

CAFL Appellate Practice Tip

The Certificate of Compliance and Word-Count Adventures!

The Certificate Itself: Massachusetts Rule of Appellate Procedure 16(k) requires attorneys to include a Certificate of Compliance with each Brief. Attorneys must certify compliance with all relevant Rules, including Rules 16, 18, and 20. The Rule 16(k) Certificate looks a bit different now under the amended Rules. Among other things, you must state whether you used a monospaced or proportional font, the font that you used, the size of the font, the page limit or word count you used, and how you determined the word count. Although you can draft your own Certificate, the Appeals Court now provides a [form](#) that you may use:

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.

Include your Certificate within the body of the brief itself (after the signature block or Certificate of Service); don't file it separately. List it in your Table of Contents and paginate it just like every other part of your brief (and addendum).

The Word Count: Depending on the font you choose, you measure compliance with the Rules differently. For example, a blue or red brief can be written in a monospaced font and not contain more than 50 pages, or it can be written in proportional font and not contain more than 11,000 words.

What sections count toward the page and word limits? You must include the Statement of Issues, Statement of the Case, Statement of the Facts (including all headers), Summary of the Argument, Argument (including all headers), and Conclusion. Presumably an Introduction would also count. And you must count all footnotes and quotations.

What is excluded? Exclude the Cover Page, Table of Contents, Table of Authorities, signature block, Certificate of Compliance, and Certificate of Service.

Unfortunately, there is no easy way to count words in a PDF document with Adobe or most software. Instead, count the words in your brief before converting the document to a searchable PDF.

E-filing is great, but it's tricky the first couple of times. For more information on e-filing at every stage of your appeal, click here: <https://www.mass.gov/guides/electronic-filing-at-the-appeals-court>.