

JUDGED BY ITS COVER

Creating a great first impression with a
perfect Cover and Table for your brief

Dawn Messer

Supervising Attorney

CAFL Appellate Panel Support Unit

January 11, 2023

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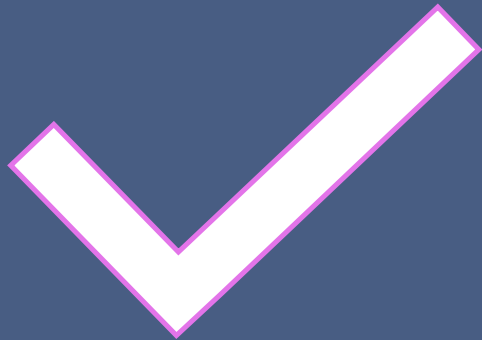
January 11, 2023

What We'll Discuss

1. How to comply with Rules and non-Rule-based requirements;
2. Best practices for formatting/structuring your Cover and Table; and
3. How to use Word and the Appeals Court's "Brief Template" to create a Table, Bookmarks, and Links.

Cover Page

Content



Rule 20(a)(6)(B) says it all (almost).

Do include:

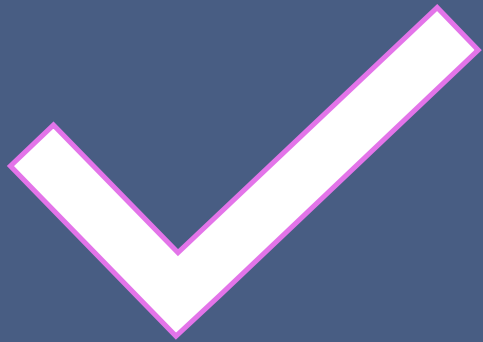
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The Appeals Court docket number

The lower court name and the nature of the appeal

(Ex: *On Appeal from a Judgment of the Boston Juvenile Court*)

Cover Page Cont.



Do include:

- The case name/title (no last names)

For a Termination Appeal:

Adoption of Aviana M.

Adoption of Aviana M. and Hadrian Q.

Adoption of J. Children

For a Care and Protection Appeal:

Care and Protection of Aviana M.

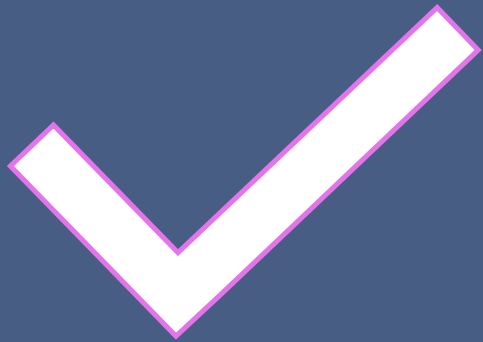
Care and Protection of J. Children

For a Guardianship Appeal

Guardianship of Aviana M.

Guardianship of J. Children

Cover Page Cont.



Do include:

- The party status
(*Brief of Appellant-Mother*)
- Your information (Don't forget your email address)
- Cover is page #1

Content is fixed
but
STYLE IS FREE



Creative appearance can enhance your Cover.
Just keep it classy and Rule-compliant.

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

Docket No. 2022-P-

Adoption of Andrews Children

Worcester Juvenile Court
Docket No. 20CP0041

=====

BRIEF OF THE APPELLANT-FATHER

=====

Lucy Lawyer, Esq.
232 Charlie Brown Lane

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COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

Worcester, ss Docket No. 2022-P-1000

Adoption of A. Children

On Appeal from a Judgment of the
Worcester Juvenile Court

Brief of Appellant-Father

Lucy Lawyer, Esq. BBO#002917
232 Charlie Brown Lane
Anywhere, MA 38792
Tel. 888-88-8888
lucylawyer@gmail.com

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COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

Docket No. 2022-P-1000

Adoption of A. Children

On Appeal from a Judgment of the
Worcester Juvenile Court

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BRIEF OF THE APPELLANT-FATHER

=====

Lucy Lawyer, Esq. BBO#002917
232 Charlie Brown Lane
Anywhere, MA 38792
Tel. 888-88-8888
lucylawyer@gmail.com

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“[A] brief should always have a table of contents that will repeat the headings and thus disclose the messages of the brief almost at a glance.”

F. Trowbridge Vom Baur, *The Art of Brief Writing*,
(3) *The Scrivener* 1, 2 (1975-1976).

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Headings and sub-headings

Headings and sub-headings
summarize the *Argument*.

No solo headings or sub-headings

- I. The trial judge erred in terminating Mother's parental rights when it ignored evidence favorable to Mother during the two years before trial.
 - A. The trial judge erred in disregarding Mother's appropriate care of the children's sister, whose needs were similar to theirs.
- II. The trial judge erred in failing to consider the Children's strong bonds to their Mother and their wish to return to her care.

Pair sub-headings in twos or multiples

- I. The trial judge erred in terminating Mother's parental rights when it ignored evidence favorable to Mother during the two years before trial.
 - A. The trial judge erred in disregarding Mother's appropriate care of the children's sister, whose needs were similar to those of the Children.
 - B. The trial judge erred in disregarding evidence relevant to Mother's parenting and commitment to the Children during the two years before trial.

Indent your sub-headings to show hierarchy of points

I. The trial judge erred in terminating Mother's parental rights when it ignored evidence favorable to Mother during the two years before trial.

A. The trial judge erred in disregarding Mother's appropriate care of the children's sister, whose needs were similar to those of the Children.

B. The trial judge erred in disregarding evidence relevant to Mother's parenting and commitment to the Children during the two years before trial.

CaPitALizAtiON

So what's wrong with using all capitals?

“Because all the characters are uniform in size, letters and even words tend to blend together.

The words lack distinctive shapes – they're all just boxcars. Those shapes contribute to our comprehension.”

Bryan A. Garner, *The Winning Brief*

I. THE CHILD'S HEARSAY STATEMENTS DID NOT SATISFY THE REQUIREMENTS OF G.L. C. 233, § 82, BECAUSE THE CHILD WAS NOT UNAVAILABLE, THE STATEMENTS WERE NOT RELIABLE, AND THE CHILD WAS TEN YEARS OLD WHEN THE STATEMENTS WERE MADE.

“Never set headlines using capital initials and lowercase on every word – unless your intention is to create visual hiccups.”

-Jan V. White, *Editing by Design* 91 (2d ed. 1982)

I. The Child's Hearsay Statements Did Not Satisfy The Requirements Of G.L. c. 233, § 82, Because The Child Was Not Unavailable, The Statements Were Not Reliable, And The child Was Already Ten Years Old When The Statements Were Made.

Use regular capitalization

I. The child's hearsay statements did not satisfy the requirements of G.L. c. 233, § 82, because the child was not unavailable, the statements were not reliable, and the child was already ten years old when the statements were made.

Page numbers in the Tables

Make page numbers easy to find in your Tables:

- Justify to the right
- Separate the number from the text (using dots or white space)

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Stay tuned for a brief demonstration on
creating headings and a Table of Contents
using MS Word

Helpful Links

□ <https://www.youtube.com/watch?v=0cN-JX6HP7c>

The Appeals Court also offers a brief template that includes pre-formatted margins, sections, and headings.

□ <https://www.mass.gov/doc/brief-template>



The feeling you get when your Cover and Table looks fantastic!

Questions?

Dawn Messer
Supervising Attorney
Appellate Panel Support Unit
508-443-5509
dmesser@publiccounsel.net