

COMMONWEALTH OF MASSACHUSETTS
Supreme Judicial Court

At the Supreme Judicial Court holden at Boston within and
for said Commonwealth on the second day of March, in the year
two thousand and twenty-three:

present,

<u>KIMBERLY S. BUDD</u>)	
)	Chief Justice
)	
<u>FRANK M. GAZIANO</u>)	
)	Justices
)	
<u>DAVID A. LOWY</u>)	
)	
)	
<u>ELSPETH B. CYPHER</u>)	
)	
)	
<u>SCOTT L. KAFKER</u>)	
)	
)	
<u>DALILA ARGAEZ WENDLANDT</u>)	
)	
)	
<u>SERGE GEORGES, JR.</u>)	

ORDERED: That the Massachusetts Rules of Appellate Procedure,
as amended by order effective March 1, 2019, are
hereby amended as follows:

Rule 18 By deleting Mass. R. A. P. 18 (a) (1) (D) and
inserting in lieu thereof the following Mass. R. A. P.
18 (a) (1) (D):

(D) Parties must include in the appendix all portions
of the record that are relied upon in the brief or
that relate to an issue on appeal, except portions of
the record subject to a motion for transmission
pursuant to Rule 18 (a) (1) (G). The appellate court
may decline to permit the parties to refer to portions
of the record omitted from the appendix unless a
motion for transmission of those portions of the

record is filed in the appellate court. The fact that portions of the record are not included in the appendix or subject to a motion for transmission shall not prevent the appellate court from relying on such portions of the record.

Rule 18 By inserting after Mass. R. A. P. 18 (a) (1) (F) the following Mass. R. A. P. 18 (a) (1) (G):

(G) If certain portions of the record cannot or should not be reproduced or transmitted, such as nonreproducible physical evidence or material the possession, transmission, or dissemination of which may constitute a violation of criminal law or a court order, the proponent shall file in the appellate court a motion for transmittal of such portions of the record at the time of the filing of the proponent's brief. A placeholder notation may be included in the appendix to reference the portions of the record subject to the motion for transmission.

The amendments accomplished by this order shall take effect on May 1, 2023.

ORDERED:

<u>KIMBERLY S. BUDD</u>)	
)	Chief Justice
)	
<u>FRANK M. GAZIANO</u>)	
)	Justices
)	
<u>DAVID A. LOWY</u>)	
)	
)	
<u>ELSPETH B. CYPHER</u>)	
)	
)	
<u>SCOTT L. KAFKER</u>)	
)	
)	
<u>DALILA ARGAEZ WENDLANDT</u>)	
)	
)	
<u>SERGE GEORGES, JR.</u>)	