**COMMONWEALTH OF MASSACHUSETTS**

**APPEALS COURT**

No. [20xx-P-xxxx]

[Lower Court County], ss.

[Plaintiff Name(s)], [Appellant or Appellee]

V.

[Defendant Name(s)], [Appellee or Appellant]

On Appeal From [Lower Court]

[Appellant's/Appellee's/Reply] Brief for [Party Name(s)]

Date: [mm/dd/yyyy] [Name of Filer]

[Pronouns (optional)]

[123 Filer's St.]

[Filer's City, MA, 01234]

[BBO #555555 / Pro Se]

[Firm or Office Name if Applicable]

[(617)555-5555]

[filers\_email@example.com]

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# Table of authorities

[The below are included as examples of the format, replace them with the authorities that you cite in your brief]

**Cases:**

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# Statement of Issues

[Identify the issues raised in the brief and discussed in the argument section. The statement of issues is the first page of the substantive portion of your brief for purposes of the length limit. The appellee’s brief is not required to contain a statement of issues unless the appellee is dissatisfied with the statement in the appellant's brief.]

# Statement of the Case

[Include the relevant procedural history of what happened in the lower court in your case. You must include page references to the record appendix or transcript that support your statements. Cite the Record Appendix as "R.A." if one volume, or "R.A.I", "R.A.II", (etc.) for multiple volumes. Cite the transcript as "T." or if there are separate volumes, make it clear which volume and page you are referencing, "T. Vol.I at 67" or "T. Vol.II at 22". Include specific page numbers. For example: "On January 3, 2016, at 8:00 AM, the witness saw a blue Honda minivan drive through a stop sign. R.A.I 16." The appellee’s brief is not required to contain a statement of the case unless the appellee is dissatisfied with the statement in the appellant's brief.]

# Statement of the Facts

[Include a description of the relevant facts of your case. Importantly, every fact included in this statement must have support in the record appendix and must be followed by a page reference to the appendix or transcript where that fact appears. The appellee’s brief is not required to contain a statement of the facts unless the appellee is dissatisfied with the statement in the appellant's brief.]

# Summary of the Argument

[If your argument section that follows is longer than 20 pages (or 4,500 words if produced in a proportionally spaced font), you must include a summary of the arguments made later in the brief, with page references to the pages at which each argument appears in the brief.]

# Argument

[This section contains the legal argument that supports the issues you are raising on appeal. Your legal argument must be supported by legal authority such as appellate case law, statutes, and/or regulations. You must include a concise statement of the applicable standard of review for each issue (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues). You must use official case citations and citations to Massachusetts Reports (either Mass. or Mass. App. Ct.) and not regional digests such as N.E.2d. For example, use Parr v. Rosenthal, 475 Mass. 368 (2016), not Parr v. Rosenthal, 57 N.E.3d 947 (2016). If you are citing to a constitutional provision, statute, regulation, or unpublished decision as authority in support of your legal arguments, you must include a copy of that document in the addendum to the brief. This is referred to as the brief's addendum.]

## [Subheading]

[If you use the "heading" styles in Word to identify your arguments, then the table of contents will automatically include any subheadings you create when you update it.]

# Conclusion

[Include a concise statement of the relief that you are asking the court to give you. The conclusion is the last substantive part of your brief for purposes of the length limit.]

Respectfully submitted,

/s/ [Filer's Name Here]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name of Filer]

[Pronouns (optional)]

[123 Filer's St.]

[Filer's City, MA, 01234]

[BBO #555555 / Pro Se]

[Firm or Office Name if Applicable]

[(617)555-5555]

[filers\_email@example.com]

Date: [mm/dd/yyyy]

# Addendum

[The addendum is attached to the end of your brief and must include copies of any statutes, rules, regulations, local ordinances, or unpublished decisions that you refer to in your brief. It must also contain a copy of the order, judgment or decree that you are appealing. The addendum continues the pagination from the brief. Do not restart the pagination. The addendum must include a table of contents listing each item contained therein and the page on which it begins. The addendum does not count toward the length limit. The addendum is separate from the record appendix, which will also include a copy of the order, judgment or decree that you are appealing, in addition to other relevant documents from the trial court record that you wish to bring to the court's attention in your appeal. A sample appendix also appears on the same page on the court's website as this sample brief. The addendum is required for appellant, appellee, and reply briefs, see Rules 16(a)(13), 16(b)(3), and 16(c).]

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[Superior Court judge's memorandum of decision and order on summary judgment dated June 13, 2016.......8]

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[Attach copies of the materials and number their pages to coincide with your Addendum's table of contents.

[The addendum contains copies of cited statutes. This section is included as an example.

**G.L. c.106, § 3-301: Person Entitled to Enforce Instrument**

Section 3-301. "Person entitled to enforce" an instrument means (i) the holder of the instrument, (ii) a nonholder in possession of the instrument who has the rights of a holder, or (iii) a person not in possession of the instrument who is entitled to enforce the instrument pursuant to section 3-309 or subsection (d) of section 3-418. A person may be a person entitled to enforce the instrument even though the person is not the owner of the instrument or is in wrongful possession of the instrument.]

# Certificate of Compliance

**Pursuant to Rule 16(k) of the**

**Massachusetts Rules of Appellate Procedure**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereby certify that the foregoing brief complies with the rules of court that pertain to the filing of briefs, including, but not limited to:

Mass. R. A. P. 16 (a)(13) (addendum);

Mass. R. A. P. 16 (e) (references to the record);

Mass. R. A. P. 18 (appendix to the briefs);

Mass. R. A. P. 20 (form and length of briefs, appendices, and other documents); and

Mass. R. A. P. 21 (redaction).

*Use only if producing brief in a proportional font/word limit*: I further certify that the foregoing brief complies with the applicable length limitation in Mass. R. A. P. 20 because it is produced in the proportional font \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at size \_\_\_\_\_, and contains \_\_\_\_\_\_\_\_, total non-excluded words as counted using the word count feature of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

*Use only if producing brief in a monospaced font/page limit*: I further certify that the foregoing brief complies with the applicable length limitation in Mass. R. A. P. 20 because it is produced in the monospaced font \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at size \_\_\_\_\_\_, \_\_\_\_\_\_\_ characters per inch, and contains \_\_\_\_\_\_\_\_, total non-excluded pages.

# Certificate of Service

Pursuant to Mass.R.A.P. 13(d), I hereby certify, under the penalties of perjury, that on [DATE], I have made service of this Brief [and Appendix] upon the attorney of record for each party, or if the party has no attorney then I made service directly to the self-represented party, by [hand delivery / U.S. Mail / the Electronic Filing System] on:

[Name of Other Party]

[123 Opposing Party St.]

[Opponent City, MA, 01234]

[BBO #555555 / Pro Se]

[(617)555-5555]

[opponents\_email@example.com]

/s/ [Filer's Name Here]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name of Filer]

[Pronouns (optional)]

[123 Filer's St.]

[Filer's City, MA, 01234]

[BBO #555555 / Pro Se]

[Firm or Office Name if Applicable]

[(617)555-5555]

[filers\_email@example.com]