

MASSACHUSETTS RULES OF CIVIL PROCEDURE

Rule 77. Courts and Clerks

(d) Notice of Entry of Orders or Judgments. Unless an order or judgment is entered in open court in the presence of the parties or their counsel, the clerk shall immediately upon the entry of an order or judgment serve upon each party who is not in default for failure to appear a notice of the entry by at least one of the following means, at the option of the clerk:

(1) *By Mail.* By mail in the manner provided for in Rule 5 and shall make a note in the docket of the mailing. Such mailing is sufficient notice for all purposes for which notice of the entry of an order or judgment is required by these rules; but any party may in addition serve a notice of such entry in the manner provided in Rule 5 for the service of papers.

(2) *By Electronic Means.* By electronic means in the manner selected by the clerk, which may include: (a) e-mail to an attorney's e-mail address on file with the Massachusetts Board of Bar Overseers; (b) e-mail to an e-mail address provided by an attorney or party pursuant to a court rule or order; or (c) electronic transmission to an address and in a form provided by the attorney or party and specifically accepted by the clerk for such purpose. Transmission of such electronic notice is sufficient notice for all purposes for which notice of the entry of an order or judgment is required by these rules, without need for mailing; provided that the clerk shall notify by mail, pursuant to subsection (d)(1), any self-represented litigant who does not provide an e-mail address voluntarily to the clerk for purposes of notice and any attorney who has not provided such an e-mail address and is not required to maintain an e-mail address with the Board

of Bar Overseers. The clerk shall make a note in the docket of electronic notice. Where a self-represented litigant wishes to withdraw his or her voluntary agreement to electronic service under this rule, the litigant shall notify the court in writing of his or her withdrawal of voluntary agreement to receive electronic notices and shall confirm the mailing address to which subsequent notices may be mailed.

Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as permitted in Rule 4 of the Massachusetts Rules of Appellate Procedure or Rule 4 of the District/Municipal Courts Rules for Appellate Division Appeal, and except as relevant to a motion for relief from judgment under Rule 60(b)(6) of these rules.