

**Section 3.51 Content and Form of Briefs on Appeal** (redline)

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**(a) Briefs on Appeal.**

(1) **Content.** The ~~briefs~~brief on appeal shall contain:

- (i) A short statement of the case.
- (ii) A summary of the basic position of the party filing.
- (iii) The grounds upon which the appeal rests.
- (iv) The argument in support of the appeal with ~~appropriate references to the record and legal authorities~~citations to supporting legal authorities and with specific references to the pages of the record or exhibits where supporting evidence appears, using the Bates numbers when applicable.
- (v) ~~If there is no record support for an argument, this should be identified accordingly. If the brief argues for a good faith modification or change in the existing law or usual disciplinary sanction, this position should be clearly stated.~~

(2) ~~There~~**Proposed Findings and Conclusions.** The brief may also ~~be included~~include specific findings and conclusions proposed in lieu of those from which the appeal is being taken and any proposed additional findings and conclusions.

~~(3) Appeal~~**(3) Appeals from Dispositions.** An appeal from a recommended disposition shall specify the portions thereof from which the appeal is being taken, and may set forth a disposition suggested in lieu of that recommended by the hearing committee, hearing panel, or special hearing officer.

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**(b) Briefs Opposing Appeals.** Briefs opposing appeals shall generally follow the same style prescribed for briefs on appeal, but may omit a statement of the case so far as it is correctly stated in the brief on appeal.

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**(c) Format and Number of Briefs.**

(1) ~~The brief is limited to 30 pages, double-spaced, minimum twelve-point font, with one-inch (1") margins all around. A longer brief may only be filed with leave of the Board Chair or the Chair's designee.~~

(2) ~~The brief should not be stapled or bound, as it will be scanned; a binder clip is sufficient.~~

(3) ~~One original of each brief shall be filed with the Board and a copy served on the opposing party. Briefs shall be stapled, not bound. The brief may be filed with the Board electronically, with one hard copy.~~

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#### Section 4.1 Resignation by Lawyers under Disciplinary Investigation (redline)

A lawyer who wishes to resign in accordance with Supreme Judicial Court Rule 4:01, Section 15, ~~shall~~may reach an agreement with Bar Counsel on the language of an affidavit of resignation, which shall be filed with the Board along with a recommendation from Bar Counsel (including information sufficient to explain the recommendation) as to whether the facts admitted would typically result in disbarment or if they would typically result in a lesser public sanction. In the alternative, a lawyer may file a request for resignation and an affidavit with the Board. ~~The Board shall and serve the request and affidavit~~them on Bar Counsel, who shall within ~~seven~~14 days, or such further time as may be allowed by a Board ~~member~~Member, file ~~with the Board a statement containing Bar Counsel's recommendation and the reasons therefor, such statement to be served upon the Respondent.~~a response.

The Board may order any hearing or investigation it deems appropriate., or may order the parties to provide further explanation. Upon reaching its determination, the Board shall file its recommendation and the entire record of any hearing ~~held with the Court.~~with the Court. The Board may recommend that the Court reject the affidavit of resignation as submitted, accept the resignation and disbar the resigning attorney, or accept the resignation as a disciplinary sanction. If the Court accepts the resignation, reinstatement after resignation will be handled by the board in accordance with S.J.C. Rule 4:01, Sections 15 and 18.

redline BBO rules section 5.5

**Section 5.5 The Executive Director~~Administrator~~**

The Board shall appoint an Executive Director~~Administrator~~ who shall perform the duties assigned by the Board and imposed by these Rules.