

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 3 By deleting Mass. R. A. P. 3 (c) (1) and inserting in
lieu thereof the following Mass. R. A. P. 3 (c) (1):

(1) Generally.

(A) The notice of appeal shall designate:

(i) the party or parties taking the appeal;
and

(ii) in civil cases, the judgment, decree, adjudication, or separately appealable order from which the appeal is taken.

(B) The notice of appeal need not designate prejudgment orders that are appealable as part of the judgment, decree, or adjudication designated in the notice of appeal.

(C) An appellant may designate only part of a judgment, decree, adjudication, or separately appealable order by expressly stating that the notice of appeal is so limited.

(D) In a civil case, the notice of appeal encompasses the final judgment, regardless of whether that judgment is set out in a separate document under Massachusetts Rule of Civil Procedure 58, if the notice designates:

(i) an order that adjudicates all remaining claims and the rights and liabilities of all remaining parties; or

(ii) an order described in Rule 4 (a) (2).

Rule 3 By inserting after Mass. R. A. P. 3 (c) (2) the following Mass. R. A. P. 3 (c) (3):

(3) Effect of Minor Defects in the Notice of Appeal. An appeal should not be dismissed for minor defects, such as

(A) informality of form or title of the notice of appeal;

(B) failure to name a party whose intent to appeal is otherwise clear from the notice; or

(C) a technical error in how the judgment, decree, adjudication, or separately appealable order is identified, if it is otherwise clear from the notice what is being appealed.

The amendments accomplished by this order shall be effective immediately and apply to notices of appeal in appeals then pending and commenced on and after this date.

ORDERED:

<u>KIMBERLY S. BUDD</u>)	
)	Chief Justice
)	
<u>FRANK M. GAZIANO</u>)	
)	Justices
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<u>SERGE GEORGES, JR.</u>)	