**MEMO**

To: Mental Health Trial Attorneys

From: CPCS MHLD Administration (Mark Larsen, Joe Robinson, Karen Talley)

Re: Filing the “8C” notice at the same time you file a Notice of Appeal from a commitment or medication order in the District or Boston Municipal Court

Date: May 2021

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A client’s right to appeal from rulings of law in civil commitment/involuntary treatment proceedings in the District Court or Boston Municipal Court is preserved by timely filing a Notice of Appeal (NOA). Respondents must file the NOA with the clerk of the District or Municipal Court within 10 days of entry of judgment.[[1]](#footnote-1) Ideally, appellate counsel would be assigned soon after, and would decide which method of appeal he/she would choose under the Appellate Division rules. 99% of appeals need a transcript and are thus filed under Rule 8C as an “8C Appeal on the Record of Proceedings.” This simple notice document needs to be filed within 30 days of the filing of the Notice of Appeal.

Because we are currently experiencing significant delays in locating appellate counsel, we are asking trial counsel to file this simple “8C” notice at the same time as they file the Notice of Appeal. We have included a sample 8C document in the “Trial Attorney Appeals Packet” and it is also attached here. While it is a very simple document, it is essential that is gets filed within the 30 day deadline in order to preserve the client’s appeal. We have recently started to receive more oppositions from hospital counsel to any motions to enlarge the 8C deadline. Some courts have also begun denying such motions to enlarge, effectively terminating the client’s appeal. To avoid any possibility of this, we are asking you to file this simple document at the same time as you file your notice of appeal. Please refer to the “Trial Attorney Appeals Packet” for everything you might need to know to file an appeal on behalf of your client.

1. Dist./Mun. Ct. R.A.D.A. 3(a), 4(a). Note that the time is *7 days* for a section 35 commitment. [↑](#footnote-ref-1)