

**ORDER (RE#6): Proposed Intervener-Appellant Amy Belger has submitted a motion to intervene in this matter, stating intervention should be allowed as of right or permissively as counsel has a substantial interest in the outcome of this matter as an attorney representing court-appointed clients. This court possesses inherent discretionary authority to permit intervention in the appellate process by applicants seriously affected by judgments and orders under review and positioned to submit valuable argument to the court. See, i.e., Levenson v. Feuer, 60 Mass. App. Ct. 428, 442-443 (2004). Mass. R. Civ. P. 24(a) and (b) permit the intervention of a non-party applicant as a matter of right or permissively if the applicant's interest is not adequately represented by existing parties or an applicant's claim or defense have a question of law or fact in common. In exercising its discretion, this Court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties. See Mass. R. Civ. P. 24 (a)-(b). In this case, it is not clear that the Committee of Public Counsel Services (CPCS) will fail to adequately represent the same interests that a CPCS-appointed attorney might represent. The appellate rules still allow such parties various routes to seek to protect their interests. A non-party who may have an interest in the outcome of the pending appeal is free to seek leave to file an amicus brief. See Mass. R. App. 17. Accordingly, Amy Belger is granted leave to file an amicus brief that brings to the court's attention relevant matter not already brought to its attention by the parties. (Henry, J.)**

**\*Notice/Attest**