

E-FILING A BRIEF AND RECORD APPENDIX

Tips for the CAFL Appellate Lawyer

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Both the Appeals Court and CAFL are now asking attorneys to e-file all CAFL appellate briefs, motions, and single justice petitions. The Appeals Court has obtained a new contract with Tyler Technologies, the e-filing portal, and its portal now better protects impounded material.

The Tyler system allows attorneys to file and serve searchable PDF documents without having to submit paper originals or copies—in fact, if you do e-file you cannot also submit paper. This new e-filing rule applies to single justice petitions, too.

Basics

The Appeals Court uses the eFileMA.com portal. It is designed to be user-friendly. You have an “account dashboard” showing your open cases, and if you have any questions, there is a “show me how to...” button. There are also videos and an FAQ section. We strongly encourage everyone to join the Appeals Court Listserve, because the Appeals Court sends out new information on the e-file system by email. To sign up, send an email to:

MassAppealsCourt-Join@jud.state.ma.us.

Getting started

Everyone should sign up to get an account on eFileMA.com. This will enroll you in the Appeals Court e-service and e-notice program. All attorneys filing in the Appeals Court are required to maintain their current business email address on the e-file “public list.” By signing up, you are consenting to receive service this way. (Note: You must include the other attorneys’ email addresses in your certificate of service. If you can’t find another attorney’s information on this public list, the rules say that you should make conventional, paper-copy service.)

The mechanics

Attorneys should get a scanner and Adobe Writer (not just Adobe Reader) or comparable PDF software. This software allows you to create searchable PDFs, edit them, and number the pages. If you do not have this hardware or software, there is a computer and scanner open to the public in the Clerk’s Office of the Appeals Court. If you need to convert paper into PDF, many CPCS printing vendors already have this capability. **All e-filed briefs must be in searchable PDF format.**

Here is a great link with information on how to e-file your brief and record appendix: <https://www.mass.gov/service-details/create-an-e-filed-brief-addendum-and-appendix>. There are helpful “quick tips” at the bottom of this website.

Numbering and assembling documents

Page numbering is tricky the first time you do it. Use “bates number” on your PDF software. The Appeals Court posts instructions on how to use this function on its website:

<https://www.mass.gov/lists/additional-pdf-forms-and-user-guides>

When e-filing the brief, **every page must be numbered, starting with the cover or first page.** The page numbering must exactly match the pagination as it appears in the PDF software. If the record is more than 25 mega-bites (MB), you must submit it in multiple volumes. Each volume can be no more than 25 MB. To determine how many MBs each volume has, right click on the document, click “properties,” then click “size.” **Then you must number each volume (I through X) individually, starting with number 1 on the first page of that volume.** Each volume must include a table of contents and have a Roman numeral volume designation on the cover.¹

You must mark the first page of any filing made on eFileMA.com with the word “IMPOUNDED.” Also, designate the filing as impounded on the e-file system in the field that asks for that information.

Beware of metadata

If you have used the “track changes” function during your editing, make sure to use your software’s scrub function to clean out any metadata. If you do not take this step, the judges and clerks may be able to see prior edits, changes, comments, and versions of the text, even if you think that it is hidden. Clicking “hide changes” or “accept all changes” is not enough.

Important changes

Emotions@appct.state.ma is dead.

Theemotions@appct.state.ma.us email address – the old e-filing system – has been shut down (as of September 1, 2018). Do not use it for any filings! All e-filings must be made as searchable PDFs through eFileMA.com.

No paper copies.

Do not file paper copies (or originals) in the Appeals Court if you e-file; this applies to single justice petitions and final appeals.

¹ When e-filing a single justice petition under G.L. c. 231, § 118 or a motion for stay pending appeal, the record appendix must be consecutively numbered starting with the cover or first page, as well. The cover page will be numbered “page 1,” followed by a table of contents (starting at page 2) that lists each document contained in the appendix and the page on which it appears.

New deadline.

The e-file deadline is 11:59 p.m. on the day the document is due (not at the close of business for the Clerk's Office). An e-filed document is considered filed at the time it's submitted UNLESS it's later rejected by the Clerk's Office for non-compliance with the rules. So please don't wait until 11:59. If you e-file it earlier (preferably a day or two earlier), you'll have some wiggle room to re-file if the Clerk's Office rejects it.

No copies of FARs and DARs to the Appeals Court.

If you e-file an FAR or DAR application with the SJC, you no longer have to send a copy to the Appeals Court.

Docketing changes.

We are no longer filing a Motion to Docket the Appeal or even a letter requesting that the appeal be docketed. Instead, we must e-file a "civil appeal entry form":

<https://www.mass.gov/files/documents/2019/03/04/Civil%20Appeal%20Entry%20Form%20.pdf>

The civil appeal entry form has a filing code in the eFileMA portal. You will e-file this form along with your client's affidavit of indigency and motion to waive the docketing fee.

Other changes.

The amended Rules of Appellate Procedure require other changes not listed here. For a memorandum on those changes, click this link:

[CAFL Summary of Appellate Rules of Procedure](#)

Waiver accounts

The Appeals Court has added filing codes to the waiver account that will allow you to e-file your affidavit of indigency and motion to waive filing fees and the uploading fees. You can then create a "waiver account" in your efileMA account. Step-by-step instructions on how to do this can be found by using the handy-dandy "Show me how to..." button. If you have questions about this, call the Appeals Court Clerk's Office.