

**MASSACHUSETTS APPEALS COURT
CLERK'S OFFICE**



**GUIDE TO CIVIL AND CRIMINAL APPEALS
ON THE APPEALS COURT'S
PANEL ("P") DOCKET**

Massachusetts Appeals Court
Clerk's Office

John Adams Courthouse
One Pemberton Square
Suite 1200
Boston, MA 02108

(617) 921-4443

Business Hours (Monday - Friday) 8:30 a.m. - 4:30 p.m.

<https://www.mass.gov/orgs/appeals-court>

ABOUT THIS GUIDE

This Guide was prepared to help you work through the appeals process. This Guide is not exhaustive nor a substitute for reading and understanding the [Massachusetts Rules of Appellate Procedure](#) and the [Massachusetts Appeals Court Rules](#). If you have question about your appeal that are not addressed in this Guide, you may call the Appeals Court Clerk's Office and a staff member will assist you. Be advised, however, that court employees are not permitted to recommend legal counsel or to provide legal advice. You may also review the Appeals Court's website at <https://www.mass.gov/orgs/appeals-court> for guidance and information about most topics. If you are seeking relief from a Single Justice of the Appeals Court, please visit the Appeals Court's website on [Single Justice Practice](#).

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HELPFUL RESOURCES AND LINKS

Massachusetts Rules of Appellate Procedure: <https://www.mass.gov/law-library/massachusetts-rules-of-appellate-procedure>

Massachusetts Appeals Court Rules: <https://www.mass.gov/appeals-court-rules>

Massachusetts Appeals Court Forms: <https://www.mass.gov/lists/appeals-court-forms>

Brief template: <https://www.mass.gov/info-details/appeals-court-briefs>

Record Appendix template: <https://www.mass.gov/info-details/appeals-court-briefs>

Certificate of Service: <https://www.mass.gov/lists/appeals-court-forms>

Court Forms Online (MassAccess): <https://courtformsonline.org/appeals/>
(You may prepare a civil docketing statement, a motion to enlarge the time to file your brief, and other motions here)

FindLaw - Supreme Judicial Court: <https://caselaw.findlaw.com/court/ma-supreme-judicial-court>

FindLaw - Appeals Court: <https://caselaw.findlaw.com/court/ma-court-of-appeals>

Social Law Library: <https://www.sociallaw.com/services/slip-opinions>

Google Scholar: <https://scholar.google.com/>

Massachusetts Law Libraries: https://www.mass.gov/orgs/trial-court-law-libraries/locations?_page=1

Massachusetts Cases: <http://masscases.com/#gsc.tab=0>

Massachusetts Reports Public Access:
<https://advance.lexis.com/container?config=0152JAAzMjQ0NTBmOS05ZmRhLTQ4NmQtOTk0NC1NmQ1MzdmYmZlN2UKAFBvZENhdGFsb2dFqubrO2osfYY9MSag4F39&crid=f1b80e94-e4e9-497f-93eb-9873fc79b7e7&prid=979680f1-7b5c-4abd-bf19-378a6df7df6a>

How to Create PDFs with Bookmarks and Internal Links: <https://www.mass.gov/info-details/how-to-create-pdfs-with-bookmarks-and-internal-links>

The Appeals Court posts briefs of certain cases scheduled for oral arguments. For sample briefs filed with the Appeals Court, please visit the Appeals Court's public calendar at <https://www.ma-appellatecourts.org/calendar>.

INFORMAL BRIEFS PILOT PROGRAM

Please be advised that the requirements for briefs set out in this Guide only apply to formal briefs, which are briefs that must strictly comply with the Massachusetts Rules of Appellate Procedure. In October 2023, the Appeals Court launched an optional pilot program for cases entered on the court's "panel" docket, for decision by a panel of justices. The program permits self-represented ("pro se") parties to file an "informal" brief instead of a formal brief, which is what the Appeals Court typically requires. This pilot program does not apply in the single justice session of the Appeals Court or to attorneys, whether they are representing themselves or responding to an informal brief.

An informal brief is different from a formal brief in that it does not need a table of contents, table of authorities, corporate disclosure statement, summary of argument, or addendum, or need to comply with the standard rules regarding margins, font, and the certificate of compliance. An informal brief does, however, still need to comply with the Informal Brief Pilot requirements and with rules about impounded and confidential information.

In a panel case (those where the Appeals Court case docket number includes a "P" after the year when the case was docketed), a self-represented appellant (appealing party) or self-represented appellee (responding party) may file an informal brief and record appendix, and a self-represented appellant may file an informal reply brief. To file an informal brief, complete the applicable form provided by the Clerk of the Appeals Court, available at <https://www.mass.gov/info-details/appeals-court-informal-brief-pilot-program>. Forms for the informal brief of the appellant, appellee, and appellant's reply are provided, as are templates for an informal record appendix/supplemental appendix and an impounded record appendix. Guidance for filing an informal brief and appendix is provided at <https://www.mass.gov/info-details/appeals-court-informal-brief-pilot-program>. Any informal brief must comply with the maximum length limit, which is 30 pages for the appellant's brief, 30 pages for the appellee's brief, and 15 pages for the appellant's reply brief. An informal brief that does not comply with the applicable form provided by the Clerk will not be accepted for filing until the filer corrects it.

The pilot program is expected to operate for one year, until September 30, 2024, after which the Appeals Court will evaluate it.

OVERVIEW OF THE APPEALS PROCESS AND OF THE OBLIGATIONS OF AN APPELLANT (THE APPEALING PARTY) IN A CIVIL OR CRIMINAL CASE

A. What Is an Appeal?

If you are dissatisfied with the trial court's judgment, you have a right to appeal after the final judgment has entered. In most cases, a matter is ripe for appeal when an appealable final order, decree, or judgment has entered as to all issues and all parties so that there is nothing left to litigate in the trial court.

B. How Do I Appeal the Trial Court's Judgment?

The first step is to file a notice of appeal in the clerk's, register's, or recorder's office of the Trial Court where your case was heard. For most cases, the deadline is 30 days after the final judgment is entered on the docket. For some cases, including in the Housing Court, the deadline for filing a notice of appeal can be as short as 10 days. As soon as a judgment is rendered in your case, you will need to determine where your appeal needs to be filed and what the deadline is for filing your appeal. It is important that you read and follow the Massachusetts Rules of Appellate Procedure (Mass.R.A.P.) or other rules that apply to your case. You may access and view the rules in law libraries, or on the Appeals Court website (<https://www.mass.gov/law-library/massachusetts-rules-of-appellate-procedure>).

C. What is a Notice of Appeal?

A notice of appeal is a written statement prepared by you that has the name of your case, the trial court docket number, and states your intention to appeal the judgment. The notice of appeal should include your name, and should specify the order, decree, or judgment that you are appealing. See Mass.R.A.P. 3(c) and Exhibit 1 (<https://www.mass.gov/lists/appeals-court-forms>).

The notice of appeal must be filed with the clerk's office of the trial court where your case was heard. See Mass.R.A.P. 4(a)(1). If you missed the filing deadline for the notice of appeal, please refer to Mass.R.A.P. 4(c) and 14(b) on extension and enlargement of time for filing the notice of appeal.

Any party who is dissatisfied with the judgment may file a notice of appeal. In some cases, parties on both sides (plaintiff and defendant) file a notice of appeal. This is called a cross appeal. In a cross-appeal, the parties are the appellant and cross-appellant and both must comply with the rules necessary for the trial court clerk to assemble the record and must docket their respective appeals in the Appeals Court.

D. Do I Have to Do Anything Else When I File My Notice of Appeal?

Yes. If your case was decided after a trial or evidentiary hearing where people testified and evidence was taken, you will need to order an official transcript of the trial. If your case was decided without a trial or evidentiary hearing, you do not need to order any transcripts.

An official transcript is a written record of what was said during a court proceeding, transcribed from an electronic recording by transcriber or reporter. To order a transcript, you must submit an online transcript order form at <https://macourtsystem.formstack.com/forms/transcript> and pay any associated fees. If the court determines that you are indigent, the state may cover the cost of ordering the transcript. To complete this form, you must have the proper case information including: (1) the name of the case and docket number; (2) the name of the judges and courtroom number; (3) the date and time of your proceeding; and (4) the Notice of Assignment of Counsel

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number. For more information on how to order transcripts, please visit <https://www.mass.gov/how-to/order-a-court-proceeding-transcript>.

For civil cases, you are required to file a certificate in the trial court clerk's office certifying that either you have ordered a transcript because it is necessary for your appeal, or that you do not intend to order a transcript because it is not necessary for your appeal. See Mass.R.A.P. 9(d)(2). This certificate must be filed within 14 days after filing a notice of appeal. See Mass.R.A.P. 9(d)(2).

E. When I Get the Transcript, What Do I Do?

Typically, the transcriber will provide the trial court clerk and the party who ordered the transcript with a copy of the transcript. Receipt of the transcript is often the final requirement for the trial court clerk to have to complete the assembly process. It is advisable to make a written letter request to the trial court clerk's office to assemble the record after you have filed all the transcripts with them, and to send a copy of the request to all opposing counsels or parties.

F. What Does the Trial Court Clerk's Office Do with the Transcript?

Upon the receipt of all transcripts, the trial court clerk's office will docket a notice it has "assembled the record for appeal" and the clerk will send notice to the Appeals Court and to all parties involved that this has been done. It is important that the trial court clerk's office has your current address and phone number. See generally Mass.R.A.P. 8(b)(3) & 9(e).

G. Assembling the Record

(1) What Does "Assemble the Record" Mean?

"Assemble the Record" refers to the trial court clerk's office's action of placing together all of the original papers, exhibits, and the transcript, if any, filed in the trial court. See Mass.R.A.P. 8(a) & 9(a).

Importantly, during the appeal, the trial court clerk does not send any portion of the record to the Appeals Court, unless requested to do so by the Appeals Court. See Mass.R.A.P. 9 & 18(a). The clerk of the trial court sends to the Appeals Court only a copy of the trial court docket, the notice of appeal, and a notice of any impounded materials. Any trial exhibits and filings by the parties are not transmitted to the Appeals Court by the trial court clerk. See Mass.R.A.P. 8 and 18(a).

It is the responsibility of the appealing party (the "appellant") to gather and file a copy of all documents from the trial court record that are relevant to the issues on appeal. The appellant files these documents in an appendix at the time the appellant's brief is filed with the Appeals Court.

When you prepare your record appendix (see Section K), you may request from the trial court copies of those parts of the record necessary for the Appeals Court to effectively analyze and determine your appellate issues. There is a charge for the trial court to produce such copies, or you may use your own copies if they do not have your writing or notes on them.

(2) How Long Does It Take to "Assemble the Record"?

Depending on the specific circumstances of each case, it may take several weeks or even months to assemble the record. As an appellant, you have an obligation to perform any act reasonably necessary to enable the trial court clerk to assemble the record. Mass.R.A.P. 9(d)(1). This duty includes making timely arrangements for preparation of a transcript or timely notification to the trial court clerk that you do not intend to order any transcript.

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In cases where transcripts have been ordered, there is a 21-day timeframe for the trial court clerk to complete assembly of the record which begins to run from when the trial court clerk has received all of the transcripts. Mass.R.A.P.9(e). The failure to comply with your obligation under Mass.R.A.P. 9(d) will cause delay in the assembly process and may jeopardize your appellate rights. Further, the assembly process may be delayed in some cases pending completion of the transcripts, a process that is beyond the control of the trial court clerk's office.

H. How Do I Docket My Appeal?

Within 14 days of receiving notice from the trial court clerk that the record has been assembled, you must pay your docket fee to the Appeals Court. See Mass.R.A.P. 10 (a). The docket fee is \$300 per appealing party. To be designated as an appellant, each appealing party must pay the \$300 filing fee. For example, if you and your spouse are both appealing, the total docket fee for you and your spouse will be \$600. Alternatively, if multiple parties are appealing the same issues and intend to file a single, unified brief on those issues, the parties may pay a single fee and file a motion to waive additional fees.

The Appeals Court accepts payments in cash, personal check, bank check, money order, and certain credit cards. To use a credit card, you must either appear at the clerk's office in person or register for e-filing at the efileMA Odyssey File and Serve system at <https://massachusetts.tylertech.cloud/ofswb>. A "civil appeal entry form" is also required with the electronic payment. Any check or money order should be made payable to the Commonwealth of Massachusetts.

With a check or money order, you may pay in person or mail your payment to:

Appeals Court Clerk's Office
John Adams Courthouse
One Pemberton Square
Suite 1200
Boston, MA 02108

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If you are not able to pay the docket fee because you are indigent, you may file a Motion to Waive Entry Fee with an affidavit of indigency attached. The Motion to Waive Entry Fee is available on the Appeals Court website at <https://www.mass.gov/doc/motion-to-waive-entry-fee/download>. The Affidavit of Indigency is available on the Appeals Court website at <https://www.mass.gov/doc/indigency-waiver-of-court-fees>. You may also come to the Appeals Court Clerk's Office to fill out the motion and the affidavit in person.

It is very important that your payment (or your Motion to Waive with an Affidavit of Indigency attached) must be either received in the Appeals Court Clerk's Office within 14 days of your receipt of the record assembly notice or placed in the mail accompanied by a Certificate of Mailing (<https://www.mass.gov/doc/certificate-of-mailing-for-brief-template/download>) attesting that the day of mailing was within 14 days of receipt of the notice of assembly. See Mass.R.A.P. 10(a)(1)(B).

If you fail to docket your appeal within the 14-day deadline, you will need to file a motion asking a single justice of the Appeals Court to permit your appeal to be docketed late and pay any additional filing fees associated with filing such a motion. Such a motion can also be filed in the trial court. Otherwise, the trial court could order your appeal dismissed.

I. What Happens When My Appeal Is Docketed?

After you docket your appeal, the Appeals Court Clerk's Office will send you a Notice of Entry with your Appeals Court panel docket number. Your Appeals Court panel docket number will be different from your trial court docket number. You will be required to include your Appeals Court docket number on each document filed with the Appeals Court. You will also be asked to provide your Appeals Court docket number if you call the Appeals Court Clerk's Office with questions about your case.

You are now designated as the “appellant” in the case. The opposing party is designated as the “appellee.” You should immediately review the Massachusetts Rules of Appellate Procedure

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(Mass.R.A.P.), especially those sections of the rules that are referenced in this guide, as self-represented litigants are bound by the same rules and are held to the same standards as a party who is represented by an attorney. Commonwealth v. Jackson, 419 Mass. 716, 719 (1995).

Now that your case has been docketed, you are required to file and serve a docketing statement, per the Appeals Court Rule 10.0 concerning Docketing Statements for All Appeals (Civil and Criminal). The docketing statement provides the court with important background information involving your case that will be useful when the appeal is entered, screened, and considered by the court. The docketing statement must be filed in the Appeals Court, either through the eFileMA Odyssey File and Serve system at <http://www.efilema.com> or by mail within **14 days** after the Appeals Court issues the "Notice of Entry" of the appeal. The docketing statement, its instructions, and Appeals Court Rule 10.0 are available at <https://www.mass.gov/rules-of-appellate-procedure/appellate-procedure-rule-10-docketing-the-appeal>. If you do not file the docketing statement, the court may deny any motion to enlarge time to file a brief or motion to stay appellate proceedings, until the docketing statement is filed.

The appellant's primary responsibility in an appeal is the preparation and filing of a brief and record appendix. As the appellant, you have **40 days** after docketing your appeal to serve and file your brief and record appendix. Mass.R.A.P. 19(a).

J. What Is a Brief?

A brief is a document that the appellant may use to present arguments to the Appeals Court in support of the appellant's claim that the trial court committed reversible error. There is no right to have your appeal argued orally, and many appeals are decided solely on the briefs filed by the parties. An appellant's brief contains a statement of the issues on appeal, the procedural history of the case, a statement of the underlying facts, the appellant's legal argument (including a statement of the applicable standard(s) of review for each argument), and a conclusion stating the relief sought. See below "Contents of the Brief" for additional requirements for an appellant's brief.

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If you choose not to participate in the Informal Brief Pilot program mentioned above, then you must file a brief that complies with Mass.R.A.P. 16, 19, and 20, which govern the content and format of an appellate brief. Your principal appellant brief must have a blue cover and must be securely bounded on the left-hand side of the brief. A color cover is not required if you chose to electronically file your brief. See Mass.R.A.P. 20(a)(6)(A). The cover of your brief must have: (1) the name of the court and the Appeals Court docket number of the case; (2) the title of the case; (3) the nature of the proceeding in the appellate court (e.g., Appeal; Application for Review) and the name of the lower court; (4) the title of the document (e.g., Brief for Appellant, Appendix); and (5) your name, mailing and electronic addresses, and telephone number(s). See Mass.R.A.P. 20(a)(6)(B). Your cover must be paginated as **page 1**. See Mass.R.A.P. 20(a)(4)(A) and 20(a)(6)(B)(vii). Do not use Roman numerals to paginate your cover or brief.

It is very important that you format your brief as required by the rules and include all of the necessary content items required by the rules. Briefs and appendix volumes not in substantial compliance with the rules may be rejected or struck by the court. Mass.R.A.P. 16(k) and 20(a)(7).

Brief Template Available on the Appeals Court's Website

There is a brief template available as a Microsoft Word document on the Appeals Court's website for your convenience. This brief template is pre-formatted to comply with the applicable rules and to provide you with a roadmap of the required sections in a brief from the cover through the addendum. This template is available for download at <https://www.mass.gov/doc/brief-template/download>.

Format of the Brief

Your principal brief may not be longer than 50 pages. Mass.R.A.P. 20(a)(2)(A). This page limit does not include the table of contents, the table of authorities, and the addendum. See Mass.R.A.P. 20(a)(2)(D).

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You must have 1 ½ inch margins on the left and right, and 1 inch top and bottom margins. Your brief must be typed in black ink using a monospaced font, double spaced, on 8 ½ inch by 11 inch white paper. It is suggested you use Courier Newfont, 12-point size when typing your brief, because this is the monospaced font most widely used by parties when filing briefs with the Appeals Court. See Mass.R.A.P. 20. Footnotes must be typed using the same font and point size. See Exhibit 4 for a checklist detailing these requirements.

Alternatively, you may produce your brief in a proportional spaced font, such as Times New Roman. See Mass.R.A.P. 20(a). However, if you do so, any brief produced in a proportional spaced font must be size 14 or larger and the margins on all sides must be at least 1 inch. See Mass.R.A.P. 20(a)(4)(A)-(B). Further, if you produce the brief in a proportional spaced font, you must use a word limit (11,000 non-excluded words) instead of the 50-page limit. See Mass.R.A.P. 20(a). Lastly, if a brief is produced in a proportional spaced font, the certificate of compliance (see exhibit 3) required by Mass.R.A.P. 16(k) must specifically state how compliance with the length limit was ascertained. See Mass.R.A.P. 20(a)(2)(F).

It is acceptable to make a statement in the Mass.R.A.P. 16(k) certificate of compliance such as:

"This brief complies with the length and typeface limitations in Rule 20(a)(2) and 20(a)(4) because it is in the proportional font [font name] at size [font size], and contains [number of] total words in the parts of the brief required by Rule 16(a)(3)–(9) as counted using the word count feature of [program including version]."

Contents of the Brief

Your brief is required to contain the following elements arranged in the order as set out below.

Table of Contents: the table of contents must list each section of the brief, including the headings and subheadings of each section, and the page on which they begin. Mass.R.A.P. 16(a)(3).

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Table of Authorities: the table of authorities must list each case, statute, rule, and other authority cited in the brief, with references to each page on which it is cited. The authorities shall be listed alphabetically or numerically, as applicable. Mass.R.A.P. 16(a)(4). Citations must be to the official Massachusetts Reporter volume.

Statement of the Issues: the statement of issues must concisely and particularly describe each issue presented for review. Mass.R.A.P. 16(a)(5). The statement of the issues is the first page of the substantive portion of your brief and is where you should begin your page count so you can comply with the page limit.

Statement of the Case: the statement of the case must briefly describe the nature of the appeal, the procedural history relevant to the issues presented for review, with page references to the record appendix or transcript in accordance with Rule 16(e), and the disposition of these issues by the lower court. Mass.R.A.P. 16(a)(6) and 16(e).

Statement of the Facts: the statement of the facts must describe the facts relevant to the issues presented for review but does not need to repeat items otherwise included in the statement of the case, and each statement of fact shall be supported by page references to the record appendix or transcript in accordance with Rule 16(e). Your statement of the facts should be an objective description of the facts of your case as it developed and proceeded in the trial court. Mass.R.A.P. 16(a)(7) and 16(e).

Summary of the Argument: A summary of argument is only necessary if your argument section is longer than 20 pages or has more than 4,500 words. This section is a brief summary of the arguments made later in the brief and should have a page reference to the pages at which each point argued appears later in the brief. Mass.R.A.P. 16(a)(8).

Argument: This section contains the legal arguments that support the issues you are raising on appeal. Your legal argument must be supported by legal authority such as appellate case law, statutes, and/or regulations. Mass.R.A.P. 16(a)(9).

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If you are citing to a case as authority in support of your legal arguments, you must cite to the official Massachusetts Reporter Volume. For example: Commonwealth v. Moffett, 383 Mass. 201, 203 (1981), and Commonwealth v. Giontzis, 47 Mass. App. Ct. 450, 453 (1999).

If you are citing to a constitutional provision, statute, regulation, rule, or unpublished decision (such as an Appeals Court order issued pursuant to its Rule 23.0), you must include, as an addendum to the brief, a copy of that authority. See the section on "Addendum" below.

You must also include a concise statement of the applicable standard of review for each issue you raise in your argument section, which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues. The standard of review is a critical factor for each appeal and is essential to the appellate court's review. See Mass.R.A.P. 16(a)(9)(B).

Conclusion: This section contains a statement of the precise relief that you are asking the court to grant. See Mass.R.A.P. 16(a)(11).

Signature Block: You must include a signature block following your conclusion. It includes your printed and signed name (electronic signatures are permissible), pronouns (optional), mail address, e-mail address, telephone number, and the date of signing. Mass.R.A.P. 16(a)(12).

For example:

/s/ **Channing A. Smith**
Channing A. Smith
she/her
123 Main Street
Boston, MA 02210
617-123-4567
jasmith@internetprovider.com
Signed: March 1, 2019

Addendum: The addendum must include a table of contents listing each item the addendum contains and the page on which each item begins. The addendum should be attached at the end of your brief and should continue the page numbers of your brief. For example, if the conclusion ends on

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page 33 of your brief, then the first page of the addendum should be numbered as page 34. You may include "Add." before the addendum pagination. For example: Add. 34, Add. 35, etc.

The addendum must include copies of any constitutional provisions, statutes, rules, regulations, or unpublished decisions (such as an Appeals Court order issued pursuant to its Rule 1:28) that you refer to in your brief. Mass.R.A.P. 16(a)(13). The addendum must also contain a copy of the order, judgment, or decree that you are appealing. Mass.R.A.P. 16(a)(13).

The addendum is not the same as the appendix. The order, judgment, or decree that you are appealing should appear in both the addendum and the appendix.

Certificate of Compliance: Your brief must contain a statement that certifies you have complied with the Massachusetts Rules of Appellate Procedure pertaining to the filing of briefs and must specify how compliance with the applicable length limit of Rule 20 was ascertained by stating either (1) the name, size, and number of characters per inch of the monospaced font used and the number of non-excluded pages, or (2) the name and size of the proportionally spaced font used, the number of non-excluded words, and the name and version of the word-processing program used. Mass.R.A.P. 16(k). See Exhibit 3 for a sample of Certificate of Compliance.

Certificate of Service: A certificate of service must be filed with the Appeals Court at the time you file your brief and appendix. A certificate of service is signed under the pains and penalties of perjury, and includes your name, address, e-mail address, telephone number, the name of the court, name of the case, docket number, title of the document(s) served (e.g., Appellant's Brief and Record Appendix), the date and manner of service (e.g., first class mail, in hand service, service through efilema.com), and must provide the name, address and, if known, email address of the person served. A Certificate of Service form is available at <https://www.mass.gov/doc/certificate-of-service/download>.

Use of Pseudonyms or Initials for Name of Sexual Assault Victims

Massachusetts General Laws c. 265, § 24C prohibits the disclosure of the name of the victim of certain sexual assault crimes. If your case involves one of the enumerated sexual assault crimes, you may be required to use a pseudonym or initials when referring to the victim or complainant. If the name of the victim appears in any documents included in the record appendix, you must redact the name.

Redaction of Personal Identifying Information

To protect Personally Identifying Information ("PII"), when you file any publicly accessible court documents such as briefs, appendices, motions, and any other filings accessible to the public, you must follow the Supreme Judicial Court Rule 1:24 and Mass.R.A.P. 21.

PII includes social security numbers, taxpayer identification numbers, driver's license numbers, state-issued ID card numbers, passport numbers, financial account numbers, credit or debit card numbers, and parent's birth surnames.

You **MUST REDACT** any PII when filing any publicly accessible court documents unless a specific exemption applies. You can redact PII by not including the complete PII such as replacing omitted information with "xxx" (e.g., checking account no. xxx645) or using "beginning/ending with" (e.g., driver's license number ending with 23) in your filings. You can also redact PII by including only portions of PII with the remaining whited or blacked out.

If your brief must contain unredacted PII pursuant to an exemption, you must file an additional copy of the brief with PII redacted and label it as "Limited Personal Identifying Information" on the cover. S.J.C. Rule 1:24. For more information on redaction of PII, please visit <https://www.mass.gov/info-details/appeals-court-briefs>.

K. What Is a Record Appendix?

The record appendix, often referred to as the appendix, is the collection of the trial court's record (e.g., papers, exhibits and/or transcripts) relevant to the issues, facts, and arguments in your brief. The appendix must also include a copy of the trial court docket, a copy of the order, judgment, or decree being appealed, a copy of your notice of appeal, and any order of impoundment or confidentiality from the trial court. See Mass.R.A.P. 18(a)(1).

The appellant is responsible to provide the Appeals Court with all documents and/or transcripts that you believe are necessary for the Appeals Court to decide your appeal in your record appendix. The Appeals Court reviews only those documents that were made part of the trial court record. You may not include documents not made part of the trial court record in the appendix. The trial court does not send any record to the Appeals Court. If you do not provide a document, such document will not be considered by the Appeals Court justices when deciding your appeal. See Mass.R.A.P. 18(a)(1)(D).

Appendix Template Available on the Appeals Court's Website

There is an appendix template available as a Microsoft Word document on the Appeals Court's website for your convenience. This template is pre-formatted to comply with the applicable rules and is available for download at <https://www.mass.gov/doc/appendix-template/download>.

Format: The appendix must be bound separately from your brief and must have a white cover. The cover of the appendix must contain the same information as the cover of your brief. The appendix must have a table of contents which identifies each document and lists the page number of the appendix where each document starts. Mass.R.A.P. 18(a)(1)(A)(i)-(ii). The pages must be consecutively numbered beginning with the cover as page 1 (e.g., A1, A2, etc.). Mass.R.A.P. 20(a)(5)(A)-(B). The documents should be placed in the same chronological order as the order filed in the trial court.

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You may efile your appendix as a pdf. It cannot be more than 50 megabytes (MB). If you choose to file your appendix as a paper file, the appendix cannot be thicker than 1 ½ inches. Mass.R.A.P. 20(a)(5)(C). If your appendix is thicker than 1 ½ inches, you must break it into separate volumes. The cover of each volume should identify its volume number in comparison to the total number of volumes (e.g., "Vol. 1 of 3").

Insertion and Reference to Impounded Materials: If the entire case has been impounded by a court order, standing order, or statute, the cover of your record appendix must clearly indicate that your record appendix is impounded. See Mass.R.A.P. 16(m). If only some of the documents in your record appendix were impounded, you must file those documents in a separate appendix volume that contains only impounded material, and the cover of this volume must clearly indicate this volume contains impounded materials. Mass.R.A.P. 18(d).

L. What Do I Do After I Prepare My Brief and Appendix?

After you have prepared your brief and appendix, you must file the original or 1 copy of each brief and appendix with the Appeals Court Clerk's Office. You must also serve 1 copy of each brief and appendix on counsel for each party separately represented, 1 copy of each on counsel for all jointly represented parties, and 2 copies of each on each self-represented party to the appeal. Mass.R.A.P. 19(d)(1)(A). You should also keep at least one copy for yourself. If you choose to efile, you do not need to file any paper copies of each document with the Appeals Court, but you must serve each pdf to each opposing party. M.A.C. Rule 13.0(c).

You may divide your exhibits and transcript(s) into separate volumes. If you chose to do so, you must file 1 copy of the exhibit volume or volumes, and 1 copy of the transcript volume or volumes with your brief and appendix. You must also serve 1 copy of each above-mentioned documents on counsel for each party separately represented, 1 copy of each on counsel for all jointly represented parties, and 1 copy of each on each self-represented party to the appeal. Mass.R.A.P. 19(d)(2)(A).

M. How Do I Serve and File My Brief and Appendix?

Your brief and appendix must be served and filed within 40 days after the entry of your appeal in the Appeals Court. Mass.R.A.P. 19(a)(1). You may hand deliver your briefs and appendices to the Appeals Court and all other parties, you may mail them to the Appeals court and all opposing party, or you may e-file them through the eFileMA Odyssey File and Serve system at <http://www.efilema.com>. Please be advised that even if you e-file, you may still be required to serve paper copies of your brief and appendices to all opposing party. You can find more information on e-filing in the e-filing section of this guide.

When you file the 1 paper original or copy of your brief and appendix, you must also file a Certificate of Service showing that you have delivered to the opposing counsel, or opposing party if the opposing party is not represented by counsel, a copy of the brief and appendix. The Certificate of Service must include your name, address, e-mail address, telephone number, the name of the court, name of the case, docket number, title of the document(s) (e.g., Appellant's Brief and Record Appendix), the date and manner of service (e.g., first class mail, in hand service, service through efilema.com), and the name, address and, if known, email address of the person served. Mass.R.A.P. 13(e). The Certificate of Service form is available at <https://www.mass.gov/lists/appeals-court-forms>.

If you are mailing your brief and affidavit to the Appeals Court, you must also include a Certificate of Mailing where you attest that the day you mailed your brief and affidavit was before the due date of your brief and affidavit. Mass.R.A.P. 13(a)(1)(B). Your brief and affidavit will be deemed timely filed if the day of mailing was within the time fixed for filing even if the Appeals Court receives your brief and affidavit after their due date. Mass.R.A.P. 13(a)(1)(B). The Certificate of Mailing form is available at <https://www.mass.gov/doc/certificate-of-mailing-for-brief-template/download>.

N. What If I Need More Time to Serve and File My Brief and Appendix?

If you need more than 40 days to serve and file your brief and appendix, you may ask for more time by filing a Motion for Enlargement of Time with the Appeals Court. See Mass.R.A.P.14(b). The motion must state the reasons for the requested extension, provide a date certain by which the brief will be filed, and be accompanied by a Certificate of Service which lists the name of the document being served, the date of service, the manner of service (e.g., first class mail, in hand service, service through efilema.com), and the name and address (and, if known, email address) of the party being served. See Mass.R.A.P. 13(d). A copy of the motion must be served on all other parties to your appeal. Mass.R.A.P. 13(b). You may prepare a Motion for Enlargement of Time online at <https://courtformsonline.org/appeals/>.

According to the Appeals Court policy, the Appeals Court generally grants no more than 1 motion for enlargement of time to a party from the same side of the appeal. The enlargement you ask for must not exceed 120 days, and you must state in an affidavit (a) good cause that warrants the requested enlargement, and (b) an explanation why the particular time period requested is reasonable. The Appeals Court ordinarily will not grant further enlargements of time unless there is an emergency, such as death, illness, or serious injury.

O. What Happens After I Serve and File My Brief and Appendix?

The opposing party, the appellee, has 30 days after you serve your brief and record appendix to serve and file their brief. Mass.R.A.P. 19(a). An appellee does not have to file any brief, but most appellees choose to do so. If an appellee does not file any brief and an oral argument is scheduled for your case, the appellee will ordinarily not be allowed to participate at such oral argument. Mass.R.A.P. 19(e). The appellee may also file a motion to enlarge the time to file a responding brief.

P. May I File a Reply to the Appellee's Brief?

Yes. You have the right to file a reply brief within 14 days after the appellee serves their appellee's brief to you. Your reply brief must have a gray cover if filed as paper. Mass. R. A. P. 20(a)(6)(A). If you choose to e-file or if you are a self-represented party who is confined in an institution, there is no color cover requirement for your briefs. M.A.C. Rule 13.0(f)(2). If your reply brief has a monospaced font, it cannot be longer than 20 pages. Mass.R.A.P. 20(a)(2)(B) If your reply brief has a proportionally spaced font, it cannot contain more than 11,000 words. Mass.R.A.P. 20(a)(2)(B).

No new issues may be raised in your reply brief, and you must only respond to the arguments presented in the appellee's brief in your reply brief. Mass.R.A.P. 16(c). You do not have to restate the issues, facts, or procedural history of your case in your reply brief. You can devote your 20-page reply brief strictly to the arguments in response to the appellee's brief. Your reply brief must contain items required by Mass.R.A.P. 16 (a)(1), (3), (4), (9), and (11)-(15).

Q. When Will My Appeal Be Decided?

Your appeal is considered fully briefed at the time the appellee files their appellee's brief, or if the deadline for filing the appellee's brief has passed and the court designates the appellee as not expected to file a brief. The Appeals Court will then determine if an oral argument should be scheduled for your case or if your case should be decided only on the briefs filed. Your appeal may either be scheduled for an oral argument before a panel of 3 Appeals Court judges or it may be decided only on the briefs by a panel of 3 judges without an oral argument. You do not have a right to an oral argument for your appeal.

For civil cases, you will receive notice that your case is scheduled for oral argument or referred to a panel of 3 judges for a decision on the briefs approximately 6 months after filing of the appellee's brief. If your case is scheduled for an oral argument, the Appeals Court will notify you and ask you to identify any dates in a specified month that you are unavailable to argue. You will be

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deemed available for the entire specified month if you do not respond with your unavailability of the month.

R. How Long Does the Three-Judge Panel Have to Issue a Decision?

The three-judge panel usually issues its decision within 130 days after receiving the case. There is no time period set by law or by the Massachusetts Rules of Appellate Procedure.

S. If I Am Not Happy with the Appeals Court's Decision, Can I Appeal My Case to Another Court?

You may request post-appellate review of the Appeals Court's decision by filing a motion for reconsideration or modification of decision with the Appeals Court. See Mass.R.A.P. 27. You may also file an application for further appellate review of your case by the Supreme Judicial Court. See Mass.R.A.P. 27.1. Further appellate review is the only avenue of review by the Supreme Judicial Court.

Motion for Reconsideration or Modification of Decision: This motion must state with particularity the law or facts that you contend the Appeals Court overlooked or misapprehended. You must file this motion with the Appeals Court Clerk's Office, and the Clerk's Office will docket and distribute your motion to the panel of judges. The motion for reconsideration or modification of decision must be served and filed within 14 days of the issuance of the Appeals Court's decision. There is no fee associated with filing this motion. See Mass.R.A.P. 27.

Application for Further Appellate Review (FAR): You may file this application with the Massachusetts Supreme Judicial Court within 21 days of the issuance of the Appeals Court's decision. There is a \$200 fee associated with filing this application. Please review Mass.R.A.P. 27.1 before filing this application. You can file this application electronically with the Supreme Judicial Court at

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<http://www.efilema.com>. You do not need to submit a copy of this application to the Appeals Court. For more information, please contact the Supreme Judicial Court, Office of the Clerk for the Commonwealth. See also Mass.R.A.P. 27.1.

If you need more time than the rules provided to file either a motion for reconsideration or modification of decision or application for further appellate review, you must file a motion for enlargement of time in the appropriate court requesting additional time. See Mass.R.A.P. 27 and 27.1. The motion for enlargement of time should state the reasons for the requested extension and provide a date certain by which your motion for reconsideration or modification of decision or application will be filed. A motion for enlargement of time for filing the application for further appellate review filed with the Supreme Judicial Court will automatically stay the issuance of the rescript (Appeals Court's decision). Filing a motion to reconsider does not stay the deadline to file the application for further appellate review. A party must ask the Supreme Judicial Court for an enlargement of time to file the application there.

The rescript (which is the technical name for the Appeals Court's decision) will be issued to the trial court for entry on its docket 28 days after the rescript is entered on the Appeals Court docket. This 28-day period allows for a party to file for the post-decision relief described above. If a motion for reconsideration or modification of decision, application for further appellate review, or motion to enlarge the time for filing either of the above is not filed within this 28-day period, the Court's decision will issue to the trial court for entry therein. See Mass.R.A.P. 23.

ISSUES CONCERNING CRIMINAL APPEALS

A. Can I Appeal If I Have Been Convicted of a Crime?

Yes. You may appeal to the Appeals Court if you have been convicted of a crime. For a 1st degree murder conviction, your appeal will go directly to the Supreme Judicial Court.

B. How Do I Appeal?

You must file a notice of appeal with the trial court clerk's office within 30 days of the date of your conviction or sentencing.

C. If I Do Not Have an Attorney, Can an Attorney Be Appointed to Represent Me?

If you are indigent as your income does not exceed 125% of the current federal poverty threshold, you would have been appointed an attorney to represent you at trial. Your trial attorney will not represent you on appeal, but a new attorney may be appointed to represent you on appeal.

To be appointed an attorney on appeal, you must file a motion for appointment of counsel with your notice of appeal in the trial court. You may also file this motion, with an affidavit of indigency, in the Appeals Court after the entry of your appeal.

D. What If I Want to Represent Myself on Appeal?

You may represent yourself on appeal. If you choose to represent yourself, you are required to follow the Rules of Appellate Procedure and held to the same standard as an attorney when proceeding in the Appeals Court. Commonwealth v. Jackson, 419 Mass. 716, 719 (1995).

If you have been found to be indigent, you may file a motion with the trial court to waive the cost of your copy of the transcript. If you are not indigent, you must pay for the copy of your transcript. You should contact the trial court clerk's office to make sure that you are proceeding correctly and that your transcript is being prepared.

E. What Happens After the Transcript Is Prepared?

The court reporter or the transcriber will file the original transcript with the trial court clerk's office and make a copy for you and a copy for the prosecutor. The trial court clerk's office will then "assemble the record" and transmit the trial court docket, notice of appeal, any written notification of impounded materials, a list of exhibits, and a copy of the trial transcript to the appellate court upon completion. The trial court clerk's office does not transmit the trial exhibits and filings by the parties to the Appeals Court. See Mass.R.A.P. 8 and 18(a). For more information about the assembly of the record process, please see the description above under Civil Appeals, part G.

F. Is There a Fee to Enter a Criminal Appeal?

No. Upon receipt of the assembled record, the Appeals Court Clerk's Office will enter the appeal on the Appeals Court's docket. You will then receive notice of the date of entry and the Appeals Court docket number.

G. Is the Briefing Schedule for a Criminal Case Different from a Civil Case?

No. As the appellant in a criminal case, you are still responsible for preparing, filing, and serving your brief and record appendix within 40 days of entry of your case, even if an attorney has not been appointed for you. Different than a civil case, you are not required to file and serve the transcript if a transcript was prepared because it would have already been forwarded to the Appeals Court by the trial court clerk.

You are required to file and serve a docketing statement according to the Massachusetts Appeals Court Rule 10.0. **Incarcerated self-represented appellants are not required to file a docketing statement.** The docketing statement provides the Appeals Court with important background information about your case that will be useful when the appeal is entered, screened, and considered by the Appeals Court. The docketing statement must be filed within 14 days after the Appeals Court issues the "Notice of Entry" of your appeal. The docketing statement, its instructions, and Appeals Court Rule 10.0 are available at <https://www.mass.gov/lists/appeals-court-forms>. If you do not file the docketing statement, the court can deny any motion for enlargement of time to file a brief or a motion to stay appellate proceedings, until the docketing statement is filed.

OBLIGATIONS OF AN APPELLEE IN A CIVIL OR CRIMINAL CASE

A. What Is an Appellee?

You are the appellee if you were the prevailing party in the trial court, did not file the notice of appeal, and are responding to the appeal.

B. What Do I Have to Do?

You may file an appellee's brief but are not required to do so. If you do not file a brief, you will not be permitted to argue your case during oral argument if one is scheduled. Mass.R.A.P. 19(e).

C. What If I Want to File a Brief?

You have the right to file an appellee's brief. The appellant must serve you with a copy of their brief and appendix. You will then have 30 days to file and serve a copy of your appellee's brief. Your brief must have a red cover if filed as paper must follow the format as set forth in Section J above. If you choose to e-file or if you are a self-represented party who is confined in an institution, there is no color cover requirement for your briefs. M.A.C. Rule 13.0(f)(2). You are not required to include a statement of the issues, a statement of the case, and a statement of the facts in your brief unless you are dissatisfied with the appellant's brief description of those parts. See Mass.R.A.P. 16 and 20.

If you choose to file an appellee's brief, you must format your brief as required by the rules and include all the necessary content items required by the rules. Briefs that are not in substantial

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compliance with the rules may be rejected or struck by the Appeals Court. Mass.R.A.P. 16(k) and 20(a)(7).

D. May I Also File a Record Appendix?

An appellee in a criminal case may file a supplemental appendix without requesting court permission. An appellee in a civil case may not file their own supplemental appendix without court permission. Mass.R.A.P. 18(b)(5). In a civil case, if you believe that the appellant left out important parts of the record that you wish the Appeals Court to consider when deciding the appeal, you may file a motion for leave to file a supplemental appendix explaining what additional documents you wish to include. See Mass.R.A.P. 18(b)(5). Mass.R.A.P. 18(b)(5). You may submit this motion either before or at the time you file your brief and supplemental appendix. Documents not made part of the trial court's record are not permitted to be filed in your proposed supplemental appendix.

E. May I File a Reply to the Appellant's Reply Brief?

Unless your case is a cross appeal, you may not file a reply to the appellant's reply brief. A cross appeal is when you also filed a notice of appeal below in the lower court and paid a docket fee to enter your cross appeal in the Appeals Court. See Section P for the format of a reply brief.

ELECTRONIC FILING (“EFILING”) GUIDANCE

The Appeals Court has an electronic filing program that allows filers to submit any document into any case, including impounded documents. Although you are not required to e-file, the Appeals Court strongly encourages you to do so since it is the most efficient way to transmit documents to and have them processed by the Appeals Court. The Appeals Court has published extensive guidance about e-filing procedures, including answers to Frequently Asked Questions, available at <https://www.mass.gov/guides/electronic-filing-at-the-appeals-court>.

To begin e-filing, you must register an account through the electronic filing system at the eFileMA Odyssey File and Serve system at <http://www.efilema.com>.

Civil panel cases may be entered online by paying the filing fee or filing a motion to waive the filing fee through the e-filing system. A Civil Appeal Entry Form must accompany the payment. To do so, read the information located at <https://www.mass.gov/guides/electronic-filing-at-the-appeals-court#how-to-e-file-a-motion-to-waive-the-entry-fee-supported-by-an-affidavit-of-indigency>.

Once your appeal has been entered (either electronically or otherwise), all filings must be submitted into that panel docket number. All documents may be filed through the e-filing system. This includes, but is not limited to, docketing statements, motions to enlarge time for filing brief, motions to stay appellate proceedings, status reports, briefs and appendices, and motions for reconsideration or modification of decision. If you are going to e-file a brief and record appendix, review the instructions for important formatting information at <https://www.mass.gov/guides/electronic-filing-at-the-appeals-court#create-an-e-filed-brief-addendum-and-appendix>.

Self-represented parties should review the Massachusetts Rules for Electronic Filing at <https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-125-massachusetts-rules-of-electronic>.

Questions about e-filing can be directed to the Appeals Court Clerk's Office at 617-921-4443. Questions about registration and requests for technical assistance with the e-filing system should be directed to Tyler Technologies support team's customer assistance line at 800-297-5377.

LIST OF EXHIBITS

1. Sample Notice of Appeal
2. Sample Table of Authorities
3. Certificate of Compliance
4. Brief Checklist

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EXHIBIT 1

SAMPLE NOTICE OF APPEAL

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK SUPERIOR COURT

SUCV2006-00000

MARY MOE

v.

BOSTON GENERAL HOSPITAL

NOTICE OF APPEAL

Mary Moe gives notice that she appeals from the judgment which entered against her on July 16, 2008.

Mary Moe
123 Main Street
Boston, MA 02108
617-555-1234

EXHIBIT 2

SAMPLE TABLE OF AUTHORITIES

Cases

Massachusetts Cases

<i>Commonwealth v. Barbosa</i> , 457 Mass. 773 (2010)	18
<i>Commonwealth v. Beneficial Fin. Co.</i> , 360 Mass. 188 (1971)	36
<i>Commonwealth v. Camerano</i> , 42 Mass. App. Ct. 363 (1997)	36
<i>Commonwealth v. Cantres</i> , 405 Mass. 238 (1989)	36
<i>Commonwealth v. Chappee</i> , 397 Mass. 508 (1986)	27, 32, 33, 34
<i>Commonwealth v. Conceicao</i> , 388 Mass. 255 (1983)	37
<i>Commonwealth v. Costa</i> , 55 Mass. App. Ct. 901 (2002)	35
<i>Commonwealth v. Munoz</i> , 461 Mass. 126 (2011)	16, 17, 18, 24

Federal Cases

<i>United States v. Dege</i> , 364 U.S. 51 (1960)	3, 37, 38
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Rules

Mass.R.App. P. 16(a) (4)	40
Mass.R.App. P. Rule 16(b)	4
Mass.R.Crim. P. 14 (c)	26

EXHIBIT 3

**Certificate of Compliance
Pursuant to Rule 16 (k) of the Massachusetts
Rules of Appellate Procedure**

I, _____, hereby certify that the foregoing brief complies with the rules of court that pertain to the filing of briefs, including, but not limited to:

Mass. R. A. P. 16 (a)(13) (addendum);
Mass. R. A. P. 16 (e) (references to the record);
Mass. R. A. P. 18 (appendix to the briefs);
Mass. R. A. P. 20 (form and length of briefs, appendices, and other documents); and
Mass. R. A. P. 21 (redaction).

Use only if producing brief in a proportional font/word limit: I further certify that the foregoing brief complies with the applicable length limitation in Mass. R. A. P. 20 because it is produced in the proportional font _____ at size _____, and contains _____, total non-excluded words as counted using the word count feature of _____.

Use only if producing brief in a monospaced font/page limit: I further certify that the foregoing brief complies with the applicable length limitation in Mass. R. A. P. 20 because it is produced in the monospaced font _____ at size _____, _____ characters per inch, and contains _____, total non-excluded pages.

Signature (handwritten or /s/)

EXHIBIT 4

MASSACHUSETTS APPEALS COURT
CHECKLIST FOR PREPARING A BRIEF AND RECORD
APPENDIX

Important Resources

Massachusetts Rules of Appellate Procedure ("Mass. R. A. P."): <https://www.mass.gov/law-library/massachusetts-rules-of-appellate-procedure>

Massachusetts Rules of Electronic Filing ("Mass. R. E. F."): <https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-125-massachusetts-rules-of-electronic>

Appeals Court Rule 13.0, Electronic Filing: <https://www.mass.gov/appeals-court-rules/appeals-court-rule-130-electronic-filing>

Appeals Court Guide to Electronic Filing: <https://www.mass.gov/guides/electronic-filing-at-the-appeals-court>

* **Bold** items refer specifically to electronically filed briefs.

	<u>BRIEF COVER AND PAGINATION</u>
	No color cover for any e-filed brief. Mass. R. A. P. 20(a)(6)(A). No color cover for any brief filed by a self-represented litigant who is confined in an institution. M.A.C. Rule 13.0(f)(2). Otherwise, appellant = blue, appellee = red, reply = gray. Mass. R. A. P. 20(a)(6)(A).
	Include the following: the name of the court and number of the case; title of the case; nature of the proceeding in the appellate court (e.g., Appeal); and title of the document (e.g., Appellant's Brief).
	Include the filing attorney's or self-represented party's name, BBO number (if applicable), mailing address, email address, telephone number, and firm name (if applicable) for each person filing the brief. Mass. R. A. P. 20(a)(6)(B).
	The cover of the brief is marked page 1. Mass. R. A. P. 20(a)(6)(B)(vii). Do not use roman numerals. All subsequent pages are numbered consecutively through the last page, including any addendum. Mass. R. A. P. 20(a)(4)(A). Do not restart the pagination at the addendum.
	<u>BRIEF FORMAT AND LENGTH LIMITS</u>
	If a proportional font (e.g., Times New Roman) is used, it must be 14 point or larger, all margins must be at least 1", and the word limit must be used. Mass. R. A. P. 20(a)(2)-(4). The certificate of compliance must indicate the font selected, number of words, number of excluded words, and method of computation. Mass. R. A. P. 16(a)(14) and (k).
	If a monospaced font (e.g., Courier New) is used, it must be 12 point or larger and not exceed 10.5 characters per inch, margins must be at least 1" top/bottom, 1.5" left/right, and the page limit must be used. Mass. R. A. P. 20(a)(2)-(4).

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	In a non-cross appeal, the length limits are as follows: appellant/appellee brief = 50 pages in monospaced font or 11,000 words in proportional font; reply brief = 20 pages in monospaced font or 4,500 words in proportional font. Mass. R. A. P. 20(a)(2). The cover, table of contents, table of authorities, signature block, addendum, and certificates of compliance and service do not count against the length limits. Mass. R. A. P. 20(a)(3)(F). For the length limits in cross appeals, see Mass. R. A. P. 20(a)(3)(A)-(D).
	The font must be black and double spaced. Mass. R. A. P. 20(a)(1) and (a)(4)(C). Headings, footnotes, and quotations use the same font and size, but may be single spaced. Mass. R. A. P. 20(a)(4)(C).

<u>BRIEF CONTENTS</u>	
	A cover with the items identified above. Mass. R. A. P. 16(a)(1).
	If required by S.J.C. Rule 1:21, a corporate disclosure statement. Mass. R. A. P. 16(a)(2).
	A table of contents with page references. Mass. R. A. P. 16(a)(3).
	A table of authorities with page references. Mass. R. A. P. 16(a)(4).
	A statement of the issues. Mass. R. A. P. 16(a)(5). The appellee does not need to include this, unless the appellee is dissatisfied with the appellant's statement. Mass. R. A. P. 16(b)(1).
	A statement of the case with page references to the appendix or transcript. Mass. R. A. P. 16(a)(6) and 16(e). The appellee does not need to include this, unless the appellee is dissatisfied with the appellant's statement. Mass. R. A. P. 16(b)(1).
	A statement of the facts with page references to the appendix or transcript. Mass. R. A. P. 16(a)(7) and 16(e). The appellee does not need to include this, unless the appellee is dissatisfied with the appellant's statement. Mass. R. A. P. 16(b)(1).
	A summary of the argument. Mass. R. A. P. 16(a)(8). This is only required if the argument exceeds 20 pages in monospaced font or 4,500 words in proportional font. <u>Id.</u>
	An argument section that contains a legal argument addressing issues, supported by legal authority. Mass. R. A. P. 16(a)(9). The argument must contain a statement of the applicable standard of review for each issue raised (this may appear under a separate heading or in the discussion of the issue). Mass. R. A. P. 16(a)(9)(B). The appellee does not need to repeat the standard of review unless dissatisfied with the appellant's statement. Mass. R. A. P. 16(b)(1).
	A conclusion stating the precise relief sought followed by a signature block. Mass. R. A. P. 16(a)(10)-(11).
	An addendum that includes the items identified in Mass. R. A. P. 16(a)(13). This includes (1) a copy of any appealed judgment or order (and a typed copy of any handwritten endorsement), and (2) copies of constitutional provisions; statutes, court rules, regulations, and unpublished decisions cited in the brief. The addendum requires a table of contents with page references. Mass. R. A. P. 16(a)(13)(A). The addendum is also required for an appellee brief insofar as pertinent to the issues argued by the appellee and for any reply brief. Mass. R. A. P. 16(b)(3) and 16(c). The addendum must be bound in a paper brief and included in the same PDF of an electronically filed brief.
	A certificate of compliance with Mass. R. A. P. 16(a)(13), 16(e), 18, 20, 21. Mass. R. A. P. 16(k). The certificate must specify how compliance with the applicable length limit of Mass. R. A. P. 20 was ascertained, by stating either (1) the name, size, and number of characters per inch of the monospaced font used and the number of non-excluded pages, or (2) the name and size of the proportionally spaced font used, the number of non-excluded words, and the name and version of the word-processing program used.
	A certificate of service that complies with Mass. R. A. P. 13(e). Mass. R. A. P. 16(a)(15). The certificate of service must be bound in a paper brief and included in the same PDF of an electronically filed brief.

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	<u>FILING AND SERVICE</u>
	Deadlines: Appellant's brief = 40 days from the date the appeal is docketed; appellee's brief = 30 days after service of the appellant's brief; reply brief = 14 days after service of appellee's brief.
	If brief is served by mail or electronic service, 3 days are added to the due date of the responsive brief Mass. R. A. P. 14(c) and Mass. R. E. F. 7(e). If a brief due date falls on a weekend or holiday, the brief is due on the next business day. Mass. R. A. P. 14(a). For the purposes of determining due date, service is complete the date the opposing party mails the brief. Mass. R. A. P. 13(c).
	Number of copies. If filing on paper, file with the court 1 copy or original of each brief and appendix volume. You must serve 1 copy of each brief and appendix volume on counsel of record for each party, and 2 copies of each brief and appendix on any self-represented litigant. Mass. R. A. P. 19(d). Attorneys are required to electronically file all non-impounded briefs, appendices,
	Manner of Service. Service may be made in hand, by first class mail or its equivalent, or electronically with the consent of the party being served. All attorneys with cases pending in the Appeals Court are required to consent to electronic service through eFileMA.com by registering for an account and maintaining their name and business email address on the eFileMA.com "Public List." M.A.C. Rule 13.0(b). If you electronically serve a party, no paper copies are required to be served on that party.
	A PDF must be submitted through eFileMA.com by 11:59 p.m. on the date it is due. Mass. R. E. F. 4(c).
	<u>RECORD APPENDIX FORMAT</u>
	The record appendix must be separately bound from the brief. Mass. R. A. P. 18(a). If electronically filed, it must be a separate PDF.
	The record appendix requires a cover with the same information that is included on the brief cover, except the title of the document. The cover is paginated as page 1. Mass. R. A. P. 18(a)(1)(A)(i), 20(a)(5)(A), and 20(a)(6).
	All subsequent pages are numbered consecutively through the end of the volume. Mass. R. A. P. 20(a)(5)(A).
	The maximum size of an appendix volume is 1.5" thick, or 50 MB if electronically filed. If your document exceeds these limitations, it must be divided into separately paginated volumes. Mass. R. A. P. 20(a)(5)(B)-(C); Mass. R. E. F. 10.
	For multivolume appendices, each volume of the appendix is separately paginated, beginning at page 1. Mass. R. A. P. 20(a)(5)(B).
	The record appendix requires a table of contents that lists the parts of the record included therein and includes a detailed listing of exhibits, affidavits, and other documents associated with those parts. Mass. R. A. P. 20(a)(1)(A)(ii). For multivolume appendices, the first volume must have a table of contents for all volumes and any subsequent volume requires a table of contents for only that volume. Mass. R. A. P. 18(a)(1)(C).
	<u>RECORD APPENDIX CONTENT</u>
	Include a copy of the lower court docket. Mass. R. A. P. 18(a)(1)(A)(iii).
	Include a copy of any order of impoundment or confidentiality from the lower court. Mass. R. A. P. 18(a)(1)(A)(iv).
	Include a copy of any parts of the record relied upon in the brief. Mass. R. A. P. 18(a)(1)(A)(v)(a).

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	Include a copy of any document, or portion thereof, filed in the case relating to an issue which is to be argued on appeal. Mass. R. A. P. 18(a)(1)(A)(v)(b).
	Include a copy of any findings or memorandum of decision or order by the lower court pertinent to an issue on appeal, including a typed version of any pertinent handwritten or oral endorsement, notation, findings, or order made by the lower court. Mass. R. A. P. 18(a)(1)(A)(v)(c).
	Include a copy of the judgment, decree, order, or adjudication in question. Mass. R. A. P. 18(a)(1)(A)(v)(d).
	Include the notice(s) of appeal. Mass. R. A. P. 18(a)(1)(A)(v)(e).
	In a criminal case, include a copy of the complaint or indictment. Mass. R. A. P. 18(a)(1)(A)(v)(a).

Checklist Updated
09/25/2023