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| Get an informal brief - Appellant |

Congratulations {{ users }}! You have finished all the forms you need to complete your informal brief and appendix. Now, you must deliver your brief and appendix to the Appeals Court and to the other parties involved in this case. Read the instructions below.

## Next steps

1. File this brief with the Appeals Court now. You can do this by [mail](#_Filing_the_brief_1) or [electronically](#_Filing_the_brief).
2. Deliver a copy to the appelle(s) or their attorney.
3. **Keep a copy for yourself.**

## To file your appeal brief right away

1. Look over the forms below, one more time. Make sure everything is correct.
2. Be sure to include the [Record Appendix](#_Record_Appendix_(filed) and, if required, [Impounded Record Appendix](#_Impounded_Record_Appendix).
3. Call the Appeals Court Clerk’s Office at

(617) 921-4443 if you need help delivering the forms to the court.

## What happens after I file my appeal?

If there is an appellee, they have time to file a brief and a supplemental record appendix. After all briefs are filed, the judges read your appeal and the record appendix. They may decide the appeal based just on the briefs and record appendix, or they may schedule a hearing for oral argument.

1. Send your brief.
2. Wait for a reply brief from the appellee.

## What can the judges do?

The judges will read your brief. The court will notify you of the next steps. The court will either schedule an oral argument then issue a written decision or not have a hearing and issue a written decision.

**Read** the decision as soon as you get it. If you disagree with the Appeals Court’s decision, you may file either a motion for reconsideration or modification of the decision (Rule 27) in the Appeals Court or file an application for further appellate review (Rule 27.1) in the Supreme Judicial Court. Each option has a short time deadline so you must quickly review the rules and file accordingly.

## Learn more

Visit [**https://www.mass.gov/info-details/appeals-court-informal-brief-pilot-program**](https://www.mass.gov/info-details/appeals-court-informal-brief-pilot-program)

or use the QR code below:



## Filing the brief electronically

You can file this brief electronically with the Appeals Court by converting and saving this Word document to a PDF. To save as a PDF, please go to "**File**" and select "**Save as Adobe PDF**."

Then, enter the appropriate file name for the PDF (e.g., Informal Appellant Brief) and select the folder where you wish to save this document. Lastly, press the "**Save**" button at the bottom to complete saving. An informal brief may be electronically served and filed by [creating an account](https://massachusetts.tylertech.cloud/OfsWeb).

## Filing the brief by mail

If you are not filing electronically, an original paper copy may be mailed to:

**Massachusetts Appeals Court**

**Clerk's Office**

**1 Pemberton Square, Room 1200**

**Boston, MA, 02108**

Also, send a copy to each party involved in the case.

To print a copy of this Word document, please go to "**File**" and select "**Print**." Then, choose the correct printer and customize your print settings (e.g., number of copies). Lastly, press the "**Print**" button, with the printer icon, to complete printing.

## Record Appendix (filed as a separate document)

If you are the appealing party, your informal brief must be accompanied by a separate document called the record appendix. The record appendix contains copies of all the documents filed in or created by the lower court or agency that are not impounded and are relevant to the Appeals Court's review of the issues raised on appeal, including copies of all documents you have referenced in your informal brief. A record appendix template is provided as part of this pilot program. Please note that there is a **special procedure for filing impounded information** that is described below and in section (d) (4) of the Informal Brief Guidance.

Examples of documents to include in the record appendix include the trial court docket sheet; the order(s), ruling(s), or judgment(s) that you challenge, including any findings of fact, memorandum of decision, or jury verdict slips; relevant exhibits filed in the lower court or agency; relevant motions, memoranda, pleadings, or other documents filed by the party filing the informal brief or the other party or parties to the case; and the notice(s) of appeal.

The record appendix must have consecutive page numbers, with the cover being page one, and include a table of contents that lists each document by its title and the page where it begins. If there is more than one volume of record appendix, each volume must be numbered (example, vol. 1, vol. 2). The page numbers for each volume of appendix should restart, with the cover page being page one. A copy of each volume of the record appendix must be served on each party in the case, with the service identified in your certificate of service.

If this is a civil case, then you, the appealing party, are responsible for giving the Appeals Court transcripts of any hearings that are relevant to the appeal. If this is a criminal case, the transcripts will be provided directly to the Appeals Court if you ordered them. Transcripts can be included in the record appendix as a numbered volume, or they may be filed separately as they are. The Appeals Court may decline to consider arguments in an informal brief that are not supported by evidence in the record appendix or transcript(s).

**Please note that only materials that were presented to the lower court or agency may be included in the record appendix**. If you wish to include materials that were not presented to the lower court or agency, you must file a motion in the Appeals Court seeking permission to do so. (Such motions are usually denied because the Appeals Court reviews the judge's decision based only on the information that was before the judge.)

The appellee (party responding to an appeal) can also file a record appendix with the appellee brief. If they do, the appellee's record appendix will be called the "supplemental appendix." You may file a reply brief in response to the appellee brief and supplemental appendix, but you may not file another appendix.

## Impounded Record Appendix (filed as a separate document)

In addition to information that is automatically impounded or confidential under a law or court rule, such as the names of children or victims of certain crimes or financial statements in a divorce or child support case, any information or document that was impounded in the trial court continues to be impounded in the Appeals Court. **You are responsible for finding out which if any such laws or rules apply in your case**.

Documents containing **impounded information must be filed in a separate record appendix volume** whose cover states it "Contains Impounded Material." Like your regular record appendix, this impounded volume of appendix must have consecutive page numbers, with the cover page being page one, and must have a table of contents listing each document along with the page where it begins. A template is provided as part of this pilot program.

Documents that are not impounded but appear in an appendix and contain confidential or personal identifying information (PII) must be "redacted," which means **the confidential information and PII is blacked out so it cannot be seen**. Examples of PII are Social Security numbers, taxpayer identification numbers, driver's license numbers, State-issued ID card numbers, passport numbers, financial account numbers, and credit or debit card numbers.