

# SUPREME JUDICIAL COURT

## ELECTRONIC FILING CHECKLIST

See also: [SJC Rule 1:25, "Massachusetts Rules of Electronic Filing"](#) (Mass.R.E.F.)

This guide reflects the amendments to the Massachusetts Rules of Appellate Procedure (Mass.R.A.P.), effective as of Mar. 1, 2019.

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### 1. BRIEF COVER

*See* Mass. R.A.P. 20(a)(6).

- Name of the court and number of the case; title of the case; nature of the proceeding in the appellate court (e.g., Appeal; Application for Review) and the name of the lower court.
- Title of Document (e.g., Brief for Appellant, Appendix).
- Name, BBO number(s) if any, mailing address and email address, and telephone number of the person(s) filing the document, and, if any individual counsel is affiliated with a firm or office, the office name.
- The cover should be marked as page one.** All subsequent pages within the PDF should be numbered consecutively, including the table of contents, table of authorities, and addendum.
- If applicable, indication that impounded material is included in the brief, as required by Mass. R.A.P. 16(m).
- Although color covers are required for paper briefs, a color cover is not required for any electronically filed brief.

### 2. FORMAT

*See* Mass. R.A.P. 16, 20(a), Mass.R.E.F. 9, 10.

- All text, including footnotes, must use either a monospaced font (e.g. Courier New) size 12 or larger (not exceeding 10.5 characters per inch), or a proportionally spaced font (e.g. Times New Roman) size 14 or larger.
- Text must be double-spaced; argument headings, footnotes, and indented quotations may be single-spaced.
- If a monospaced font is used, margins on the left and right must be at least 1.5 inches, and margins on the top and bottom must be at least 1 inch. If a proportionally spaced font is used, margins must be at least 1 inch all around.
- Principal briefs may not contain more than either 50 pages in a monospaced font, or 11,000 words in a proportionally spaced font.
- Reply briefs may not contain more than either 20 pages in a monospaced font, or 4,500 words in a proportionally spaced font.
- Amicus curiae briefs may not contain more than either 35 pages in a monospaced font, or 7,500 words in a proportionally spaced font.

- Briefs in cases involving cross appeals must conform to the length limits set forth in Mass.R.A.P. 20(a)(3):
  - Appellant's principal brief: 50 pages in a monospaced font, or 11,000 words in a proportionally spaced font.
  - Appellee's principal and response brief: 60 pages in a monospaced font, or 13,000 words in a proportionally spaced font.
  - Appellant's response and reply brief: 50 pages in a monospaced font, or 11,000 words in a proportionally spaced font.
  - Appellee's reply brief: 20 pages in a monospaced font, or 4,500 words in a proportionally spaced font.
  - Amicus briefs: 35 pages in a monospaced font, or 7,500 words in a proportionally spaced font.
- Only the statement of issues, statement of case, statement of facts, summary of argument, argument, request for attorney's fees and costs, and conclusion count towards the brief length limits. Headings, footnotes, and quotations in those sections count towards the brief length limits.
- PDFs must be text searchable, preferably as an electronically converted PDF instead of a scanned PDF.
- PDFs larger than 25MB cannot be uploaded. Oversized PDFs may be uploaded in multiple volumes.

### 3. CONTENTS

*See* Mass. R.A.P. 16, SJC Rule 1:21.

- Corporate Disclosure Statement on possible judicial conflict of interest. (Even if already filed, the party's principal brief must include the statement before the table of contents.)
- Table of Contents listing sections of the brief, headings and subheadings of sections, and page numbers.
- Table of Authorities with page references arranged either alphabetically or numerically, as applicable.
- Statement of Issues concisely and particularly describing each issue presented for review.
- Statement of the Case describing the nature of the appeal and procedural history, including lower court disposition, with page references to the record appendix or transcript according to Mass.R.A.P. 16(e).
- Statement of Facts with references to the record appendix or transcript according to Mass.R.A.P. 16(e).
- Summary of the Argument with page references to the argument section (only if the argument section exceeds 20 pages in a monospaced font or 4,500 words in a proportionally spaced font).
- Argument section with contentions supported by legal authority and references to the record, and a statement of the applicable standard of review for each issue.
- Request for attorney's fees and costs with appropriate citation.
- Conclusion containing a concise statement of the relief requested from the court.

- Signature block containing the printed name and signature, BBO number(s) if any, mailing address and email address, and telephone number of the person(s) filing the document; if any individual counsel is affiliated with a firm or office, the office name; and the date of signing.
- An addendum contained within the same PDF as the brief, consisting of the elements required by Mass.R.A.P. 16(a)(13).
- Citations to Massachusetts decisions, statutes, and regulations shall be made only to the official report or publication.
- A certificate stating compliance with the rules of court pertaining to filing of briefs; compliance with Mass.R.A.P. 20's length limit may be met by stating either:
  - (1) for monospaced fonts, the font's name, size, and number of characters per inch, as well as the number of non-excluded pages, or
  - (2) for proportionally spaced fonts, the font's name and size, the number of non-excluded words, and the name and version of the word-processing program used.
- A certificate of service required by Mass.R.A.P. 13(e) must be at the end of every brief.
- Appellee briefs must conform to the appellant brief requirements in Mass.R.A.P. 16(a), except as stated in Mass.R.A.P. 16(b):
  - (1) The statements of the issues, case, facts, and standard of review may be omitted if appellee is satisfied with the appellant's statements.
  - (2) The addendum must include all items required by Mass.R.A.P. 16(a)(13), even if the appellant's brief already includes them.

#### **4. FILING & SERVICE**

*See* Mass. R.A.P. 13, 19; Mass.R.E.F. 4.

- Appellant's brief is due 40 days after the appeal is docketed in the SJC; appellee's brief is due 30 days after service of Appellant's brief (or, if multiple appellants, after service of the last appellant brief); reply briefs are due either 14 days after service of Appellee's brief or 7 days before argument, whichever is earlier.
- Certificate of service stating the name of the court; the number and title of the case, the title of the brief, the party on whose behalf service was made, the printed name and signature, BBO number, mailing and email addresses, and telephone number of the person who made service; if affiliated with a firm or office, the office name; and the name, mailing address, and the email address of the person served, and the date and manner of service. The certificate of service must be included in the same PDF as the brief.
- The PDF must be submitted through the e-filing system by 11:59 p.m. on the date it is due.
- CALCULATION OF TIME FOR FILING:**

The appellee's brief is due 30 days after service of the appellant's brief, and a reply brief is due 14 days after service of the appellee's brief - M.R.A.P 19(a).

If the brief is served by mail or electronic service, 3 days are added to the due date of the responsive brief - M.R.A.P. 14(c) and Mass.R.E.F. 7(e).

If the due date for a brief falls on a Saturday, Sunday, or legal holiday, the brief will be due on the next business day - M.R.A.P. 14(a).

For purposes of determining due date, service is complete the date the opposing party mails the brief - M.R.A.P. 13(c).

## 5. RECORD APPENDIX

See Mass.R.A.P. 18(a), 20(a); Mass.R.E.F. 10.

- The record appendix cannot be in the same PDF as the brief. It must be saved and filed as a separate PDF. Note: the lower court does not ordinarily transmit the entire record to the appellate court; the record appendix must include the items specified in Mass.R.A.P. 18(a).
- A cover that conforms substantially to Mass.R.A.P. 20(a)(5)(A), (a)(6).
- A table of contents, listing the parts of the record reproduced therein, a detailed listing of exhibits, affidavits, and other documents, with page references.
- The docket entries in the lower court proceedings.
- Any order of impoundment or confidentiality from the lower court.
- In chronological order of filing: any parts of the record relied upon in the brief, and, for a criminal case, a copy of the complaint or indictment; any document filed in the case relating to an issue on appeal; any findings, decisions, or orders made by the lower court relating to an issue on appeal; the judgment; and the notice(s) of appeal.
- The cover should be marked as page one. All subsequent pages within the PDF should be numbered consecutively.
- For multivolume record appendices, each volume of the appendix shall be designated by a roman numeral on the cover and separately paginated, beginning at page one.
- Each PDF may not be more than 25MB. Larger PDFs must be broken into separate volumes, each volume must begin on page one, include a table of contents, and a volume designation (e.g. Volume I of III).

## 6. AMICUS BRIEFS

See Mass.R.A.P. 17; SJC Rule 1:21.

- Amicus briefs are due 21 days before the date of oral argument for that case.
- Briefs must comply with the format and content requirements of Mass.R.A.P. 16, 20 - including the table of contents, table of authorities, summary of the argument (if applicable), argument section, signature block, certificate of compliance, and certificate of service.
- If the amicus is a corporation, a disclosure statement like that required in SJC Rule 1:21.
- A concise statement of the identity and interest of the amicus.
- A declaration indicating whether:

A party or a party's counsel contributed to the brief (in whole or in part) or contributed money intended to fund preparation or submission of the brief;

A person or entity (other than the amicus curiae, its members, or its counsel) contributed money intended to fund preparation or submission of the brief, and if so, their identities;

The amicus curiae or its counsel "represents or has represented one of the parties to the present appeal in another proceeding involving similar issues, or was a party or represented a

party in a proceeding or legal transaction that is at issue in the present appeal,” and if so, identifying the proceeding, its relevance, and the parties involved. (Only issues explicitly raised on appeal need be considered.)

The Commonwealth and its officer or agency is exempt from this requirement.

- In all cases, including cross-appeals, amicus curiae briefs may not contain more than either 35 pages in a monospaced font, or 7,500 words in a proportionally spaced font.