

**Supreme Judicial Court  
Standing Advisory Committee on the  
Rules of Appellate Procedure**

**Proposed amendments to Rules 13, 16, and 20**

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## **[Current text of Mass. R. A. P. 13]**

### **Rule 13: Filing and service**

...

#### **(e) Certificate of service of briefs and appendices.**

**(1) Requirement.** Briefs and appendices presented for filing shall be accompanied by a certificate of service. The certificate of service shall appear as a part of the brief being filed as required in Rule 16 (a) (15).

...

## **[Proposed amendment to Mass. R. A. P. 13 - redline version]**

### **Rule 13: Filing and service**

...

#### **(e) Certificate of service of briefs and appendices.**

**(1) Requirement.** Briefs and appendices presented for filing shall be accompanied by a certificate of service. The certificate of service shall appear as a part of the brief being filed as required in Rule 16 (a) (~~15~~14).

...

## **[Proposed amendment to Mass. R. A. P. 13 - clean version]**

### **Rule 13: Filing and service**

...

#### **(e) Certificate of service of briefs and appendices.**

**(1) Requirement.** Briefs and appendices presented for filing shall be accompanied by a certificate of service. The certificate of service shall appear as a part of the brief being filed as required in Rule 16 (a) (14).

...

## **DRAFT Reporter's Notes—2025**

A cross-reference in Rule 13 (e) (1) has been amended to conform to the 2025 amendments to Rule 16 (a).

## [Current text of Mass. R. A. P. 16]

### **Rule 16: Briefs**

**(a) Brief of the appellant.** The brief of the appellant shall be formatted and paginated as provided in Rule 20 (a) (4), and contain under appropriate headings and in the order here indicated:

...

**(13) Addendum.** An addendum, contained within the brief, shall consist of the following:

**(A)** a table of contents listing each item contained therein and the page on which it begins;

**(B)** any appealed judgment or order (including any written opinion, memorandum of decision, or findings of fact and conclusions thereon relating to an issue raised on appeal, including a typed version of any pertinent handwritten or oral endorsement, notation, findings, or order made by the lower court);

**(C)** copies of constitutional provisions, statutes, rules, regulations, or relevant parts thereof, as in effect at the relevant time, consideration of which is required for determination of the issues presented;

**(D)** a copy of any unpublished decision cited in the brief; and

**(E)** in a case where geographical facts are of importance, unless appropriate plans are reproduced in the printed record or record appendix, an outline plan (preferably based on exhibits in evidence). This outline plan should be suitable for reproduction on 1 page of the printed law reports.

**(14) Certificate of Compliance.** The certification required by Rule 16(k) shall be contained within the brief.

**(15) Certificate of Service.** The certificate of service required by Rule 13(e) shall be contained within the brief.

**(b) Brief of the appellee.** The brief of the appellee shall conform to the requirements of Rule 16(a), except as follows:

...

**(3) Addendum.** The addendum shall include copies of items required by Rule 16 (a) (13) insofar as pertinent to the issues argued by the appellee, even if included in the addendum of the appellant.

...

**(c) Appellant's reply brief.** The appellant may file a reply brief responding to the appellee's argument. No new issues shall be raised in the reply brief. No further briefs may be filed except with leave of the appellate court or a single justice. The reply brief shall comply with the requirements of Rule 16 (a) (1), (3), (4), (9), and (11)-(15).

...

**(e) References in briefs to the record.** Any factual statement in a brief shall be supported by a citation to the volume number(s) and page number(s) at which it appears in an appendix, and if not contained in an appendix, to the volume number(s) and page number(s) at which it appears in the transcript(s) or exhibits volume(s). Only clear abbreviations may be used, for example RAII/55 (meaning Record Appendix volume II at page 55) or TRIII/231-232 (meaning Transcript volume III at pages 231-232). Any record material cited in a brief must be reproduced in an appendix or transcript or exhibit volume. Any record material cited in a brief that is included in the addendum should also include a citation to the addendum. If reference is made to evidence the admissibility of which is in controversy, reference shall be made to the pages of the appendix or of the transcript at which the evidence was identified, offered, and received or rejected.

...

**(k) Required certification; non-complying briefs.** The last page of each brief shall include a certification by the party that the brief complies with the rules of court that pertain to the filing of briefs, including, but not limited to: Rule 16 (a) (13) (addendum); Rule 16 (e) (references to the record); Rule 18 (appendix to the briefs); Rule 20 (form and length of briefs, appendices, and other documents); and Rule 21 (redaction). The certification shall specify how compliance with the applicable length limit of Rule 20 was ascertained, by stating either (1) the name, size, and number of characters per inch of the monospaced font used and the number of non-excluded pages, or (2) the name and size of the proportionally spaced font used, the number of non-excluded words, and the name and version of the word-processing program used. A brief not complying with these rules (including a brief that does not contain a certification) may be struck from the files by the appellate court or a single justice.

## [Proposed amendment to Mass. R. A. P. 16 - redline version]

### **Rule 16: Briefs**

**(a) Brief of the appellant.** The brief of the appellant shall be formatted and paginated as provided in Rule 20 (a) (4), and contain under appropriate headings and in the order here indicated:

...

**(4.1) Table of Appealed Judgments or Orders.** The table of appealed judgments or orders shall list:

(A) any appealed judgment, decree, adjudication, or order (including any written opinion, memorandum of decision, or findings of fact and conclusions thereon relating to an issue raised on appeal, including a typed version of any pertinent handwritten or oral endorsement, notation, findings, or order);

(B) the date of each such document; and

(C) the page of the record appendix on which it begins.

...

**(13) Certificate of Compliance.** The certification required by Rule 16(k) shall be contained within the brief.

**(14) Certificate of Service.** The certificate of service required by Rule 13(e) shall be contained within the brief.

**(1315) Addendum.** An addendum, contained within the brief, shall consist of the following:

**(A)** a table of contents listing each item contained therein and the page on which it begins;

~~**(B)** any appealed judgment or order (including any written opinion, memorandum of decision, or findings of fact and conclusions thereon relating to an issue raised on appeal, including a typed version of any pertinent handwritten or oral endorsement, notation, findings, or order made by the lower court);~~

~~**(C)**~~ copies of constitutional provisions, statutes, rules, regulations, or relevant parts thereof, as in effect at the relevant time, consideration of which is required for determination of the issues presented;

~~**(D)**~~ a copy of any unpublished decision cited in the brief; and

(**ED**) in a case where geographical facts are of importance, unless appropriate plans are reproduced in the printed record or record appendix, an outline plan (preferably based on exhibits in evidence). This outline plan should be suitable for reproduction on 1 page of the printed law reports.

~~(14) Certificate of Compliance. The certification required by Rule 16(k) shall be contained within the brief.~~

~~(15) Certificate of Service. The certificate of service required by Rule 13(e) shall be contained within the brief.~~

**(b) Brief of the appellee.** The brief of the appellee shall conform to the requirements of Rule 16(a), except as follows:

...

**(3) Addendum.** The addendum shall include copies of items required by Rule 16 (a) ~~(13)(15)~~ insofar as pertinent to the issues argued by the appellee, even if included in the addendum of the appellant.

...

**(c) Appellant's reply brief.** The appellant may file a reply brief responding to the appellee's argument. No new issues shall be raised in the reply brief. No further briefs may be filed except with leave of the appellate court or a single justice. The reply brief shall comply with the requirements of Rule 16 (a) (1), (3), (4), (4.1), (9), and (11)-(15).

...

**(e) References in briefs to the record.**

**(1) Factual statements.** Any factual statement in a brief shall be supported by a citation to the volume number(s) and page number(s) at which it appears in an appendix, ~~and if not contained in an appendix, to the volume number(s) and page number(s) at which it appears in the~~ transcript(s), or exhibits volume(s). ~~Only clear abbreviations may be used, for example RAII/55 (meaning Record Appendix volume II at page 55) or TRII/231-232 (meaning Transcript volume III at pages 231-232).~~ Any record material cited in a brief must be reproduced in an appendix, ~~or transcript, or exhibits~~ volume. ~~Any record material cited in a brief that is included in the addendum should also include a citation to the addendum.~~

**(2) Evidentiary issues.** If reference is made to evidence the admissibility of which is in controversy, reference shall be made to the pages of the appendix or of the transcript at which the evidence was identified, offered, and received or rejected.

(3) Citation format. Only clear abbreviations may be used, for example RAI/55 (meaning Record Appendix volume II at page 55) or TRII/231-232 (meaning Transcript volume III at pages 231-232).

...

**(k) Required certification; non-complying briefs.** The last page of each brief shall include a certification by the party that the brief complies with the rules of court that pertain to the filing of briefs, including, but not limited to: Rule 16 (a) (~~1315~~) (addendum); Rule 16 (e) (references to the record); Rule 18 (appendix to the briefs); Rule 20 (form and length of briefs, appendices, and other documents); and Rule 21 (redaction). The certification shall specify how compliance with the applicable length limit of Rule 20 was ascertained, by stating either (1) the name, size, and number of characters per inch of the monospaced font used and the number of non-excluded pages, or (2) the name and size of the proportionally spaced font used, the number of non-excluded words, and the name and version of the word-processing program used. A brief not complying with these rules (including a brief that does not contain a certification) may be struck from the files by the appellate court or a single justice.

## [Proposed amendment to Mass. R. A. P. 16 - clean version]

### **Rule 16: Briefs**

**(a) Brief of the appellant.** The brief of the appellant shall be formatted and paginated as provided in Rule 20 (a) (4), and contain under appropriate headings and in the order here indicated:

...

**(4.1) Table of Appealed Judgments or Orders.** The table of appealed judgments or orders shall list:

(A) any appealed judgment, decree, adjudication, or order (including any written opinion, memorandum of decision, or findings of fact and conclusions thereon relating to an issue raised on appeal, including a typed version of any pertinent handwritten or oral endorsement, notation, findings, or order);

(B) the date of each such document; and

(C) the page of the record appendix on which it begins.

...

**(13) Certificate of Compliance.** The certification required by Rule 16(k) shall be contained within the brief.

**(14) Certificate of Service.** The certificate of service required by Rule 13(e) shall be contained within the brief.

**(15) Addendum.** An addendum, contained within the brief, shall consist of the following:

(A) a table of contents listing each item contained therein and the page on which it begins;

(B) copies of constitutional provisions, statutes, rules, regulations, or relevant parts thereof, as in effect at the relevant time, consideration of which is required for determination of the issues presented;

(C) a copy of any unpublished decision cited in the brief; and

(D) in a case where geographical facts are of importance, unless appropriate plans are reproduced in the printed record or record appendix, an outline plan (preferably based on exhibits in evidence). This outline plan should be suitable for reproduction on 1 page of the printed law reports.

**(b) Brief of the appellee.** The brief of the appellee shall conform to the requirements of Rule 16(a), except as follows:

...

**(3) Addendum.** The addendum shall include copies of items required by Rule 16 (a) (15) insofar as pertinent to the issues argued by the appellee, even if included in the addendum of the appellant.

...

**(c) Appellant's reply brief.** The appellant may file a reply brief responding to the appellee's argument. No new issues shall be raised in the reply brief. No further briefs may be filed except with leave of the appellate court or a single justice. The reply brief shall comply with the requirements of Rule 16 (a) (1), (3), (4), (4.1), (9), and (11)-(15).

...

**(e) References in briefs to the record.**

**(1) Factual statements.** Any factual statement in a brief shall be supported by a citation to the volume number(s) and page number(s) at which it appears in an appendix, transcript, or exhibits volume. Any record material cited in a brief must be reproduced in an appendix, transcript, or exhibits volume.

**(2) Evidentiary issues.** If reference is made to evidence the admissibility of which is in controversy, reference shall be made to the pages of the appendix or of the transcript at which the evidence was identified, offered, and received or rejected.

**(3) Citation format.** Only clear abbreviations may be used, for example RAII/55 (meaning Record Appendix volume II at page 55) or TRIII/231-232 (meaning Transcript volume III at pages 231-232).

...

**(k) Required certification; non-complying briefs.** The last page of each brief shall include a certification by the party that the brief complies with the rules of court that pertain to the filing of briefs, including, but not limited to: Rule 16 (a) (15) (addendum); Rule 16 (e) (references to the record); Rule 18 (appendix to the briefs); Rule 20 (form and length of briefs, appendices, and other documents); and Rule 21 (redaction). The certification shall specify how compliance with the applicable length limit of Rule 20 was ascertained, by stating either (1) the name, size, and number of characters per inch of the monospaced font used and the number of non-excluded pages, or (2) the name and size of the proportionally spaced font used, the number of non-excluded words, and the name and version of the word-processing program used. A brief not complying with these rules (including a brief that does not contain a certification) may be struck from the files by the appellate court or a single justice.

## **DRAFT Reporter's Notes—2025**

Rule 16 has been amended to simplify the requirements pertaining to the addenda to parties' briefs. The prior version of the rule required each party to include in its addendum a copy of the appealed judgment or order, including any written opinion, memorandum of decision, or judge's findings of fact and conclusions, relating to the issues on appeal. When referring in its brief to items included in both the record appendix and an addendum, the party was required to cite both sources. Moreover, under Rule 20 (a) (4) (A), the pages of the main body of the brief and the addendum were to be numbered consecutively. The combination of these requirements posed logistical problems when preparing briefs and addenda.

As amended, Rule 16 (a) no longer requires copies of the appealed judgments or orders (along with supporting materials) to be included in addenda to the briefs. These items need to be included only in the record appendix, per Rule 18 (a) (1) (A) (v) (c)-(d), and parties need only cite to the record appendix. Simultaneously with this amendment, Rule 20 (a) (4) (A) has been amended to dispense with the consecutive pagination requirement mentioned above.

A new Rule 16 (a) (4.1) has been inserted. This rule requires, in lieu of including the appealed judgments or orders in its addendum, that each party must now include in its brief a table listing the appealed judgments or orders and specifying where in the record appendix they can be found. This will enable the reader to locate the items in the appendix quickly and easily.

The addendum requirement has been moved to the end of Rule 16 (a), now appearing as Rule 16 (a) (15). The certificate of compliance and certificate of service requirements now appear at Rule 16(a)(13) and Rule 16(a)(14). These requirements were reordered in response to practical concerns about pagination. Cross-references in Rule 16 (b)(3), (c), and (k) have been changed accordingly.

Further, Rule 16 (e), governing references in the briefs to the record, has been broken into three subparts for ease of reading and use. The substantive content of the rule remains essentially the same.

## **[Current text of Mass. R. A. P. 20]**

### **Rule 20: Form and length of briefs, appendices, and other documents.**

**(a) Form and length of briefs, appendices, and applications for and responses to direct and further appellate review.**

...

**(4) Format and pagination of text.** The following rules shall govern the format of text on the pages of all briefs and applications for and responses to direct or further appellate review:

**(A)** If a monospaced font is used, the top and bottom margins shall be at least 1 inch. The left and right margins shall be at least 1.5 inches. If a proportionally spaced font is used, the top, bottom, left, and right margins shall be at least 1 inch. Page numbers shall appear in the margin with the cover paginated as page 1 pursuant to Rule 20 (a) (6) (B) (vii) and pages thereafter numbered consecutively through the last page.

...

## **[Proposed amendment to Mass. R. A. P. 20 - redline version]**

### **Rule 20: Form and length of briefs, appendices, and other documents.**

**(a) Form and length of briefs, appendices, and applications for and responses to direct and further appellate review.**

...

**(4) Format and pagination of text.** The following rules shall govern the format of text on the pages of all briefs and applications for and responses to direct or further appellate review:

**(A)** If a monospaced font is used, the top and bottom margins shall be at least 1 inch. The left and right margins shall be at least 1.5 inches. If a proportionally spaced font is used, the top, bottom, left, and right margins shall be at least 1 inch. Page numbers shall appear in the margin with the cover paginated as page 1 pursuant to Rule 20 (a) (6) (B) (vii) and pages thereafter numbered consecutively through the last page, except that the pagination of the addendum need not be consecutive with that of the brief including any addendum.

...

## **[Proposed amendment to Mass. R. A. P. 20 - clean version]**

### **Rule 20: Form and length of briefs, appendices, and other documents.**

**(a) Form and length of briefs, appendices, and applications for and responses to direct and further appellate review.**

...

**(4) Format and pagination of text.** The following rules shall govern the format of text on the pages of all briefs and applications for and responses to direct or further appellate review:

**(A)** If a monospaced font is used, the top and bottom margins shall be at least 1 inch. The left and right margins shall be at least 1.5 inches. If a proportionally spaced font is used, the top, bottom, left, and right margins shall be at least 1 inch. Page numbers shall appear in the margin with the cover paginated as page 1 pursuant to Rule 20 (a) (6) (B) (vii) and pages thereafter numbered consecutively through the last page, except that the pagination of the addendum need not be consecutive with that of the brief.

...

### **DRAFT Reporter's Notes—2025**

Rule 20 (a) (4) (A) has been amended to eliminate the requirement for consecutive pagination of the brief and the addendum. The addendum must still be paginated, but it may now be paginated separately.