

The Review



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WELCOME, JUSTICE JENNIFER M. ALLEN!



The Appeals Court welcomes our newest associate justice, **Justice Jennifer M. Allen**. Prior to joining the Appeals Court, Justice Allen served on the bench of the Probate and Family Court

since 2019. She practiced law for 25 years, focused on divorce and parentage actions, alimony and all financial aspects of support, guardianship matters, and mediation. Justice Allen also frequently served as a special master and guardian ad litem.

In addition to her legal practice, she supported her firm, Catanzaro and Allen, in commercial and residential real estate transactions, land use planning, estate matters, and civil litigation. Throughout her career, Justice Allen was dedicated to providing *pro bono* representation and served on the Board of Directors of MetroWest Legal Services. She is a member and previous board member of the Massachusetts Probate and Family Inn of Court and currently serves on the Supreme Judicial Court's Subcommittee on Judicial Wellbeing.

Justice Allen was appointed to the Massachusetts Appeals Court by Governor Maura Healey, who administered Justice Allen's oath of office on July 28, 2025. Her first panel sitting was on August 12, 2025. To view Chief Justice Blake's welcoming remarks at the session, please [click here](#).

RETIREMENT OF JUSTICE JOHN C. ENGLANDER



Justice John C. Englander has announced his retirement, effective later this fall. He joined the Appeals Court on December 6, 2017, following a distinguished legal career spanning private practice and public service. After clerking for the Honorable Bailey Aldrich of the U.S. Court of Appeals for the First Circuit and Justice William H. Rehnquist of the U.S. Supreme Court, he spent over 30 years at Goodwin Procter as a trial lawyer, partner, and co-chair of the trial department, earning national recognition as one of Massachusetts' leading litigators. In 2015, he left private practice to serve as General Counsel for the Massachusetts Department of Transportation and the MBTA.

The Appeals Court's tradition is to recognize a retiring justice at their final panel sitting. **Justices Eric Neyman** and **Joseph M. Dittkoff** shared remarks at Justice Englander's final sitting in September 2025, praising his extraordinary intellect, deep understanding of legal principles, and commitment to thoughtful jurisprudence. Colleagues noted his habit of asking not just *what* the law is, but *why* it is that way, insights that often shaped the Court's understanding about where the law should be going and how it should be applied.

Justice Englander brought a remarkable combination of analytical rigor, mentorship, and collegiality, guiding law clerks, staff, and fellow justices alike. His dedication extended beyond his own opinions, contributing to panels and initiatives that enriched the Court's work and service to the Commonwealth.

Justice Englander's legacy is marked not only by his legal acumen but also by his generosity, friendship, and commitment to public service. To view his final sitting and colleagues' remarks, please [click here](#).

ALL R.I.S.E. COMMITTEE AND STAFF RECOGNITION AWARDS

During FY25, the Appeals Court proudly launched All R.I.S.E. (Recognition, Inspiration, Support & Education), a committee dedicated to the professional development and recognition of non-judge employees. Its mission is to strengthen the Court community through four pillars:

1. Recognition: Highlighting outstanding staff contributions.
2. Inspiration: Encouraging engagement and motivation.
3. Support: Providing resources to enhance well-being and collaboration.
4. Education: Offering professional development programs and training.

Upcoming initiatives include educational talks with judges, staff, and authors; skill-building workshops; cross-departmental gatherings; and an annual employee excellence awards program. All R.I.S.E. celebrates achievements, fosters professional growth, and strengthens relationships across the Appeals Court, supporting its ongoing commitment to excellence in service to the Commonwealth.

All employees, including judges and staff, were invited to nominate colleagues for six award categories, ranging from Excellence in Service and Innovation to Collaboration, Mentorship, and All-Star recognition. The program also honors emerging talent through the R.I.S.E.-ing Star Award for employees with three or fewer years of service.

Chief Justice Blake, speaking on behalf of the All R.I.S.E. committee, presented the awards. She described the program as "an exciting milestone" and praised the "incredible work taking place across our Court." She highlighted the enthusiastic response to the request for nominations and noted that while self-nominations were welcome, every submission recognized a colleague, which "speaks volumes about the culture we're building—one grounded in mutual respect, support, and appreciation." Acknowledging the challenge of selecting recipients from such an outstanding pool, she emphasized it reflects "just how much talent and commitment exists within our team" and affirmed the Court's excitement to continue the program in the years ahead.

The All R.I.S.E. awards showcase the Appeals Court's commitment to celebrating excellence, fostering professional development, and cultivating a collaborative and supportive workplace that strengthens the Court. The inaugural recipients are:

Recognition Award for Excellence in Service: **Anthony Duarte**, Lead Appeals Administrator, for outstanding service to the public, colleagues, and the bar.

All Star Award: **Gina Demetrio**, Judicial Secretary, for consistently demonstrating excellence, dedication, and a positive impact on the Court community.

Education Award for Excellence in Training, Mentorship, and Leadership: **Patricia**

Malone, Assistant Clerk, for exemplary guidance and mentorship to colleagues.

R.I.S.E.-ing Star Award:

Jeannette Corbin-O'Leary, Judicial Secretary,
Katherine Irizarry, Appellate Assignments Administrator, and
Rachel Taylor, Research Attorney,
for exceptional contributions by employees with three or fewer years of service.

Support Award for Excellence in Collaboration and Teamwork **Tom Carter**,
Administrative Attorney for Systems, Technology & Education, for effective partnership on
complex projects.

Inspiration Award for Excellence in Innovation:

The Case Management System Modernization Team, for exceptional creativity
improving Court operations.



Anthony Duarte



Gina Demetrio



Patricia Malone



Jeannette Corbin-O'Leary



Katherine Irizarry



Rachel Taylor



Tom Carter



**The Case Management System Modernization
Team**

MARTHA SIMMONS, SENIOR STAFF ATTORNEY



The Appeals Court's longest-serving staff member, Staff Attorney extraordinaire and editor **Martha Simmons**, retired in August after more than 32 years of dedicated service. Martha began her career at the Court as a law clerk for Justice Benjamin Kaplan and, after a period in private practice, returned as a staff attorney. She initially screened civil cases before excelling in her role as editor, where her meticulous eye and thoughtful guidance improved thousands of decisions.

Generous with her time and expertise, Martha was a trusted resource for justices and colleagues alike, always offering guidance with patience, humility, and a dash of good humor. Known for her quiet diligence, her kindness, and her unparalleled knowledge, Martha shaped the work of countless staff attorneys and set a standard of excellence that will endure. While her presence will be deeply missed, the Appeals Court celebrates her remarkable career and wishes her a long, happy retirement filled with all that she loves most.

WELCOME TO OUR NEW EMPLOYEES!



Sergio Barbosa



Carson Guzy

The Appeals Court welcomed **Sergio Barbosa** and **Carson Guzy** to the Clerk's office staff. Sergio joins the Court after working at the Boston Municipal Court - West Roxbury. Carson joins from Boston Municipal Court - Central. Sergio and Carson are Appeals Administrators and will perform a variety of functions related to the docketing of new appeals and the support of existing appeals in the Appeals Court's single justice and panel sessions, including direct assistance of the public. Please join us in welcoming Sergio and Carson!

THE NEW CLASS OF LAW CLERKS



The Appeals Court is delighted to welcome its 2025-2026 class of law clerks! Law clerks serve a one-year term, supporting their assigned Justice through a range of important responsibilities, including reviewing briefs and appendices to prepare for oral arguments, drafting legal memoranda, and assisting with research and the preparation of judicial decisions in both civil and criminal appeals.

This year's class of twenty-seven law clerks is comprised of exceptional recent graduates from eleven law schools who distinguished themselves academically and have shown a strong commitment to public service. Through this intensive year of legal research and writing, the Appeals Court continues its tradition of investing in the Commonwealth's future appellate practitioners and leaders of the Massachusetts bar.

Please join us in welcoming **Mike Brune, Adi Caplan-Bricker, Marco Cobian, Billy Czerwinski, Henry Dowd, Libby Foley, Rachel Freeman-Cook, Eliza Hatch, Terry Howard, Hailey Jenkins, Laura Kern, Katie Lee, Jacob Lenson, Matt Liber, Victor Liu, Kristina Major, Josh Martinez, Eliza McNay, Adam Miller, Colleen Moore, Matt Nadeau, John Nolan, Chris Pappavaselio, Neva Payson, Ellie Schaeffer, Elisabeth Stankevitz, and Hannah Stommel.**

JUDICIAL INTERNS



The Appeals Court has welcomed several law students as judicial interns for the spring semester. The interns include:

Evan Barth, Western New England University School of Law, intern to Justice Smyth;

Bailey Cook, New England Law | Boston, intern to Chief Justice Blake;
Emma Fraser, Northeastern University School of Law, intern to Justice Wood;
Meredith Garrity, Suffolk University Law School, intern to Justice Henry;
Solomon Hayes, Boston University School of Law, intern to Justice Smyth;
Elsa Schieffelin, Northeastern University School of Law, intern to Justice Ditkoff;
Jennifer Siegel, Northeastern University School of Law, intern to Justice Walsh; and
Tony Villa, Suffolk University Law School, intern to Justice Henry.

JUDICIAL ENGAGEMENT

After oral arguments in July, **Justices Joseph M. Ditkoff, Kathryn E. Hand, and Marguerite T. Grant** met with observing interns from the Appeals Court, CPCS, a District Attorney's office, and the Essex County Register of Deeds to discuss the Appeals Court, lawyering, and appellate practice. Following their second July sitting, the justices also spoke with attending interns from the Appeals Court, the law firm D'Ambrosio LLP, and several State administrative agencies.



Chief Justice Blake and **Maggi Farrell, Administrative Attorney and Law Clerk Manager** spoke on a clerkship panel at the John Joseph Moakley United States Courthouse for summer interns at the Federal courts.

Justice Vickie L. Henry conducted a deposition workshop for Appeals Court law clerks and interns.

Justice Robert E. Toone, Jr. (pictured below) and **SJC Justice Elizabeth N. Dewar** (seated at right) held a "brief writing" workshop for Appeals Court and SJC law clerks and interns.



Justice Kenneth V. Desmond, Jr. (pictured below) connected with fifty-eight eager freshmen from his alma mater, Tufts University, during an engaging courthouse tour led by Wendy Lement, Director of Education and Public Programs at the Supreme Judicial Court.



PUBLICATION

Staff Attorney **Monica DeLateur** co-authored an article, *"The State of Appeals Following the Supreme Court's Recognition of a Meaningful Opportunity for Juvenile Lifers: The Case of Massachusetts,"* in the Practising Law Institute's Current, an online journal. [Click here](#) to view the article in Practising Law Institute's Current, an online journal.

CONTINUING LEGAL EDUCATION PROGRAMS

Appeals Court justices and staff are speaking at the following seminars:

Social Law Library:

- **Hon. Robert E. Toone, Jr.**, panelist, Administrative Agency Action and Judicial Review: Practice Pointers and Recent Developments, September 18, 2025
- **Hon. Marguerite T. Grant**, panelist, Guns and Gangs: Prior Bad Act Evidence and Proving Lack of Licensure; Recent Developments in the Law of Evidence, September 29, 2025
- **Hon. Joseph M. Dittkoff**, panelist, Preserving the Record for Appeal (part 1), November 6, 2025
- **Hon. Robert E. Toone, Jr.**, panelist, Prisoner Law: What Practitioners Need to Know, November 18, 2025
- **Monica DeLateur** and **Lindsay Holmes**, Staff Attorneys, panelists, Preserving the Record for Appeal (part 2), November 19, 2025

Massachusetts Continuing Legal Education:

- Annual Appellate Practice Conference, December 11, 2025, including:
Chief Justice Amy Lyn Blake; **Associate Justices Kathryn E. Hand**, **Gregory I. Massing**, **Peter Sacks**, **Gloria Y. Tan**, **Chauncey B. Wood**; and **Clerk Paul Tuttle**.

"APPEALS ON WHEELS" ORAL ARGUMENT SESSIONS

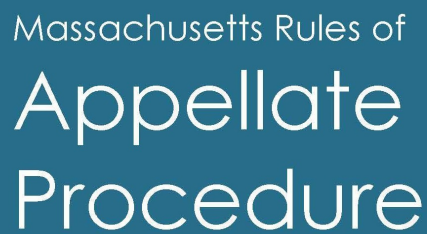
As part of its ongoing efforts to increase public awareness, understanding, and accessibility of the Massachusetts court system, the Appeals Court conducts off-site sittings of three-justice panels hearing oral arguments in civil and criminal appeals. These sessions, informally known as "Appeals on Wheels" and "Traveling Justice," bring the Court's work beyond the John Adams

Courthouse. The chief justice and associate justices rotate in presiding over these sessions. The Fall 2025 sessions include:

- Wednesday, October 8, 9:30 AM: Western New England University School of Law (Springfield), **Justices William J. Meade, Eric Neyman, and Maureen E. Walsh.**
- Thursday, November 6, 9:30 AM: Massachusetts School of Law (Andover), **Chief Justice Amy Lyn Blake, and Justices Eric Neyman and Marguerite T. Grant.**
- Thursday, November 13, 9:30 AM: University of Massachusetts (Amherst), **Justices William J. Meade, Joseph M. Dittkoff, and Robert E. Toone, Jr.**

The Appeals Court appreciates all the advocates, Trial Court personnel, and faculty throughout the Commonwealth who support our "Appeals on Wheels" sessions.

AMENDMENTS TO MASS. R.A.P.

The logo consists of a dark blue square with the text "Massachusetts Rules of Appellate Procedure" in white. "Massachusetts Rules of" is in a smaller font, while "Appellate Procedure" is in a larger, bold font.

Massachusetts Rules of Appellate Procedure

The Supreme Judicial Court has approved amendments to the Massachusetts Rules of Appellate Procedure, Rules 4(a) and 9(e), effective October 1, 2025. Under the amended Rule 4(a), a notice of appeal filed before the resolution of timely post-judgment motions now takes effect upon disposition of the last such motion, eliminating the former "trap for the unwary." Rule 9(e)(1)(A)(iii) has been updated to align with this change, guiding trial court clerks in calculating the effective date of notices of appeal for assembling records of cases for appeal. These revisions clarify appellate timing, reduce procedural pitfalls, and ensure consistency across related rules. For more information, please see the link below.

Appeals Court Associate **Justice Peter Sacks** is the chair of the Supreme Judicial Court's Standing Advisory Committee on the Rules of Appellate Procedure, of which **Clerk Paul Tuttle** is a member.

Click here to view the [Amendments to Rules 4 and 9 of the Massachusetts Rules of Appellate Procedure.](#)

STAFF ATTORNEY PERSPECTIVES

by Casey Cash, Staff Attorney



Appellants should assemble a thorough record appendix that includes all materials pertinent to an issue on appeal. See **Mass. R. A. P. 18** as appearing in 481 Mass. 1637 (2019), generally. As our rules note, the lower court does not ordinarily transmit the entire record to the appellate court, so it is crucial for parties to include any materials explicitly specified in the rule or otherwise relevant. For example, where a party's argument touches on facts that were the subject of a motion in limine that was allowed, the docket; the actual motions, opposition, and corresponding memoranda; and the decision and order pertaining to the motion constitute appropriate (and helpful!) items for the record appendix.

Additionally, the Court appreciates the parties' attention to detail in appropriately citing to the record appendix in their briefs. The most persuasive arguments tend to tightly tie to the record. The record citations in a brief should offer to the reader a roadmap, instead of a scavenger hunt. Where, for example, a party's arguments concern facts from a suppression hearing, rather than a later trial, corresponding citations to the suppression hearing streamline the Court's review.

PRACTICE NOTE FROM THE CLERK'S OFFICE

by Paul Tuttle, Clerk

A screenshot of the website ma-appellatecourts.org. The header is blue with the text 'Commonwealth of Massachusetts Appellate Courts'. Below the header is the 'Public Case Search' section, which includes three search input fields: 'Last Name', 'First Name', and 'Docket Number', each with a magnifying glass icon. There is also a 'Court Calendar' dropdown menu. At the bottom, there is a feedback email address: feedback@ma-appellatecourts.org. A small note at the bottom states: 'Additional search options are available via the menu ☰ button in the top-left corner.'

Did you know that most case dockets are readily available online at ma-appellatecourts.org? On this site, you can access the Appeals Court's dockets for all appeals and single justice matters (with the exception of fully impounded cases). Searches can be performed by docket number or by party name.

In addition to docket information, the site provides:

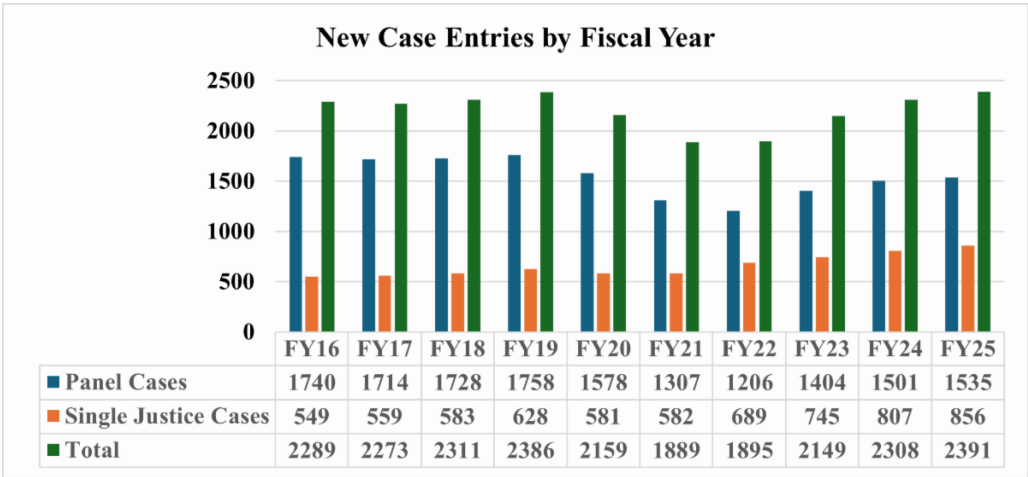
- The court's calendar for upcoming oral arguments and single justice hearings.

- Electronic copies of briefs in non-impounded appeals, available for review.

If you have a question about a case, chances are you may find the answer directly on the website. And even if you do need to call the Clerk's Office, having the docket in front of you will make your conversation with our staff more efficient and productive.

FY25 CASE INVENTORY

The Appeals Court docketed 2,391 new case entries during fiscal year 2025 (FY25), from July 1, 2024, through June 30, 2025. The new cases included 1,535 on the Court's panel case docket and 856 on the single justice docket. The combined total of 2,391 case entries represents the highest total recorded in the past decade. The following chart shows the number of cases entered on the Appeals Court's panel and single justice dockets during the past ten fiscal years.



FY25 PANEL DOCKET

Panel Docket. During FY25, panel appeals arising from civil proceedings constituted 64% of the entries (975 cases), with criminal proceedings at 36% (554 cases). In the five fiscal years after FY20, the percentage of civil cases has ranged from 55% to 64%, with an average of 61%. Accordingly, the Court is hearing and deciding mostly civil appeals.

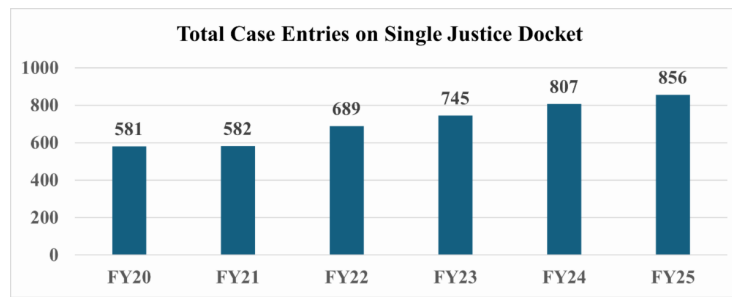
During FY25, the Appeals Court heard or took under consideration 1,053 cases (an increase of 95 cases from FY24), including 670 civil appeals (64%) and 383 criminal appeals (36%). The Appeals Court issued 1,032 decisions, including 97 opinions, 0 rescript opinions, and 935 rule 23.0 summary dispositions. The Court also issued 503 orders (328 civil and 175 criminal) closing a case for a procedural reason, including by panels issuing a memorandum and order of dismissal in 27 cases (22 civil and 5 criminal cases).

For additional details about the Court's panel docket, visit the Court's case statistics web page at [this link](#).

FY25 SINGLE JUSTICE DOCKET

Single Justice Docket. During FY25, case entries on the Appeals Court's single justice ("J") docket increased to 856 total matters, a 6% (or 49-case) increase over FY24 entries. In the five fiscal years after FY20, the percentage of case entries has increased 47%. The following chart

shows total case entries on the single justice docket over the past six fiscal years.



Single Justice Case Types. The chart below identifies the primary case types of appeals, petitions, and motions docketed in the Appeals Court's single justice session during the past five fiscal years.

Single Justice Case Types	FY20	FY21	FY22	FY23	FY24	FY25
Total Entries	581	582	689	745	807	856
G. L. c. 231, § 118 (1st par.) Petitions	270	311	294	284	292	327
Rule 6 Civil Motion to Stay Judgment	140	69	165	228	263	289
Motion to Docket Appeal Late	46	63	76	69	94	99
Motion to File Late Appeal Notice	55	48	35	35	52	50
G. L. c. 239, § 5 (Summary Process Appeal Bond)	30	10	33	46	44	45
Appeals per G. L. c. 261, § 27D (Indigency)	21	7	14	14	29	15
Other Case Types	19	74	72	69	33	31

APPEALS COURT HISTORY

The Appeals Court numbers its judicial seats in the order they were created. The Court's newest appointee, **Justice Jennifer M. Allen**, fills seat #12, which was previously occupied by **Justices Roderick L. Ireland, Susan S. Beck, Mitchell J. Sikora, Jr., and Amy Lyn Blake**. Including all statutory and recall justices, Justice Allen is the 86th person to serve as a justice of the Appeals Court.

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