

RULES OF APPELLATE PROCEDURE

RULE 1. SCOPE OF RULES: DEFINITIONS

(a) Scope of Rules. These rules govern procedure in appeals to an appellate court.

(b) Rules Not to Affect Jurisdiction. These rules shall not be construed to extend or limit the jurisdiction, as established by law, of the Supreme Judicial Court or the Appeals Court. All proceedings related to any appeal from: (a) a decision of a single Justice of the Supreme Judicial Court, and (b) a decision of any tribunal, appeal from which must by law be brought in the Supreme Judicial Court, shall be had only before the full Supreme Judicial Court or a single justice thereof (unless transferred to the Appeals Court by order of the Supreme Judicial Court). But these rules shall govern such proceedings, except as provided in Supreme Judicial Court Rule 2:21.

(c) Definitions.

As used in these rules:

"appeal" means an appeal to an appellate court and supersedes any procedure other than reservation and report by which matters have heretofore been brought before an appellate court for review.

"Appellate Court" means the full Supreme Judicial Court, the full Appeals Court, or a statutory quorum of either, as the case may be, whichever court is exercising statutory jurisdiction over the case at bar.

"child welfare case" means any case that is before a court of competent jurisdiction pursuant to G.L. c. 119, s.s. 21-39J; G.L. c. 190B, Parts 2 and 3; or G.L. c. 210, s.s. 1-11.

"clerk" means "clerk," "register," "recorder," and their respective assistants or deputies; "clerk of the appellate division" means the clerk of the trial court from which the action was reported to the appellate division.

"first class mail" means use of first class postage prepaid, whether certified, registered, uncertified, or unregistered. Registration or certification shall not be required unless specifically stated to be necessary.

"lower court" means the single justice, court, appellate division, board, commission, or other body whose decision is the subject of an appeal; for the purpose of Rule 9, the term includes any member of the lower court.

"rescript" means the order, direction, or mandate of the appellate court disposing of the appeal.

"single justice" means a single justice of whichever appellate court is exercising statutory jurisdiction over the case at bar.

(d) Construction. Words or phrases importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing the masculine gender may include the feminine and neuter.