

SAC Rules of Appellate Procedure

Recommended Changes to Mass. R. App. P. 19(d)(1)(A) and (d)(2)(A)

[Current Mass. R. App. P. 19(d)(1)(A) and (d)(2)(A)]

Rule 19. Filing and serving of briefs, appendices, and certain motions

...

(d) Number of copies to be filed and served

(1) Briefs and appendices

(A) Appeals Court

Except as provided in M.A.C. Rule 13.0, concerning electronic filing, on appeal to the Appeals Court, 4 copies of each brief and appendix shall be filed with the clerk, unless the court by order in a particular case shall direct a different number, and 2 copies shall be served on counsel for each party separately represented, 2 copies of each shall be served on counsel for all jointly represented parties, and 2 copies of each shall be served on each self-represented party to the appeal, unless the parties agree in writing or the court shall by rule or by order direct the filing or service of a different number.

...

(2) Exhibits and transcripts in civil cases

Exhibits and transcripts or portions thereof in civil cases, designated for inclusion in the appendix, may be contained in separate volumes, suitably indexed.

(A) Appeals Court

Except as provided in M.A.C. Rule 13.0, on appeal to the Appeals Court, 2 copies of the exhibit volume or volumes, and 1 copy of the transcript volume or volumes shall be filed with the brief and appendix and 1 copy of each shall be served on counsel for each party separately represented, 1 copy of each shall be served on counsel for all jointly represented parties, and 1 copy of each shall be served on each self-represented party to the appeal, unless the parties agree in writing or the court shall by rule or order direct the filing or service of a different number.

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[Proposed amendments to Mass. R. App. P. 19(d)(1)(A) and (d)(2)(A) redline version]

Rule 19. Filing and serving of briefs, appendices, and certain motions

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(1) Briefs and appendices

(A) Appeals Court

Except as provided in M.A.C. Rule 13.0, concerning electronic filing, on appeal to the Appeals Court, ~~4 copies either the original or 1 copy~~ of each brief and appendix shall be filed with the clerk, unless the court by order in a particular case shall direct a different number, and ~~2 copies 1 copy~~ shall be served on counsel for each party separately represented, ~~2 copies 1 copy~~ of each shall be served on counsel for all jointly represented parties, and 2 copies of each shall be served on each self-represented party to the appeal, unless the parties agree in writing or the court shall by rule or by order direct the filing or service of a different number.

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(2) Exhibits and transcripts in civil cases

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[Proposed amendments to Mass. R. App. P. 19(d)(1)(A) and (d)(2)(A) clean version]

Rule 19. Filing and serving of briefs, appendices, and certain motions

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Except as provided in M.A.C. Rule 13.0, concerning electronic filing, on appeal to the Appeals Court, either the original or 1 copy of each brief and appendix shall be filed with the clerk, unless the court by order in a particular case shall direct a different number, and 1 copy shall be served on counsel for each party separately represented, 1 copy of each shall be served on counsel for all jointly represented parties, and 2 copies of each shall be served on each self-represented party to the appeal, unless the parties agree in writing or the court shall by rule or by order direct the filing or service of a different number.

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(2) Exhibits and transcripts in civil cases

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MASSACHUSETTS RULES OF APPELLATE PROCEDURE

Rule 19

DRAFT Reporter's Notes—2022

Rule 19(d)(1)(A) and Rule 19(d)(2)(A) were amended to reduce the required number of paper documents filed with the Appeals Court. These amendments reflect the Appeals Court's practice of scanning paper documents and retaining them electronically in the court's case management system and distributing them electronically to the Justices and court personnel.

Attorneys are cautioned that M.A.C. Rule 13.0 requires most attorney-filed documents be filed electronically with no paper version to be filed with the Appeals Court. Where the rules permit a particular filing to be submitted to the Appeals Court in paper form (such as briefs, appendices, and, in civil cases, any exhibit volume or transcript volume), only a single copy is required. As amended, Rule 19(d)(1)(A) allows the filed version of the brief to be either the original (i.e., with an original signature) or a copy, not both.

Rule 19(d)(1)(A) was also amended to reduce from 2 to 1 the number of copies of each brief and appendix to be served on any counsel of record in connection with an appeal in the Appeals Court. This amendment recognizes that most attorneys today communicate electronically with their clients and counsel, eliminating the need for a second copy. The requirement that 2 copies of each brief and appendix be served on a self-represented party remains.

No changes were made to Rule 19(d)(1)(B) and Rule 19(d)(2)(B), which concern appeals in the Supreme Judicial Court.