

SAMPLE INFORMAL BRIEF REJECTION CHECKLIST

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The informal brief and/or record appendix submitted to the Appeals Court has not been accepted for filing. The informal brief and/or record appendix submitted does not conform to the Informal Brief Guidance for the reasons itemized below. Please compare the following number(s) to the matching number on the list for a description of the necessary correction(s): [**insert numbers here**]. For additional information, please review the referenced provision(s) of the [Informal Brief Guidance \("IBG"\)](#)¹ or the [Massachusetts Rules of Appellate Procedure \("Rule"\)](#).²

1. An attorney is not eligible to file an informal brief.
2. Brief and/or appendix was due on [date] but was filed late. Filer must serve and file a motion to extend the due date to file brief (and appendix) until a specific date. [Rule 19 \(a\)-\(b\)](#); [IBG \(e\)](#).

Brief.

3. Brief is not typewritten. [Rule 20 \(a\) \(4\)](#); [IBG \(c\) \(5\)](#).
4. Brief is not double spaced. [Rule 20 \(a\) \(4\) \(C\)](#); [IBG \(c\) \(5\)](#).
5. Brief's margins must be at least 1.0 inch on top, bottom, left, and right. [Rule 20 \(a\) \(4\) \(A\)](#).
6. A monospaced font (e.g., Courier New) must be used and must be 12 point or larger and not exceed 10.5 characters per inch. [IBG \(c\) \(5\)](#).
7. Brief exceeds the length limit (maximum of 30 pages of double-spaced text for an appellant's brief, maximum of 30 pages of double-spaced text for an appellee's brief, or 15 pages of double-spaced text for a reply brief). [IBG \(c\) \(5\)](#).
8. Brief must begin with its cover (first page) numbered as "1". [IBG \(c\) \(5\)](#). All subsequent pages shall be numbered consecutively. [IBG \(c\) \(5\)](#).
9. Brief does not contain an "Issues on Appeal" section. [Rule 16 \(a\) \(5\)](#).
10. Brief does not contain a "Case History" section with page references to the appendix or transcript. [Rule \(a\) \(6\) & Rule 16 \(e\)](#).
11. Brief does not contain a "Statement of the Facts" section with page references to the appendix or transcript. [Rule 16 \(a\) \(7\) & Rule 16 \(e\)](#); [IBG \(c\) \(2\)](#).
12. Brief does not contain an "Argument" section with citations to legal authorities (for example, cases, statutes, regulations, or other legal authorities). [Rule 16 \(a\) \(9\) \(A\)](#); [IBG \(c\) \(3\)](#).
13. Brief does not contain a certificate of service. [Rule 13 \(e\) \(1\) & Rule 16 \(a\) \(15\)](#); [IBG \(f\)](#).
14. Certificate of service is incomplete. [Rule 13 \(e\) \(1\) & Rule 16 \(a\) \(15\)](#); [IBG \(f\)](#).

Record Appendix.

15. Appellant did not file a record appendix. [Rule 18 \(a\)](#); [IBG \(d\) \(1\)](#). The Appeals Court does not have to consider arguments that rely on materials not included in the record appendix or transcript(s). [IBG \(d\) \(1\)](#).
16. The appendix must have page numbers. Each appendix volume must begin with the cover (first page) numbered as "1" and all subsequent pages, including the table of contents, numbered consecutively. [Rule 20 \(a\) \(5\)](#); [IBG \(d\) \(2\)](#).

¹ <https://www.mass.gov/info-details/appeals-court-informal-brief-pilot-program#:~:text=An%20informal%20brief%20may%20not,text%20for%20a%20reply%20brief>

² <https://www.mass.gov/law-library/massachusetts-rules-of-appellate-procedure>

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17. For appendices that have multiple volumes, each volume must be designated by a roman numeral on the cover (e.g., Volume I of II) and each volume shall be separately paginated beginning with the cover as page "1". [Rule 20 \(a\) \(5\) \(A\)-\(B\)](#). All subsequent pages must be numbered consecutively, including the table of contents. [Rule 20 \(a\) \(5\) \(A\)](#). Do not continue page numbers across multiple volumes.
18. Appendix is missing a complete table of contents that lists each document in the record appendix by title and the page at which it begins. [Rule 18 \(a\) \(1\) \(C\)](#); [IBG \(d\) \(2\)](#).
19. Appendix does not contain a copy of relevant lower court records, such as: the trial court docket sheet; the order(s), judgment(s), or ruling(s) of the judge or agency that are being challenged, including any findings of fact or memorandum of decision issued by the judge or agency, or a jury's verdict slip(s); or copies of referenced exhibits filed in the lower court. [Rule 18 \(a\) \(1\) \(A\)](#); [IBG \(d\) \(1\)](#).
20. Appendix must be filed as a separate document/PDF from the brief. [Rule 18 \(a\)](#); [IBG \(d\) \(2\)](#).
21. Appendix appears to be missing pages.
22. Appendix contains illegible pages or pages scanned at an angle.
23. Blank pages should be removed, marked as "intentionally left blank," or marked with an "X".
24. Colored documents, such as photographs, should be reproduced in color and included in the record appendix. [Rule 18 \(a\) \(1\) \(F\)](#).
25. Appendix appears to contain documents that were not part of the lower court record. Filer must remove the documents or serve and file a motion to expand the record on appeal.

Impoundment and Personal Identifying Information.

26. Failed to redact personal identifying information (e.g., social security numbers). [Rule 21](#); [S.J.C. Rule 1:24 \(2016\)](#); [IBG \(d\) \(4\)](#).
27. Brief or appendix improperly designated as impounded using the efilema.com security setting. [Mass. R. E. F. 11 \(c\)](#); [M. A. C. Rule 13.0 \(e\) \(3\)](#).
28. Brief or appendix improperly designated as impounded or designated as impounded without providing a copy of a lower court order of impoundment or confidentiality. [Rule 18 \(a\) \(1\) \(A\) \(iv\)](#).
29. Impounded or confidential material was not contained in a separate appendix volume with a cover stating that the volume "contains impounded material." [Rule 18 \(d\)](#); [IBG \(d\) \(4\)](#).
30. Impounded or confidential material is contained in the brief or appendix in a manner does not comply with the Informal Brief Guidance. [Rule 16 \(d\), \(m\)](#) & [Rule 18 \(d\)](#); [IBG \(d\) \(4\)](#).

Next Steps.

The Appeals Court is granting you until **[date]** to make the necessary corrections and to serve and file the corrected brief and/or appendix. On or before this date, you may also serve and file a motion for leave to file a nonconforming brief and/or appendix to explain why the Appeals Court should accept your brief and/or appendix as submitted without additional corrections.

Very truly yours,

The Appeals Court Clerk's Office