**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]:

**Page limit: 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.**

# Issues ON APPEAL

[List the issue or issues you are raising in this appeal and will discuss in your argument section. It is your obligation to find out if any information in your case is impounded or confidential; for more information, please go to section (c) (4) of the Informal Brief Guidance.]

# Case HISTORY

[Identify when this case began in the trial court or agency, each order or decision that you are challenging as incorrect, the name of the judge who issued each challenged order or decision, and the date when each notice of appeal was filed. Include references to the page(s) in the record appendix where each order or decision and each notice of appeal are located.]

# Statement of the Facts

[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 or pages in the record appendix or transcript(s) where that fact is found (Examples -– "Apx at 25"; "Transcript 10/15/22 at pg 55"; "Exhibit #2 at pg 95"). You may not include facts that were not brought to the attention of the trial judge or agency, and you may not cite generally to an entire document by its title or exhibit number without referring to specific page(s) of that document unless the document or exhibit is a single page. 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.]

# Argument

[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 discussing facts again in this section, you must again include a reference to the specific page or pages in your record appendix or transcript(s) where support for that fact can be found.]

**CONCLUSION/RELIEF REQUESTED**

[A statement of what you are asking the Appeals Court to do (for example, order a new trial, enter judgment for you, modify the trial court judgment, etc.).]

Respectfully submitted,

/s/ [your name here]

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

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

[Print your name]:

[Your pronouns (optional)]:

[Your address]:

[Your phone number]:

[Your email address]:

Date: [mm/dd/yyyy]

**This page counts as the last page of your informal brief, which may not exceed 30 pages.**

# Certificate of Service

I certify that on \_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_(date) I served a complete copy of this \_\_ Informal Appellant Brief, \_\_ Record Appendix, \_\_\_ Impounded Appendix [choose all that apply] 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]

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

[Your name]:

[Your address]:

[Your phone number]:

[Your email address]:

Date: [mm/dd/yyyy]

***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.***

**FILING**

You can file this brief electronically with the Appeals Court by converting and saving this Word document to a PDF. To save as a PDF, please go to "File" and select "Save as Adobe PDF." Then, enter the appropriate file name for the PDF (e.g., Informal Appellant Brief) and select the folder where you wish to save this document. Lastly, press the "Save" button at the bottom to complete saving. An informal brief may be electronically served and filed by creating an account at <https://massachusetts.tylertech.cloud/OfsWeb>.

Alternatively, an original paper copy may be mailed to the Appeals Court, Clerk's Office, 1 Pemberton Square, Room 1200, Boston, MA, 02108, and a copy served on each party. To print a copy of this Word document, please go to "File" and select "Print." Then, choose the correct printer and customize your print settings (e.g., number of copies). Lastly, press the "Print" button, with the printer icon, to complete printing.

**If filing by mail, complete this:**

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

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

/s/ [Your name here]

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

[Your name]:

[Your address]:

[Your phone number]:

[Your email address]:

Date: [mm/dd/yyyy]

**For A Self-Represented Party Who is Confined**

**in a State or Federal Institution:**

**Certificate of Mailing and Filing,**

**Mass. R. A. P. 13 (a) (1) (B) and 13 (a) (2)**

Pursuant to Mass. R. A. P. 13 (a) (1) (B) and 13 (a) (2), I certify that I am a self-represented party, am currently confined in a State or Federal institution, and that on the following date, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which is a date on or before 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]

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

[Your name]:

[Your address]:

[Your phone number]:

[Your email address]:

Date: [mm/dd/yyyy]

# Record Appendix [FiLED AS A SEPARATE DOCUMENT]

If you are the appealing party, your informal brief must be accompanied by a separate document called the record appendix. The record appendix contains copies of all the documents filed in or created by the lower court or agency that are not impounded and are relevant to the Appeals Court's review of the issues raised on appeal, including copies of all documents you have referenced in your informal brief. A record appendix template is provided as part of this pilot program. Please note that there is a **special procedure for filing impounded information** that is described below and in section (d) (4) of the Informal Brief Guidance.

Examples of documents to include in the record appendix include the trial court docket sheet; the order(s), ruling(s), or judgment(s) that you challenge, including any findings of fact, memorandum of decision, or jury verdict slips; relevant exhibits filed in the lower court or agency; relevant motions, memoranda, pleadings, or other documents filed by the party filing the informal brief or the other party or parties to the case; and the notice(s) of appeal.

The record appendix must have consecutive page numbers, with the cover being page one, and include a table of contents that lists each document by its title and the page where it begins. If there is more than one volume of record appendix, each volume must be numbered (example, vol. 1, vol. 2). The page numbers for each volume of appendix should restart, with the cover page being page one. A copy of each volume of the record appendix must be served on each party in the case, with the service identified in your certificate of service.

If this is a civil case, then you, the appealing party, are responsible for giving the Appeals Court transcripts of any hearings that are relevant to the appeal. If this is a criminal case, the transcripts will be provided directly to the Appeals Court if you ordered them. Transcripts can be included in the record appendix as a numbered volume, or they may be filed separately as they are. The Appeals Court may decline to consider arguments in an informal brief that are not supported by evidence in the record appendix or transcript(s).

**Please note that only materials that were presented to the lower court or agency may be included in the record appendix**. If you wish to include materials that were not presented to the lower court or agency, you must file a motion in the Appeals Court seeking permission to do so. (Such motions are usually denied because the Appeals Court reviews the judge's decision based only on the information that was before the judge.)

The appellee (party responding to an appeal) can also file a record appendix with the appellee brief. If they do, the appellee's record appendix will be called the "supplemental appendix." You may file a reply brief in response to the appellee brief and supplemental appendix, but you may not file another appendix.

**Special procedure for filing impounded information.** In addition to information that is automatically impounded or confidential under a law or court rule, such as the names of children or victims of certain crimes or financial statements in a divorce or child support case, any information or document that was impounded in the trial court continues to be impounded in the Appeals Court. **You are responsible for finding out which if any such laws or rules apply in your case**.

Documents containing **impounded information must be filed in a separate record appendix volume** whose cover states it "Contains Impounded Material." Like your regular record appendix, this impounded volume of appendix must have consecutive page numbers, with the cover page being page one, and must have a table of contents listing each document along with the page where it begins. A template is provided as part of this pilot program.

Documents that are not impounded but appear in an appendix and contain confidential or personal identifying information (PII) must be "redacted," which means **the confidential information and PII is blacked out so it cannot be seen**. Examples of PII are Social Security numbers, taxpayer identification numbers, driver's license numbers, State-issued ID card numbers, passport numbers, financial account numbers, and credit or debit card numbers.