = 49 Mass. | 7 Gray = 73 Mass. |
| 5 Pick. = 22 Mass. | 9 Met. = 50 Mass. | 8 Gray = 74 Mass. |
| 6 Pick. = 23 Mass. | 10 Met. = 51 Mass. | 9 Gray = 75 Mass. |
| 7 Pick. = 24 Mass. | 11 Met. = 52 Mass. | 10 Gray = 76 Mass. |
| 8 Pick. = 25 Mass. | 12 Met. = 53 Mass. | 11 Gray = 77 Mass. |
| 9 Pick. = 26 Mass. | 13 Met. = 54 Mass. | 12 Gray = 78 Mass. |
| 10 Pick. = 27 Mass. | 1 Cush. = 55 Mass. | 13 Gray = 79 Mass. |
| 11 Pick. = 28 Mass. | 2 Cush. = 56 Mass. | 14 Gray = 80 Mass. |
| 12 Pick. = 29 Mass. | 3 Cush. = 57 Mass. | 15 Gray = 81 Mass. |
| 13 Pick. = 30 Mass. | 4 Cush. = 58 Mass. | 16 Gray = 82 Mass. |
| 14 Pick. = 31 Mass. | 5 Cush. = 59 Mass. | 1 Allen = 83 Mass. |
| 15 Pick. = 32 Mass. | 6 Cush. = 60 Mass. | 2 Allen = 84 Mass. |
| 16 Pick. = 33 Mass. | 7 Cush. = 61 Mass. | 3 Allen = 85 Mass. |
| 17 Pick. = 34 Mass. | 8 Cush. = 62 Mass. | 4 Allen = 86 Mass. |
| 18 Pick. = 35 Mass. | 9 Cush. = 63 Mass. | 5 Allen = 87 Mass. |
| 19 Pick. = 36 Mass. | 10 Cush. = 64 | 6 Allen = 88 Mass. |
| 20 Pick. = 37 Mass. | Mass. | 7 Allen = 89 Mass. |
| 21 Pick. = 38 Mass. | 11 Cush. = 65 | 8 Allen = 90 Mass. |
| 22 Pick. = 39 Mass. | Mass. | 9 Allen = 91 Mass. |
| 23 Pick. = 40 Mass. | 12 Cush. = 66 | 10 Allen = 92 Mass. |
| 24 Pick. = 41 Mass. | Mass. | 11 Allen = 93 Mass. |
| 1 Met. = 42 Mass. | 1 Gray = 67 Mass. | 12 Allen = 94 Mass. |
| 2 Met. = 43 Mass. | 2 Gray = 68 Mass. | 13 Allen = 95 Mass. |
| 3 Met. = 44 Mass. | 3 Gray = 69 Mass. | 14 Allen = 96 Mass. |
| 4 Met. = 45 Mass. | | |

APPENDIX 4

STYLE OF CITATION FOR MISCELLANEOUS MASSACHUSETTS SOURCES

Board of Registration in Medicine:

Matter of Listerick, Adjudicatory Case No. 03-37-DALA (May 16, 2007)

Department of Public Utilities/Department of Telecommunications and Energy:

Bay State Gas Co., D.T.E. 05-27, at 189-190 (2005)

Haverhill Gas Co., D.P.U. 246, at 7 (1980)

Massachusetts Attorney Discipline Reports:

Matter of Kelley, 24 Mass. Att'y Discipline Rep. 392 (2008)

Massachusetts Discrimination Law Reporter:

Blue v. Aramark Corporation, 27 Mass. Discrimination L. Rep. 73 (2004)

Massachusetts Labor Cases:

City of Holyoke, 29 M.L.C. 97 (2002)

Massachusetts Workers' Compensation Reports:

Frechette v. Northeastern University, 21 Mass. Workers' Comp. Rep. 105 (2007)

Reports of the Attorney General:

Rep. A.G., Pub. Doc. No. 12, at 55 (1966)

APPENDIX 5

MASSACHUSETTS RULES OF CIVIL PROCEDURE

Mass. R. Civ. P. 1, as amended, 450 Mass. 1403 (2008)
Mass. R. Civ. P. 1A, repealed, 450 Mass. 1401 (2008)
Mass. R. Civ. P. 1B, 371 Mass. 910 (1977)
Mass. R. Civ. P. 2, 365 Mass. 733 (1974)
Mass. R. Civ. P. 3, as amended, 385 Mass. 1215 (1982)
Mass. R. Civ. P. 4, as amended, 402 Mass. 1401 (1988)
Mass. R. Civ. P. 4 (a), 365 Mass. 733 (1974)
Mass. R. Civ. P. 4 (b), 365 Mass. 733 (1974)
Mass. R. Civ. P. 4 (c), as amended, 369 Mass. 997 (1976)
Mass. R. Civ. P. 4 (d), as amended, 370 Mass. 918 (1976)
Mass. R. Civ. P. 4 (e), 365 Mass. 733 (1974)
Mass. R. Civ. P. 4 (f), 365 Mass. 733 (1974)
Mass. R. Civ. P. 4 (g), 365 Mass. 733 (1974)
Mass. R. Civ. P. 4 (h), as appearing in 367 Mass. 918 (1975)
Mass. R. Civ. P. 4 (i), 385 Mass. 1215 (1982)
Mass. R. Civ. P. 4 (j), as appearing in 402 Mass. 1401 (1988)
Mass. R. Civ. P. 4.1, 365 Mass. 737 (1974)
Mass. R. Civ. P. 4.2, 365 Mass. 740 (1974)
Mass. R. Civ. P. 4.3, 365 Mass. 744 (1974)
Mass. R. Civ. P. 5, as amended, 404 Mass. 1401 (1989)
Mass. R. Civ. P. 5 (a), as amended, 463 Mass. 1401 (2012)
Mass. R. Civ. P. 5 (b), 365 Mass. 745 (1974)
Mass. R. Civ. P. 5 (c), 365 Mass. 745 (1974)
Mass. R. Civ. P. 5 (d), as amended, 404 Mass. 1401 (1989)
Mass. R. Civ. P. 5 (d) (2), as amended, 436 Mass. 1401 (2002)
Mass. R. Civ. P. 5 (e), 365 Mass. 745 (1974)
Mass. R. Civ. P. 5 (f), 365 Mass. 745 (1974)
Mass. R. Civ. P. 5 (g), as amended, 368 Mass. 905 (1975)
Mass. R. Civ. P. 6, 365 Mass. 747 (1974)
Mass. R. Civ. P. 7, as amended, 385 Mass. 1215 (1982)
Mass. R. Civ. P. 7 (a), as amended, 385 Mass. 1215 (1982)
Mass. R. Civ. P. 7 (b), 365 Mass. 748 (1974)
Mass. R. Civ. P. 7 (c), 365 Mass. 748 (1974)
Mass. R. Civ. P. 8, 365 Mass. 749 (1974)
Mass. R. Civ. P. 9, 365 Mass. 751 (1974)
Mass. R. Civ. P. 10, as amended, 456 Mass. 1401 (2010)
Mass. R. Civ. P. 10 (e), 456 Mass. 1401 (2010)

Mass. R. Civ. P. 11, as amended, 456 Mass. 1401 (2010)
Mass. R. Civ. P. 11 (a), as amended, 456 Mass. 1401 (2010)
Mass. R. Civ. P. 12, 365 Mass. 754 (1974)
Mass. R. Civ. P. 12 (b) (9), as amended, 450 Mass. 1403 (2008)
Mass. R. Civ. P. 12 (b) (10), as appearing in 450 Mass. 1403 (2008)
Mass. R. Civ. P. 12 (d), as amended, 451 Mass. 1401 (2008)
Mass. R. Civ. P. 12 (h) (1), as appearing in 450 Mass. 1403 (2008)
Mass. R. Civ. P. 13, as amended, 423 Mass. 1405 (1996)
Mass. R. Civ. P. 13 (a), as amended, 423 Mass. 1405 (1996)
Mass. R. Civ. P. 13 (b), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (c), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (d), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (e), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (f), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (g), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (h), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (i), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (j), as amended, 450 Mass. 1401 (2008)
Mass. R. Civ. P. 14, as amended, 385 Mass. 1216 (1982)
Mass. R. Civ. P. 14 (a), as amended, 385 Mass. 1216 (1982)
Mass. R. Civ. P. 14 (b), 365 Mass. 760 (1974)
Mass. R. Civ. P. 15, 365 Mass. 761 (1974)
Mass. R. Civ. P. 16, as amended, 466 Mass. 1401 (2013)
Mass. R. Civ. P. 17, 365 Mass. 763 (1974)
Mass. R. Civ. P. 17 (a), 461 Mass. 1401 (2011)
Mass. R. Civ. P. 17 (b), as appearing in 454 Mass. 1402 (2009)
Mass. R. Civ. P. 18, 365 Mass. 764 (1974)
Mass. R. Civ. P. 19, 365 Mass. 765 (1974)
Mass. R. Civ. P. 20, 365 Mass. 766 (1974)
Mass. R. Civ. P. 21, 365 Mass. 767 (1974)
Mass. R. Civ. P. 22, 365 Mass. 767 (1974)
Mass. R. Civ. P. 23, as amended, 471 Mass. 1491 (2015)
Mass. R. Civ. P. 23 (c), as amended, 471 Mass. 1491 (2015)
Mass. R. Civ. P. 23 (e), as amended, 471 Mass. 1491 (2015)
Mass. R. Civ. P. 23.1, 365 Mass. 768 (1974)
Mass. R. Civ. P. 23.2, 365 Mass. 769 (1974)
Mass. R. Civ. P. 24, 365 Mass. 769 (1974)
Mass. R. Civ. P. 25, 365 Mass. 771 (1974)
Mass. R. Civ. P. 25 (b), as appearing in 454 Mass. 1403 (2009)
Mass. R. Civ. P. 26, as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 26 (a), as appearing in 382 Mass. 823 (1981)

Mass. R. Civ. P. 26 (b), 365 Mass. 772 (1974)
Mass. R. Civ. P. 26 (b) (5), as appearing in 466 Mass. 1402 (2013)
Mass. R. Civ. P. 26 (c), as amended, 466 Mass. 1401 (2013)
Mass. R. Civ. P. 26 (d), 365 Mass. 772 (1974)
Mass. R. Civ. P. 26 (e), 365 Mass. 772 (1974)
Mass. R. Civ. P. 26 (f), 466 Mass. 1404 (2013)
Mass. R. Civ. P. 27, as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 27 (a), as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 27 (a) (1), as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 27 (a) (2), as amended, 454 Mass. 1401 (2009)
Mass. R. Civ. P. 27 (a) (3), 365 Mass. 777 (1974)
Mass. R. Civ. P. 27 (a) (4), 365 Mass. 777 (1974)
Mass. R. Civ. P. 27 (b), 365 Mass. 777 (1974)
Mass. R. Civ. P. 27 (c), 365 Mass. 777 (1974)
Mass. R. Civ. P. 28, as amended, 385 Mass. 1209 (1982)
Mass. R. Civ. P. 28 (a), as amended, 385 Mass. 1209 (1982)
Mass. R. Civ. P. 28 (b), 365 Mass. 779 (1974)
Mass. R. Civ. P. 28 (c), 365 Mass. 779 (1974)
Mass. R. Civ. P. 29, 365 Mass. 780 (1974)
Mass. R. Civ. P. 30, as amended, 428 Mass. 1401 (1998)
Mass. R. Civ. P. 30 (a), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b), as amended, 385 Mass. 1210 (1982)
Mass. R. Civ. P. 30 (b) (1), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b) (2), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b) (3), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b) (4), as amended, 385 Mass. 1210 (1982)
Mass. R. Civ. P. 30 (b) (5), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b) (6), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b) (7), 385 Mass. 1210 (1982)
Mass. R. Civ. P. 30 (c), as appearing in 428 Mass. 1401 (1998)
Mass. R. Civ. P. 30 (d), as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 30 (e), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (f), as amended, 404 Mass. 1401 (1989)
Mass. R. Civ. P. 30 (f) (1), as amended, 404 Mass. 1402 (1989)
Mass. R. Civ. P. 30 (f) (2), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (f) (3), as amended, 404 Mass. 1403 (1989)
Mass. R. Civ. P. 30 (g) (1), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (g) (2), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30A, as amended, 406 Mass. 1403 (1990)
Mass. R. Civ. P. 30A (a), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (b), 382 Mass. 824 (1981)

Mass. R. Civ. P. 30A (c), as amended, 406 Mass. 1401 (1990)
Mass. R. Civ. P. 30A (d), as appearing in 406 Mass. 1402 (1990)
Mass. R. Civ. P. 30A (e), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (f), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (g), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (h), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (i), as appearing in 406 Mass. 1402 (1990)
Mass. R. Civ. P. 30A (j), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (k), as appearing in 393 Mass. 1238 (1985)
Mass. R. Civ. P. 30A (l), 393 Mass. 1238 (1985)
Mass. R. Civ. P. 30A (m), as appearing in 406 Mass. 1403 (1990)
Mass. R. Civ. P. 31, as amended, 404 Mass. 1403 (1989)
Mass. R. Civ. P. 31 (a), 365 Mass. 786 (1974)
Mass. R. Civ. P. 31 (b), as appearing in 404 Mass. 1403 (1989)
Mass. R. Civ. P. 31 (c), as appearing in 404 Mass. 1403 (1989)
Mass. R. Civ. P. 32, as amended, 392 Mass. 1105 (1984)
Mass. R. Civ. P. 32 (a) (1), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (2), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (3), as amended, 392 Mass. 1105 (1984)
Mass. R. Civ. P. 32 (a) (3) (A), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (3) (B), as appearing in 392 Mass. 1105 (1984)
Mass. R. Civ. P. 32 (a) (3) (C), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (3) (D), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (3) (E), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (4), as appearing in 385 Mass. 1211 (1982)
Mass. R. Civ. P. 32 (b), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (c), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (d), 365 Mass. 787 (1974)
Mass. R. Civ. P. 33, as amended, 385 Mass. 1212 (1982)
Mass. R. Civ. P. 33 (a), as appearing in 436 Mass. 1401 (2002)
Mass. R. Civ. P. 33 (a) (6), as appearing in 454 Mass. 1404 (2009)
Mass. R. Civ. P. 33 (b), 365 Mass. 790 (1974)
Mass. R. Civ. P. 33 (c), as amended, 385 Mass. 1212 (1982)
Mass. R. Civ. P. 34, as appearing in 466 Mass. 1407 (2013)
Mass. R. Civ. P. 35, 365 Mass. 793 (1974)
Mass. R. Civ. P. 36, 365 Mass. 795 (1974)
Mass. R. Civ. P. 37, as amended, 423 Mass. 1406 (1996)
Mass. R. Civ. P. 37 (a) (1), as appearing in 423 Mass. 1406 (1996)
Mass. R. Civ. P. 37 (a) (2), 365 Mass. 797 (1974)
Mass. R. Civ. P. 37 (a) (3), 365 Mass. 797 (1974)
Mass. R. Civ. P. 37 (a) (4), as amended, 417 Mass. 1401 (1994)

Mass. R. Civ. P. 37 (b), as amended, 423 Mass. 1406 (1996)
Mass. R. Civ. P. 37 (b) (1), as appearing in 423 Mass. 1406 (1996)
Mass. R. Civ. P. 37 (b) (2), as amended, 390 Mass. 1208 (1984)
Mass. R. Civ. P. 37 (c), 365 Mass. 797 (1974)
Mass. R. Civ. P. 37 (d), 365 Mass. 797 (1974)
Mass. R. Civ. P. 37 (e), 365 Mass. 797 (1974)
Mass. R. Civ. P. 37 (f), 466 Mass. 1409 (2013)
Mass. R. Civ. P. 38, as amended, 423 Mass. 1406 (1996)
Mass. R. Civ. P. 38 (a), 365 Mass. 800 (1974)
Mass. R. Civ. P. 38 (b), 365 Mass. 800 (1974)
Mass. R. Civ. P. 38 (c), 365 Mass. 800 (1974)
Mass. R. Civ. P. 38 (d), 365 Mass. 800 (1974)
Mass. R. Civ. P. 38 (e), as amended, 450 Mass. 1401 (2008)
Mass. R. Civ. P. 39, as amended, 423 Mass. 1406 (1996)
Mass. R. Civ. P. 39 (a), as amended, 450 Mass. 1403 (2008)
Mass. R. Civ. P. 39 (b), 365 Mass. 801 (1974)
Mass. R. Civ. P. 39 (c), 365 Mass. 801 (1974)
Mass. R. Civ. P. 39 (d), as amended, 450 Mass. 1401 (2008)
Mass. R. Civ. P. 40, 365 Mass. 802 (1974)
Mass. R. Civ. P. 41, 365 Mass. 803 (1974)
Mass. R. Civ. P. 41 (b) (3), as amended, 454 Mass. 1403 (2009)
Mass. R. Civ. P. 42, as amended, 423 Mass. 1406 (1996)
Mass. R. Civ. P. 42 (a), as amended, 423 Mass. 1402 (1996)
Mass. R. Civ. P. 42 (b), as amended, 423 Mass. 1402 (1996)
Mass. R. Civ. P. 42 (c), as appearing in 423 Mass. 1406 (1996)
Mass. R. Civ. P. 42 (d), as appearing in 450 Mass. 1403 (2008)
Mass. R. Civ. P. 43, 365 Mass. 806 (1974)
Mass. R. Civ. P. 44, 365 Mass. 807 (1974)
Mass. R. Civ. P. 44.1, 365 Mass. 809 (1974)
Mass. R. Civ. P. 45, as amended, 470 Mass. 1401 (2015)
Mass. R. Civ. P. 45 (a), as appearing in 470 Mass. 1402 (2015)
Mass. R. Civ. P. 45 (b), as appearing in 470 Mass. 1402 (2015)
Mass. R. Civ. P. 45 (c), as appearing in 470 Mass. 1402 (2015)
Mass. R. Civ. P. 45 (d), as appearing in 470 Mass. 1403 (2015)
Mass. R. Civ. P. 45 (e), as appearing in 470 Mass. 1404 (2015)
Mass. R. Civ. P. 45 (f), as amended, 470 Mass. 1401 (2015)
Mass. R. Civ. P. 45 (g), 466 Mass. 1402 (2013)
Mass. R. Civ. P. 46, 365 Mass. 811 (1974)
Mass. R. Civ. P. 47, 365 Mass. 812 (1974)
Mass. R. Civ. P. 47 (b), as amended, 450 Mass. 1402 (2008)
Mass. R. Civ. P. 47 (c), as appearing in 450 Mass. 1404 (2008)

Mass. R. Civ. P. 48, 450 Mass. 1404 (2008)
Mass. R. Civ. P. 49, 365 Mass. 812 (1974)
Mass. R. Civ. P. 50, as amended, 428 Mass. 1402 (1998)
Mass. R. Civ. P. 50 (a), 365 Mass. 814 (1974)
Mass. R. Civ. P. 50 (b), as amended, 428 Mass. 1402 (1998)
Mass. R. Civ. P. 51, 365 Mass. 816 (1974)
Mass. R. Civ. P. 52, as amended, 423 Mass. 1408 (1996)
Mass. R. Civ. P. 52 (a), as amended, 423 Mass. 1402 (1996)
Mass. R. Civ. P. 52 (b), as amended, 423 Mass. 1402 (1996)
Mass. R. Civ. P. 52 (c), as appearing in 450 Mass. 1404 (2008)
Mass. R. Civ. P. 52 (d), as appearing in 423 Mass. 1408 (1996)
Mass. R. Civ. P. 53, as amended, 423 Mass. 1408 (1996)
Mass. R. Civ. P. 53 (a), as amended, 386 Mass. 1237 (1982)
Mass. R. Civ. P. 53 (b) (1), as appearing in 423 Mass. 1408 (1996)
Mass. R. Civ. P. 53 (b) (2), as amended, 386 Mass. 1237 (1982)
Mass. R. Civ. P. 53 (b) (3), as amended, 386 Mass. 1237 (1982)
Mass. R. Civ. P. 53 (c), as amended, 386 Mass. 1237 (1982)
Mass. R. Civ. P. 53 (d), as amended, 386 Mass. 1237 (1982)
Mass. R. Civ. P. 53 (e), as amended, 386 Mass. 1237 (1982)
Mass. R. Civ. P. 53 (f), as amended, 386 Mass. 1237 (1982)
Mass. R. Civ. P. 53 (g), as amended, 386 Mass. 1237 (1982)
Mass. R. Civ. P. 53 (h), as amended, 386 Mass. 1237 (1982)
Mass. R. Civ. P. 53 (i), as amended, 386 Mass. 1237 (1982)
Mass. R. Civ. P. 54, as amended, 382 Mass. 829 (1981)
Mass. R. Civ. P. 54 (a), 365 Mass. 820 (1974)
Mass. R. Civ. P. 54 (b), 365 Mass. 820 (1974)
Mass. R. Civ. P. 54 (c), as amended, 463 Mass. 1401 (2012)
Mass. R. Civ. P. 54 (d), as appearing in 382 Mass. 821 (1980)
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Mass. R. Prof. C. 1.16, as appearing in 471 Mass. 1395 (2015)
Mass. R. Prof. C. 1.17, as appearing in 471 Mass. 1400 (2015)
Mass. R. Prof. C. 1.18, 471 Mass. 1404 (2015)
Mass. R. Prof. C. 2.1, as appearing in 471 Mass. 1408 (2015)
Mass. R. Prof. C. 2.2 -- RESERVED
Mass. R. Prof. C. 2.3, as appearing in 471 Mass. 1410 (2015)
Mass. R. Prof. C. 2.4, as appearing in 471 Mass. 1412 (2015)
Mass. R. Prof. C. 3.1, as appearing in 471 Mass. 1414 (2015)
Mass. R. Prof. C. 3.2, as appearing in 471 Mass. 1416 (2015)
Mass. R. Prof. C. 3.3, as appearing in 471 Mass. 1416 (2015)
Mass. R. Prof. C. 3.4, as appearing in 471 Mass. 1425 (2015)
Mass. R. Prof. C. 3.5, as appearing in 471 Mass. 1428 (2015)

Mass. R. Prof. C. 3.6, as appearing in 471 Mass. 1430 (2015)
Mass. R. Prof. C. 3.7, as appearing in 471 Mass. 1434 (2015)
Mass. R. Prof. C. 3.8, as amended, 428 Mass. 1305 (1999)
Mass. R. Prof. C. 3.8 (a), 426 Mass. 1397 (1998)
Mass. R. Prof. C. 3.8 (b), 426 Mass. 1397 (1998)
Mass. R. Prof. C. 3.8 (c), 426 Mass. 1397 (1998)
Mass. R. Prof. C. 3.8 (d), 426 Mass. 1397 (1998)
Mass. R. Prof. C. 3.8 (e), 426 Mass. 1397 (1998)
Mass. R. Prof. C. 3.8 (f), 426 Mass. 1397 (1998)
Mass. R. Prof. C. 3.8 (g), 426 Mass. 1397 (1998)
Mass. R. Prof. C. 3.8 (h), as appearing in 428 Mass. 1305 (1999)
Mass. R. Prof. C. 3.8 (i), as appearing in 428 Mass. 1305 (1999)
Mass. R. Prof. C. 3.8 (j), as appearing in 428 Mass. 1305 (1999)
Mass. R. Prof. C. 3.9, as appearing in 471 Mass. 1437 (2015)
Mass. R. Prof. C. 4.1, as appearing in 471 Mass. 1438 (2015)
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Mass. R. Prof. C. 4.4, as appearing in 471 Mass. 1443 (2015)
Mass. R. Prof. C. 5.1, as appearing in 471 Mass. 1445 (2015)
Mass. R. Prof. C. 5.2, 426 Mass. 1407 (1998)
Mass. R. Prof. C. 5.3, as appearing in 471 Mass. 1447 (2015)
Mass. R. Prof. C. 5.4, as appearing in 471 Mass. 1450 (2015)
Mass. R. Prof. C. 5.5, as appearing in 471 Mass. 1452 (2015)
Mass. R. Prof. C. 5.6, as appearing in 471 Mass. 1459 (2015)
Mass. R. Prof. C. 5.7, as appearing in 471 Mass. 1460 (2015)
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Mass. R. Prof. C. 6.3, 426 Mass. 1416 (1998)
Mass. R. Prof. C. 6.4, 426 Mass. 1417 (1998)
Mass. R. Prof. C. 6.5, as appearing in 463 Mass. 1303 (2012)
Mass. R. Prof. C. 7.1, as appearing in 471 Mass. 1468 (2015)
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Mass. R. Prof. C. 7.3, as appearing in 471 Mass. 1472 (2015)
Mass. R. Prof. C. 7.4, as appearing in 471 Mass. 1476 (2015)
Mass. R. Prof. C. 7.5, as appearing in 471 Mass. 1477 (2015)
Mass. R. Prof. C. 8.1, as appearing in 471 Mass. 1479 (2015)
Mass. R. Prof. C. 8.2, as appearing in 471 Mass. 1480 (2015)
Mass. R. Prof. C. 8.3, as appearing in 471 Mass. 1481 (2015)
Mass. R. Prof. C. 8.4, as appearing in 471 Mass. 1483 (2015)
Mass. R. Prof. C. 8.5, as appearing in 454 Mass. 1301 (2009)
S.J.C. Rule 3:09, as appearing in 440 Mass. 1301 (2003)

(Massachusetts Code of Judicial Conduct)

S.J.C. Rule 3:09, Canon 3 (B) (9), as appearing in 455 Mass. 1301 (2009)
S.J.C. Rule 3:09, Canon 4, as amended, 464 Mass. 1301 (2012)
S.J.C. Rule 3:10, as amended, 416 Mass. 1306 (1993)
S.J.C. Rule 3:11, as amended, 437 Mass. 1301 (2002)
S.J.C. Rule 3:11 (1), as appearing in 403 Mass. 1301 (1988)
S.J.C. Rule 3:11 (2), as amended, 438 Mass. 1301 (2002)
S.J.C. Rule 3:11 (3), as amended, in 438 Mass. 1302 (2002)
S.J.C. Rule 3:11 (4), as amended, 409 Mass. 1302 (1991)
S.J.C. Rule 3:11 (6), as amended, 452 Mass. 1305 (2008)
S.J.C. Rule 3:12, as amended, 427 Mass. 1322 (1998)
S.J.C. Rule 3:12, Canon 1, as appearing in 407 Mass. 1301 (1990)
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S.J.C. Rule 3:12, Canon 6, as appearing in 407 Mass. 1301 (1990)
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S.J.C. Rule 3:12, Canon 8, as amended, 411 Mass. 1317 (1992)
S.J.C. Rule 3:12, Canon 9, as amended, 427 Mass. 1322 (1998)
S.J.C. Rule 3:13, as appearing in 471 Mass. 1301 (2015)
S.J.C. Rule 3:14, as appearing in 407 Mass. 1309 (1990)
S.J.C. Rule 3:15, 462 Mass. 1301 (2012)
S.J.C. Rule 3:16, 464 Mass. 1302 (2012)
S.J.C. Rule 4:01, § 1, as amended, 430 Mass. 1319 (2000)
S.J.C. Rule 4:01, § 2, as appearing in 453 Mass. 1307 (2009)
S.J.C. Rule 4:01, § 3, as amended, 430 Mass. 1314 (1999)
S.J.C. Rule 4:01, § 3 (1), as appearing in 453 Mass. 1308 (2009)
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S.J.C. Rule 4:01, § 5, as amended, 430 Mass. 1314 (1999)
S.J.C. Rule 4:01, § 5 (3), as amended, 453 Mass. 1305 (2009)
S.J.C. Rule 4:01, § 5 (3) (b), as amended, 453 Mass. 1305 (2009)
S.J.C. Rule 4:01, § 5 (3) (c), as appearing in 453 Mass. 1308 (2009)
S.J.C. Rule 4:01, § 5 (3) (e), as amended, 453 Mass. 1306 (2009)
S.J.C. Rule 4:01, § 5 (3) (f), as amended, 453 Mass. 1306 (2009)
S.J.C. Rule 4:01, § 5 (3) (g), as appearing in 453 Mass. 1308 (2009)
S.J.C. Rule 4:01, § 5 (3) (h), as amended, 453 Mass. 1306 (2009)
S.J.C. Rule 4:01, § 5 (3) (i), as amended, 453 Mass. 1306 (2009)
S.J.C. Rule 4:01, § 5 (3) (j), as amended, 453 Mass. 1306 (2009)
S.J.C. Rule 4:01, § 5 (3) (k), as amended, 453 Mass. 1306 (2009)
S.J.C. Rule 4:01, § 5 (3) (l), as amended, 453 Mass. 1306 (2009)

S.J.C. Rule 4:01, § 6, as appearing in 425 Mass. 1307 (1997)
S.J.C. Rule 4:01, § 6 (4), as amended, 453 Mass. 1306 (2009)
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S.J.C. Rule 4:01, § 8, as appearing in 453 Mass. 1310 (2009)
S.J.C. Rule 4:01, § 9, as appearing in 425 Mass. 1312 (1997)
S.J.C. Rule 4:01, § 10, as appearing in 425 Mass. 1313 (1997)
S.J.C. Rule 4:01, § 11, as amended, 453 Mass. 1306 (2009)
S.J.C. Rule 4:01, § 12, as appearing in 425 Mass. 1313 (1997)
S.J.C. Rule 4:01, § 12A, as appearing in 425 Mass. 1315 (1997)
S.J.C. Rule 4:01, § 13, as amended, 435 Mass. 1302 (2002)
S.J.C. Rule 4:01, § 13 (4) (d), as amended, 453 Mass. 1307 (2009)
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S.J.C. Rule 4:01, § 17 (7), as amended, 453 Mass. 1307 (2009)
S.J.C. Rule 4:01, § 17 (8), as appearing in 453 Mass. 1314 (2009)
S.J.C. Rule 4:01, § 18, as appearing in 453 Mass. 1315 (2009)
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S.J.C. Rule 4:02, as amended, 416 Mass. 1319 (1993)
S.J.C. Rule 4:02 (1), as amended, 467 Mass. 1301 (2014)
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S.J.C. Rule 4:02 (7), as appearing in 416 Mass. 1319 (1993)
S.J.C. Rule 4:02 (9), as amended, 464 Mass. 1304 (2013)
S.J.C. Rule 4:02 (10), 460 Mass. 1301 (2011)
S.J.C. Rule 4:02 (11), 467 Mass. 1402 (2014)
S.J.C. Rule 4:03, as amended, 457 Mass. 1306 (2010)
S.J.C. Rule 4:03 (1), as amended, 457 Mass. 1306 (2010)
S.J.C. Rule 4:03 (2), as appearing in 421 Mass. 1302 (1995)
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S.J.C. Rule 4:04, as amended, 428 Mass. 1301 (1998)
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S.J.C. Rule 4:04 (2) (1), as amended, 409 Mass. 1302 (1991)
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S.J.C. Rule 4:04 (3), 365 Mass. 717 (1974)
S.J.C. Rule 4:04 (4), 426 Mass. 1301 (1997)
S.J.C. Rule 4:05, as amended, 440 Mass. 1349 (2004)
S.J.C. Rule 4:05 (1), 365 Mass. 718 (1974)
S.J.C. Rule 4:05 (2), 365 Mass. 718 (1974)
S.J.C. Rule 4:05 (3), 365 Mass. 718 (1974)
S.J.C. Rule 4:05 (4), as appearing in 422 Mass. 1301 (1996)
S.J.C. Rule 4:05 (5), 422 Mass. 1301 (1996)
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S.J.C. Rule 4:06, as amended, 428 Mass. 1303 (1998)
S.J.C. Rule 4:06, § 1, as amended, 428 Mass. 1303 (1998)
S.J.C. Rule 4:06, § 1 (1), 365 Mass. 719 (1974)
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S.J.C. Rule 4:07, as amended, 425 Mass. 1331 (1997)
S.J.C. Rule 4:07, § 1, as amended, 425 Mass. 1331 (1997)
S.J.C. Rule 4:07, § 2, as appearing in 414 Mass. 1304 (1993)
S.J.C. Rule 4:07, § 3, as appearing in 414 Mass. 1304 (1993)
S.J.C. Rule 4:07, § 4, as appearing in 421 Mass. 1305 (1995)
S.J.C. Rule 4:07, § 5, as appearing in 426 Mass. 1434 (1998)
S.J.C. Rule 4:08, as amended, 414 Mass. 1303 (1993)
S.J.C. Rule 4:09, as amended, 414 Mass. 1303 (1993)

APPENDIX 8

MASSACHUSETTS RULES OF CRIMINAL PROCEDURE

Use the following format when citing to one of the rules of criminal procedure, unless an amendment is listed below.

Mass. R. Crim. P. xx, 378 Mass. xxx (1979)

The following rules of criminal procedure have been amended:

Mass. R. Crim. P. 1, as appearing in 442 Mass. 1501 (2004)
Mass. R. Crim. P. 2 (b), as amended, 397 Mass. 1226 (1986)
Mass. R. Crim. P. 3, as appearing in 442 Mass. 1502 (2004)
Mass. R. Crim. P. 3.1, 442 Mass. 1503 (2004)
Mass. R. Crim. P. 5, as appearing in 442 Mass. 1505 (2004)
Mass. R. Crim. P. 7, as appearing in 461 Mass. 1501 (2012)
Mass. R. Crim. P. 8, as amended, 397 Mass. 1226 (1986)
Mass. R. Crim. P. 10 (a) (4), 426 Mass. 1501 (1997)
Mass. R. Crim. P. 11, as appearing in 442 Mass. 1509 (2004)
Mass. R. Crim. P. 12, as appearing in 470 Mass. 1501 (2015)
Mass. R. Crim. P. 13, as appearing in 442 Mass. 1516 (2004)
Mass. R. Crim. P. 14, as appearing in 442 Mass. 1518 (2004)
Mass. R. Crim. P. 14 (a) (1) (A), as amended, 444 Mass. 1501 (2005)
Mass. R. Crim. P. 14 (a) (1) (B), as amended, 444 Mass. 1501 (2005)
Mass. R. Crim. P. 14 (a) (1) (D), as amended, 444 Mass. 1501 (2005)
Mass. R. Crim. P. 14 (b) (2), as appearing in 463 Mass. 1501 (2012)
Mass. R. Crim. P. 14 (b) (4), 463 Mass. 1504 (2012)
Mass. R. Crim. P. 14 (d) (1), as amended, 463 Mass. 1501 (2012)
Mass. R. Crim. P. 14 (d) (2), as amended, 463 Mass. 1501 (2012)
Mass. R. Crim. P. 15, as appearing in 422 Mass. 1501 (1996)
Mass. R. Crim. P. 23, 471 Mass. 1501 (2015)
Mass. R. Crim. P. 25, as amended, 420 Mass. 1502 (1995)
Mass. R. Crim. P. 25 (c) (2), as appearing in 420 Mass. 1502 (1995)
Mass. R. Crim. P. 28 (e), 453 Mass. 1501 (2009)
Mass. R. Crim. P. 30, as appearing in 435 Mass. 1501 (2001)
Mass. R. Crim. P. 31, as appearing in 454 Mass. 1501 (2009)
Mass. R. Crim. P. 33, as amended, 397 Mass. 1227 (1986)
Mass. R. Crim. P. 34, as amended, 442 Mass. 1501 (2004)
Mass. R. Crim. P. 36 (b) (1) (D), as amended, 422 Mass. 1503 (1996)
Mass. R. Crim. P. 43, as appearing in 466 Mass. 1501 (2013)

APPENDIX 9

OTHER MASSACHUSETTS COURT RULES & REPORTERS' NOTES

Dist./Mun. Cts. R. Civ. P. -- Massachusetts Rules of the District and Municipal Courts

Mass. R. Dom. Rel. P. -- Massachusetts Rules of Domestic Relations Procedure

Rule xx of the Rules of the Superior Court (20xx)

Rule xx of the Rules of the Probate Court (20xx)

Rule xx of the Rules of the Appeals Court (20xx)

Rule xx of the Rules of the Land Court (20xx)

Rule xx of the Rules of the Housing Court (20xx)

Rule xx of the Rules of the Appellate Tax Board (20xx)

Rule xx of the Rules of the Commission on Judicial Conduct (20xx)

Rule xx of the Uniform Summary Process Rules (20xx)

Rule xx of the Uniform Magistrate Rules (20xx)

Proposed Mass. R. Evid. xx

Reporters' Notes to Rule XX, Mass. Ann. Laws Court Rules, Rules of XXX Procedure, at XX (LexisNexis 20xx).

APPENDIX 10

STYLE OF CITATION FOR POPULAR TEXTS

The texts in this list are alphabetized by the last name of the author or, if no author is given, by title.

-A-

ABA Standards for Imposing Lawyer Sanctions § 2.5 (1992)

ALI Principles of Corporate Governance § 7.06 (1994)

3 American Law of Property § 11.9 (A.J. Casner ed. 1952) or (1952 & Supp. 1977)

American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders (5th ed. 2013)

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1 T.H. Belknap, Newhall's Settlement of Estates and Fiduciary Law in Massachusetts § 9:11, at 278 (5th ed. 1994)

Black's Law Dictionary 1675 (10th ed. 2014)

2 W. Blackstone, Commentaries *305-306

M. Bobrowski, Massachusetts Land Use and Planning Law § 7.06 (3d ed. 2011)

R.N. Boyce, D.A. Dripps, & R.M. Perkins, Criminal Law and Procedure 1093 (12th ed. 2013)

M.S. Brodin & M. Avery, Massachusetts Evidence § 5.2.1, at 193-194 (2015 ed. 2014)

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B. Cardozo, The Nature of the Judicial Process 155 (1921)

1 A.J. Casner & J.N. Pennell, Estate Planning § 3.0 (6th ed. 1995 & Supp. 2009-2010)

3 Collier on Bankruptcy par. 320.03[2] (A.N. Resnick & H.J. Sommer eds., 16th ed. 2010)

1 Crocker's Notes on Common Forms § 404 (Mass. Cont. Legal Educ. 10th ed. 2013)

-D-E-F-

2 Debates in the Massachusetts Constitutional Convention 1917-1918, 776-778 (1918)

1 D.B. Dobbs, Torts § 201 (2001)

P.B. Donovan, Judgment, in Superior Court Civil Practice Manual § 15.10, at 15-12 (Mass. Cont. Legal Educ. 3d ed. 2013 & Supp. 2015)

R.A. Epstein, Takings: Private Property and the Power of Eminent Domain (1985)

Equal Justice: Eliminating the Barriers, Commission to Study Racial and Ethnic Bias in the Courts 64 (1994)

2 C.S. Fishman, Jones on Evidence, Civil and Criminal §§ 9:22-9:23 (7th ed. 1994)

-G-

J.A. Grasso, Jr., & C.M. McEvoy, Suppression Matters Under Massachusetts Law § 4-4[d] (2012)

Guidelines for Judicial Practice: Abuse Prevention Proceedings § 3:02 commentary (Dec. 2000)

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1 Hale, Pleas of the Crown 583 (1800)

1 F.V. Harper, F. James, Jr., & O.S. Gray, Harper, James and Gray on Torts § 4.1 (rev. 3d ed. 2006)

2 Hawkins, Pleas of the Crown c. 14, § 1 (6th ed. 1787)

3 E.M. Holmes, Holmes's Appleman on Insurance 2d § 10.8 (1998)

O.W. Holmes, Jr., The Common Law 271-272 (1881)

-I-J-K-

E.I. Imwinkelried, *The New Wigmore: A Treatise on Evidence* § 7.4.1 (R.D. Friedman ed., 2d ed. 2010)

13 S.H. Jenkins, *Corbin on Contracts* § 68.2(1), at 165-166 (J.M. Perillo ed., rev. ed. 2003)

-L-

4 W.R. LaFare, *Search and Seizure* § 9.2(f), at 337 (4th ed. 2004)

2 W.R. LaFare, *Substantive Criminal Law* § 12.1 (2d ed. 2003)

5 W.R. LaFare, J.H. Israel, N.J. King, & O.S. Kerr, *Criminal Procedure* § 20.4(b) (3d ed. 2007)

7 A.K. Larson, *Larson's Workers' Compensation Law* § 122.01[2] (rev. ed. 2010)

2A L. Lawrence, *Lawrence's Anderson on the Uniform Commercial Code* § 2-301.88 (3d ed. 2008)

2 *Legal Papers of John Adams* 106-147 (L. Wroth & H. Zobel eds. 1965)

1 R.A. Lord, *Williston on Contracts* § 1.19 (4th ed. 2007)

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J. Maguire, *Evidence of Guilt* § 2.07, at 65 n.1 (1959)

Mass. G. Evid. § 509 (2015)

2 *McCormick on Evidence* § 272, at 257 (K.S. Broun ed., 6th ed. 2006)

7 E. McQuillin, *Municipal Corporations* § 24.217, at 67 (3d rev. ed. 2005)

Model Code of Pre-Arrest Procedure § 140.8(4) (1975)

2 *Model Jury Instructions for Use in the District Court* (1995)

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6 *Moore's Federal Practice* § 26.06[2], at 26-41 to 26-42 (3d ed. 2010)

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1 Page on the Law of Wills § 10.23 (Bowe-Parker rev. 3d ed. 2003)

11 J.M. Perillo, Corbin on Contracts § 57.10 (rev. ed. 2005)

1 M.G. Perlin, Mottla's Proof of Cases in Massachusetts §§ 13.1-13.21 (3d ed. 1992)

M.G. Perlin & J.M. Connors, Civil Procedure in the Massachusetts District Court § 2.5 (4th ed. 2009)

3 R.J. Pierce, Jr., Administrative Law Treatise § 19.2 (4th ed. 2002)

S. Plitt, D. Maldonado, & J.D. Rogers, Couch on Insurance 3d § 1:35 (rev. ed. 2009 & Supp. 2010)

14 R. Powell, Real Property § 82.01[3], at 82-13 (M. Wolf ed. 2009)

W.L. Prosser & W.P. Keeton, Torts § 125, at 931-934 (5th ed. 1984)

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Restatement (Second) of Judgments § 27 & comment d (1982)

Restatement (Third) of Torts: Liability for Physical and Emotional Harm § 36 comment b, at 599 (2010)

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4A J.L. Sackman, Nichols on Eminent Domain § 14A.01[1] (3d ed. 2010)

1 I.E. Schermer & W.J. Schermer, Automobile Liability Insurance § 5:21 (4th ed. 2004)

3 A.W. Scott, W.F. Fratcher, & M.L. Ascher, Scott and Ascher on Trusts § 17.10 (5th ed. 2006)

1 N.J. Singer & J.D. Shambie Singer, Statutes and Statutory Construction § 14.10 (7th ed. 2010)

1 S.M. Speiser, C.F. Krause, & A.W. Gans, Torts § 4:14 (1983)

Stedman's Medical Dictionary 1689 (28th ed. 2006)

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2 C. Torcia, Wharton's Criminal Law § 161 (15th ed. 1994)

Unif. R. Crim. P. 243, 10 U.L.A. 38 (Master ed. 2001)

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Webster's Third New International Dictionary 1926 (2002)

3 J.B. Weinstein & M.A. Berger, Weinstein's Federal Evidence § 503.03[1] (J.M. McLaughlin ed., 2d ed. 2010)

1 A.I. Widiss & J.E. Thomas, Uninsured and Underinsured Motorist Insurance § 7.12 (rev. 3d ed. 2005)

C.W. Wolfram, Model Legal Ethics § 15.3.2, at 859 (1986)

6A C.A. Wright, A.R. Miller, & M.K. Kane, Federal Practice and Procedure § 1524, at 345 (2010)

-X-Y-Z-

1 E.H. Ziegler, Jr., Rathkopf's Zoning and Planning § 6.50 (2010)

APPENDIX 11

CITATIONS FOR THE MASSACHUSETTS PRACTICE SERIES

Volumes in the Massachusetts Practice Series (MPS) are cited by author and title without reference to the MPS. Individual volumes within a given topic may have varying publication dates; consult the volume you are citing to confirm. Cite to any supplements in accordance with the Uniform System of Citation. Not listed here are those volumes that contain compilations of material, such as Massachusetts statutes, that are available from primary sources.

H.J. Alperin, *Summary of Basic Law* (4th ed. 20xx) or (5th ed. 2014)

P.M. Annino, *Estate Planning* (3d ed. 2007)

R.W. Bishop, *Prima Facie Case* (5th ed. 2005)

J.A. Bloom & H.S. Margolis, *Elder Law* (2014)

E. Carlson, *Massachusetts Summary Judgment and Related Termination Motions* (2015)

A.J. Cella, *Administrative Law and Practice* (1986)

J.F. Comerford & M.S. Coven, *Insurance Law* (2013)

E.B. Cypher, *Criminal Practice and Procedure* (4th ed. 2014)

E.G. Daher & H. Chopp, *Landlord and Tenant Law* (3d ed. 2000) or (3d ed. 2001)

S.M. Dunphy, *Probate Law and Practice* (2d ed. 1997)

A.L. Eno, Jr., & W.V. Hovey, *Real Estate Law* (4th ed. 2004)

P.A. Finn, B.J. Mone, & J.N. Seich, *Mediation and Arbitration* (2012-2013 ed. 2012)

W.C. Flanagan, *Trial Practice* (2d ed. 2005)

M.C. Gilleran, *The Law of Chapter 93A* (2d ed. 2007)

W.V. Hovey & A.B. Koenig, *Legal Forms* (5th ed. 2008)

R.L. Ireland, *Juvenile Law* (2d ed. 2006)

G. Jacobs & K. Laurence, Professional Malpractice (2007)

S.L. Jones, Drunk Driving Defense (2014-2015 ed. 2014)

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C.P. Kindregan, Jr., M. McBrien, & P.A. Kindregan, Family Law and Practice (4th ed. 2013)

P.M. Lauriat, S.E. McChesney, W.H. Gordon, A.A. Rainer, Discovery (2d ed. 2008)

H. Lemelman, Manual on Uniform Commercial Code (3d ed. rev. 2012)

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J. Lewin & C.E. Schaub, Jr., Construction Law (2014-2015 ed. 2014)

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APPENDIX 12

STYLE OF PARTICULAR WORDS

A

aboveground (adj.)
above-mentioned (avoid)
abridgment
access (v.) (avoid)
accidentally (not "accidently")
accommodation
acknowledgment
action (if a law matter; "suit" if equity matter)
adversary (not "adversarial")
adviser
advisory
African-American
aforementioned (avoid)
air conditioning
alcoholic beverages control commission
all-alcoholic license
all right (not "alright")
all together (i.e., unity of place or time)
altogether (i.e., entirely)
amendments to the Constitution ("to" not "of")
and/or (avoid use; see § 3.01.8)
annulment
annulling
ante mortem (two words)
anti (generally no hyphen; see § 3.01.6)
appeal from
Appellate Division
Appellate Tax Board
appendices
Appendix (i.e., attachment to opinion)
Armed Forces
arm's length (n.)

arm's-length (adj.)
assistant attorney general
as to whether (avoid; omit "as to")
attorney-at-law
Attorney General
attorney-in-fact
attorney's fees
audiotape (n. and v.)
audio-visual
Auditor
automobile (not "auto")
Avenue (when one)
avenues (when more than one)
a while (n.)
awhile (adv.)
axe

B

baby-sitter
baby-sitting
back-dating
band-aid
bankbook
bankruptcy court
bar counsel
based on (not "upon")
before (not "preliminary to")
before-mentioned (avoid)
benefiting
benefited
bilateral
bimonthly
bind-over
blacktop
blood alcohol test

bloodstain
board
board of assessors
bodily injury
bondholders
bookkeeper
Boston navy yard
Boston police headquarters
boy friend
breach (use as noun only; do not
"breach a contract" but "commit a
breach")
break-in (n.)
breathalyzer
bullets
burglar's tools (not "burglar tools")
bus
bused
buses
busing
bylaw (provisions are "adopted," not
"enacted")

C

café
caliber (not "calibre")
canceled
canceling
cancellation
case-by-case basis
case-in-chief
case law
"castle law" statute
cellular telephone
center (not "centre")
charge back
child care (n.)
child victim
child witness
citation (n.)

cite (v.)
City Hall, Boston
city of Boston
Civil War veteran
clerk-magistrate
cliché
closely held corporation
coconspirator
co-counsel
codefendant
coexecutor
coinsurer
collector-treasurer
Colonial
commerce clause
Commissioner of Insurance
Commissioner of Revenue
commissions (in general, lower case)
common-law (adj., as in "common-law
right")
common law (n.)
commonsense (adj.)
common sense (n.)
Commonwealth
Communist Party
compact disc
condominium units (not
"condominiums")
Congress
congressional
Constitution
constitutional
Constitutions
controlled purchase (not "controlled
buy")
conviction of (not "conviction for")
cooperation
cooperative
coowner
correction officer
correspondent

cotenant
coterminous
cotrustee
councillors
counselled
counselling
counsellors
count 1
counter affidavit
counterclaim
counter designation
country-wide
county of Suffolk (or "Suffolk County")
County of Dukes County
court appointed
court house (but "Suffolk County Court House")
court room
coventurer
coworker
"crack" cocaine
criticise
cross action
cross appeal (n.)
cross-appeal (v.)
cross bill
cross claim (n.)
cross-claim (v.)
cross complaint
cross-examination (n.)
cross-examine (v.)
cross motion (n.)
cross-move (v.)
cross payments
cross section
crosswalk
cul-de-sac (plural: culs de sac)
Custom House
cutoff (n. & adj.)

D

damage (i.e., loss or injury)
damages (i.e., monetary compensation)
day care (n.)
daytime
day-to-day (adj.)
dead end (n.)
dead-end (adj.)
decision maker
decision-making
declaration in set-off
deem (avoid)
defense
de minimis
different from (not "different than")
digital video disc
dissociate (not "disassociate")
district attorney
dollar bill
domicil
doorknob
doorway
doubtless (adv.) (not "doubtlessly")
down payment
Draconian
driver's side
drug store
due process clause
duplicative convictions (not "duplicitous")

E

each and every (avoid)
east coast
e.g. (for example)
electronic mail message (e-mail)
embarrass
empanelled
empanelling
empanelment
enact (avoid; use "adopt")

encumbrance
enforceable
ensure/insure/assure
entranceway
entrust
equal protection clause
etc. (avoid; use "and so forth")
et seq. (no comma, no italics)
exhibit A
exit (not favored as verb)
extrajudicial
extreme atrocity or cruelty
eyewitness

F

face-to-face
fact finder (n.)
fact finding (n.)
fact-finding (adj.)
fall (as a season)
far-reaching (adj.)
father-in-law
Federal
federally
felony-murder
finalize (avoid)
fingernail
fire fighter
fire house
fireproof
firsthand (adj. & adv.)
fitted (past tense & past participle) (not "fit")
five to four decision (no hyphens)
food stamp
forbear (i.e., tolerate)
forebear (i.e., ancestor)
forcible
forego, forgoing (i.e., to go before)

forgo, forgoing (i.e., to do without, waive, renounce, waive, avoid)
freeze-out (n.)
freeze out (v.)
fulfil
fulfilled
fulfilling
fulfilment
full-blown
full court
full-time (adj.)
full time (n.)
fund raising

G

gasoline (avoid "gas")
gasoline station
girl friend
good will
Governor
grandchildren
grand jury for the county of Norfolk (but "grand jury for Norfolk County")
grand jury (plural, i.e., "the grand jury are")
grievous (not "grievious")
guarantee (v.)
guaranty (n.)
guardian ad litem
gunshot

H

happened (not "transpired")
hallway
hand bills
handbag
handgun
hand rail

harass
hard pressed
headlight
head on collision
heir at law
heirs at law
high crime area
high-speed
high tension wire
high-power lines
hit-and-run (adj.)
Hobson's choice
hopefully (avoid)
hot top
hot topping
house of correction
Houses (when referring to House and Senate)

I

id. (period and underscore; no comma when followed by page number)
idiosyncrasy (not "idiosyncracy")
i.e. (that is)
ill-advised
ill-considered
ill-equipped
impact (avoid use as verb)
impostor
inasmuch as
in camera
in-court
in-court identification
incumbent
indicate (avoid; use "say," "state," or "show")
individual (avoid; use "person")
indorse (not "endorse")
indorsement (not endorsement)
Industrial Accident Board

industry-wide
in evidence (not "into evidence")
inferable
in personam
insofar (one word)
insofar as
instalment
install
installation
installed
instalment
inter alia (avoid; use "among others")
Internet
Interstate Highway 93
Interstate Commerce Commission
Internal Revenue Service
intervener
in the circumstances (not "under")
Irish-American
irregardless (avoid)
italicized

J

East Cambridge jail
Suffolk County jail
judgment
judgment n.o.v. (not jnov)
jury (plural, i.e., "the jury are")
jury-of-six (adj.)
jury of six (n.)
Justices
joint venture

L

labeled
labeling
landowner
last-minute
lawmaker

lay persons
Legislature
legislative
lesser included offense
libellous
lienholder
Lieutenant Governor
life beneficiary (used in trust matter;
"life tenant" used in connection with real
estate)
life-style
lifetime
linchpin
lineup
lock up (v.)
Lord's day
lot 40
lump-sum (adj.)

M

makeup (i.e., cosmetics)
marijuana (beginning with 429 Mass.)
mayor of Boston
Mexican-American
mid-1970s
millimeter (e.g. "nine millimeter
handgun")
mischievous
minuscule
mugshots
multi (generally no hyphen; see
§ 3.01.6)
murder in the first degree

N

next door
nighttime
Nineteenth Century (initial caps.)
no-fault

nol pros (v.)
nolle prosequi (n.)
nonfelony-murder
non (generally no hyphen; see § 3.01.6)
nonunion
nonprejudicial

O

observed (avoid)
o'clock (9 A.M., 9:15 P.M.)
off duty (was off duty)
off-duty officer
offset (n. & v.)
on (not "upon")
online
one-on-one
oneself
one-way street
ongoing
on the part of (avoid; use "by")
out-of-court
out-of-State trustee
over-all (adj.)
overall (adv. & n.)

P

pager (not "beeper")
parameter (avoid; use "limit")
part time (n.)
part-time (adj.)
pat-down
patfrisk (n.)
pat frisk (v.)
pejorative (not "perjorative")
per cent
petit larceny (not "petty larceny")
photocopied (not "reproduced")
plan to go (not "plan on going")

pleaded (past tense of plead) (not "pled")
post (generally no hyphen; see § 3.0.6)
postjudgment
postminority
post mortem
posttrial
pre (generally no hyphen; see § 3.01.6)
prescribe (i.e., dictate)
prefer . . . to or over (not "prefer . . . than")
pretext (not "pretextual")
pretrial
preventive (not "preventative")
pro rata (adj. & adv.) (no hyphen)
proscribe (i.e., prohibit)
Probate and Family Court
probate court
probate judge
product (not "products") liability
proffered

Q

quasi contract
quasi contractual
quasi judicial
question whether (not "question as to whether" or "question of whether")

R

rainwater
ratemaking
ratepayer
rate setting (two words)
record-keeping
recommittal
redirect
reelected
reenactment

reexamine
reevaluation
reelection
regardless of whether
registry of deeds
relied on (not "upon")
remodeling
required finding
res judicata (not "res adjudicata")
resume
retroactive to
revise or revoke
a right of way
right hand side
roll call vote
Route 125
rowboat
rule against perpetuities
runoff election

S

S.C. (same case; cap.; ital.)
second-hand
second level hearsay
self- (always hyphenated)
Secretary of the Commonwealth
setback (n.)
setoff (n.)
set-off (adj.)
set off (v.)
self-dealing
self-defense
self-help
semiautomatic
sentence of from (three to five years)
shortfall
shotgun
showup
[sic] (bracketed & underscored)
sidebar

single justice
small-time
snide (avoid use)
snow blower
snow storm
so-called
Social Security
son-in-law
spring (as in season)
stage two (Bishop-Fuller protocol)
staircase
stairway
stairwell
state of mind
statement of agreed facts (not "agreed statement")
State police
State Secretary
Statewide
station house
Statute of Frauds
statute of limitations
Statute of Wills
streets (when plural)
struck (not "stricken")
subbid
subcontractor
sub-subcontractor
Suffolk County (or "county of Suffolk")
supersede
susceptible of

T

T-shirt
tape record (v.)
tax-exempt character
taxicab
telephone (v.) (avoid "call")
telephone call
Terry-type

third prong malice
The following nouns denoting elapsed spans of time should preferably be used as indicated:
thirty days' ----- time
thirty days' ----- duration
thirty-day ----- period
thirty-day ----- term
thirty-day ----- span
thirty-day ----- spell
thirty-day
or
thirty days' ----- notice
thirty-day ----- interim
thirty-day ----- interval
thirty-day ----- pendency
thirty-day ----- intermission
thirty-day ----- sentence
thirty-day
or
thirty days'----- delay
thirty-day ----- lapse
thirty days'----- grace
thirty-day ----- reign
thirty-day ----- tenure
town of
traveled
traveler
traveling
Treasurer and Receiver General
treble damages
trial court
truth-telling (adj.)
two-lane traffic
two-tone

U

underground (adj.)
unobjected-to statements
U-turn

V

vis-à-vis
Vice-President (U.S.)
vice-president (all others)
videotape (n. and v.)

W

Web site
well-being
whether (not "as to whether")
wholly owned
widespread
wilful
witness's
witnesses'
work product doctrine
workers' compensation
workers' compensation act
World War II

X

X-ray

Y

year old (adj.)