

REPORTER'S NOTES
MASSACHUSETTS RULES OF APPELLATE PROCEDURE

Rule 4. Appeal - When Taken

Reporter's Notes—2025

Rule 4(a) has been reformatted to conform to the format of other recent rule changes. The rule has also been amended substantively to eliminate a trap for the unwary in former Rule 4(a)(3), which had provided that a notice of appeal from an underlying judgment filed before the disposition of timely postjudgment motions "shall have no effect." To preserve an appeal from the underlying judgment, an appellant was required to file a new notice of appeal after the disposition of the last such motion. That rule has been stricken and replaced by new Rule 4(a)(2)(B) and (C). Under the new rule, a notice of appeal filed before the disposition of timely postjudgment motions will become effective on disposition of the last such motion. However, such a notice is effective to appeal only from the underlying judgment; any party wishing to appeal from an adverse ruling on one or more of the postjudgment motions must file a notice of appeal or amended notice of appeal within the designated time following the disposition of the last such motion. The new rule closely tracks the language of the cognate Federal rule, Fed. R. A. P. 4(a)(4)(B)(i) and (ii).

Rule 4(a)(1)(C)—formerly the last sentence of Rule 4(a)(1)—and Rule 4(d) have also been amended to refer to and accommodate the change in Rule 4(a)(2)(B).