**COMMONWEALTH OF MASSACHUSETTS**

**APPEALS COURT**

**Docket Number: 202 \_- P -\_ \_ \_ \_**

**First name(s) appearing in Appeals Court caption:**

**vs.**

**Second name(s) appearing in Appeals Court caption:**

**On Appeal From** **[Lower Court]**

**Informal Appellant Brief of [Your Name] (appealing party)**

Date: [mm/dd/yyyy]

[Your name]:

[Your pronouns (optional)]:

[Your address]:

[Your phone number]:

[Your email address]:

[Instructions: Please note the maximum page limit for filing an informal brief using this form is thirty (30) pages of double-spaced text in Courier, Courier New, or any other monospaced font, no smaller than 12-point (This form uses Courier New 12 point). Page 1 begins on this first page. PLEASE DELETE THIS INSTRUCTION FROM YOUR FINAL BRIEF.]

# Issues ON APPEAL (claims of error)

[Instructions: List the issue or issues you are raising in this appeal, which are the errors you claim were made in the trial court, and which you will discuss in your argument section. Each issue or claim of error should identify an order, ruling, or decision that you will be arguing was not correct. Organize and separate each issue by different numbers (Examples: 1. The judge incorrectly excluded the plaintiff's testimony about the X; 2. The judge incorrectly allowed the plaintiff's motion for summary judgment). PLEASE DELETE THESE INSTRUCTIONS FROM YOUR FINAL BRIEF.]

# Case HISTORY

[Instructions: Provide the start date of your case in the trial court or agency, the order(s) or decision(s) that you are challenging, the name of each judge who issued each challenged order or decision, and the date when each notice of appeal was filed. Be sure to include references to the page number(s) in the record appendix where each order, decision, and notice of appeal is located. PLEASE DELETE THESE INSTRUCTIONS FROM YOUR FINAL BRIEF.]

# Statement of the Facts

[Instructions: Provide a statement of the facts that are related to the issues you are appealing. Each statement of fact must be followed by a reference to the specific page(s) in the record appendix or transcript(s) where that fact can be found (Examples -– "RA p.100"; "Transcript vol.2, p.46-51"; "Exhibit 3, RA p.95). The Appeals Court does not have to consider any fact that is not supported by a citation to evidence in the record appendix or transcript.

You may not include facts that were not presented to the trial judge or agency. Unless you are citing to a document or exhibit that is a single page document, you must provide citation(s) to the record appendix that reference the specific page(s) of the document instead of citing to its title or exhibit number. Do not refer to any party or individual by name if their identity has been impounded by statute, court rule, or court order. See Section (c) (4) of the Informal Brief Guidance for more information about impoundment and confidentiality. PLEASE DELETE THESE INSTRUCTIONS FROM YOUR FINAL BRIEF.]

# Legal Argument

[Instructions: Present your reasons why the trial court or agency was wrong, as a matter of law or fact, and why the Appeals Court should rule in your favor. Your argument must be supported with citations to legal authorities such as case decisions (preferably from Massachusetts), statutes, regulations, court rules, constitutional provisions, or other authorities. When you are discussing facts in this section, you must reference to the specific page(s) in the record appendix or transcript(s) where that fact can be found.

Overall, in this section you will be identifying what you claim the lower court did wrong, explain why it is wrong based on the law, and where the Appeals Court can find that law. The Appeals Court does not have to consider a legal argument that does not have adequate legal or factual support. PLEASE DELETE THESE DIRECTIONS FROM YOUR FINAL BRIEF.]

**CONCLUSION (RELIEF REQUESTED)**

[Instructions: The conclusion is a short statement that states the action you would like the Appeals Court to take when it decides the appeal (e.g., affirm, reverse, vacate, remand, order a new trial, etc.). PLEASE DELETE THESE DIRECTIONS FROM YOUR FINAL BRIEF.]

Respectfully submitted,

/s/ [your name here]

(You can add your signature by typing "/s/" before your full name, inserting a digital signature image, or provide a wet signature by printing and signing your name in your handwriting)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Print your name]:

[Your pronouns (optional)]:

[Your address]:

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Date: [mm/dd/yyyy]

**This conclusion and signature block page count as the last page of your informal appellant brief, which may not exceed 30 pages.**

# Certificate of Service

Pursuant to Mass. R. A. P. 13 (e), I hereby certify that on this date,\_\_\_\_\_\_\_\_, I served a complete copy of this [Choose all that apply:

\_\_ Informal Appellant Brief;

\_\_ Informal Record Appendix;

\_\_ Informal Impounded Record Appendix;

on all parties, by sending it to the person(s) listed below using the email address(es) or physical mailing address(es) shown:

Name of other party or parties or their lawyer(s) who you served:

The email or physical mailing address(es) you sent the documents to:

/s/ [your name here]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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***All papers filed in the Appeals Court must be sent to all other parties to the case, or their attorney(s), and filed along with a Certificate of Service stating that you completed this step. This is called "service," and can be done by email or regular mail. If the Certificate of Service is not completed, this filing will not be accepted. If you do not serve the other party or parties before filing documents in the Appeals Court, the filing may be struck and, if you are an appellant, the appeal may be dismissed.***

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Once you have created an account, you can e-file a PDF version of your document with the Appeals Court. To convert a Word version of your brief to a fillable PDF, please open the Word Document, go to "File," and select "Save as Adobe PDF." Next, please enter the appropriate file name for the PDF (e.g., Informal Appellant Brief, Informal Appellee Brief, etc.) and select the folder on your device where you wish to save this PDF. Lastly, press the "Save" button at the bottom to complete saving. Your brief is now ready to be e-served to the parties and e-filed.

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**Certificate of Mailing, Mass. R. A. P. 13 (a) (1) (B)**

Pursuant to Mass. R. A. P. 13 (a) (1) (B), I hereby certify that on the following date, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which is on or before the date this brief is due to be filed in the Appeals Court, I mailed this brief by first-class mail or its equivalent to the Appeals Court.

/s/ [Your name here]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Pursuant to Mass. R. A. P. 13 (a) (1) (B) and 13 (a) (2), I certify that I am a self-represented party currently confined in a State or Federal institution, and that on the following date, \_\_\_\_\_\_\_\_, which is on or before the date when the brief is due to be filed in the Appeals Court, I deposited this brief in the institution's internal mail system for mailing to the Appeals Court.

/s/ [Your name here]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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