

Massachusetts Appeals Court
Standing Order Governing Electronic Notification of Court Orders, Notices,
and Decisions in Lieu of Paper Notice

Overview of Proposed Standing Order

All counsel of record and self-represented litigants in an appeal may register with the Appeals Court to receive only electronic (i.e., e-mail) notification of actions, orders, judgments, and decisions entered by the Appeals Court, and of the scheduling of an oral argument in an appeal in which they are participating. Persons who register to receive electronic notification will not receive paper notice by conventional U.S. mail.

Upon the adoption of this standing order, all interested persons must register by filing the "Consent to Electronic Notification" form, even if they previously received e-mail notification. To register, the attorney or litigant must sign and file the Consent Form and provide his or her e-mail address on the form. The Consent Form will be available on the Appeals Court website. In addition to filing the Consent Form, an appellant will be able to register for e-notice by checking the e-notice registration box on either the Appeals Court's Docketing Statements or on the Appeals Court's electronic payment page when entering an appeal, once each system has commenced.

Registrations will be applied to all pending and future appeals entered in the Appeals Court involving that attorney or litigant. There is no need to register separately for each appeal, nor to re-register after one registration has been completed.

Only one e-mail address per attorney or litigant can be used at a time. Each attorney can designate a second person employed at the same law firm or office (e.g., co-counsel, secretary, assistant district attorney, etc.) to receive an electronic notification courtesy copy.

It is the responsibility of the registered attorney or litigant to submit a "Change of E-mail Address" form to update and change to a different e-mail address. The "Change of E-mail Address" form will be available on the Appeals Court website. Importantly, it is the responsibility of the attorney or litigant to verify that their e-mail inbox is working properly and receiving incoming emails at all times from the Appeals Court.

Copies of the Appeals Court's decisions or rescripts will not, at this time, accompany the electronic notification. Instead, the Appeals Court will issue an electronic "Notice of Docket Entry" that will state that the court has issued a decision, the language of the Appeals Court's disposition (e.g., "judgment affirmed"), and direct the recipient to the website of the Reporter of Decisions,

where the decision can be read and printed. A paper copy of the decision will not issue to parties who register for electronic notification.

This standing order will supersede the applicable Massachusetts Rules of Appellate Procedure that pertain to the appellate court clerk's service or mailing notice by U.S. Mail of a paper copy. See Mass.R.A.P. 1, 10(a)(3), 23, and 31(c). The standing order will not alter the clerk's responsibility to send a paper copy of rescripts and notices to the trial court. See Mass.R.A.P. 23, 29(b); cf. Mass.R.A.P. 28.

At this time, the Supreme Judicial Court has not adopted this standing order for application in its Clerk's Office for Suffolk County and Clerk's Office for the Commonwealth. Should the Supreme Judicial Court adopt a similar standing order for application in either or both the Office of the Clerk for the Commonwealth and Clerk for Suffolk County, an attorney or litigant who properly registered to receive e-notice from the Appeals Court will also be registering to receive e-notice from the Supreme Judicial Court, if and when the Supreme Judicial Court adopts an electronic notification program.

**Massachusetts Appeals Court
Standing Order Governing Electronic Notification of
Court Orders, Notices, and Decisions in Lieu of Paper Notice**

A. Registration.

All counsel of record and self-represented litigants in an appeal may register with the Appeals Court to receive only electronic mail notification of actions, orders, judgments, rescripts, and decisions entered by the Appeals Court, and of the scheduling of an oral argument in an appeal in which they are participating. Persons who register to receive electronic mail notification will not receive paper notice by regular U.S. mail. To register, the interested person must comply with the e-notice registration requirements contained in either (1) the Consent to Electronic Notification form, even if they had received e-mail notification prior to the adoption of this Standing Order, (2) the Appeals Court Docketing Statement, or (3) entering an appeal using the Appeals Court's electronic payment page.

B. Transmission of Orders, Opinions, and Notices to Counsel-Represented Parties.

The clerk may serve and give notice of actions, orders, judgments, rescripts, and decisions by electronic mail in lieu of service and notice by regular U.S. mail, to all parties represented by attorneys who have properly registered to receive electronic notification.

C. Transmission of Orders, Opinions, and Notices to Self-Represented Parties.

(1). The clerk may serve and give notice of actions, orders, judgments, rescripts, and decisions by electronic mail in lieu of service and notice by regular U.S. mail, to any self-represented litigant who has properly registered to receive electronic notice.

(2) If during the course of the appeal, the self-represented person retains an attorney who appears on behalf of the person's behalf, the Clerk shall terminate the person's registration upon the attorney's appearance.

D. Clerk's Functions and Entry of Court-Issued Documents.

(1). All signed orders will be filed electronically by the court or court personnel, which shall constitute the clerk's entry on the docket pursuant to Mass.R.A.P. 31(c). Any order or document electronically issued by the court without the original signature of a judge or authorized court personnel has the same force and effect as if the judge or clerk had signed a paper copy of the order. Orders also may be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

(2). Upon the entry of an action, order, opinion, judgment, rescript, or decision, the clerk will electronically transmit to registered recipients in the case a Notice of Docket Entry that contains the court's order, action, notice, or judgment. The full

text of a rescript or decision will not accompany the Notice of Docket Entry, because that information is available at the Reporter of Decisions website.

(3). Electronic mail transmission of the Notice of Docket Activity constitutes the notice and service of the order, opinion, judgment, rescript, or decision required by Mass.R.A.P. 31(c). The clerk shall provide notice in paper form to a person who has not consented to electronic notice.

E. Undeliverable Electronic Service.

If service is made to the recipient's most current electronic mail address on file with the court and returned as undeliverable, the notice will then be served by regular U.S. mail; provided, however, any time period countable from the completion of service of notice shall be based upon the service of the electronic notice. It is the responsibility of counsel or the litigant to file a Change of E-Mail Address form, to maintain a current e-mail address, and to verify that their email inbox is working properly and receiving incoming emails at all times.

F. Application.

This standing order supersedes the requirements concerning the service or mailing of paper notice or mail by conventional or first-class postage mail, as required by Mass.R.A.P. 1, 10(a)(3), 23, and 31(c).

**MASSACHUSETTS APPEALS COURT
CONSENT TO ELECTRONIC NOTIFICATION FORM**

Case Name:

Docket Number:

Name of Attorney or Self-Represented Litigant filing this form:

Address:

Telephone Number:

The above-named self-represented litigant or attorney for:

- a. plaintiff (name):
- b. defendant (name):
- c. petitioner (name):
- d. respondent (name):
- e. other (describe and name):

hereby registers and consents to receive electronic notification from the court in the above-captioned appeal, and in all future matters in the Appeals Court, in lieu of receiving all paper notice by conventional mail, unless the registration is otherwise withdrawn in writing.

The electronic notification (e-mail) address of the attorney or self-represented litigant identified above is:

Name:

Signature:

Date:

Courtesy Copy: I request that the court send an electronic notice to the following person employed in my law firm or office:

Name:

Email address:

**MASSACHUSETTS APPEALS COURT
CHANGE OF ELECTRONIC MAIL ADDRESS NOTIFICATION FORM**

Case Name:

Docket Number:

Name of Attorney or Self-Represented Litigant filing this form:

Address:

Telephone Number:

The above-named self-represented litigant or attorney for:

- a. plaintiff (name):
- b. defendant (name):
- c. petitioner (name):
- d. respondent (name):
- e. other (describe and name):

hereby registers and consents to receive electronic notification from the court in the above-captioned appeal, and in all future appellate cases in the Appeals Court, in lieu of receiving all paper notice by conventional mail, unless the registration is otherwise withdrawn in writing.

The electronic notification (e-mail) address of the attorney or self-represented litigant identified above is:

Name:

Signature:

Date:

Courtesy Copy: I request that the court send an electronic notice to the following person employed in my law firm or office:

Name:

Email address: