

## **Guide to Appeals Court Single Justice Practice**

### TABLE OF CONTENTS

#### **Appeals of Interlocutory Orders – G. L. c. 231, §118**

I.	Filing a Petition – General Information	<a href="#">2</a>
II.	E-Filing a Single Justice Petition	<a href="#">3</a>
III.	Paper Filing a Single Justice Petition	<a href="#">10</a>
IV.	Filing a response – General Information	<a href="#">13</a>
V.	E-filing a Response	<a href="#">14</a>
VI.	Paper Filing a Response	<a href="#">21</a>

#### **Stay Pending Appeal – Mass. R.A.P. 6**

I.	Filing a Motion to Stay – General Information	<a href="#">23</a>
II.	E-Filing a Motion to Stay (not accompanying a G.L. c. 231, §118 petition)	<a href="#">24</a>
III.	Paper Filing a Motion to Stay (not accompanying a G.L. c. 231, §118 petition)	<a href="#">31</a>

If you are not sure whether to file a petition or have questions during the process, contact CAFL administration (private counsel) or the Attorney in Charge of the CAFL Appellate Unit (staff counsel).

Please remember to send CAFL administration any single justice petition, memorandum of law, or response you file. See CAFL Perf. Standard 4.6(a).

For technical assistance with the eFileMA.com portal, contact Tyler Technologies at 1-800-297-5377 (issues with registration, error messages, etc.). For questions about what e-filing code to select or rejected submissions, contact the Appeals Court e-filing hotline at 617-725-8725.

I. **FILING A PETITION – GENERAL INFORMATION**

A. **FILING METHOD** (e-file or submit paper original)

As of September 1, 2018, you may file single justice petitions in impounded cases in one of two ways:

- (1) using the **e-filing** portal [eFileMA.com](#), **or**
- (2) submitting a **paper original** with the Clerk's Office of the Appeals Court.

**You must choose one and cannot do both.** Although e-filing is still voluntary for impounded cases, the Clerk's Office is moving toward mandatory paperless practice and **strongly encourages e-filing for single justice petitions** and the required accompanying documents.

The alternative to e-filing is submitting a single paper original of the petition and the required accompanying documents to the Clerk's Office of the Appeals Court. If you file by submitting a paper original, the Clerk's Office prefers you also submit a compact disc (CD) containing searchable PDFs of your petition and all accompanying documents.

The specific requirements of each method vary slightly and are explained below. The guidelines for e-filing a petition can be found on pages [3 - 11](#) and the guidelines for filing by a paper original are on pages [10 -14](#).

B. **TIMING**

Petitions **must** be filed **within 30 days** of the entry of the lower court's order on the docket. This time period cannot be extended and is not tolled by later motions.

- When **e-filing**, the deadline is extended to **11:59 p.m.** on the day the petition is due. An e-filed document is considered filed at the time it is submitted **UNLESS** it is later rejected by the Clerk's Office for non-compliance with the rules.
- When **paper filing**, the deadline is **4:30 p.m.** on the day the petition is due.

C. **FORMATTING REQUIREMENTS**

All documents **must** conform to Mass. R. App. P. 20 as to form, regarding margins, typeface, font, etc. All documents **must**:

- use **Courier 12-point** font (or a conforming proportional font), **double-spaced** lines, and at least **1 ½ inch margins** on each side;

- be marked as “**Impounded**” on the first page of every document or in caption;
- leave Appeals Court **docket number blank** unless provided by the Clerk’s office (you may call for the docket number after the petition is filed or it will appear on your eFileMA.com dashboard); and
- **not** provide parties’ last names (“Susan G.”)

#### D. HEARINGS

The single justice has the discretion to decide whether to hold a hearing. Hearings are usually not granted and most matters are decided on the papers. Counsel must argue all points as thoroughly as possible in the pleadings.

#### E. EMERGENCY PETITIONS

1. **Filing Method** – If your single justice petition is an **emergency**, contact the Appeals Court Clerk’s Office. Ask to speak to the assistant clerk assigned to single justice petitions and explain the nature of the emergency filing to the clerk. It is rare, but the clerk or single justice may permit you to fax or email your petition and supporting documents to the Appeals Court. In the event you are advised to e-file, proceed to Section II ([page 3](#)) and follow the required steps for e-filing.
2. **Motion to Stay a Trial Court Judgment or Order Pending Appeal** – The filing of a single justice petition **does not** automatically stay the order of the lower court that is the subject of the petition unless otherwise ordered by the single justice. If a stay is necessary, you must request it in separate motion.
  - Unless it is an extraordinary circumstance (i.e. dire time constraints), the petitioner **must first request that the trial court itself stay the order**, explaining that you need time to prepare the petition, and for the single justice to review it.
  - If there are extraordinary circumstances (or the trial court denies your request), you can file a separate motion to stay **with your petition**,
    - If you are e-filing, your motion to stay will be uploaded as an “additional filing” along with your petition and accompanying documents.
    - For further information on the required contents and format of a motion to stay, see page [23](#).

## II. E-FILING A SINGLE JUSTICE PETITION

\*When e-filing you **cannot** also submit a paper copy original.

<p><b>Deadline</b></p>	<p>Petitions <b>must</b> be filed <b><u>within 30 days</u></b> of the entry of the lower court's order on the docket. This time period cannot be extended and is not tolled by later motions.</p> <p>When e-filing the deadline is extended to <b>11:59 p.m.</b> on the day the petition is due.</p> <p>An e-filed document is considered filed at the time it is submitted <b>UNLESS</b> it is later rejected by the Appeals Court Clerk's office for non-compliance with the rules.</p>
<p><b>Getting Started – Registration and Setting Up a Waiver Account (E-filing)</b></p>	<p>Single justice petitions are e-filed through the <a href="http://eFileMA.com">eFileMA.com</a> portal. To start, you should visit the portal and <b>register</b> for a "firm account." This will allow you to make e-file submissions and enroll you in the Appeals Court e-service and e-notice programs.</p> <p>The portal is designed to be user-friendly. For a step-by-step guide to registration, you can also refer to the <a href="#">Appeals Court Guide to Electronic Filing</a>.</p> <p>To file a single justice petition there is both an Appeals Court filing fee and separate "uploading fee" paid to e-filing company. When you register, you should <b>set up a waiver account</b> which will allow you to waive the "uploading fee." For step-by-step instructions to create a waiver account, you can use the "Show me how to..." function or consult the <a href="#">Appeals Court E-filing User Guide</a>.</p>
<p><b>Required Documents (E-filing)</b></p> <p>Note: you do <u>not</u> need to file a notice of appeal.</p>	<p>You <b>must</b> e-file the following documents:</p> <ol style="list-style-type: none"> <li>1. Petition with attached Certificate of Service;</li> <li>2. Memorandum of Law in Support of Petition;</li> <li>3. Record Appendix;</li> <li>4. Motion to Waive Filing Fee; and</li> <li>5. Affidavit of Indigency (or if the petitioner is a child, an affidavit of counsel as to the child's indigence).</li> </ol> <p>These documents should each be saved and e-filed as <b>separate PDFs</b>. For model petitions/memos and other document templates, please visit the <a href="#">CAFL Single Justice Practice webpage</a>.</p> <p>Please see additional specifications for the contents and format of each document in the applicable section below.</p>
<p><b>What needs to be in the Petition? (E-filing)</b></p>	<p>Body of petition (<u>5 pages max</u>) <b>must</b> include:</p> <ul style="list-style-type: none"> <li>• a <b>request for review</b>, stating nature of order appealed from, date of order, and name of judge who entered it;</li> <li>• a statement of the <b>issues of law</b> raised by the petition;</li> </ul>

<p>For model petitions, visit the <a href="#">CAFL single justice practice website</a>.</p>	<ul style="list-style-type: none"> <li>• a statement as to whether the party has filed, served, or intends to file a <b>motion for reconsideration</b> (note: you do <u>not</u> have to file a motion for reconsideration; the Court just wants to know if you did, or intend to, file one); and</li> <li>• a specific <b>request for relief</b>.</li> </ul> <p>The petition must conform to Mass. R. App. P. 20, S.J.C. Rule 1:25 – Mass. Rules of Electronic Filing, and PDF requirements for Electronic Filing (described in detail below).</p> <p>Attached to the petition (and saved in the <b>same searchable PDF</b>) you <b>must</b> include:</p> <ul style="list-style-type: none"> <li>• an <b>addendum</b> containing a copy of the trial court's order;</li> <li>• a <b>proposed order</b> for the single justice (<u>not</u> required, but recommended); and</li> <li>• a <b>certificate of service</b>.</li> </ul>
<p><b>What needs to be in the Certificate of Service? (E-filing)</b></p> <p>For a model certificate of service, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>The certificate of service should be <b>attached to the petition</b> and <b>saved in the same searchable PDF</b>. You must serve the filed documents on all other parties and serve/file a copy with the <b>trial court clerk's office from which the matter arose</b>.</p> <p>Service may be <b>in-person, first class mail, or electronically</b> with the consent of the person served.</p> <ul style="list-style-type: none"> <li>• Registration for the eFileMA.com system requires you consent to electronic service. When e-filing you can search for other attorneys in the portal's "public list" and provide service electronically to those attorneys (by choosing the "e-file and serve" option when uploading – this is discussed further later). <b>If you cannot find an attorney on the public email list, you should make service through conventional, paper service.</b></li> </ul> <p>The certificate of service <b>must</b>:</p> <ul style="list-style-type: none"> <li>• list the name, address, email address (if known), and phone number of the attorneys or other persons served;</li> <li>• identify the party that each attorney represents (identified <u>not</u> by name, but as "mother," "child," etc.); and</li> <li>• specify the date and manner of service.</li> </ul> <p>**Remember that you should not serve your client's affidavit of indigency on other parties.</p>
<p><b>What needs to be in the Memorandum of Law?</b></p>	<p>Memorandum of Law (<u>15 pages max</u>) <b>must</b>:</p> <ul style="list-style-type: none"> <li>• support the petitioner's position with <b>citations to appropriate authorities</b>;</li> </ul>

<p><b>(E-filing)</b></p> <p>For model memos, visit the <a href="#">CAFL single justice practice website</a>.</p>	<ul style="list-style-type: none"> <li>include a statement as to <b>why interlocutory relief is appropriate</b>;</li> <li>refer to parts of the record relevant to the issues in the petition and provide relevant facts <b>with corresponding citations</b> to the record appendix; and</li> <li>conform to Mass. R. App. P. 20, S.J.C. Rule 1:25 – Mass. Rules of Electronic Filing, and PDF requirements for Electronic Filing (described in detail below).</li> </ul>
<p><b>What needs to be in the Record Appendix? (E-filing)</b></p>	<p>Record Appendix should include portions of the record that are relevant to the issues in the petition. It <b>must</b> include:</p> <ul style="list-style-type: none"> <li>a <b>table of contents</b> that lists each document included and the page on which it appears;</li> <li>a current copy of the trial court <b>docket</b> entries;</li> <li><b>all relevant papers</b> filed with the trial court (including those filed by other parties); and <ul style="list-style-type: none"> <li>You may only submit those pleadings, exhibits, and papers that were before the trial court when the order appealed from was entered and which are necessary for an adjudication of the issues raised.</li> </ul> </li> <li>a <b>transcript</b>, if available (<u>not</u> required). <ul style="list-style-type: none"> <li>If a transcript is not available, include one or more affidavits of counsel (or others) stating what occurred below, what evidence was offered/admitted below, what offers of proof were made, etc. If a transcript becomes available later, it may be substituted for the affidavit of counsel.</li> <li>If you have a transcript, you can submit excerpts if only a few pages are necessary for review, but the court could request you file a complete volume.</li> </ul> </li> </ul> <p>The record appendix <b>must</b> be:</p> <ul style="list-style-type: none"> <li>a <a href="#">searchable PDF</a>;</li> <li><b>consecutively numbered</b>, <u>starting with the first page or cover as page one (1)</u>;</li> <li>numbered using the <a href="#">“Bates Number”</a> function on your PDF software (the page numbers must <b>exactly match</b> the pagination as it appears in the PDF software); and</li> <li><b>less than 25 MB</b> in size. <ul style="list-style-type: none"> <li>To determine the size of your file, look at its “properties” (right click on the document icon, click properties, then click size).</li> <li>If your appendix is larger than 25 MB, try <a href="#">these tips</a> for reducing the file size or submit the appendix in multiple volumes (in separate PDFs).</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ If submitting multiple volumes, <b>each volume must include a table of contents</b> and have a <b>Roman numeral volume designation</b> (I through X) on the cover. Each volume must be <b>numbered individually</b> starting with page one (1) on the cover or first page of that volume.</li> </ul> <p>For more information on creating a record appendix for e-filing, see the <a href="#">Appeals Court Guide for Creating an E-filed Brief and Appendix</a>.</p>
<p><b>What do I need to do to waive the filing fees? (E-file)</b></p> <p>For model motions and affidavits, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>There is both an Appeals Court filing fee and separate e-filing “uploading fee.” In order to waive both fees, you <b>must</b>:</p> <ul style="list-style-type: none"> <li>● E-file a <b>Motion to Waive Fees</b> (saved as a separate PDF);</li> <li>● E-file a <b>current affidavit</b> regarding indigency (saved as a separate PDF); <ul style="list-style-type: none"> <li>○ If the petitioner is a parent, a current affidavit of indigency is required.</li> <li>○ If the petitioner is a child, an affidavit of counsel as to the child’s indigence is required.</li> <li>○ Attaching a copy of your NAC is <u>not</u> sufficient.</li> </ul> </li> <li>● <b>Create a waiver account</b> in the eFileMA.com portal to waive the “uploading fee”; and <ul style="list-style-type: none"> <li>○ For step-by-step instructions to create a waiver account, you can use the “Show me how too...” function or consult the <a href="#">Appeals Court E-filing User Guide</a>.</li> </ul> </li> <li>● <b>Select your waiver account</b> when prompted to select a <b>payment method</b> (discussed further below).</li> </ul>
<p><b>E-filing Your Petition – Step-By-Step</b></p>	<p>On the <a href="#">eFileMA.com</a> home page, click <b>“File Now!”</b> (upper right corner). You will be prompted to <b>“Sign in.”</b> Once signed in, your <b>“Filer Dashboard”</b> will appear. Under the heading <b>“New Filing,”</b> choose <b>“<u>Start a New Case.</u>”</b></p> <p><u>Case Information</u></p> <p>First, you provide some basic information about your case (only the fields in red are required). For location, select <b>“Appeals Court – Single Justice (J Docket).”</b> For category, select <b>“Appeals Court Single Justice – Civil.”</b> And for case type, select <b>“Petition under c. 231, §118 p.1.”</b> Although it is not required, it’s helpful to include the lower court docket number in the <b>“Lower Court/Agency Case #”</b> field. Then, click <b>“Save Changes.”</b></p> <p><u>Party Information</u></p>

The next step is to input **party information** (only the fields in red are required). For party type, select "**Defendant/Petitioner.**" Then list your **client's first and last name** (using his or her full name; this information is only used for the Clerk's Office to properly identify the case). Then, click "**Save Changes.**"

#### Filings

Here, you provide a description of each document you are submitting by selecting a "**Filing Type,**" "**Filing Code,**" and **the party** you are filing on the behalf of (the party you represent). Only the fields in red are required. You complete this step separately for each document you submit.

- Under "**Filing Type,**" you can choose to e-file (default setting) or to "e-file and serve" the document. Remember, there may be documents (your client's affidavit of indigency) that you want to e-file, but not serve on the other parties.
- Under "**Filing Code,**" select the description that best matches the type of document you are uploading.

In the "**Lead Document**" field, upload your document and select "**Impounded**" from the drop down menu titled "**Security.**" Then, click "**Save Changes.**" You need to **complete this step for each document** you submit. To add your next document, click "**Add Another Filing.**"

#### Service Contacts

Even if you are not e-serving other parties, the system requires you to **list yourself as a service contact.** To the right of your client's name, click the "**Action**" drop down menu and select "**Add from Firm Service Contacts.**" Your name and email address will appear, **click the box** next to your name and hit **close.**

If you chose to "e-file and serve" any of your uploaded documents, this is where you will identify attorneys to serve. On the line for "Other Service Contacts," click the "**Action**" drop down menu and select "**Add from Public List.**" You can then search for specific attorneys. Remember only attorneys signed up for the eFileMA.com system are on the public email list. If you cannot find an attorney on the public list, you should make service through conventional, paper service (or by email if the attorney has consented). If you find an attorney on the public list, **click the box** next to his or her name and hit **close.**

#### Fees

In the fee section, you will select a "**Payment Account**" and identify the "**Filing Attorney**" (yourself). If you created a waiver

	<p>account during registration, it will be listed as an option for you to select from the “<b>Payment Account</b>” drop down menu.</p> <ul style="list-style-type: none"> <li>• If you didn't create a waiver account at registration, click on the orange “<b>Actions</b>” button (upper right), select “<b>Payment Accounts</b>”, and create a waiver account.</li> </ul> <p><u>Submission Agreements</u> Read the submission agreements and check the corresponding boxes stating that: a <b>certificate of service</b> is included (in the same PDF as your petition); each <b>PDF is in text searchable</b> format; all confidential information has been redacted and/or <b>labeled as impounded</b>.</p> <p><u>Review</u> At this point, you can either save the envelope as a draft (to continue working on later) or review a final summary of your envelope. This gives you another opportunity to review your case information and uploaded documents before submitting.</p>
<p><b>How do I know my documents were accepted for filing?</b></p>	<p>After you submit your documents through the portal, you will receive an email confirming that each uploaded documents has been submitted to the Clerk's Office for review (you will receive a separate email for each uploaded document).</p> <p>After the Clerk's Office reviews each document, you will receive a second email informing you whether the document has been <b>accepted for filing or rejected</b>.</p> <p>If your document has been accepted for filing, this email will provide you with a link to a date stamped copy of the document (these links only last for 45 days, so be sure to download or print a copy for your records). If your document is rejected, the email will identify the problem and tell you the steps to take to correct it.</p>
<p><b>Notify CAFL Administration</b></p>	<p>After filing, you must send a copy of both your petition and accompanying memorandum of law to CAFL administration at <a href="mailto:acohen@publiccounsel.net">acohen@publiccounsel.net</a>. See CAFL Perf. Standard 4.6(a).</p>
<p><b>Formatting Requirements (E-filing)</b></p>	<p>All documents <b>must</b> conform to:</p> <ul style="list-style-type: none"> <li>• <a href="#">Mass. R. App. P. 20</a>;</li> <li>• <a href="#">S.J.C. Rule 1:25 – Mass. Rules of Electronic Filing</a>; and</li> <li>• <a href="#">PDF requirements for Electronic Filing</a>.</li> </ul> <p>If you do not comply with the formatting requirements, your submission could be rejected by the Clerk's Office or the single</p>

justice could deny the petition without prejudice to re-file in compliance with the relevant rules.

**Formatting Requirements from Mass. R. App. P. 20:**

- Use **Courier 12-point** font (or a conforming proportional font), **double-spaced** lines, and at least **1 ½ inch margins** on each side.
- Mark the first page of every document **“Impounded”** above or in caption (and designate each document as impounded on the e-filing portal when prompted to do so).
- Leave Appeals Court **docket number blank** unless provided by the Clerk’s Office (you may call to obtain the docket number after the petition is filed);
- Do **not** provide parties’ last names (“Susan G.”).

**PDF Requirements for E-Filed Documents:**

- All documents must be saved as a **searchable PDF**.
- You must verify the legibility and orientation of all PDF documents before e-filing them.
- All documents must be **consecutively numbered**, starting with the first page or cover as page one (1).
- Numbered using the **“Bates Number”** function on your PDF software (the page numbering **must exactly match** the pagination as it appears in the PDF software).
- Each individual PDF document **cannot be more than 25 MB** in size. If your document is larger than 25 MB, try [these tips](#) or submit the document in multiple volumes. To determine the size of your file, look at its “properties” (right click on the document, click properties, then click size).

Attorneys may want to consider getting a scanner and software that allows you to create searchable PDFs, edit PDFs, and number the pages (Adobe Reader, Nuance Power PDF, etc.).

If you do not have this hardware or software, there will be a computer and scanner open to the public in the Appeals Court Clerk’s Office. Many CPCS printing vendors also have the capability to convert paper into searchable PDFs.

**III. PAPER FILING A SINGLE JUSTICE PETITION**

\*When filing by submitting a paper original you **cannot** also e-file.

<p><b>Deadline (Paper Filing)</b></p>	<p>Petitions <b>must</b> be filed <b><u>within 30 days</u></b> of the entry of the lower court's order on the docket. This time period cannot be extended and is not tolled by later motions.</p> <p>When paper filing the deadline is <b>4:30 p.m.</b> on the day the petition is due.</p>
<p><b>Required Documents (Paper Filing)</b></p> <p>Note: you do <u>not</u> need to file a notice of appeal.</p>	<p>You <b>must</b> file a single copy of the following documents:</p> <ol style="list-style-type: none"> <li>1. Filing Letter;</li> <li>2. Petition with attached Certificate of Service;</li> <li>3. Memorandum in Support of Petition;</li> <li>4. Record Appendix;</li> <li>5. Motion to Waive Filing Fee; and</li> <li>6. Current Affidavit of Indigency.</li> </ol> <p>When paper filing, the Clerk's Office prefers that <b>you also provide a compact disc (CD)</b> containing searchable PDFs of your petition and all accompanying documents.</p> <p>For model petitions/memos and other document templates, please visit the <a href="#">CAFL Single Justice Practice webpage</a>.</p> <p>Please see additional specifications for the contents and format of each document in the applicable section below.</p>
<p><b>What needs to be in a Filing Letter? (Paper Filing)</b></p> <p>For a model filing letter, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>Filing letter should:</p> <ul style="list-style-type: none"> <li>• be written on letterhead;</li> <li>• clearly indicate the lower court proceedings were <b>impounded</b>; and</li> <li>• include your contact information (including telephone number and email address).</li> </ul>
<p><b>What needs to be in the Petition? (Paper Filing)</b></p> <p>For model petitions, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>Body of petition (<u>5 pages max</u>) <b>must</b> include:</p> <ul style="list-style-type: none"> <li>• a <b>request for review</b>, stating nature of order appealed from, date of order, and name of judge who entered it;</li> <li>• a statement of the <b>issues of law</b> raised by the petition;</li> <li>• a statement as to whether the party has filed, served, or intends to file a <b>motion for reconsideration</b> (you do <u>not</u> have to file a motion for reconsideration; the Appeals Court just wants to know if you did, or intend to, file one); and</li> <li>• a specific <b>request for relief</b>.</li> </ul> <p>The petition must conform to Mass. R. App. P. 20 (discussed in detail below).</p> <p>Attached to the petition you <b>must</b> include:</p>

	<ul style="list-style-type: none"> <li>• an <b>addendum</b> with a copy of the order or action of the trial court;</li> <li>• a <b>proposed order</b> for the single justice (<u>not</u> required, but recommended); and</li> <li>• a <b>certificate of service</b>.</li> </ul>
<p><b>What needs to be in the Certificate of Service? (Paper Filing)</b></p> <p>For a model certificate of service, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>The certificate of service should be <b>attached to the petition</b>. You must serve the filed documents on all other parties and serve/file a copy with the <b>trial court clerk’s office from which the matter arose</b>.</p> <p>Service may be <b>in-person, first class mail, or electronically</b> with the consent of the person served. The certificate of service <b>must</b>:</p> <ul style="list-style-type: none"> <li>• list the name, address, email address (if known), and phone number of the attorneys or other persons who have been served;</li> <li>• identify the party that each attorney represents (identified <u>not</u> by name, but as “mother,” “father,” “child,” etc.); and</li> <li>• specify the date and manner of service.</li> </ul>
<p><b>What needs to be in the Memorandum of Law? (Paper Filing)</b></p> <p>For model memos, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>Memorandum of Law (<u>15 pages max</u>) <b>must</b>:</p> <ul style="list-style-type: none"> <li>• support the petitioner’s position with <b>citations to appropriate authorities</b>;</li> <li>• include a statement as to <b>why interlocutory relief is appropriate</b>;</li> <li>• refer to parts of the record relevant to the issues in the petition and provide relevant facts <b>with corresponding citations</b> to the record appendix; and</li> <li>• <b>conform</b> to Mass. R. App. P. 20 (described in detail below).</li> </ul>
<p><b>What needs to be in the Record Appendix? (Paper Filing)</b></p>	<p>Record Appendix should include the <b>relevant</b> portions of the record. It <b>must</b> include:</p> <ul style="list-style-type: none"> <li>• a <b>table of contents</b> that lists each document included and the page on which it appears;</li> <li>• a current copy of the trial court <b>docket</b> entries; and</li> <li>• <b>all relevant papers</b> filed with the trial court (including those filed by other parties); and <ul style="list-style-type: none"> <li>○ You may submit only those pleadings, exhibits, and papers that were before the trial court when the order appealed from was entered and which are necessary for an adjudication of the issues raised.</li> </ul> </li> <li>• a <b>transcript</b>, if available (<u>not</u> required). <ul style="list-style-type: none"> <li>○ If a transcript is not available, include one or more affidavits of counsel (or others) stating what occurred below, what evidence was offered/admitted below,</li> </ul> </li> </ul>

	<p>what offers of proof were made, etc. If a transcript becomes available later, it may be substituted for the affidavit of counsel.</p> <ul style="list-style-type: none"> <li>○ If you have a transcript, you can submit excerpts if only a few pages are necessary for review, but the court could request you file a complete volume.</li> </ul> <p>The record appendix <b>must</b>:</p> <ul style="list-style-type: none"> <li>● include a <b>table of contents</b> that lists each document included and the page on which it appears; and</li> <li>● be <b>consecutively paginated</b>, <u>starting with the first page or cover as page one (1)</u>.</li> </ul>
<p><b>What do I need to do to waive the filing fees? (Paper Filing)</b></p> <p>For model motions and affidavits, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>To waive the Appeals Court filing fee you <b>must</b>:</p> <ul style="list-style-type: none"> <li>● file a <b>Motion to Waive Fees</b>; and</li> <li>● a <b>current affidavit</b> regarding indigency. <ul style="list-style-type: none"> <li>○ If the petitioner is a parent, a current Affidavit of Indigency is required.</li> <li>○ If the petitioner is a child, an affidavit of counsel as to the child's indigence is required.</li> <li>○ Attaching a copy of your NAC is <u>not</u> sufficient.</li> </ul> </li> </ul>
<p><b>Notify CAFL Administration</b></p>	<p>After filing, you must send a copy of both your petition and accompanying memorandum of law to CAFL administration. <u>See</u> CAFL Perf. Standard 4.6(a). You may send an electronic copy to <a href="mailto:acohen@publiccounsel.net">acohen@publiccounsel.net</a>.</p>
<p><b>Formatting Requirements (Paper Filing)</b></p>	<p>All documents <b>must</b> conform to <a href="#">Mass. R. App. P. 20</a>. If you do not comply with the formatting requirements, your submission could be rejected by the Clerk's Office or the single justice could deny the petition without prejudice to re-file in compliance with the relevant rules.</p> <p><b>Formatting requirements from <a href="#">Mass. R. App. P. 20</a>:</b></p> <ul style="list-style-type: none"> <li>● Use <b>Courier 12-point</b> font (or a conforming proportional font), <b>double-spaced</b> lines, and at least <b>1 ½ inch margins</b> on each side.</li> <li>● Mark the first page of every document "<b>Impounded</b>" above or in caption).</li> <li>● Leave Appeals Court <b>docket number blank</b> (unless provided by the Clerk's office). You may call to obtain the docket number after the petition is filed.</li> <li>● Do <b>not</b> provide parties' last names ("Susan G.").</li> </ul>

**IV. FILING A RESPONSE – GENERAL INFORMATION**

#### A. WHEN TO FILE A RESPONSE

Generally, a response is **not required** unless the Appeals Court Clerk's Office contacts you and asks for one. You may always choose to file a response. If you are not sure whether to file a response, contact CAFL administration (private counsel) or the Attorney in Charge of the CAFL Appellate Unit (staff counsel) for guidance.

#### B. FILING METHOD (e-file or submit paper original)

As of September 1, 2018, you may file responses in impounded cases in one of two ways:

- (1) using the **e-filing** portal [eFileMA.com](http://eFileMA.com), **or**
- (2) submitting a **paper original** with the Clerk's Office of the Appeals Court.

You must choose one and cannot do both. Although e-filing is still voluntary for impounded cases, the Clerk's Office is moving toward mandatory paperless practice and **strongly encourages e-filing for responses** and the required accompanying documents.

The alternative to e-filing is submitting a single paper original of the response and the required accompanying documents to the Clerk's Office of the Appeals Court. If you file by submitting a paper original, the Clerk's Office prefers you also submit a compact disc (CD) containing [searchable PDFs](#) of your response and all accompanying documents.

The guidelines for e-filing responses can be found on pages [14 – 20](#) and the guidelines for filing by a paper original are on pages [21 – 22](#).

#### C. TIMING

If the petition was served by hand or electronically, your response must be filed **within 7 days** of the filing of the petition. If the petition was served by mail, your response is must be filed **within 10 days** of the filing of the petition. If you are contacted by the Clerk's Office to file a response, they may provide you with an alternative deadline.

#### D. FORMATTING REQUIREMENTS

All documents **must** conform to [Mass. R. App. P. 20](#) as to form, regarding margins, typeface, font, etc. All documents **must**:

- use **Courier 12-point** font ([or a conforming proportional font](#)), **double-spaced** lines, and at least **1 ½ inch margins** on each side;
- be marked as "**Impounded**" on the first page of every document either above or in the caption;
- include the Appeals Court **docket number** (if you don't have it, you should call the Clerk's Office and ask); and
- **not** provide parties' last names ("Susan G.").

### **V. E-FILING A RESPONSE**

\*When e-filing you **cannot** also submit a paper copy original.

<b>Deadline (E-filing)</b>	<p>If the petition was served by hand or electronically, your response must be filed <b><u>within 7 days</u></b> of the filing of the petition. If the petition was served by mail, your response is must be filed <b><u>within 10 days</u></b> of the filing of the petition. If you are contacted by the Clerk's Office to file a response, they may provide you with an alternative deadline.</p> <p>When e-filing the deadline is extended to <b>11:59 PM</b> on the day the response is due.</p> <p>An e-filed document is considered filed at the time it is submitted <b>UNLESS</b> it is later rejected by the Clerk's office for non-compliance with the rules.</p>
<b>Getting Started – Registration and Setting Up a Waiver Account (E-filing)</b>	<p>Responses are e-filed through the <a href="http://eFileMA.com">eFileMA.com</a> portal. To start, you should visit the portal and <b>register for a “firm account.”</b> This will allow you to make e-file submissions and enroll you in the Appeals Court e-service and e-notice programs.</p> <p>The portal is designed to be user-friendly. For a step-by-step guide to registration, you can also refer to the <a href="#">Appeals Court Guide to Electronic Filing</a>.</p> <p>To e-file a response, there is an “uploading fee” paid to e-filing company. When you register, you should also <b>set up a waiver account</b> which will allow you to waive the “uploading fee.”</p> <ul style="list-style-type: none"><li>• For step-by-step instructions to create a waiver account, you can use the “Show me how to...” function or consult the <a href="#">Appeals Court E-filing User Guide</a>.</li></ul>
<b>Required Documents (E-Filing)</b>	<p>You <b>must</b> e-file the following documents:</p> <ol style="list-style-type: none"><li>(1) Response with attached Certificate of Service; and</li><li>(2) Supplemental Record Appendix (if needed).</li></ol> <p>These documents should be saved and e-filed as <b>separate searchable PDFs</b>.</p> <p>For a model response and other document templates please visit the <a href="#">CAFL Single Justice Practice webpage</a>.</p> <p>Please see additional specifications for the contents and format of each document in the applicable section below.</p>

<p><b>What needs to be in a response? (E-filing)</b></p> <p>For a model response, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>A response (<u>15 pages max</u>):</p> <ul style="list-style-type: none"> <li>• <b>must</b> set forth why the petition should be denied;</li> <li>• <b>should not restate</b> matters contained in the petition unless opposing party is dissatisfied with statement thereof contained in the petition; and</li> <li>• <b>may</b> be accompanied by supplemental record appendix containing additional portions of the record that were before the trial court and are necessary for adjudication, and which petitioner failed to include in the record appendix.</li> </ul> <p>The response must conform to <a href="#">Mass. R. App. P. 20</a> (discussed further below).</p>
<p><b>What needs to be in the Certificate of Service? (E-filing)</b></p> <p>For a model certificate of service, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>The certificate of service should be <b>attached to the response</b> and <b>saved in the same searchable PDF</b>. You must serve the filed documents on all <b>other parties</b> and serve/file a copy with the <b>trial court clerk's office from which the matter arose</b>.</p> <p>Service may be <b>in-person, first class mail, or electronically</b> with the consent of the person served.</p> <ul style="list-style-type: none"> <li>• Registration for the eFileMA.com system requires you provide your email address and consent to electronic service. When e-filing, you can search for other attorneys in the portal's "public list" and provide service electronically to those attorneys. <b>If you can't find another attorney's email address on the public list, the rules say you should make service through conventional, paper-copy service (or by email with the attorney's consent).</b></li> </ul> <p>The certificate of service <b>must</b>:</p> <ul style="list-style-type: none"> <li>• list the name, address, email address (if known), and phone number of the attorneys or other persons who have been served;</li> <li>• identify the party that each attorney represents (identified <u>not</u> by name, but as "mother," "father," "child," etc.); and</li> <li>• specify the date and manner of service.</li> </ul>
<p><b>What should be in the Supplemental Record Appendix? (E-filing)</b></p>	<p>Your response <b>may be accompanied by a supplemental record appendix</b> containing additional portions of the record that were before the trial court, are necessary for adjudication, and which the petitioner did not include in the record appendix.</p> <p>The supplemental record appendix <b>must</b>:</p> <ul style="list-style-type: none"> <li>• be a <a href="#">searchable PDF</a>;</li> </ul>

	<ul style="list-style-type: none"> <li>● include a <b>table of contents</b> that lists each document included and the page on which it appears;</li> <li>● be <b>consecutively numbered</b>, starting with the first page or cover as page one (1);</li> <li>● be numbered using the <b>“Bates Number”</b> function on your PDF software (the page numbers must <b>exactly match</b> the pagination as it appears in the PDF software); and</li> <li>● be <b>less than 25 MB</b> in size. <ul style="list-style-type: none"> <li>○ To determine the size of your file, you should look at its “properties” (right click on the document icon, click properties, then click size.)</li> <li>○ If your appendix is larger than 25 MB, try <a href="#">these tips</a> for reducing the size of the file or submit the appendix in multiple volumes (in separate PDFs).</li> <li>○ If submitting in multiple volumes, <b>each volume must include a table of contents</b> and have a <b>Roman numeral volume designation</b> (I through X) on the cover. Each volume must be <b>numbered individually</b> starting with page one (1) on the cover or first page of that volume.</li> </ul> </li> </ul> <p>For more information on creating an e-filed record appendix, see the <a href="#">Appeals Court Guide for Creating an E-filed Brief and Appendix</a>.</p>
<p><b>What do I need to do to waive the filing fees? (E-file)</b></p>	<p>There is no Appeals Court filing fee for filing a response, but there is an “uploading fee” paid to e-filing company. In order to waive this fee, you <b>must</b>:</p> <ul style="list-style-type: none"> <li>● <b>Create a waiver account</b> in the eFileMA.com portal to waive the “uploading fee”; and</li> <li>● Select your waiver account when prompted to select a <b>payment method</b> prior to finalizing your submission (discussed further below).</li> </ul>
<p><b>E-filing Your Response – Step-By-Step</b></p>	<p>On the <a href="#">eFileMA.com</a> home page, click <b>“File Now!”</b> (upper right corner). Once you are signed in, your <b>“Filer Dashboard”</b> will appear. Under the heading <b>“New Filing,”</b> choose the option to <b>“File into Existing Case.”</b></p> <p>You will then be asked to select a location. Choose <b>“Appeals Court – Single Justice (J Docket)”</b> and search for your case by docket number. When your case appears, you will see a menu titled <b>“Actions”</b> to the right of the case name. Click on the arrow and choose <b>“File Into Case.”</b></p>

### Filings

Here, you describe each document you are going to submit by selecting a "**Filing Type,**" "**Filing Code,**" and **the party** you are filing on the behalf of (the party you represent). Only the fields in red are required; you complete this step separately for each document.

- Under "**Filing Type,**" you can choose to "e-file and serve" or just "e-file" the document (and complete service outside of the e-filing system).
- Under "**Filing Code,**" select the description that best matches the type of document you are uploading. For your response, the filing code is "**Response to Petition.**"

In the "**Lead Document**" field, upload your document and select "**Impounded**" from the menu titled "**Security.**" Then, click "**Save Changes.**" You **complete this step for each document** you submit. To add your next document, click "**Add Another Filing.**"

### Service Contacts

Even if you are not e-serving other parties, the system requires you to **list yourself as a service contact.** To the right of your client's name, click the "**Action**" menu and select "**Add from Firm Service Contacts.**" Your name and email address will appear, **click the box** next to your name and hit **close.**

If you chose to "e-file and serve" any of your uploaded documents, this is where you will identify attorneys to serve. On the line for "**Other Service Contacts,**" click the "**Action**" menu and select "**Add from Public List.**" You can then search for specific attorneys. Remember only attorneys signed up for the eFileMA.com system are on the public email list. If you cannot find an attorney on the list, you should make service through conventional, paper service (or by email with the attorney's consent). If an attorney is on the public list, **click the box** next to his or her name and hit **close.**

### Fees

In the fee section, you will select a "**Payment Account**" and identify the "**Filing Attorney**" (yourself). If you created a waiver account during registration, it will be listed as an option for you to select from the "**Payment Account**" drop down menu.

- If you didn't create a waiver account at registration, click on the orange "**Actions**" button (upper right), select "**Payment Accounts**", and create a waiver account.

### Submission Agreements

	<p>Read the submission agreements and check the boxes stating that: a <b>certificate of service</b> is included (in the same PDF as your response); each <b>PDF is in text searchable</b> format; all confidential information has been redacted and/or labeled as <b>impounded</b>.</p> <p><u>Review</u> At this point, you can either save the “envelope” as a draft (to continue working on later) or review a final summary of your “envelope.” This gives you another opportunity to review your case information and uploaded documents before submitting.</p>
<p><b>How do I know my documents were accepted for filing?</b></p>	<p>After you submit your documents through the portal, you will receive an email confirming that each uploaded documents has been submitted to the Clerk's Office for review (you will receive a separate email for each uploaded document).</p> <p>After the Clerk's Office reviews each document, you will receive a second email informing you whether the document has been <b>accepted for filing or rejected</b>.</p> <p>If your document has been accepted for filing, this email will provide you with a link to a date stamped copy of the document (these links only last for 45 days, so be sure to download or print a copy for your records). If your document is rejected, the email will identify the problem and tell you the steps to take to correct it.</p>
<p><b>Notify CAFL Administration</b></p>	<p>After filing, you must send a copy of your response to CAFL administration at <a href="mailto:acohen@publiccounsel.net">acohen@publiccounsel.net</a>. See CAFL Perf. Standard 4.6(a).</p>
<p><b>Formatting Requirements (E-filing)</b></p>	<p>All documents <b>must</b> conform to:</p> <ul style="list-style-type: none"> <li>● <a href="#">Mass. R. App. P. 20</a>;</li> <li>● <a href="#">S.J.C. Rule 1:25 – Mass. Rules of Electronic Filing</a>; and</li> <li>● <a href="#">PDF requirements for Electronic Filing</a>.</li> </ul> <p>If you do not comply with the formatting requirements, your submission could be rejected by the Clerk's Office.</p> <p><b><u>Formatting Requirements from Mass. R. App. P. 20:</u></b></p> <ul style="list-style-type: none"> <li>● Use <b>Courier 12-point</b> font (or a conforming proportional font), <b>double-spaced</b> lines, and at least <b>1 ½ inch margins</b> on each side.</li> </ul>

- Mark the first page of every document “**Impounded**” above or in caption (and designate each document as impounded on the e-filing portal when prompted to do so).
- Do **not** provide parties’ last names (“Susan G.”).

**PDF Requirements for E-Filed Documents:**

- All documents must be saved as a [searchable PDF](#).
- You must verify the legibility and orientation of all PDF documents before e-filing them.
- All documents must be **consecutively numbered**, starting with the first page or cover as page one (1).
- Numbered using the [“Bates Number”](#) function on your PDF software (the page numbering **must exactly match** the pagination as it appears in the PDF software).
- No individual PDF document may be more than **25 MB** in size. To determine the size of your file you should look at its “properties” (right click on the document icon, click properties, then click size).
  - If your document is larger than 25 MB, try [these tips](#) or submit the document in multiple volumes.

**VI. PAPER FILING A RESPONSE**

\*Remember when filing by submitting a paper original you **cannot** also e-file.

<p><b>Deadline (Paper Filing)</b></p>	<p>If the petition was served by hand or electronically, your response must be filed <b>within 7 days</b> of the filing of the petition. If the petition was served by mail, your response is must be filed <b>within 10 days</b> of the filing of the petition. If you are contacted by the Clerk’s Office to file a response, they may provide you with an alternative deadline.</p> <p>When paper filing the deadline is <b>4:30 p.m.</b> on the day the petition is due.</p>
<p><b>Required Documents (Paper Filing)</b></p> <p>For a model response and other document templates, please visit the <a href="#">CAFL Single Justice Practice webpage</a>.</p>	<p>You should file a single copy of the following documents:</p> <ol style="list-style-type: none"> <li>1. Filing Letter;</li> <li>2. Response with attached Certificate of Service; and</li> <li>3. Supplemental Record Appendix (if needed).</li> </ol> <p>When paper filing, the Clerk’s Office prefers <b>you also provide a compact disc (CD)</b> containing searchable PDFs of your response and all accompanying documents.</p> <p>Please see additional specifications for the contents and format of each document in the applicable section below.</p>
<p><b>What needs to be in a Filing Letter? (Paper Filing)</b></p> <p>For a model filing letter, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>Filing letter should:</p> <ul style="list-style-type: none"> <li>• be written on letterhead;</li> <li>• clearly indicate the lower court proceedings were <b>impounded</b>; and</li> <li>• include your contact information (including telephone number and <u>email address</u>).</li> </ul>
<p><b>What needs to be in the Response? (Paper Filing)</b></p> <p>For a model response, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>A response (<u>15 pages max</u>):</p> <ul style="list-style-type: none"> <li>• <b>must</b> set forth why the petition should be denied;</li> <li>• <b>should not restate</b> matters contained in the petition unless you are not satisfied with statement thereof made in the petition; and</li> <li>• <b>may be accompanied by a supplemental record appendix</b> containing additional portions of the record that were before the trial court, are necessary for adjudication, and which the petitioner did not include in the record appendix.</li> </ul>

	The response must conform to <a href="#">Mass. R. App. P. 20</a> (discussed further below).
<p><b>What needs to be in the Certificate of Service? (Paper Filing)</b></p> <p>For a model certificate of service, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>You must serve the filed documents on all other parties and <b>serve/file a copy with the trial court clerk’s office from which the matter arose</b>. Service may be <b>in-person, first class mail, or electronically</b> with the consent of the person served.</p> <p>The certificate of service <b>must</b>:</p> <ul style="list-style-type: none"> <li>• list the name, address, email address (if known), and phone number of the attorneys or other persons who have been served;</li> <li>• identify the party that each attorney represents (identified <u>not</u> by name, but as “mother,” “father,” “child,” etc.); and</li> <li>• specify the date and manner of service.</li> </ul>
<p><b>What should be in the Supplemental Record Appendix? (Paper Filing)</b></p>	<p>Your response <b>may be accompanied by supplemental record appendix</b> containing additional portions of the record that were before the trial court and are necessary for adjudication, and which petitioner did not include in the record appendix.</p> <p>The supplemental record appendix <b>must</b>:</p> <ul style="list-style-type: none"> <li>• include a <b>table of contents</b> that lists each document included and the page on which it appears; and</li> <li>• be <b>consecutively paginated</b>, <u>starting with the first page or cover as page one (1)</u>.</li> </ul>
<p><b>Notify CAFL Administration</b></p>	<p>After filing, you must send a copy of your response to CAFL administration. See CAFL Perf. Standard 4.6(a). You may send an electronic copy to <a href="mailto:acohen@publiccounsel.net">acohen@publiccounsel.net</a>.</p>
<p><b>Formatting Requirements (Paper Filing)</b></p>	<p>All documents <b>must</b> conform to <a href="#">Mass. R. App. P. 20</a>. If you do not comply with the formatting requirements, your submission could be rejected by the Clerk’s Office.</p> <p><b>Formatting requirements from <a href="#">Mass. R. App. P. 20</a>:</b></p> <ul style="list-style-type: none"> <li>• Use <b>Courier 12-point</b> font (<u>or a conforming proportional font</u>), <b>double-spaced</b> lines, and at least <b>1 ½ inch margins</b> on each side.</li> <li>• Mark the first page of every document <b>“Impounded”</b> above or in caption.</li> <li>• Leave Appeals Court <b>docket number blank</b> (unless provided by the Clerk’s office). You may call to obtain the docket number after the petition is filed.</li> <li>• Do <b>not</b> provide parties’ last names (“Susan G.”).</li> </ul>

<b>VII. STAY PENDING APPEAL – <a href="#">Mass. R.A.P. 6</a></b>	

**I. FILING A MOTION TO STAY – GENERAL INFORMATION**

A. WHERE TO FILE

To request the stay of a judgment or order pending appeal, **you must first go to the trial court UNLESS:**

- (1) “Not practicable” (*i.e.*, true emergency);
- (2) Lower court has denied your motion for stay; or
- (3) Lower court has not given relief (*i.e.*, not acted on your motion).

B. WHEN TO FILE

If you are filing a **motion to stay a judgment or order of the trial court pending the single justice’s review of your G.L. c. 231, § 118 petition** (and it is either “not practicable” or you have already requested a stay from the trial court – see above), you should file your motion to stay **with your G.L. c. 231, § 118 petition** (see discussion on [page 3](#)).

If you are filing a **motion to stay a final judgment or order of the trial court (post-trial) pending a final appeal** (and it is either “not practicable” or you have already requested a stay from the trial court – see above), you will file your motion to stay at the Appeals Court to be heard by the single justice. The client must pay the Appeals Court docketing fee unless waived.

C. FILING METHOD (e-file or submit paper original)

As of September 1, 2018, you may file responses in fully impounded cases in one of two ways:

- (1) using the **e-filing** portal [eFileMA.com](#), **or**
- (2) submitting a **paper original** with the Clerk’s Office of the Appeals Court.

You must choose one and cannot do both. Although e-filing is still voluntary for impounded cases, the Appeals Court Clerk’s Office is moving toward mandatory paperless practice and **strongly encourages e-filing.**

The alternative to e-filing is submitting a single paper original of your motion to stay to the Appeals Court Clerk’s Office. If you file by submitting a paper original, the Clerk’s Office prefers you also submit

a compact disc (CD) containing **searchable PDFs** of your motion and all accompanying documents.

The guidelines for e-filing can be found on pages [24-26](#) and the guidelines for filing by a paper original are on pages [31-29](#).

D. FORMATTING REQUIREMENTS

All documents **must** conform to [Mass. R. App. P. 20](#) as to form, regarding margins, typeface, font, etc. All documents **must**:

- use **Courier 12-point** font (or a conforming proportional font), **double-spaced** lines, and at least **1 ½ inch margins** on each side;
- be mark as **“Impounded”** on the first page of every document either above or in the caption;
- leave Appeals Court **docket number blank** unless provided by the Clerk’s Office; and
- **not** provide parties’ last names (“Susan G.”).

E. HEARINGS

The single justice has the direction to determine whether to hold a hearing. Hearings are usually not granted and most matters are decided on the papers. Counsel must argue all points as thoroughly as possible in the pleadings.

F. RESPONSES

Generally, a response to a motion to stay pending appeal is **not required** unless the Clerk’s Office contacts you and asks for one. You may always choose to file a response. See information about responses in sections IV-VI above.

**VIII. E-FILING A MOTION TO STAY PENDING APPEAL**  
**(\*not accompanying a G.L. c. 231, §118 single justice petition)**

\*If accompanying a G.L. c. 231, § 118 single justice petition, see discussion on page [3](#). When e-filing you **cannot** also submit a paper copy.

<p><b>Getting Started – Registration and Setting Up a Waiver Account (E-filing)</b></p>	<p>Motions to stay pending appeal are e-filed through the <a href="http://eFileMA.com">eFileMA.com</a> portal. To start, you should visit the portal and <b>register</b> for a “firm” account. This will allow you to make e-file submissions and enroll you in the Appeals Court e-service and e-notice programs.</p> <p>The portal is designed to be user-friendly. For a step-by-step guide to registration, you can also refer to the <a href="#">Appeals Court Guide to Electronic Filing</a>.</p> <p>To file a motion to stay there is both an Appeals court filing fee and separate fee for e-filing (“uploading fee” paid to e-filing company). When you register, you should also <b>set up a waiver account</b> which will allow you to waive the “uploading fee”. For step-by-step instructions to create a waiver account, you can use the “Show me how to...” function or consult the <a href="#">Appeals Court E-filing User Guide</a>.</p>
<p><b>Required Documents (E-Filing)</b></p>	<p>You <b>must</b> e-file the following documents:</p> <ol style="list-style-type: none"> <li>1. Motion to Stay with attached Certificate of Service;</li> <li>2. Memorandum of Law in Support of Motion;</li> <li>3. Record Appendix;</li> <li>4. Motion to Waive Filing Fee; and</li> <li>5. Affidavit of Indigency (or if the petitioner is a child, an affidavit of counsel as to the child’s indigence).</li> </ol> <p>These documents should each be saved and e-filed as <b>separate searchable PDFs</b>.</p> <p>For model petitions/memos and other document templates please visit the <a href="#">CAFL Single Justice Practice webpage</a>.</p> <p>Please see additional specifications for the contents and format of each document in the applicable section below.</p>
<p><b>What needs to be in the Motion to Stay? (E-filing)</b></p>	<p>Body of Motion (<u>5 pages max</u>) <b>must</b> include:</p> <ul style="list-style-type: none"> <li>• a <b>request for stay</b>, stating nature of judgment entered by trial court for which a stay is sought, date of the judgment, and name of judge who entered it;</li> <li>• <b>text of the order or rationale</b> of the trial court for denying the motion for stay (or, if no such motion was filed in the trial</li> </ul>

<p>For a model motion, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>court, a showing why filing in the trial court was not practicable);</p> <ul style="list-style-type: none"> <li>• a statement of the <b>issues of law</b> raised by the motion; and</li> <li>• a specific <b>request for relief</b>.</li> </ul> <p>The petition must conform to Mass. R. App. P. 20, S.J.C. Rule 1:25 – Mass. Rules of Electronic Filing, and PDF requirements for Electronic Filing (discussed further below).</p> <p>Attached to the motion (and saved in the <b><u>same searchable PDF</u></b>), you <b>must</b> include:</p> <ul style="list-style-type: none"> <li>• an <b>addendum</b> with a copies of the judgment of the trial court, notice of appeal, and the trial court’s order denying the prior motion to stay (if applicable); and</li> <li>• a <b>certificate of service</b>.</li> </ul>
<p><b>What needs to be in the Certificate of Service? (E-filing)</b></p> <p>For a model certificate of service, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>The <b>certificate of service should be attached to the motion and saved in the same searchable PDF</b>. You must serve the filed documents on all other parties and serve/file a copy with the <b>trial court clerk’s office from which the matter arose</b>.</p> <p>Service may be <b>in-person, first class mail, or electronically</b> with the consent of the person served.</p> <ul style="list-style-type: none"> <li>• Registration for the eFileMA.com system requires you provide your email address and consent to electronic service. When e-filing, you can search for other attorneys in in the portal’s “public list” and provide service electronically to those attorneys. <b>If you can’t find another attorney’s email address on the public list, the rules say you should make service through conventional, paper-copy service (or by email with the attorney’s consent)</b>.</li> </ul> <p>The certificate of service <b>must</b>:</p> <ul style="list-style-type: none"> <li>• list the name, address, email address (if known), and phone number of the attorneys or other persons who have been served;</li> <li>• identify the party that each attorney represents (identified <u>not</u> by name, but as “mother,” “father,” “child,” etc.); and</li> <li>• specify the date and manner of service.</li> </ul>
<p><b>What needs to be in the Memorandum of Law? (E-filing)</b></p>	<p>Memorandum of Law (<u>15 pages max</u>) <b>must</b>:</p> <ul style="list-style-type: none"> <li>• support the movant’s position with <b>citations to appropriate authorities</b>;</li> <li>• include a statement as to <b>why a stay is appropriate</b>;</li> </ul>

<p>For model memos, visit the <a href="#">CAFL single justice practice website</a>.</p>	<ul style="list-style-type: none"> <li>• refer to parts of the record relevant to the issues in the motion, <b>provide relevant facts with corresponding citations</b> to the record appendix; and</li> <li>• conform to Mass. R. App. P. 20; S.J.C. Rule 1:25 – Mass. Rules of Electronic Filing; and PDF requirements for Electronic Filing (described in detail below).</li> </ul>
<p><b>What needs to be in the Record Appendix? (E-filing)</b></p>	<p>Record Appendix should include portions of the record that are the <b>relevant</b> to the issues in the motion. It <b>must</b> include:</p> <ul style="list-style-type: none"> <li>• a <b>table of contents</b> that lists each document included and the page on which it appears;</li> <li>• a current copy of the trial court <b>docket</b> entries; and</li> <li>• <b>all relevant papers</b> filed with the trial court (including those filed by other parties).</li> <li>•</li> </ul> <p>The record appendix <b>must be</b>:</p> <ul style="list-style-type: none"> <li>• a <a href="#">searchable PDF</a>;</li> <li>• <b>consecutively numbered</b>, starting with the first page or cover as page one (1);</li> <li>• numbered using the <a href="#">“Bates Number”</a> function on your PDF software (the page number must <b>exactly match</b> the pagination as it appears in the PDF software); and</li> <li>• <b>less than 25 MB</b> in size. <ul style="list-style-type: none"> <li>○ To determine the size of your file you should look at its “properties” (by right clicking on the document, click properties, then click size.)</li> <li>○ If your appendix is larger than 25 MB, try <a href="#">these tips</a> for reducing the size of the file or submit the appendix in multiple volumes (in separate PDFs).</li> <li>○ If submitting in multiple volumes, <b>each volume must include a table of contents</b> and have a <b>Roman numeral volume designation</b> (I through X) on the cover. Each volume must be <b>numbered individually</b> starting with <u>page one (1) on the cover or first page of that volume.</u></li> </ul> </li> </ul> <p>For more information on creating an e-filed record appendix, see the <a href="#">Appeals Court Guide for Creating an E-filed Brief and Appendix</a>.</p>
<p><b>What do I need to do to waive the filing fees? (E-file)</b></p>	<p>There is both an Appeals Court filing fee and separate e-filing “uploading fee.” In order to waive both fees, you <b>must</b>:</p> <ul style="list-style-type: none"> <li>• E-file a <b>Motion to Waive Fees</b> (saved as a searchable PDF);</li> <li>• E-file a <b>current affidavit</b> regarding indigency (saved as a searchable PDF);</li> </ul>

<p>For model motions and affidavits, visit the <a href="#">CAFL single justice practice website</a>.</p>	<ul style="list-style-type: none"> <li>○ If the petitioner is a parent, a current Affidavit of Indigency is required.</li> <li>○ If the petitioner is a child, an affidavit of counsel as to the child's indigency is required.</li> <li>○ Attaching a copy of your NAC is <u>not</u> sufficient.</li> <li>● <b>Create a waiver account</b> in the eFileMA.com portal to waive the "uploading fee"; and</li> <li>● Select your waiver account when prompted to select a <b>payment method</b> prior to finalizing your e-filing submission.</li> </ul>
<p><b>E-filing Your Motion to Stay- Step-By-Step</b></p>	<p>When filing a motion to stay that is <b>not accompanying a G.L. c. 231, §118 petition</b>, you will be creating a new case in the e-filing portal. On the <a href="#">eFileMA.com</a> home page, click "<b>File Now!</b>" (upper right corner). Once you are signed in, your "<b>Filer Dashboard,</b>" will appear. Under the heading "<b>New Filing,</b>" you will choose the option to "<b><u>Start a New Case.</u></b>"</p> <p><u>Case Information</u>  First, you provide your case information (only the fields in red are required). For location, select "<b>Appeals Court – Single Justice (J Docket).</b>" Then choose "<b>Appeals Court Single Justice – Civil</b>" as the case category and "<b>Motion for Stay of Judgment – MRAP 6</b>" as the case type. Although it is not required, it's helpful to include the lower court docket number in the "<b>Lower Court/Agency Case #</b>" field. Then, click "<b>Save Changes.</b>"</p> <p><u>Party Information</u>  The next step is to input <b>party information</b> (only the fields in red are required). For party type, select "<b>Defendant/Petitioner.</b>" Then list your <b>client's first and last name</b> (using his or her full name; this information is only used for the Clerk's Office to properly identify the case). Then, click "<b>Save Changes.</b>"</p> <p><u>Filings</u>  Here, you provide a description of each document you are submitting by selecting a "<b>Filing Type,</b>" "<b>Filing Code,</b>" and <b>the party</b> you are filing on the behalf of (the party you represent). Only the fields in red are required; you complete this step separately for each document you submit.</p> <ul style="list-style-type: none"> <li>● Under "<b>Filing Type,</b>" you can choose to e-file (default setting) or to "e-file and serve" the document. Remember, there may be documents (your client's affidavit of indigency) that you want to e-file, but not serve on the other parties.</li> <li>● Under "<b>Filing Code,</b>" select the description that best matches the type of document you are uploading.</li> </ul>

In the “**Lead Document**” field, upload your document and select “**Impounded**” from the drop down menu titled “**Security**.” Then, click “**Save Changes**.” You need to **complete this step for each document** you submit. To add your next document, click “**Add Another Filing**.”

#### Service Contacts

Even if you are not e-serving other parties, the system requires you to **list yourself as a service contact**. To the right of your client’s name, click the “**Action**” drop down menu and select “**Add from Firm Service Contacts**.” Your name and email address will appear, **click the box** next to your name and hit **close**.

If you chose to “e-file and serve” any of your uploaded documents, this is where you will identify attorneys to serve. On the line for “Other Service Contacts,” click the “**Action**” menu and select “**Add from Public List**.” You can then search for specific attorneys. Remember only attorneys signed up for the eFileMA.com system are on the public email list. If you cannot find an attorney on the public list, you should make service through conventional, paper service (or by email if the attorney has consented). If you find an attorney on the public list, **click the box** next to his or her name and **click close**.

#### Fees

In the fee section, you will select a “**Payment Account**” and identify the “**Filing Attorney**” (yourself). If you created a waiver account during registration, it will be listed as an option for you to select from the “**Payment Account**” drop down menu.

- If you didn’t create a waiver account at registration, click on the orange “**Actions**” button (upper right), select “**Payment Accounts**”, and create a waiver account.

#### Submission Agreements

Read the submission agreements and check the corresponding boxes stating that: a **certificate of service** is included (in the same PDF as your petition); each **PDF is in text searchable** format; all confidential information has been redacted and/or labeled as **impounded**.

#### Review

At this point, you can either save the “envelope” as a draft (to continue working on later) or review a final summary of your “envelope.” This gives you another opportunity to review your case information and uploaded documents before submitting.

<p><b>How do I know my documents were accepted for filing?</b></p>	<p>After you submit your documents through the portal, you will receive an email confirming that each uploaded documents has been submitted to the Appeals Court Clerk's Office for review (you will receive a separate email for each uploaded document).</p> <p>After the Appeals Court Clerk's Office reviews each document, you will receive a second email informing you whether the document has been <b>accepted for filing or rejected</b>.</p> <p>If your document has been accepted for filing, this email will provide you with a link to a date stamped copy of the document (these links only last for 45 days, so be sure to download or print a copy for your records). If your document is rejected, the email will identify the problem and tell you the steps to take to correct it.</p>
<p><b>Formatting Requirements (E-filing)</b></p>	<p>All documents <b>must</b> conform to:</p> <ul style="list-style-type: none"> <li>• <a href="#">Mass. R. App. P. 20</a>;</li> <li>• <a href="#">S.J.C. Rule 1:25 – Mass. Rules of Electronic Filing</a>; and</li> <li>• <a href="#">PDF requirements for Electronic Filing</a>.</li> </ul> <p>If you do not comply with the formatting requirements, your submission could be rejected by the Appeals Court Clerk's Office or the single justice could deny the petition without prejudice to re-file in compliance with the relevant rules.</p> <p><b><u>Formatting Requirements from <a href="#">Mass. R. App. P. 20</a>:</u></b></p> <ul style="list-style-type: none"> <li>• Use <b>Courier 12-point</b> font (<u>or a conforming proportional font</u>), <b>double-spaced</b> lines, and at least <b>1 ½ inch margins</b> on each side.</li> <li>• Mark the first page of every document <b>“Impounded”</b> above or in caption (and designate each document as impounded on the e-filing portal when prompted to do so).</li> <li>• Leave Appeals Court <b>docket number blank</b> (unless provided by the Clerk's office).</li> <li>• Do <b>not</b> provide parties' last names (“Susan G.”).</li> </ul> <p><b><u>PDF Requirements for E-Filed Documents:</u></b></p> <ul style="list-style-type: none"> <li>• All documents must be saved as a <a href="#">searchable PDF</a>.</li> <li>• You must verify the legibility and orientation of all PDF documents before e-filing them.</li> <li>• All documents must be <b>consecutively numbered</b>, starting with the first page or cover as page one (1).</li> <li>• Numbered using the <a href="#">“Bates Number”</a> function on your PDF software (the page numbers <b>must exactly match</b> the pagination as it appears in the PDF software).</li> </ul>

	<ul style="list-style-type: none"> <li>• No individual PDF document may be more than <b>25 MB</b> in size. If your document is larger than 25 MB, try <a href="#">these tips</a> or submit the document in multiple volumes. <ul style="list-style-type: none"> <li>○ To determine the size of your file you should look at its “properties” by right clicking on the document, click properties, then click size.</li> </ul> </li> </ul>
--	---

**IX. PAPER FILING A MOTION TO STAY PENDING APPEAL**  
**(\*not accompanying a G.L. c. 231, §118 single petition)**

\*If accompanying a G.L. c. 231, §118 single justice petition, see discussion on page [3](#). When submitting a paper copy original you **cannot** also e-file.

<b>Required Documents (Paper Filing)</b>	<p>You <b>must</b> file the following documents:</p> <ol style="list-style-type: none"> <li>6. Motion to Stay with attached Certificate of Service;</li> <li>7. Memorandum of Law in Support of Motion;</li> <li>8. Record Appendix;</li> <li>9. Motion to Waive Filing Fee; and</li> <li>10. Affidavit of Indigency (or if the petitioner is a child, an affidavit of counsel as to the child's indigence).</li> </ol> <p>For model petitions/memos and other document templates please visit the <a href="#">CAFL Single Justice Practice webpage</a>.</p> <p>Please see additional specifications for the contents and format of each document in the applicable section below.</p>
--	--

<p><b>What needs to be in the Motion to Stay? (Paper Filing)</b></p> <p>For a model motion, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>Body of Motion (<u>5 pages max</u>) <b>must</b> include:</p> <ul style="list-style-type: none"> <li>• a <b>request for stay</b>, stating nature of judgment entered by trial court for which a stay is sought, date of the judgment, and name of judge who entered it;</li> <li>• <b>text of the order or rationale</b> of the trial court for denying the motion for stay (or, if no such motion was filed in the trial court, a showing why filing in the trial court was not practicable);</li> <li>• a statement of the <b>issues of law</b> raised by the motion; and</li> <li>• a specific <b>request for relief</b>.</li> </ul> <p>The motion must conform to <a href="#">Mass. R. App. P. 20</a> (discussed further below).</p> <p>Attached to the motion, you <b>must</b> include:</p>
---	--

	<ul style="list-style-type: none"> <li>• an <b>addendum</b> with a copies of the judgment of the trial court, notice of appeal, and the trial court's order denying the prior motion to stay (if applicable); <b>and</b></li> <li>• a <b>certificate of service</b>.</li> </ul>
<p><b>What needs to be in the Certificate of Service? (Paper Filing)</b></p> <p>For a model certificate of service, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>The <b>certificate of service should be attached to the motion</b>. You must serve the filed documents on all other parties and serve/file a copy with the <b>trial court clerk's office from which the matter arose</b>.</p> <p>Service may be <b>in-person, first class mail, or electronically</b> with the consent of the person served.</p> <p>The certificate of service <b>must</b>:</p> <ul style="list-style-type: none"> <li>• list the name, address, email address (if known), and phone number of the attorneys or other persons who have been served;</li> <li>• identify the party that each attorney represents (identified <u>not</u> by name, but as "mother," "father," "child," etc.); and</li> <li>• specify the date and manner of service.</li> </ul>
<p><b>What needs to be in the Memorandum of Law? (Paper Filing)</b></p> <p>For model memos, visit the <a href="#">CAFL single justice practice website</a>.</p>	<p>Memorandum of Law (<u>15 pages max</u>) <b>must</b>:</p> <ul style="list-style-type: none"> <li>• support the movant's position with <b>citations to appropriate authorities</b>;</li> <li>• include a statement as to <b>why a stay is appropriate</b>;</li> <li>• refer to parts of the record relevant to the issues in the motion and <b>provide relevant facts with corresponding citations</b> to the record appendix; and</li> <li>• <b>conform to Mass. R. App. P. 20</b> (described in detail below).</li> </ul>
<p><b>What needs to be in the Record Appendix? (Paper Filing)</b></p>	<p>Record Appendix should include portions of the record that are the <b>relevant</b> to the issues in the motion. It <b>must</b> include:</p> <ul style="list-style-type: none"> <li>• a <b>table of contents</b> that lists each document included and the page on which it appears;</li> <li>• a current copy of the trial court <b>docket</b> entries;</li> <li>• <b>all relevant papers</b> filed with the trial court (including those filed by other parties); and</li> <li>• be <b>consecutively numbered</b>, <u>starting with the first page or cover as page one (1)</u>.</li> </ul>
<p><b>What do I need to do to waive the filing fees? (Paper Filing)</b></p>	<p>To waive the Appeals Court filing fee, you <b>must</b>:</p> <ul style="list-style-type: none"> <li>• E-file <b>Motion to Waive Fees</b>; and</li> <li>• E-file <b>current affidavit</b> regarding indigency. <ul style="list-style-type: none"> <li>◦ If the petitioner is a parent, a current Affidavit of Indigency is required.</li> </ul> </li> </ul>

<p>For model motions and affidavits, visit the <a href="#">CAFL single justice practice website</a>.</p>	<ul style="list-style-type: none"> <li>○ If the petitioner is a child, an affidavit of counsel as to the child's indigence is required.</li> <li>○ Attaching a copy of your NAC is <u>not</u> sufficient.</li> </ul>
<p><b>Formatting Requirements (Paper Filing)</b></p>	<p>All documents <b>must</b> conform to <a href="#">Mass. R. App. P. 20</a>. If you do not comply with the formatting requirements, your submission could be rejected by the Appeals Court Clerk's Office or the single justice could deny the motion without prejudice to re-file in compliance with the relevant rules.</p> <p><b><u>Formatting Requirements from Mass. R. App. P. 20:</u></b></p> <ul style="list-style-type: none"> <li>● Use <b>Courier 12-point</b> font (<u>or a conforming proportional font</u>), <b>double-spaced</b> lines, and at least <b>1 ½ inch margins</b> on each side.</li> <li>● Mark the first page of every document "<b>Impounded</b>" above or in caption (and designate each document as impounded on the e-filing portal when prompted to do so).</li> <li>● Leave Appeals Court <b>docket number blank</b> (unless provided by the Clerk's office).</li> <li>● Do <b>not</b> provide parties' last names ("Susan G.").</li> </ul>