



# **Step-by-Step Guide to a CAFL Appeal**

*Supplemental Reading*

*CAFL Appellate  
Certification Training*

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# **Committee for Public Counsel Services**

## *Children and Family Law Division*

Andrew Cohen, Director of Appellate Panel

### Internet and Social Media Resources for Attorneys

May 2018

The following is a list of web sites that may be useful for attorneys seeking information regarding child welfare trial and appellate work. The Committee for Public Counsel Services does not endorse any web site, whether free or fee-based, listed below. The sites are listed for information purposes only.

### Massachusetts Resources:

1. Committee for Public Counsel Services ([www.publiccounsel.net](http://www.publiccounsel.net) )
  
2. Massachusetts State Courts ([www.mass.gov/courts/index.html](http://www.mass.gov/courts/index.html))
  - Massachusetts Supreme Judicial Court (<http://www.mass.gov/courts/sjc/index.html>)
  
  - Massachusetts Appeals Court (<http://www.mass.gov/courts/appealscourt/index.html>)
  
  - SJC and Appeals Court Panel Sitings ([www.ma-appellatecourts.org/calendar.php](http://www.ma-appellatecourts.org/calendar.php) )
  
3. Massachusetts Constitution, Legislation, and Rules of Procedure
  - Massachusetts Constitution ([www.mass.gov/legis/const.htm](http://www.mass.gov/legis/const.htm))
  
  - Massachusetts General Laws ([www.mass.gov/legis/laws/mgl/mgllink.htm](http://www.mass.gov/legis/laws/mgl/mgllink.htm))
  
  - Massachusetts Rules of Civil and Appellate Procedure ([www.massreports.com/courtrules](http://www.massreports.com/courtrules))
  
4. Other Massachusetts Resources
  - Massachusetts Trial Court Law Libraries ( [www.lawlib.state.ma.us](http://www.lawlib.state.ma.us) )
  
  - Social Law Library ([www.sociallaw.com](http://www.sociallaw.com) )
  
  - Massachusetts Lawyers Weekly (<http://masslawyersweekly.com>)

### Appeals Web Sites:

- Law Prose ([www.lawprose.org](http://www.lawprose.org))
  
- Legal Information Institute ([www.law.cornell.edu/topics/appellate\\_procedure.html](http://www.law.cornell.edu/topics/appellate_procedure.html))

- How Appealing (<http://howappealing.law.com> )  
*Blog devoted to appellate litigation.*
- Appellate.net ([www.appellate.net/articles/default.asp](http://www.appellate.net/articles/default.asp) )  
*While this is Mayer Brown's firm appellate practice web site, it also has good articles on appellate practice.*

Child Welfare Resources:

- ABA Center for Children and the Law ([www.abanet.org/child](http://www.abanet.org/child))
- The Administration for Children & Families ([www.acf.hhs.gov](http://www.acf.hhs.gov))  
*This is a division of the U.S. Department of Health and Human Services.*
- National Conference on State Legislatures ([www.ncsl.org/programs/cyf/cw.htm](http://www.ncsl.org/programs/cyf/cw.htm))  
*This is the link to the conference's Child Welfare page.*
- National Resource Center for Family-Centered Practice and Permanency Planning ([www.hunter.cuny.edu/socwork/nrcfcpp/information.html](http://www.hunter.cuny.edu/socwork/nrcfcpp/information.html))  
*Hunter College School of Social Work (great information on siblings in foster care).*

Locate Inmates and Other People:

- Massachusetts and other states:
  - VineLink ([www.vinelink.com](http://www.vinelink.com))
  - Houses of Correction ([www.corrections.com/links/show/20](http://www.corrections.com/links/show/20))
- Federal Inmates:
  - Federal Government  
(<http://www.bop.gov/iloc2/LocateInmate.jsp>)

## Massachusetts Appeals Court

### E-Filed Brief and Appendix Quick Tips

- Each PDF containing a brief or appendix must begin at page one and be numbered consecutively. The page numbers on the document must match the page number displayed in the adobe reader software.
- All PDFs must be fully text-searchable, either by directly exporting them from a word processor, or by using optical character recognition (OCR).
- The certificate of service is included in the PDF with the brief.
- The certificate of compliance (Rule 16[k]) is included in the PDF with the brief.
- The addendum is included in the PDF with the brief.
- The record appendix is NOT included in the PDF with the brief, but is a separate PDF or PDFs.
- The PDF containing the brief, addendum, and certificates is less than 25 MB.
- Each volume of the record appendix is less than 25 MB.

Because each volume of appendix must be less than 25MB, it is recommended that you ascertain the file size of the appendix before applying page numbers and completing your table of contents and brief citations.

- To reduce file size, convert directly from your word processor where possible, and otherwise scan in black & white at 200 dpi unless color or high-resolution images are needed.
- The first volume of the record appendix contains a complete table of contents referencing all volumes, and each additional volume contains a table of contents for that volume.
- For multi-volume appendices, each volume is separately paginated so that each volume's cover is page one. On the cover and in the "Description" field after you upload the "Lead Document" to eFileMA, use roman numerals to indicate multi-volume appendices (e.g., "Volume I of II").
- You may file more than one PDF in an envelope, so long as the envelope's contents do not exceed 35 MB.

# Massachusetts Appeals Court Checklist for Preparing a Brief and Record Appendix

## Important Resources

Massachusetts Rules of Appellate Procedure ("Mass. R. A. P."):  
<https://www.mass.gov/law-library/massachusetts-rules-of-appellate-procedure>

Massachusetts Rules of Electronic Filing ("Mass. R. E. F."):  
<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-125-massachusetts-rules-of-electronic>

Massachusetts Appeals Court Rule 13.0 ("M.A.C. Rule 13.0"):  
<https://www.mass.gov/appeals-court-rules/appeals-court-rule-130-electronic-filing>

Appeals Court Guide to Electronic Filing:  
<https://www.mass.gov/guides/electronic-filing-at-the-appeals-court>

\* **Bold** items refer specifically to electronically filed briefs.

<b><u>Brief Cover and Pagination</u></b>	
	<b>No color cover for any e-filed brief.</b> Mass. R. A. P. 20(a)(6)(A). No color cover for any brief filed by a self-represented litigant who is confined in an institution. M.A.C. Rule 13.0(f)(2). Otherwise, appellant = blue, appellee = red, reply = gray. Mass. R. A. P. 20(a)(6)(A).
	Include the following: the name of the court and number of the case; title of the case; nature of the proceeding in the appellate court (e.g., Appeal); and title of the document (e.g., Appellant's Brief).
	Include the filing attorney's name, BBO number, mailing address, email address, telephone number, and firm name (if applicable) for each person filing the brief. Mass. R. A. P. 20(a)(6)(B).
	The cover of the brief is marked page 1. Mass. R. A. P. 20(a)(6)(B)(vii). Do not use roman numerals. All subsequent pages are numbered consecutively through the last page, including any addendum. Mass. R. A. P. 20(a)(4)(A). Do not restart the pagination at the addendum.
<b><u>Brief Format and Length Limits</u></b>	
	If a proportional font (e.g., Times New Roman) is used, it must be 14 point or larger, all margins must be at least 1", and the word limit must be used. Mass. R. A. P. 20(a)(2)-(4). The certificate of compliance must indicate the font selected, number of words, number of excluded words, and method of computation. Mass. R. A. P. 16(a)(14) and (k).
	If a monospaced font (e.g., Courier New) is used, it must be 12 point or larger and not exceed 10.5 characters per inch, margins must be at least 1" top/bottom, 1.5" left/right, and the page limit must be used. Mass. R. A. P. 20(a)(2)-(4).
	In a non-cross appeal, the length limits are as follows: appellant/appellee brief = 50 pages in monospaced font or 11,000 words in proportional font; reply brief = 20 pages in monospaced font or 4,500 words in proportional font. Mass. R. A. P. 20(a)(2). The cover, table of contents, table of authorities, signature block, addendum, and certificates

	of compliance and service do not count against the length limits. Mass. R. A. P. 20(a)(3)(F). For the length limits in cross appeals, see Mass. R. A. P. 20(a)(3)(A)-(D).
	The font must be black and double spaced. Mass. R. A. P. 20(a)(1) and (a)(4)(C). Headings, footnotes, and quotations use the same font and size, but may be single spaced. Mass. R. A. P. 20(a)(4)(C).
	<b><u>Brief Contents</u></b>
	A cover with the items identified above. Mass. R. A. P. 16(a)(1).
	If required by S.J.C. Rule 1:21, a corporate disclosure statement. Mass. R. A. P. 16(a)(2).
	A table of contents with page references. Mass. R. A. P. 16(a)(3).
	A table of authorities with page references. Mass. R. A. P. 16(a)(4).
	A statement of the issues. Mass. R. A. P. 16(a)(5). The appellee does not need to include this, unless the appellee is dissatisfied with the appellant's statement. Mass. R. A. P. 16(b)(1).
	A statement of the case with page references to the appendix or transcript. Mass. R. A. P. 16(a)(6) and 16(e). The appellee does not need to include this, unless the appellee is dissatisfied with the appellant's statement. Mass. R. A. P. 16(b)(1).
	A statement of the facts with page references to the appendix or transcript. Mass. R. A. P. 16(a)(7) and 16(e). The appellee does not need to include this, unless the appellee is dissatisfied with the appellant's statement. Mass. R. A. P. 16(b)(1).
	A summary of the argument. Mass. R. A. P. 16(a)(8). This is only required if the argument exceeds 20 pages in monospaced font or 4,500 words in proportional font. <u>Id.</u>
	An argument section that contains a legal argument addressing issues, supported by legal authority. Mass. R. A. P. 16(a)(9). The argument must contain a statement of the applicable standard of review for each issue raised (this may appear under a separate heading or in the discussion of the issue). Mass. R. A. P. 16(a)(9)(B). The appellee does not need to repeat the standard of review unless dissatisfied with the appellant's statement. Mass. R. A. P. 16(b)(1).
	A conclusion stating the precise relief sought followed by a signature block. Mass. R. A. P. 16(a)(10)-(11).
	An addendum that includes the items identified in Mass. R. A. P. 16(a)(13). This includes (1) a copy of any appealed judgment or order (and a typed copy of any handwritten endorsement), and (2) copies of constitutional provisions; statutes, court rules, regulations, and unpublished decisions cited in the brief. The addendum requires a table of contents with page references. Mass. R. A. P. 16(a)(13)(A). The addendum is also required for an appellee brief insofar as pertinent to the issues argued by the appellee and for any reply brief. Mass. R. A. P. 16(b)(3) and 16(c). <b>The addendum must be bound in a paper brief and included in the same PDF of an electronically filed brief.</b>
	A certificate of compliance with Mass. R. A. P. 16(a)(13), 16(e), 18, 20, 21. Mass. R. A. P. 16(k). The certificate must specify how compliance with the applicable length limit of Mass. R. A. P. 20 was ascertained, by stating either (1) the name, size, and number of characters per inch of the monospaced font used and the number of non-excluded pages, or (2) the name and size of the proportionally spaced font used, the number of non-excluded words, and the name and version of the word-processing program used.
	A certificate of service that complies with Mass. R. A. P. 13(e). Mass. R. A. P. 16(a)(15). <b>The certificate of service must be bound in a paper brief and included in the same PDF of an electronically filed brief.</b>

<b><u>Filing and Service</u></b>	
	Deadlines: Appellant's brief = 40 days from the date the appeal is docketed; appellee's brief = 30 days after service of the appellant's brief; reply brief = 14 days after service of appellee's brief. Mass. R. A. P. 19(a). For deadlines in cross-appeals, see Mass. R. A. P. 19(b).
	If brief is served by mail or electronic service, 3 days are added to the due date of the responsive brief Mass. R. A. P. 14(c) and Mass. R. E. F. 7(e). If a brief due date falls on a weekend or holiday, the brief is due on the next business day. Mass. R. A. P. 14(a). For the purposes of determining due date, service is complete the date the opposing party mails the brief. Mass. R. A. P. 13(c).
	Number of copies. If filing on paper, file with the court 4 copies of each brief, 4 copies of each appendix volume, 2 copies of each exhibit volume, and 1 copy of each transcript volume. You must serve 2 copies of each brief and appendix volume and 1 copy of each exhibit or transcript volume on each party. Mass. R. A. P. 19(d). Review that rule for information about serving jointly represented parties or self-represented parties. <b>Attorneys are required to electronically file all non-impounded briefs, appendices, exhibits, and transcripts. M.A.C. Rule 13.0(c). No paper copies are required for any document that is electronically filed. M.A.C. Rule 13.0(h).</b>
	Manner of Service. Service may be made in hand, by first class mail or its equivalent, or electronically with the consent of the party being served. <b>All attorneys with cases pending in the Appeals Court are required to consent to electronic service through eFileMA.com by registering for an account and maintaining their name and business email address on the eFileMA.com "Public List."</b> M.A.C. Rule 13.0(b). If you electronically serve a party, no paper copies are required to be served on that party.
	<b>A PDF must be submitted through eFileMA.com by 11:59 p.m. on the date it is due. Mass. R. E. F. 4(c).</b>
<b><u>Record Appendix Format</u></b>	
	The record appendix must be separately bound from the brief. Mass. R. A. P. 18(a). <b>If electronically filed, it must be a separate PDF.</b>
	The record appendix requires a cover with the same information that is included on the brief cover, except the title of the document. The cover is paginated as page 1. Mass. R. A. P. 18(a)(1)(A)(i), 20(a)(5)(A), and 20(a)(6).
	All subsequent pages are numbered consecutively through the end of the volume. Mass. R. A. P. 20(a)(5)(A).
	<b>The maximum size of an appendix volume is 1.5" thick, or 25MB if electronically filed.</b> If your document exceeds these limitations, it must be divided into separately paginated volumes. Mass. R. A. P. 20(a)(5)(B)-(C); Mass. R. E. F. 10.
	For multivolume appendices, each volume of the appendix is separately paginated, beginning at page 1. Mass. R. A. P. 20(a)(5)(B).
	The record appendix requires a table of contents that lists the parts of the record included therein and includes a detailed listing of exhibits, affidavits, and other documents associated with those parts. Mass. R. A. P. 20(a)(1)(A)(ii). For multivolume appendices, the first volume must have a table of contents for all volumes and any subsequent volume requires a table of contents for only that volume. Mass. R. A. P. 18(a)(1)(C).
<b><u>Record Appendix Content</u></b>	
	Include a copy of the lower court docket. Mass. R. A. P. 18(a)(1)(A)(iii).

	Include a copy of any order of impoundment or confidentiality from the lower court. Mass. R. A. P. 18(a)(1)(A)(iv).
	Include a copy of any parts of the record relied upon in the brief. Mass. R. A. P. 18(a)(1)(A)(v)(a).
	Include a copy of any document, or portion thereof, filed in the case relating to an issue which is to be argued on appeal. Mass. R. A. P. 18(a)(1)(A)(v)(b).
	Include a copy of any findings or memorandum of decision or order by the lower court pertinent to an issue on appeal, including a typed version of any pertinent handwritten or oral endorsement, notation, findings, or order made by the lower court. Mass. R. A. P. 18(a)(1)(A)(v)(c).
	Include a copy of the judgment, decree, order, or adjudication in question. Mass. R. A. P. 18(a)(1)(A)(v)(d).
	Include the notice(s) of appeal. Mass. R. A. P. 18(a)(1)(A)(v)(e).
	In a criminal case, include a copy of the complaint or indictment. Mass. R. A. P. 18(a)(1)(A)(v)(a).

Updated 04/29/2019

## Free or low-cost online tools for legal research:

<p><b>LexisNexis Advance:</b> basic subscription; optimal for solo-practitioners and limited to MA materials only; approx. \$125/month</p>	<p><a href="https://www.lexisnexis.com/en-us/products/lexis-advance.page">https://www.lexisnexis.com/en-us/products/lexis-advance.page</a></p>
<p><b>Westlaw Essentials:</b> basic subscription; optimal for solo-practitioners and limited to MA materials only; approx. \$150/month</p>	<p><a href="http://legalsolutions.thomsonreuters.com/law-products/westlaw-legal-research/small-law-firms">http://legalsolutions.thomsonreuters.com/law-products/westlaw-legal-research/small-law-firms</a></p>
<p><b>MA Reporter of Decisions:</b> free; search engine for published and unpublished SJC and Appeals Court decisions from 2001 and on; helpful for finding most recent opinions.</p>	<p><a href="https://www.lexisnexis.com/clients/macourts/">https://www.lexisnexis.com/clients/macourts/</a></p>
<p><b>Trial Court Law Libraries:</b> locations in every county; free access to Lexis and Westlaw at library; can provide online document delivery service from anywhere, including Shepard's printouts</p>	<p><a href="http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/">http://www.mass.gov/courts/case-legal-res/law-lib/libraries/locations/</a></p>
<p><b>Social Law Library:</b> access a number of research databases, including Fastcase and HeinOnline; in-house research librarian; membership is \$430 (if your practice is within Rt. 128) or \$305 (if you practice outside of Rt. 128)</p>	<p><a href="http://sociallaw.com/">http://sociallaw.com/</a></p>
<p><b>Fastcase:</b> research tool giving access to 50 state and all federal case law and statutes; \$65/month with month-to-month subscription or \$695/year</p>	<p><a href="https://www.fastcase.com/">https://www.fastcase.com/</a></p>
<p><b>MA Bar Association:</b> access to Fastcase included with membership; annual membership cost around \$430</p>	<p><a href="https://www.massbar.org/for-attorneys/fastcase">https://www.massbar.org/for-attorneys/fastcase</a></p>

<p><b>Google Scholar:</b> free research tool giving access to 50 state and all federal case law; has MA published and unpublished decisions</p>	<p><a href="http://www.scholar.google.com">www.scholar.google.com</a></p>
<p><b>Casemaker:</b> online research database with 50 state and federal access; performs negative treatment cite check; free for Hampden County bar members; annual subscription is \$300</p>	<p><a href="https://www.casemakerlegal.com/Products.aspx">https://www.casemakerlegal.com/Products.aspx</a></p>
<p><b>CAFL website:</b> free; in the “Appellate Resources” link, you will find legal research memos, motion and brief templates, and a table of contents to the due process issue bank with topics that the CAFL admin office has materials on</p>	<p><a href="https://www.publiccounsel.net/cafl/">https://www.publiccounsel.net/cafl/</a></p>
<p><b>SJC arguments:</b> free; you can watch SJC arguments online to assist in preparation for oral argument; go to the “Archive” page</p>	<p><a href="http://www.suffolk.edu/sjc/">http://www.suffolk.edu/sjc/</a></p>

## Massachusetts Appeals Court Guide to E-Filing

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**Version 1, dated August 2020**

Cover photo: M&A Architectural Preservation-Restoration, <https://archpres.com/>

# Introduction

Dear attorneys, self-represented parties, and legal assistants:

Welcome to the Massachusetts Appeals Court. As part of our continuing mission to provide assistance with appeals and electronic filing, we have prepared this Guide to Electronic Briefs. The Guide is intended to illustrate some processes you may use when creating a portable document format (PDF) version of your brief and record appendix for submission to the Appeals Court's eFileMA system. The Guide demonstrates:

- How to convert your Brief and Addendum to PDF
- How to combine PDF documents in your Brief, Addendum, and Appendix
- How to make scanned materials OCR searchable
- How to quickly edit small mistakes in a PDF
- How to add or edit pagination, headers, and footers in a PDF
- How to bookmark and create internal links in a PDF

Please note that the methods presented in this guide are suggestions based on some current programs, and do not constitute endorsements of any particular product.

We hope you find the guide helpful. The concept for this guide is drawn from the Texas Supreme Court eBrief guide, from which significant content was drawn. Please also review the Massachusetts Appeals Court's related materials, the [Guide to Preparing a Brief and Record Appendix for the Appeals Court](#), and the [Guide to Electronic Filing at the Appeals Court](#).

Joseph Stanton, Clerk  
Terrence Pricher, First Assistant Clerk  
Patricia Campbell Malone, Assistant Clerk  
Julie Goldman, Assistant Clerk  
Paul Tuttle, Assistant Clerk  
Anne Thomas, Assistant Clerk  
Sean Connolly, Research Attorney  
Patricia Ryle, Deputy Clerk for Case Processing & Scheduling  
Nancy Martins, Office Manager  
Anthony Duarte  
Matt Cutting  
Jean Shirley  
Marie Freeman  
John Nolan  
Yoshiko Taylor  
Franchesca Sanquatin  
Douglas Anderson  
Megan Sullivan

## Electronic Filing in the Appeals Court

The Appeals Court's e-filing program is governed by [Massachusetts Appeals Court \(M.A.C.\) Rule 13.0](#). The Appeals Court provides additional instructions, tips, and guidance on its website. In addition, the judicial branch's third-party vendor, Tyler Technologies, Inc., provides guidance. Please see below for links to these helpful resources.

To e-file, you must register at [eFileMA.com](#), which is maintained by Tyler Technologies, Inc. If you need guidance on registering or setting up a payment account, visit the vendor's [self-service page](#), where you will find instructional videos under the "Getting Started Videos" tab.

As required by M.A.C. Rule 13.0, the Appeals Court requires all attorneys with cases pending in the court to (1) register an account with eFileMA.com, (2) maintain their name and address on the eFileMA.com "Public List," and (3) use eFileMA.com to electronically file:

- all filings in criminal panel cases that are public or partially impounded;
- briefs and appendices in civil panel cases that are public or partially impounded;
- all docketing statements in civil or criminal cases that are public or partially impounded;
- all motions and letters filed after panel assignment in civil or criminal cases that are public or partially impounded; and
- all filings on the Single Justice docket in public or partially impounded cases.

In addition, attorneys may voluntarily e-file any document not identified in the list above. Self-represented parties are allowed, but not required, to e-file. The Appeals Court encourages all parties to e-file every document submitted to the court.

For more information on e-filing generally, creating an e-file account, requirements for filing into new and existing cases, and paying or waiving filing fees, please see the Appeals Court's useful web pages describing [Electronic Filing at the Appeals Court](#).

## Helpful Resources

- **Massachusetts Appeals Court Rule 13.0**  
<https://www.mass.gov/appeals-court-rules/appeals-court-rule-130-electronic-filing>
- **eFileMA Electronic Filing System**  
<http://www.efilema.com/>
- **Guide to Electronic Filing at the Appeals Court**  
<https://www.mass.gov/guides/electronic-filing-at-the-appeals-court>
- **Massachusetts Appeals Court Frequently-Used Forms**  
<https://www.mass.gov/lists/appeals-court-forms>

- [Civil Appeals Entry Form](#)
  - [Civil Docketing Statement \(Updated 10-28-19\)](#)
  - [Criminal Docketing Statement \(Updated 10-28-19\)](#)
  - [Certificate of Service](#)
  - [Certificate of Compliance](#)
- **Guide to Creating PDFs with Bookmarks and Internal Links**  
<https://www.mass.gov/service-details/how-to-create-pdfs-with-bookmarks-and-internal-links>
  - **Appeals Court Clerk Joseph Stanton and Assistant Clerk Julie Goldman, *Appellate Electronic Filing Tips for the 2020's*, Boston Bar Journal (Feb. 2020)**  
<https://bostonbarjournal.com/2020/02/19/appellate-electronic-filing-tips-for-the-2020s-2/>
  - **Supreme Judicial Court Rule 1:25: Massachusetts Rules of Electronic Filing**  
<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-125-massachusetts-rules-of-electronic>
  - **Massachusetts Rules of Appellate Procedure**  
<https://www.mass.gov/law-library/massachusetts-rules-of-appellate-procedure>
  - **Massachusetts Appeals Court Rules (M.A.C. Rules)**  
<https://www.mass.gov/law-library/massachusetts-appeals-court-rules>
  - **Guide to Preparing a Brief and Record Appendix for the Appeals Court**  
<https://www.mass.gov/service-details/appeals-court-briefs>
  - **Checklist for Preparing a Brief and Record Appendix for the Appeals Court**  
[https://www.mass.gov/files/documents/2019/07/22/Brief and Appendix Checklist.pdf](https://www.mass.gov/files/documents/2019/07/22/Brief%20and%20Appendix%20Checklist.pdf)

## Overview: Tools and Basic Steps for Electronic Brief Creation

### Tools You Will Need:

#### Word Processor

Begin the creation of your brief in a word processing system, like Microsoft Word. This is where you will draft, edit, and finalize your brief. After you have finished writing the brief, save your document as a PDF. This process will be detailed below.

#### Adobe Acrobat

Adobe Acrobat Standard allows you to create and combine PDFs, and can be used to make your PDF OCR-searchable, as required by the Appeals Court's Rules.

If you need to redact or edit information in a document, you will need to use Adobe Acrobat Pro instead of Standard.

## **Scanner**

You should never scan your brief, and wherever possible you should prepare appendix and addendum materials in an electronic format. However, you may be required to submit certain documents that are only available in a hard copy. In this case, you will need to use a scanner.

If you must scan, set your scanner to black and white at 200 dpi to maintain a reduced file size, unless you need color or high-resolution images for your submission. See [S.J.C. Rule 1:25, Rule 10\(c\)](#) & 10(d).

## **Basic Steps:**

- (1) Convert your brief from a word processing document directly to a PDF.**
- (2) Convert your addendum to a PDF.**
- (3) Combine the brief and addendum into one PDF file if they are not already combined.**
- (4) Convert your appendix materials to a PDF. It remains separate.**
- (5) Make any scanned materials searchable using optical character recognition (OCR) software like Adobe Acrobat.**

Each of these steps will be discussed in more detail in the coming pages.

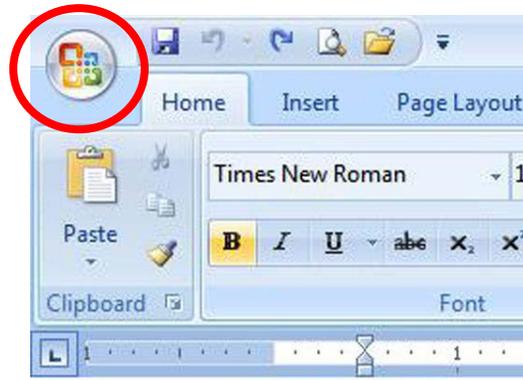
## **Step 1: Convert your Brief to a PDF.**

Do not print your brief to paper and scan it. Convert it to PDF format directly from your word processing software, or convert it to PDF format using Adobe Acrobat. Different methods of converting a brief to a PDF are outlined in detail below.

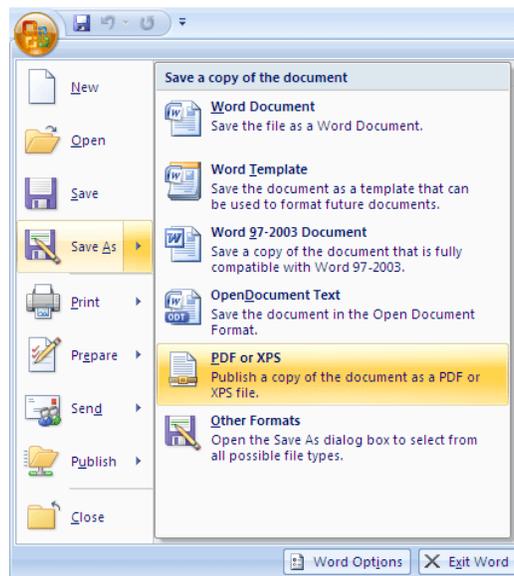
### **OPTION 1: MICROSOFT WORD**

#### **Word 2007**

1. In Word 2007, click the Microsoft Office Button in the top left-hand corner of Word.



2. Choose **Save As** and select "**PDF or XPS.**"

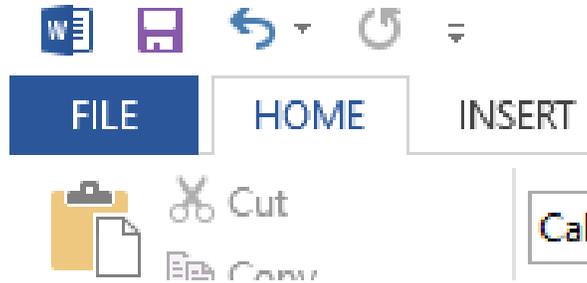


3. In the dialog box that appears, click the button in the lower right hand corner that says **Publish**. Make sure to save a copy in Word as well.

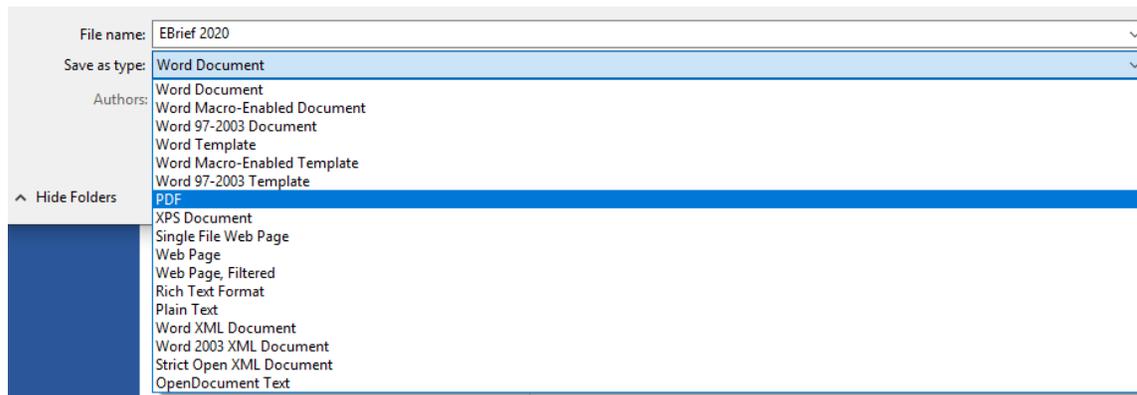
\*\*\*Please note, when you are converting a brief to from a word file to a PDF, you can automatically create recommended bookmarks for any headings by following simple steps available at: <https://www.mass.gov/service-details/how-to-create-pdfs-with-bookmarks-and-internal-links>.

## Word 2010 & 2013

1. In Word 2010/2013, click on the **File** tab at the top left-hand corner of Word.



2. Choose **Save As**.
3. In the dialog box that appears, choose the file type **PDF**.

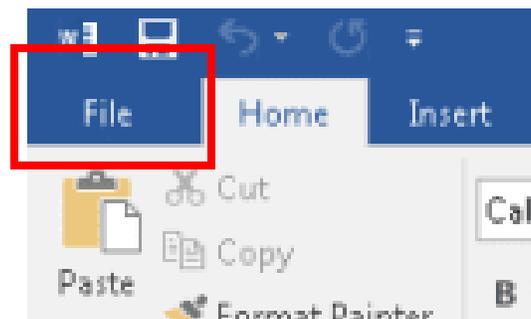


4. Click **Save**. Make sure to save a copy in Word as well, in case you need to make edits.

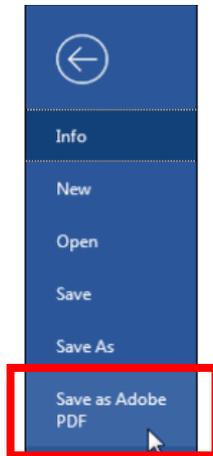
## Word 2016 (Office 365)

### Option 1:

1. In Word 2016, click the **File** button in the top left-hand corner of Word.



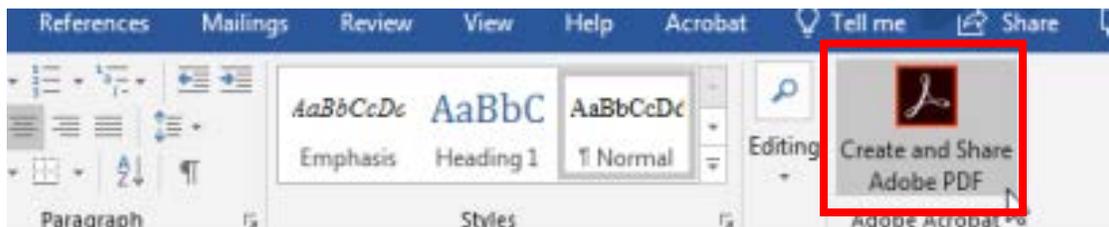
2. Choose **Save As Adobe PDF**.



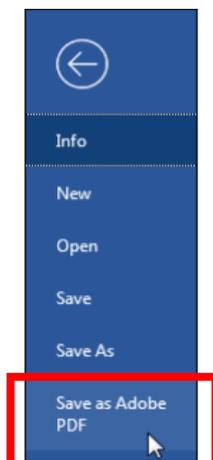
3. Click **Save**. Make sure to save a copy in Word as well, in case you need to edit it.

### Option 2:

1. If Adobe Acrobat is installed, go to the **Home** menu, and select **Create and Share Adobe PDF**.



2. Choose **Save As Adobe PDF**.



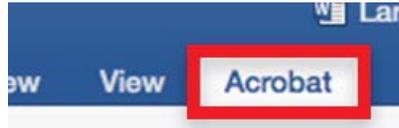
3. Click **Save**. Make sure to save a copy in Word as well, in case you need to edit it.

## **Adobe Acrobat Ribbon in Word**

## Word 2007 & 2010

If you have installed Adobe Acrobat, the Acrobat button appears next to **View**. This button will reveal the Acrobat ribbon. Use the following steps to convert your brief to PDF using the Acrobat PDFMaker ribbon:

1. Choose **Acrobat** at the top of the screen, to the right of **View**.



2. Click **Create PDF** in the **PDFMaker** menu.

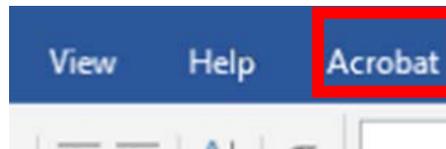


3. Click **Save**. Be sure to save a copy in Word as well.

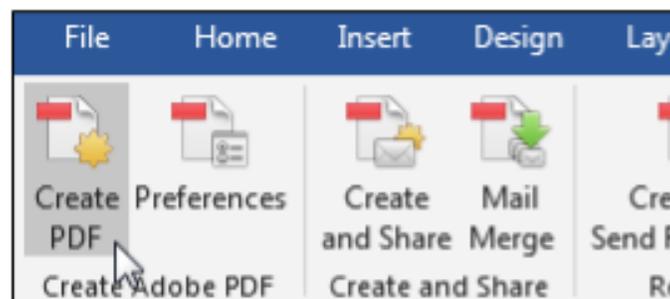
## Word 2016

If you have installed Adobe Acrobat, the Acrobat button appears next to **Help**. This button will reveal the Acrobat ribbon. Use the following steps to convert your brief to PDF using the Acrobat PDFMaker ribbon:

1. Choose **Acrobat** at the top of the screen, to the right of **Help**.



2. Click **Create PDF** in the **PDFMaker** menu.



3. If you are prompted to save the file, select "Yes" if you want to save the file as is. Select "No" if you need to make changes. If you are not prompted, your work is already saved.
4. In the dialog box that appears, click **Save**. Be sure to save a copy in Word as well.

## OPTION 2: ADOBE ACROBAT

### Adobe Acrobat 9

#### Option 1:

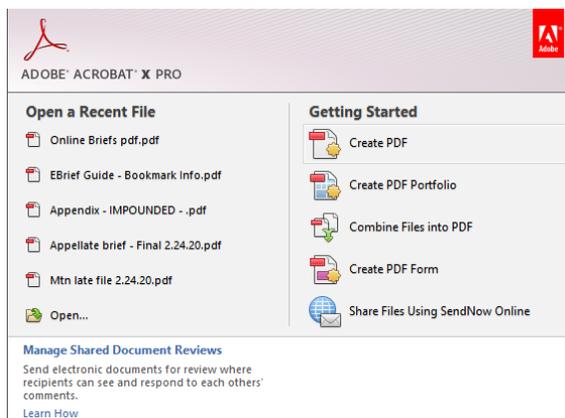
1. Choose **File > Create PDF > From File**.
2. Find the document that you wish to convert in the dialog box. Select the document, and click **Open**.
3. Once the file is converted, save the document by clicking **File > Save**.

#### Option 2:

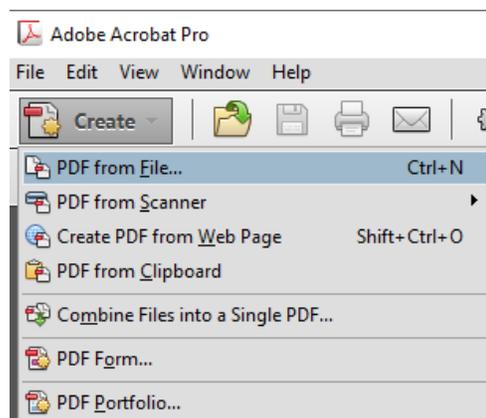
1. In the toolbar, click **Create PDF** and choose **From File**.
2. Find the document that you wish to convert in the dialog box. Select the document, and click **Open**.
3. Once the file is converted, save the document by clicking **File > Save**.

### Adobe Acrobat X Pro

1. In the welcome screen, click **Create PDF**, or in the Quick Tools toolbar, click **Create PDF**, then choose **PDF from File**.



OR

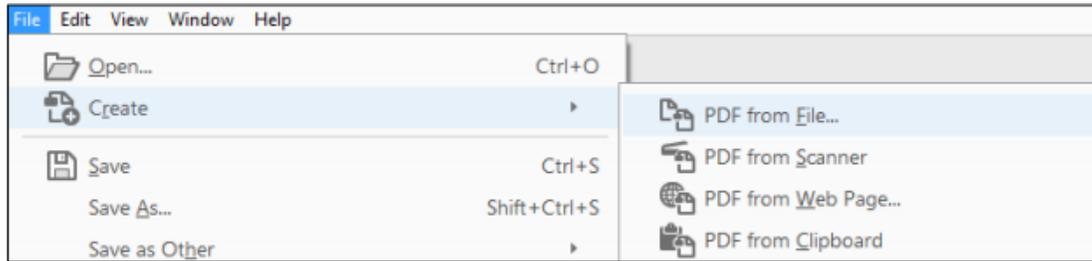


2. Find the document that you wish to convert in the dialog box. Select the document, and click **Open**.
3. Once the file is converted, save the document by clicking **File > Save As** or by clicking **File > Save As > PDF**.

# Adobe Acrobat DC

## Option 1:

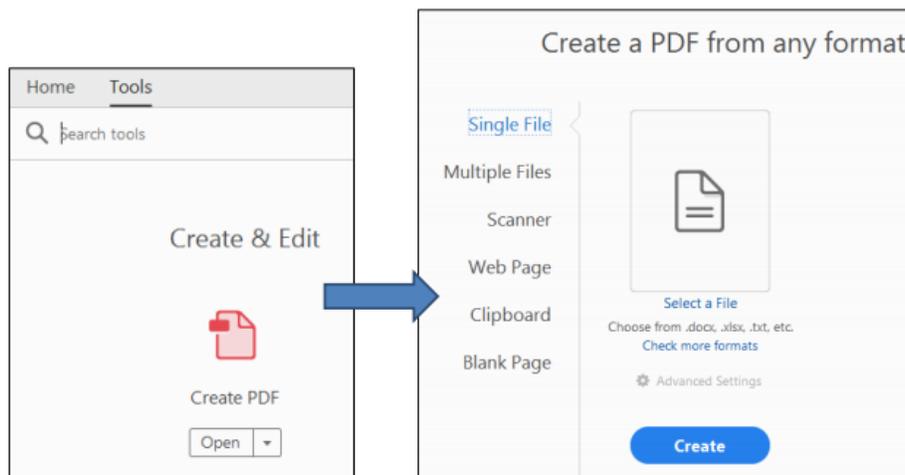
1. Choose **File > Create > PDF from File**.



2. A dialog box will appear. Use the dialog box to locate the document you want to convert to PDF. Select the document and click **Open**.

## Option 2:

1. In the Tools menu, open the **Create PDF** tool under **Create & Edit**. Choose from Single File, Multiple Files, Scanner, Web Page, Clipboard, or Blank Page, depending on your need. Choose **Select a File**.
2. In the **Create PDF from any format** screen, click **Create**.



3. Once the file has been converted to PDF, save the document by clicking **File > Save As**.

## Step 2: Convert your Addendum to a PDF.

Appellate briefs must include an addendum containing certain items. See Mass. R. A. P. 16(a)(13) and 16(b)(3).

In general, do not scan addendum materials unless you cannot obtain them in electronic format. Scanning documents will create a larger file size, which may result in your combined Brief and Addendum being too large for the Court's eFile system. Electronic documents also tend to be more legible.

If you must scan a document that is not available online, please ensure that it is **OCR searchable**, as detailed in [Step 5](#).

### Use websites to obtain electronic copies of legal authorities.

Many Massachusetts legal authorities can be located online. A good place to start is checking [www.mass.gov](http://www.mass.gov) for Mass. Gen. Laws and recent court cases. Webpages may then be saved in PDF format instead of printing and scanning.

#### Web Resources:

- Massachusetts General Laws:  
<https://malegislature.gov/laws/generallaws>
- Massachusetts General Laws, Session Laws, & Bills:  
<https://www.mass.gov/massachusetts-general-laws-session-laws-bills>
- Massachusetts Laws by Subject:  
<https://www.mass.gov/topics/laws-by-subject>
- Massachusetts Court Cases:  
<https://www.mass.gov/topics/massachusetts-court-cases>
- M.A.C. Rule 23.0 Summary Dispositions (formerly Rule 1:28)  
<https://128archive.com/>
- Massachusetts Trial Court Law Libraries  
<https://www.mass.gov/orgs/trial-court-law-libraries>
- Social Law Library at the John Adams Courthouse  
<https://sociallaw.com/>

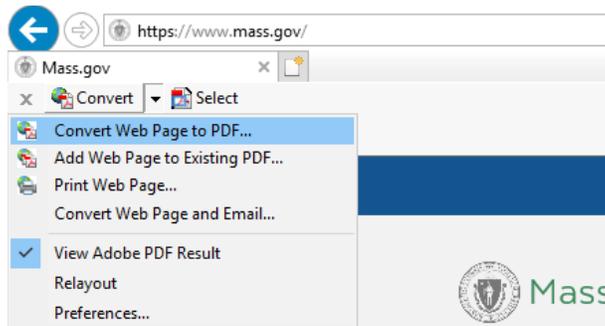
#### Law Libraries:

- Massachusetts Trial Court Law Library Locator  
[https://www.mass.gov/orgs/trial-court-law-libraries/locations?\\_page=1](https://www.mass.gov/orgs/trial-court-law-libraries/locations?_page=1)
- Social Law Library at the John Adams Courthouse <https://www.sociallaw.com/>

## **Option 1: Convert webpages to PDF using Adobe PDFMaker in Internet Explorer**

Please note: this option will only work with certain versions of Adobe Acrobat. If you do not have access to PDFMaker, see Option 2 for converting webpages.

1. Locate your desired webpage on Internet Explorer.
2. In the menu bar, choose **Convert > Convert Web Page to PDF**.

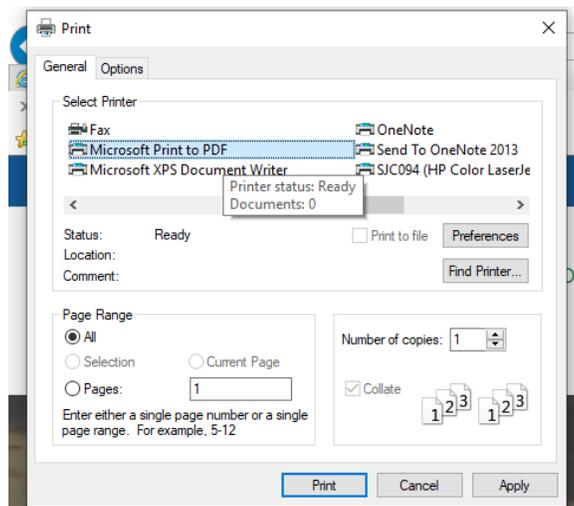


3. In the dialog box that appears, click **Save**.

## **Option 2: Convert webpages to PDF by Printing to PDF**

### **Internet Explorer**

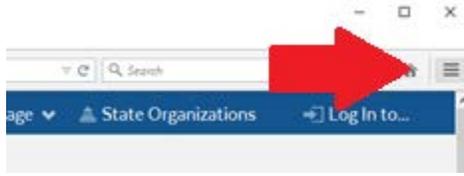
1. In the menu bar, go to **File > Print**, or select **Print** directly from the taskbar.
2. When the Print dialog box appears, select **Microsoft Print to PDF**, then click **Print**.



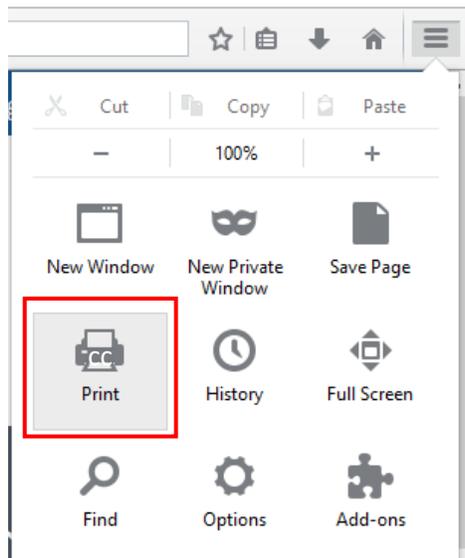
3. In the dialog box that appears, click **Save**.

## Mozilla Firefox

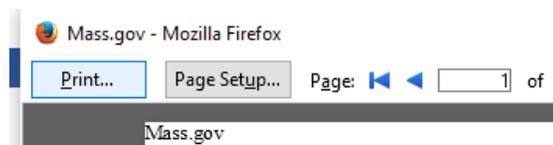
1. Click the three-bar symbol at the upper right corner of the screen.



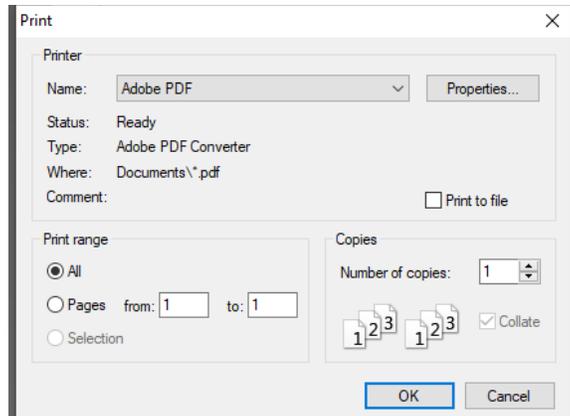
2. Select the **Print** icon in the dropdown menu.



3. When the Print Preview appears, select **Print** at the upper left corner of the screen.

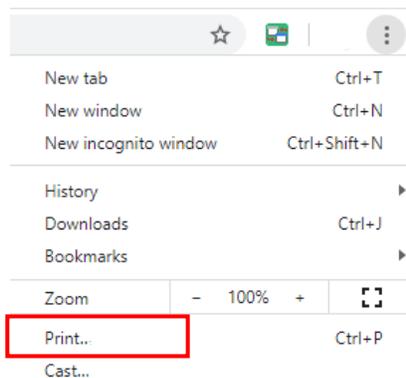


4. Under the Name dropdown, select **Adobe PDF** or **Microsoft Print to PDF**.

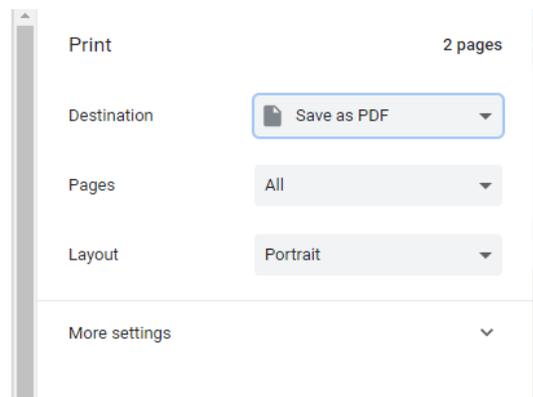


### Google Chrome

1. Click the three-dot symbol at the upper right corner of the screen, and select **Print**.



2. In Destination, select **Save As PDF**, then click **Save**.



## **Use Online Resources to download PDF versions of legal authorities or resources.**

Per [Mass. R. App. P. 16\(a\)\(13\)](#), a brief must include an addendum that contains:

- A. a table of contents listing each item contained therein and the page on which it begins;
- B. any appealed judgment or order . . .
- C. copies of constitutional provisions, statutes, rules, regulations, or relevant parts thereof, as in effect at the relevant time, consideration of which is required for determination of the issues presented;
- D. a copy of any unpublished decision cited in the brief; and
- E. in a case where geographical facts are of importance, unless appropriate plans are reproduced in the printed record or record appendix, an outline plan (preferably based on exhibits in evidence). This outline plan should be suitable for reproduction on one 1 page of the printed law reports.

PDF versions of statutes and other court rules can be downloaded from the Massachusetts Legislature [webpage](#) or the [mass.gov pages](#) and from common legal research subscription databases such as Westlaw, Lexis, HeinOnline, or Fastcase. Follow the instructions below to save a PDF from each of these databases.

If you need assistance accessing or utilizing these resources, consider the Massachusetts Trial Court Law Library. You can find them at: [https://www.mass.gov/orgs/trial-court-law-libraries/locations?\\_page=1](https://www.mass.gov/orgs/trial-court-law-libraries/locations?_page=1).

Depending upon the source, you can choose "Print" and "**Print to PDF**" (see above, "Option 2: Convert webpages to PDF by Printing to PDF") or "Save to PDF."

**Saving to PDF with Westlaw:**

On a Public Computer:

- 1. Click on the envelope icon in the top right corner of the source you wish to download.
- 2. Select **Email** to bring up the dialog box that allows you to email a copy of the case to yourself. Make sure the **Format** dropdown is set to **PDF**.
- 3. Under the **Layout and Limits** tab, uncheck the **Dual column layout for Case** checkbox (while not strictly necessary, this will make the document easier to read).
- 4. Press **Email** and a PDF copy of the case will be sent to the email entered in the Recipient tab.

On a Private Computer:

- 1. To download the document directly to your personal computer without emailing it, navigate to the envelope icon and select **Download**.
- 2. Ensure **Format** is set to **PDF**, then click **Download**. When the **Ready for Download** dialog box appears, select **Download** again.

**Saving to PDF with Lexis:**

On a Public Computer:

1. Click on the envelope icon at the top left corner of the source you wish to download.
2. Ensure you have selected **Full Document** under **Email**, and that **File Type** is set to **Portable Document Format (.PDF)**.
3. Under the **Content-specific Options** tab, select **Single** under **Number of Columns** (again, this is optional, but will make the document easier to read).
4. Enter your email into the **To** field, and press **Submit**.

On a Private Computer:

1. At the top left corner of the source, select the arrow icon to **Download**.
2. Select your desired document settings, and click **Download** again to download the PDF to your personal computer.

**Saving to PDF with HeinOnline:**

On a Public Computer:

1. Click on the envelope icon at the top left corner of the source you wish to download.
2. Enter your information into the relevant fields, then click **Email**.

On a Private Computer:

1. Click the Acrobat icon at the top left corner to download a PDF directly to your computer.

**Saving to PDF with Fastcase:**

1. At the top of the source, select **Email**. Enter your information and select **Send Email**.

## Scanning Documents in Acrobat

If your scanner is connected to a computer with Adobe Acrobat, you may be able to scan the document using Acrobat to make it OCR-searchable.

First, open Adobe and choose **Create > PDF from Scanner > My Custom Settings**. Under **Color Mode**, select **Black and White**, and under **Resolution** select 200 dpi. Under **Output**, check the **Recognize Text (OCR)** box. Be sure to select **Save Settings** at the top right corner of the screen to maintain these settings as your default.

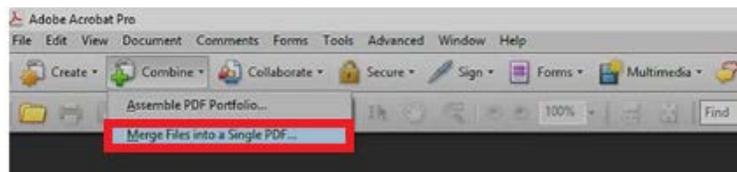
Place the document in your scanner. In Acrobat, if your **My Custom Settings** box is still open, you can select **Scan** from there. Otherwise, select **Create > PDF from Scanner**, and choose **Black and White**, then scan.

## Step 3: Combine the Brief and Addendum into one PDF.

The Brief and Addendum must be submitted as a single document. The Rules require the brief's pagination to begin with the cover page as "1" and the pages thereafter to be numbered consecutively through the last page, including the addendum. Mass. R. A. P. 20(a)(4)(A). Be sure that the pagination of the Addendum continues that of the Brief.

### Adobe Acrobat 9

1. Choose **Combine > Merge Files Into a Single PDF**.

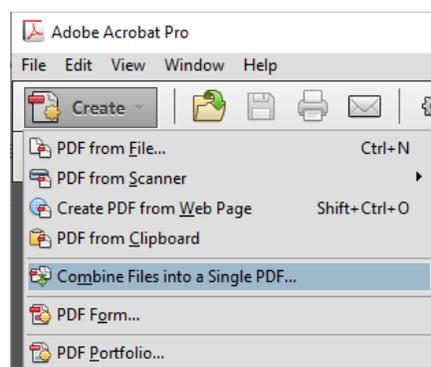


2. In the dialog box, add the individual files or folder of files you want to combine. The files can be a mix of formats (i.e. Word, Excel, PDF, etc.)
3. Arrange the files into the order you want them to appear in using the **Move Up** and **Move Down** buttons.
4. Select the **Combine** button in the dialog box and save the resulting combined file.

### Adobe Acrobat X

#### Option 1:

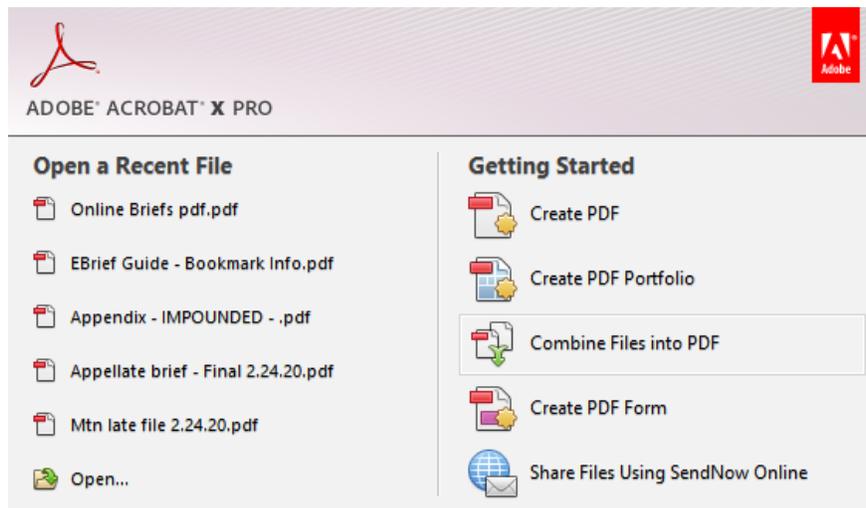
1. Choose **Create > Combine Files Into a Single PDF**



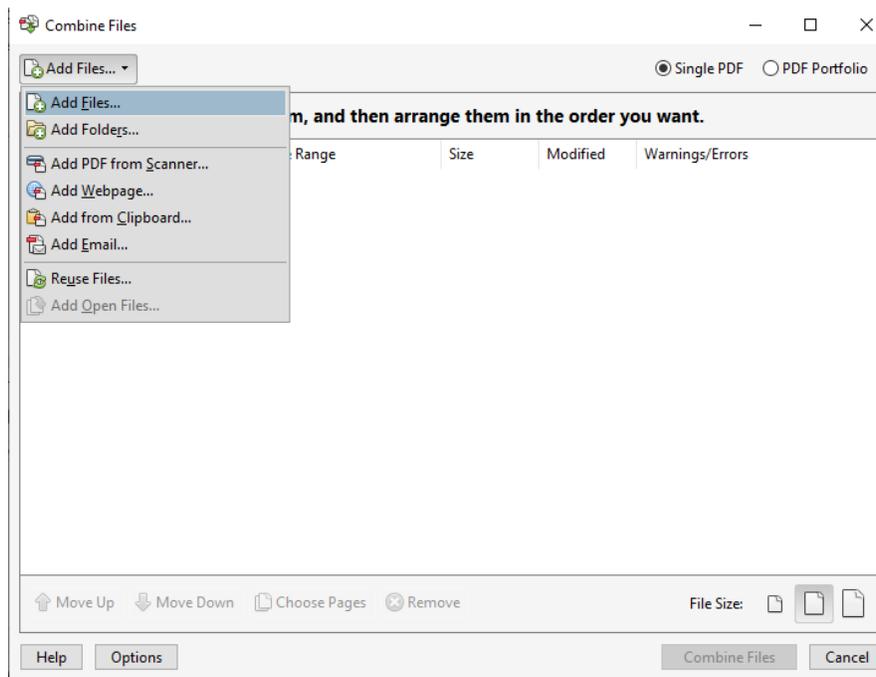
2. In the dialog box, add the individual files or folder of files that you want to combine. The files can be a mix of formats (i.e. Word, Excel, PDF, etc.)
3. Arrange the files in the order that you want them to appear in using the Move Up and **Move Down** buttons.
4. Select the **Combine** button in the dialog box and save the resulting combined file.

## Option 2:

1. Choose **Combine Files Into PDF** in the Getting Started Menu.



2. In the dialog box, add the individual files or folder of files that you want to combine. The files can be a mix of formats (i.e. Word, Excel, PDF, etc.)

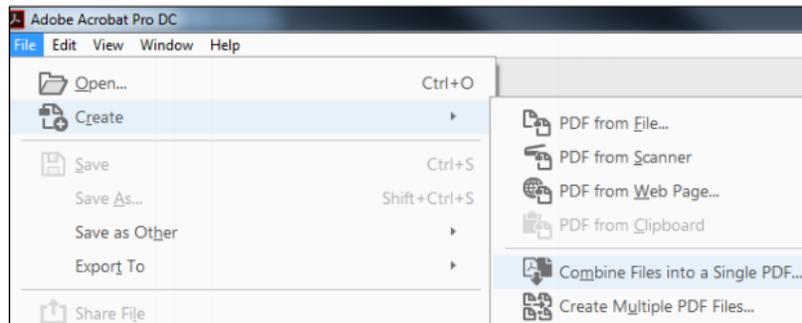


3. Arrange the files in the order that you want them to appear in using the **Move Up** and **Move Down** buttons.
4. Select the **Combine** button in the dialog box and save the resulting combined file.

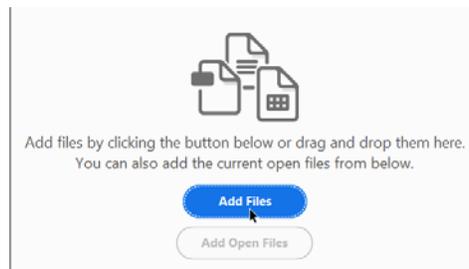
# Adobe Acrobat Pro DC

## Option 1:

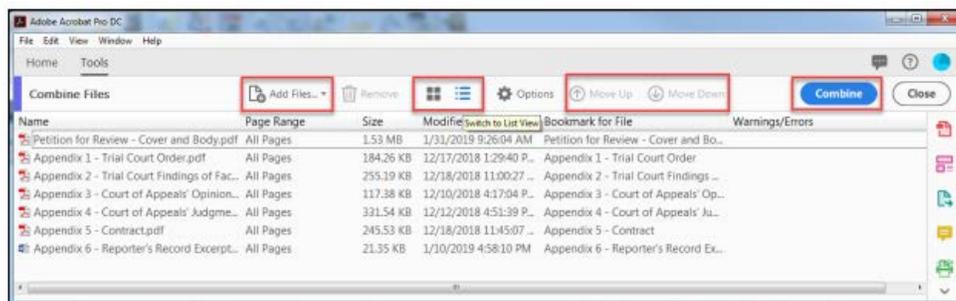
1. Choose **File > Create > Combine Files Into a Single PDF.**



2. Select **Add Files** to select files from a folder on your computer. If the documents you wish to combine are currently open, you can select **Add Open Files** instead.

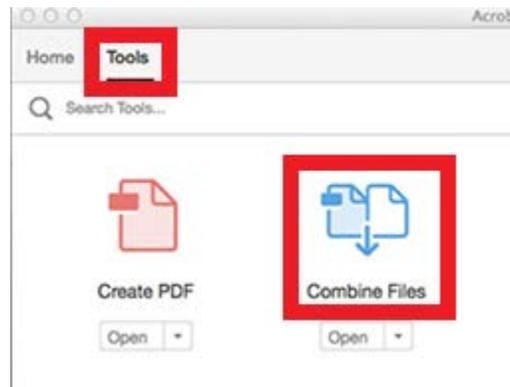


3. In the dialog box, highlight all the files or folder of files that you want to combine into a single PDF. The files can be a mix of formats (i.e. Word, Excel, PDF, etc.). Click **Open**.
4. Choose between Thumbnail View and List View. Arrange the files in the order that you want them to appear in using the **Move Up** and **Move Down** buttons or by dragging and dropping the file names.
5. If you forgot a file, you can add it using the **Add Files** button.
6. Select the **Combine** button in the dialog box and save the resulting combined file to your computer.

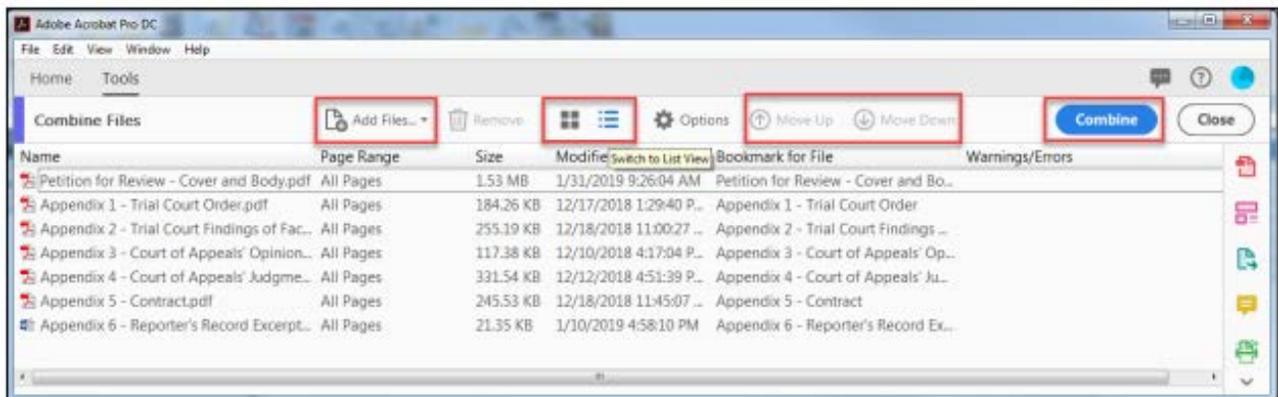


## Option 2:

1. Choose **Tools > Combine Files**.



2. Select **Add Files** to select files from a folder on your computer. If the documents you wish to combine are currently open, you can select **Add Open Files** instead.
3. In the dialog box, highlight all the files or folder of files that you want to combine into a single PDF. The files can be a mix of formats (i.e. Word, Excel, PDF, etc.). Click **Open**.
4. Choose between Thumbnail View and List View. Arrange the files in the order that you want them to appear in using the **Move Up** and **Move Down** buttons or by dragging and dropping the file names.
5. If you forgot a file, you can add it using the **Add Files** button.
6. Select the **Combine** button in the dialog box and save the resulting combined file to your computer.



## Step 4: Convert Appendix into a separate PDF.

The contents of the record appendix is governed by [Mass. R. A. P. 18](#) and the format by [Mass. R. A.P. 20](#)(a)(5)-(6). See the instructions in [Step 2](#) for converting an Addendum to PDF; you can follow the same steps to convert your Appendix into PDF, with one important exception:

### **DO NOT COMBINE THE APPENDIX WITH THE BRIEF OR ANY MOTION.**

Your Appendix must **not** be attached to your Brief or any motion. The appendix must be submitted as its own, separate PDF. An Appendix that is not submitted as its own PDF file will be rejected, and you will be required to re-submit your Brief and all of your Appendices as separate PDFs.

### **Creation and Size of Appendix Volume(s).**

Documents larger than the 25 MB size limit cannot be submitted for e-filing and must be divided into separate segments, each below the 25 MB size limit.

**Because each volume of appendix must be less than 25MB, it is recommended that you ascertain the file size of the appendix before applying page numbers and completing your table of contents and brief citations.**

You must indicate both on the cover of the document and in the "Description" field in eFileMA.com that the filing is one of multiple volumes (for example, after uploading an Appendix volume, you should put in its Description field "Volume I of II" or "Volume II of II").

All briefs and appendix volumes must start with the cover as page 1, so that the page numbers on the document match the page numbers displayed in the PDF reader software. Blank pages should be avoided whenever possible. Any that remain should be marked "Intentionally Blank" or similar, and should have a page number so that sequential numbering is maintained.

To facilitate reading multi-volume appendices in electronic form:

(a) Each volume of the appendix shall be designated by a roman numeral on the cover and shall be separately paginated beginning with the cover as page one. All subsequent pages should be numbered consecutively, including the table of contents. Do not continue page numbers across multiple volumes. Thus, your brief should cite to both the volume and its page number (for example "App. I at 155" or "R.A. II at 49").

(b) The first volume of the appendix shall include a complete table of contents referencing all volumes of the appendix, and each individual volume shall include a table of contents for that volume.

Due to size limitations, you may need to submit multiple envelopes to e-file all of your appendices. To minimize PDF file size, you must configure your scanners to scan text documents at 200 dpi and in black and white rather than in color. You must verify the legibility and orientation of all PDF documents before e-filing them. Any reproduction of an exhibit in an appendix should be of sufficient resolution to ensure a legible and accurate representation of the exhibit, including using color only if color is relevant. A color photograph marked or admitted as an exhibit in the lower court and included in the appendix must be in color. Lower court color-coded forms need not be reproduced in color.

## **Scanning Appendix Documents**

You will likely need to scan certain materials, such as a copy of the notice of appeal or a copy of the judgment, for your Appendix. If you scan any documents, please review [Step 5](#) for ensuring the text of those documents is **OCR searchable**.

## Step 5: Make any scanned materials OCR searchable.

All documents submitted for e-filing must be in searchable format, see S.J.C. Rule 1:25, Rule 9(a), which is also known as optical character recognition (OCR). OCR is a type of technology that recognizes text in a digital image. OCR allows users -- including the Justices of the Appeals Court as well as parties and other readers -- to search for keywords, highlight text, insert notes, and copy and paste material within the PDF. While electronic documents like webpages and PDFs obtained online are automatically searchable using OCR technology, scanned documents frequently are not.

**Making your Brief, Addendum, and Appendix OCR searchable is a critical step, and the Appeals Court may reject your PDF if it is not OCR compliant.**

While the Appeals Court recognizes that OCR software may not detect every line of text in the PDF (for example, handwritten entries often go undetected), you should attempt to render as much of your document OCR compliant as possible.

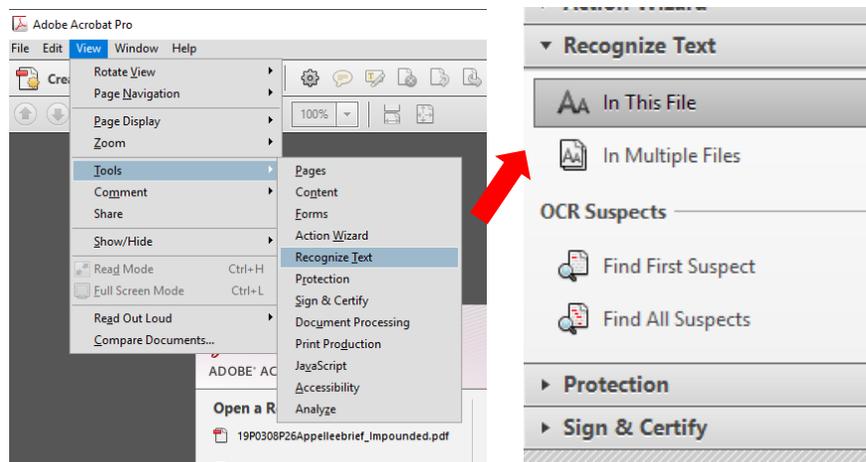
### Adobe Acrobat 9

1. Choose **Document > OCR Text Recognition > Recognize Text Using OCR**.
2. In the **Recognize Text** dialog box, select an option under **Pages**.
3. Optionally, click **Edit** to open the **Recognize Text-Settings** dialog box, and specify the options as needed. Click **OK** to start the OCR process.

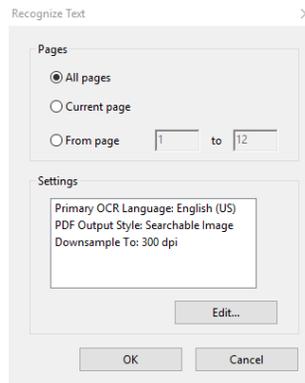
### Adobe Acrobat X

#### Option 1:

1. Choose **View > Tools > Recognize Text > In This File**.



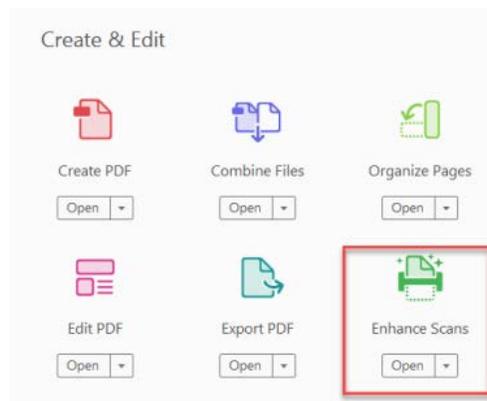
2. In the dialog box, choose **All Pages**. Click **Edit** to adjust the dpi if needed, and click **OK**.



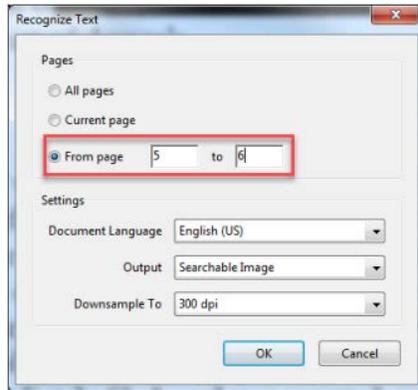
3. If an alert appears stating that Acrobat could not perform OCR because the page contains renderable text, this means the page is already searchable. Click **Ignore future errors in this document** and click **OK**.
4. **Save** the document again.

## Adobe Acrobat Pro DC

1. Choose **Tools > Enhance Scans > Open**.



2. In the **Enhance Scans** toolbar, select **Recognize Text > In This File**.
3. Select **All Pages** if the entire PDF document was scanned, or select **Page Range** to choose which pages need to be made searchable.
4. If entering a page range, in the dialog box, enter the page numbers that need to be made searchable. We recommend setting the **Downsample To** box to 200 dpi. Press **OK**.



5. Click **Recognize Text**.
6. If an alert appears stating that Acrobat could not perform OCR because the page contains renderable text, this means the page is already searchable. Click **Ignore future errors in this document** and click **OK**.
7. **Save** the document again.

# Fixing Mistakes, Editing Pagination, Adding Bookmarks & Links, Redacting Information

## How to Fix Mistakes in a PDF

### Edit PDF in Adobe

If you realize that you made an error in your brief or appendix after you have already converted it to a PDF, you may be able to fix the mistake using the **Edit PDF** tool in Adobe Acrobat.

Select **Tools > Edit PDF > Open**, or select **Tools > Content > Edit Document Text**.

Place the cursor where you want to edit, and you should be able to resolve a minor error or typo.

This tool is useful if you have made a small mistake, but it cannot be used for unusual fonts or for editing large portions of your document, since it does not move the text around in the same way as a word processor.

### Edit PDF in Word Processor

If you have made an error that is too sizeable to be corrected in the Edit PDF tool (for example, if you have forgotten to add in a paragraph of information, or left out any other significant amount of text), your best bet is to edit in the original word processing document and re-save it as a new PDF. Follow the same steps outlined above to re-save your corrected document as a PDF.

## Adding Headers, Footers, and Page Numbers to a PDF

In Adobe Acrobat, select **Tools > Edit PDF > Header & Footer > Add**, or **Tools > Pages > Header & Footer > Add Header & Footer**.

A dialog box containing several boxes labeled "Left Header Text," "Center Header Text," etc. will open, along with two preview windows.

Add the page number, date, or any other desired text into the appropriate box. For example, if you want a page number at the bottom right-hand corner, enter the page number into the box labeled "Right Footer Text."

In order to insert page numbers, click in the box where you would like the page number to appear, then select the **Insert Page Number** button.

You can adjust the page range where the header or footer appear by selecting **Page Range Options** and selecting **All Pages** or **Pages From** to pick an appropriate range.

## Bookmarking a PDF

Although bookmarks are **not required** for electronically-filed briefs in Massachusetts, the Appeals Court strongly **encourages** parties to add bookmarks. Justices frequently comment that bookmarks are helpful and encourage their use in a brief and record appendix.

Bookmarks allow a reader to easily navigate to different sections of a document. They can be helpful to a justice in quickly locating different areas of your argument or particular documents in the record.

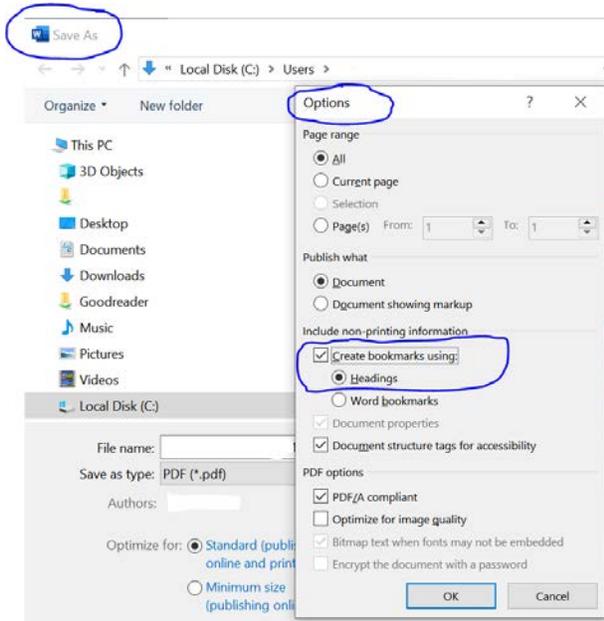
Bookmarks are visible in the Bookmarks Panel of Adobe Reader and Adobe Acrobat. If you choose to bookmark your document, you should use descriptive labels (i.e., Table of Contents; Table of Authorities; Issues Presented; etc.) rather than simply indicating page numbers.

### **Adobe Acrobat Automatically-Generated Bookmarks**

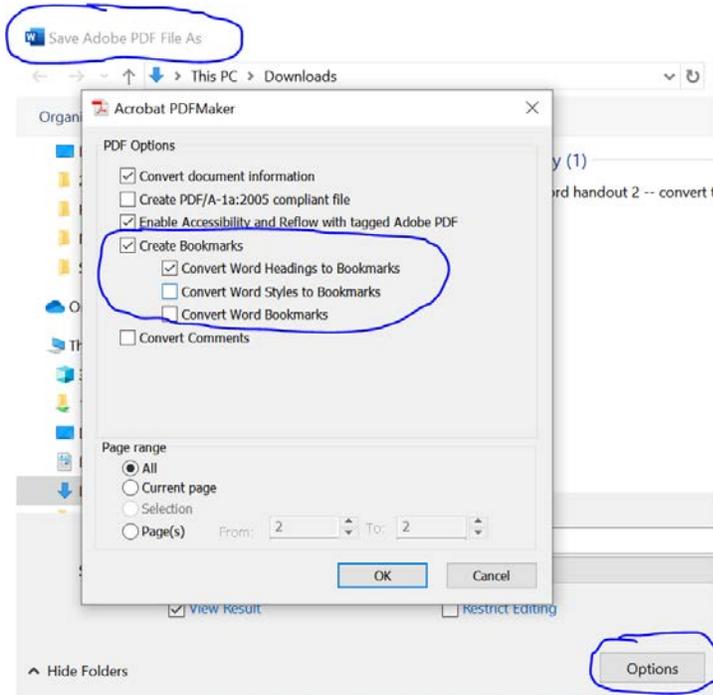
When using the **Combine Documents** feature, Acrobat automatically creates bookmarks by merging file names. As such, when naming your files, choose names that allow them to be easily identified so that you will not have to do the extra work of renaming your bookmarks (i.e. Appendix 1 - Notice of Appeal; Appendix 2 - Trial Court Judgment; etc.)

## Word Automatically-Generated Bookmarks

If you use Word's **Styles** feature to label headings within your document, then use the built-in Acrobat PDF Maker to generate a PDF, the document will automatically include bookmarks based on the document's headings. To do so, you must follow certain instructions when converting the word file to PDF:



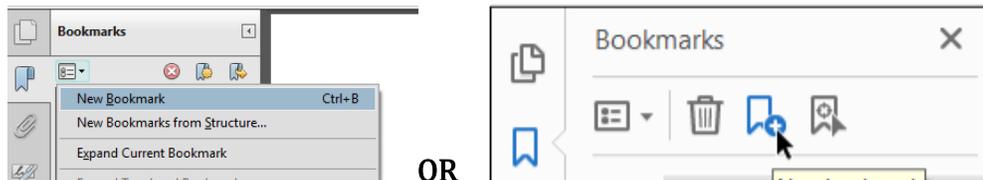
Or, if using the "Save as Adobe PDF" option:



## Manually Adding Bookmarks

To manually add a bookmark in Adobe Acrobat Pro:

1. Click the page where you would like to bookmark.
2. In the **Bookmarks Panel**, the new bookmark will appear at the top of the list. If you would like to add a new bookmark in relation to an existing bookmark, click on the bookmark above the location where you would like the new bookmark to appear. The new bookmark will appear below the selected bookmark.
3. Click the **New Bookmark Icon** or use the command **Ctrl + B** on your keyboard to create a new bookmark.



## Editing Bookmarks

To **delete** a bookmark, select the bookmark and press the **delete** key.

To **edit the name** of a bookmark, double click the bookmark to highlight the text. Retype the name of the bookmark and press "enter" or "return."

## Moving Bookmarks

To move a bookmark's location within the Bookmarks Panel, left click the bookmark symbol beside the bookmark's name and drag the bookmark to the desired location. The arrow and dotted line should appear in the new location. Release button and drop the bookmark in its new location.

## Nesting Bookmarks

Bookmarks can be nested beneath other bookmarks to create "tiers."

To nest a bookmark, drag it to the bookmark under which you would like it nested, and without releasing the button, move it up and to the right. Release the mouse button once the nested bookmark appears to be indented.

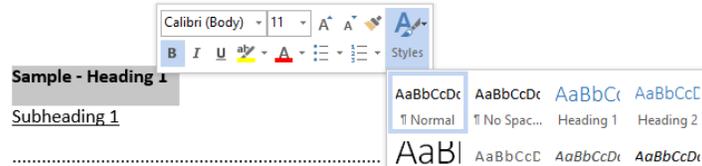
## Adding Internal Links in a PDF

Like bookmarks, internal links are not required, but can be extremely helpful to the Justices in navigating an electronic document such as a brief or record appendix.

## Adding Links in Word

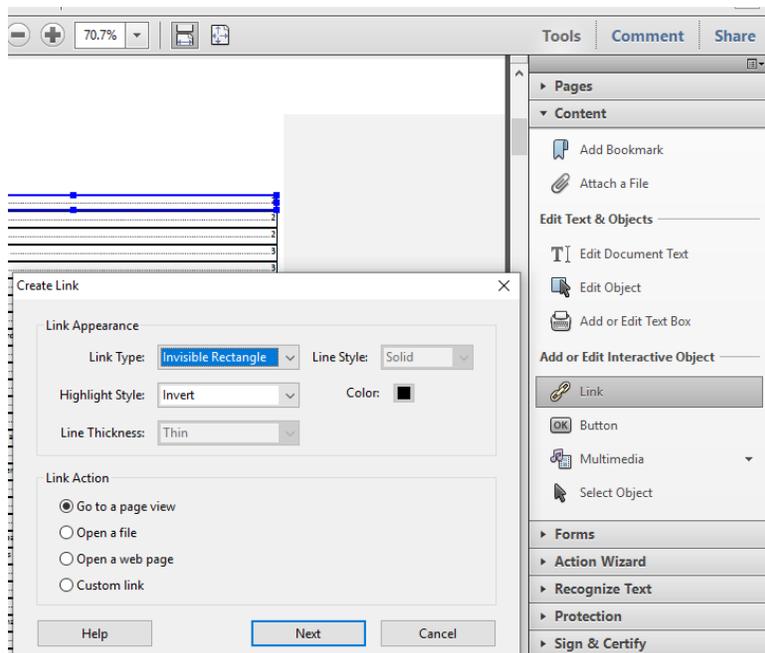
Links can be added using Word's "Styles" feature, which automatically generates links for phrases in the "Heading" styles. After the document is saved as a PDF, the links become active.

To use this feature, highlight and right click the heading you wish to be linked, and hover over **Styles**. Selecting **Heading 1** or **Heading 2** will generate the automatic links within the document.



## Adding Links in Adobe Acrobat Pro

Internal links can also be added directly to a PDF using Adobe Acrobat Pro. Under the **Tools** tab, select **Content** and then **Link**. Click and drag a box around the words that you would like to link. The **Create Link** dialog box should appear. Select **Go to page view** under Link Action. Hit **Next**. With the **Create Go To View** dialog box open, navigate to the page you wish to open when the link is clicked, then press **Set Link**.



## **Additional Guidance on Bookmarks and Links**

For more information about adding bookmarks and internal links to briefs, please see the Appeals Court's online guide on How to Create PDFs with Bookmarks and Internal Links: <https://www.mass.gov/service-details/how-to-create-pdfs-with-bookmarks-and-internal-links>

## Inclusion of Impounded Materials in Briefs or Record Appendices

All filers must take appropriate precautions to ensure that confidential or impounded case information does not become public. Appellate level impoundment procedures are governed by Rule 1:15 of the Rules of the Supreme Judicial Court ("[S.J.C. Rule 1:15](#)") and the [Massachusetts Rules of Appellate Procedure](#). The rules apply regardless of whether the appeal is made to a single justice or to the full court or panel. All information impounded in the trial court will remain impounded in the appellate court, unless otherwise ordered, provided the parties follow the required procedures. Parties must comply with [Rules 16\(d\)](#), [16\(m\)](#), [18\(a\)](#), and [18\(d\)](#) of Massachusetts Appellate Procedure if they wish to keep the information confidential. These rules require that:

1. the parties refrain from disclosing impounded material, unless necessary.
2. the disclosing party, when disclosure is necessary, file and serve a notice of the disclosure or filing of such information.
3. the cover of briefs, record appendices, and other filings containing impounded material clearly indicate its inclusion (e.g., "Impounded" or "Contains references to impounded material").
4. in cases where only certain portions of the record need to be impounded, parties file a separate record appendix volume containing only that material, its cover labeled as containing impounded material.
5. the parties use a pseudonym or initials if a party's name is confidential or impounded.
6. a copy of any order of impoundment must be included in the record appendix.
7. the parties not disclose impounded material at oral argument unless necessary and, in such instances, notify the clerk in advance and, in appropriate cases, make such disclosures in a manner that protects the confidential information.

## Protection of Personally Identifying Information

All parties must follow Supreme Judicial Court Rule 1:24 ("[S.J.C. Rule 1:24](#)") and [Mass R. App. P. 21](#) to protect Personally Identifying Information ("PII") when filing any publicly accessible court document. This rule applies to briefs, appendices, motions, and any other filings accessible to the public.

PII includes social security numbers, taxpayer identification numbers, driver's license numbers, state-issued ID card numbers, passport numbers, financial account numbers, credit or debit card numbers, and parent's birth surnames (if identified as such).

The filer of a document is responsible for redacting any PII unless a specific exemption applies. Exemptions include a law or court order specifically requiring the information or the PII is an account number necessary to identify an account subject to a forfeiture proceeding.

Section 10 of Rule 1:24 discusses appellate court filings in detail. PII must be redacted in the appellate record appendix even if it was filed unredacted in the trial court. If a brief must contain

unredacted PII pursuant to an exemption, one additional copy of the brief must be filed, labeled "Limited Personal Identifying Information" on the cover, in which the PII has been redacted. To file unredacted PII as part of the record appendix, parties must first obtain the leave of the Appeals Court.

"Redacted" means a filing that either does not include complete PII or has portions of such information whited or blacked out so they are not readable. To redact PII in documents drafted for filing, either replace omitted information with "xxx", or use "beginning/ending with", for example "driver's license number ending with 23", or "checking account no. xxx645". In all documents that were not drafted for filing in court, such as copies of pre-existing exhibits, the filer shall partially redact all personal identifying information as required by this rule. All redactions shall be made in a way that prevents the redacted information from being read or made visible.

Rule 1:24 has [commentary](#) from the drafting committee to provide aid in understanding and applying the rule.

## Redaction

While eFileMA allows users to designate their filings as "Public" or "Impounded," it may be necessary for filers to redact certain information in their briefs and appendices in order to comply with the various rules governing redaction of impounded or confidential material in briefs and appendices. Parties are required to redact any personally-identifying information in a publically-accessible brief or appendix.

In general, a party should avoid including personally-identifying, impounded, or confidential material in their brief and appendix wherever possible. Where personally-identifying information must be included, it should be redacted as follows:

### **Social Security Number, Driver's License/ID Card Number, and Passport Number:**

All but the last 4 digits of the number must be redacted.

Example: Jodie's SSN is 555-55-5555. Her redacted number may be written as "xxx-xx-5555," or "the SSN ending in 5555."

### **Parent's Birth Surname:**

All but the first initial of the surname must be redacted.

Example: Jodie's name is Jodie Smith. Her redacted name is "Jodie S."

### **Financial Account Numbers/Credit Card Numbers:**

All but the last 4 digits of the number must be redacted.

Example: Jodie's credit card number is 5500 0000 5555 0505. Her redacted credit card number may be written as "xxxx xxxx xxxx 0505," or "the credit card ending in 0505."

While it is always the best option to avoid including sensitive information, sometimes it is unavoidable. If that is the case, follow the methods below to ensure that your confidential information is protected.

## Redacting Using a Word Processor

If you have access to the original text document in a word processing system, the best way to redact sensitive information is to do so in the original text file by locating the information and replacing it with "xxx," an initial, or "beginning with" or "ending with" where appropriate. For example:

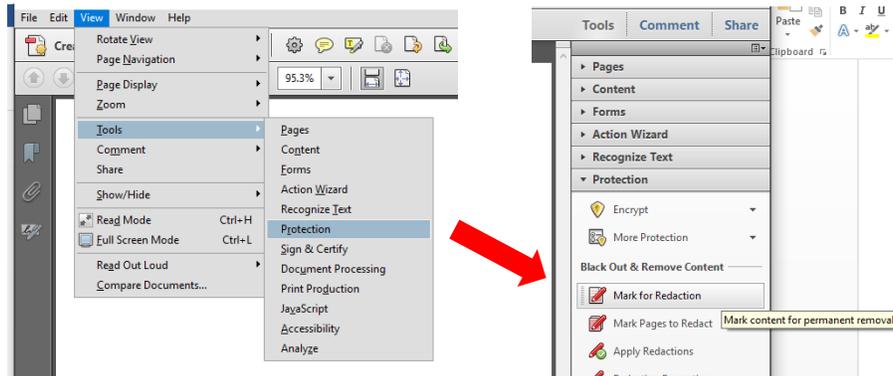
Jodie Smith's checking account at Regional Bank is 5500 0000 5555 0505.

becomes

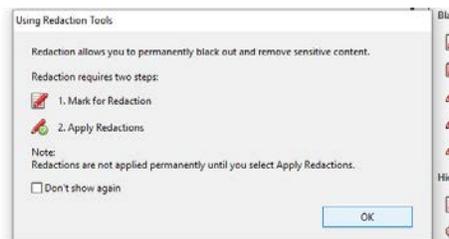
Jodie Smith's checking account at Regional Bank is xxx0505.

## Redacting Using Adobe Acrobat X Pro

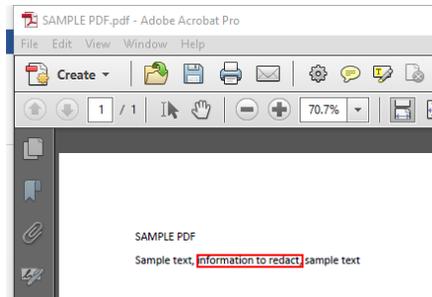
1. Go to **View > Tools > Protection**, and select **Mark for Redaction**.



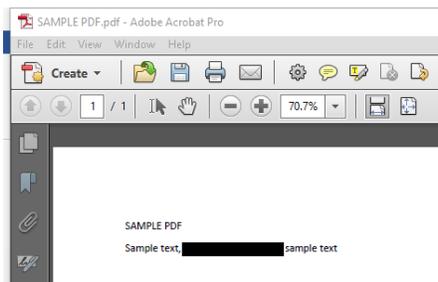
2. A dialog box will appear to remind you that there are 2 steps to redaction: marking content for redaction, then applying the redactions. Click **OK**.



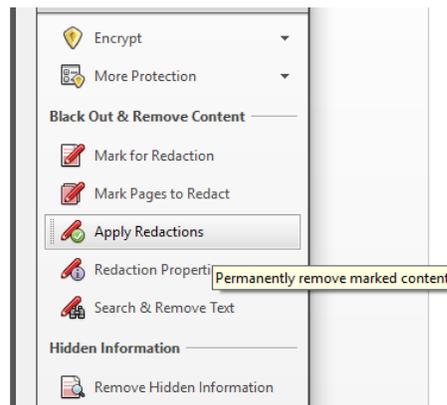
3. Highlight the text you would like to redact. When you release your mouse, your blue highlight should turn into a red box.



4. Hover your cursor over the red box to preview what the text will look like when it is redacted.

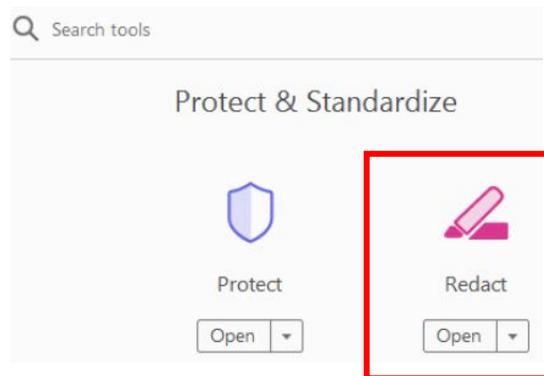


5. Click **Apply Redactions**.

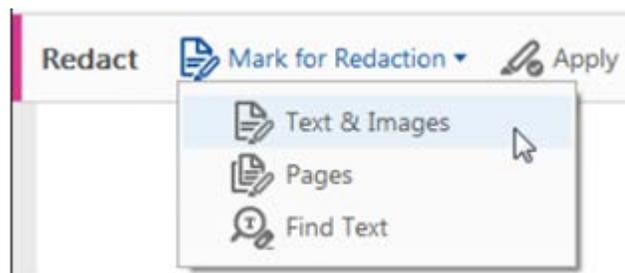


## Redacting Using Adobe Acrobat Pro DC

1. In Acrobat Pro, select **Tools > Redact > Open**.



2. Select **Mark for Redaction > Text & Images**.



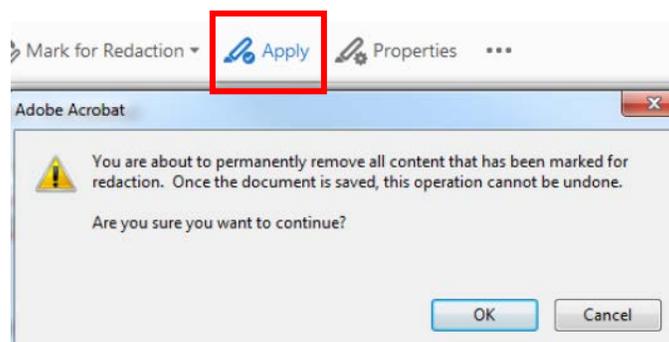
3. Highlight the text you would like to redact. When you release your mouse, your blue highlight should turn into a red box.

SAMPLE PDF  
Sample text, information to redact, sample text

4. Place your cursor over the word to preview what the redaction will look like.

SAMPLE PDF  
Sample text, ██████████, sample text

5. Select **Apply > OK**.



For more information on redacting personally-identifying information, please see [SJC Rule 1:24](#).

## THE CAFL RECORD ON APPEAL

### **The Record Appendix**

Governed by Rule 18(a) of the Mass. Rules of Appellate Procedure

Must be made into a searchable PDF

Must have a cover page and a table of contents

Must be consecutively numbered with the cover page as page number

Cannot exceed 25MB in size. (If it does, you need to optimize it or reduce the size of the file or break it down into multiple volumes)

Look at Rule 18(a) when making your Record Appendix. Make sure it includes all required documents, such as:

- The docket sheet
- Relevant portions of the pleadings
- Any judgment or orders. If the motion is endorsed by hand with a written ruling, include a typed version of that ruling with the order
- Trial exhibits
- The notice of appeal

Rule 18(d) of the Mass. Rules of Appellate Procedure tell you how to put the documents in order documents in the Record Appendix.

Work with the other appellate attorneys to create a join record-appendix

Send a courtesy copy of the final version to all counsel when the Record Appendix volume is complete.

### **Obtaining the Record**

Call the courthouse Clerk's Office in advance and ask for their preferred copying method. Each courthouse is different. Some prefer you to bring a scanner or your own paper.

Ask trial counsel to send you copies of the exhibits, motions, rulings, etc. Then when you go to the courthouse, make sure they are the same version as the

document in the court record. If not, ask for a copy of the actual version. The record should be the same as the court file version.

Leave everything in the file exactly as you found it.

### **The Transcript Volume**

The transcripts will be in its own volume.

Most courthouses just order the trial dates. If you want additional transcripts, you have to request that (preferably in writing). Do so early. Some courthouses let you order the transcript directly on “For the Record.”

If there are portions of the record that are missing or there are portions of the hearing that were not transcribed (often because a portion of the speaking is inaudible). The appellant must try to reconstruct the record by getting a stipulation from the attorneys or filing an affidavit of trial counsel. Look at the record and determine as soon as possible whether you will need to reconstruct anything in order to proceed with your appeal.

### **The Addendum**

Is at the end of, part of, the brief in chief. Must contain the Findings of Fact, secondary authority, any unpublished decisions, and the pertinent part of any statute, regulation or policy you cite in your brief.

It must be consecutively numbered with your brief.