**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 Appellee Brief of [Your Name] (responding 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

[You do not have to list the issues before the Appeals Court unless you want to or disagree with what the appellant (appealing party) wrote.]

# Case HISTORY

[You do not need to give a case history unless you want to or disagree with what the appellant wrote. If you do give a history, you must include references to the page(s) in the appellant's record appendix or your supplemental record appendix, which is described below, where evidence of each statement can be found. You can include copies of documents that you are referring to in a supplemental record appendix, but you do not have to file a supplemental appendix or any documents that also appear in the appellant's record appendix.]

# Statement of the Facts

[You do not have to provide a statement of the facts that are related to the issues on appeal unless you want to or disagree with what the appellant wrote. If you state facts, each statement must be followed by a reference to the specific page or pages in the appellant's record appendix, transcript(s), or the supplemental appendix 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 or 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. It is your obligation to find out if any information in your case is impounded or confidential; for more information, go to section (c) (4) of the Informal Brief Guidance.]

# Argument

[Present your argument(s) why the Appeals Court should not overturn the decision of the trial court or agency. You must support your argument(s) 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 include a reference to the specific page or pages in the appellant's record appendix, transcript(s), or supplemental appendix 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, affirm the judgment).]

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 Appellee Brief, \_\_ Supplemental Appendix, \_\_ Impounded Supplemental 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]

# SUPPLEMENTAL Record Appendix [OPTIONAL]

If you are an appellee (responding to an appeal), you may file a record appendix that will be called the "supplemental appendix," containing copies of documents that were filed in or created by the trial court or agency, are not impounded, and are relevant to the Appeals Court's review of the issues raised on appeal, even if the document is also included in the appellant's record appendix. There is a **special procedure for filing impounded information** that is described below and in section (d) (4) of the Informal Brief Guidance.

Filing a supplemental appendix is not mandatory unless the document or testimony you are referring to in your informal appellee brief was not included in the appellant's record appendix or transcript(s). If you are an appellee responding to an informal brief under this pilot program, you do not need permission to file a supplemental appendix, whether you are submitting an informal brief or a formal one.

If a supplemental appendix is filed, it must be filed as a **separate document** from the informal appellee brief. It is filed at the same time as when you file your appellee brief. The pages must be numbered consecutively with the cover page being page one, and the supplemental appendix must include a table of contents that lists by title each document it contains, and the page on which it begins. A template is provided as part of this pilot program. A copy of a supplemental appendix must be served on each party in the case, with the service identified in your certificate of service.

**Please note that only materials that were presented to the lower court or agency may be included in a supplemental 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.)

**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** from the supplemental appendix if you choose to file one. Any impounded supplemental appendix must have a cover stating it "Contains Impounded Material," 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 a supplemental 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 areSocial 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.