

# **MASSACHUSETTS RULES OF APPELLATE PROCEDURE**

## **Rule 17. Brief of an Amicus Curiae**

### **DRAFT Reporter's Notes--2021**

#### **Proposed Reporter's Note to Mass. R. A. P. 17**

Rule 17(a) was amended in 2021 to clarify that if the Commonwealth, or any of its officers or agencies, is one of any number of individuals or organizations on the amicus brief, the brief may be filed as of right. This includes cases where the Committee for Public Counsel Services authors or joins the amicus brief. The Committee for Public Counsel Services is an agency of the Commonwealth. G.L. c. 211D, § 1. See *German v. Commonwealth*, 410 Mass. 445, 447 (1991) (describing CPCS as “a statutory agency of the Commonwealth”).

Rule 17(c) was amended to clarify that the declarations mandated by Rule 17(c)(5) are not required for the Commonwealth or its officer or agency, including the Committee for Public Counsel Services. Such declarations must be included for all non-Commonwealth amici, even if the brief is also joined by a Commonwealth officer or agency.

In addition, minor revisions to word choice were made for consistency and clarity. The revisions were not intended to change the substance of the rule.