

1 Rule 21. Filing and service.

2 (a) Filing. Papers required or permitted to be filed by these rules shall be filed with the clerk of the
3 appropriate court. Filing may be accomplished by mail addressed to the clerk. Except as provided in
4 subpart (f), filing is not considered timely unless the papers are received by the clerk within the time fixed
5 for filing, except that briefs shall be deemed filed on the date of the postmark if first class mail is utilized. If
6 a motion requests relief which may be granted by a single justice or judge, the justice or judge may
7 accept the motion, note the date of filing, and transmit it to the clerk.

8 (b) Service of all papers required. Copies of all papers filed with the appellate court shall, at or before
9 the time of filing, be served on all other parties to the appeal or review. Service on a party represented by
10 counsel shall be made on counsel of record, or, if the party is not represented by counsel, upon the party
11 at the last known address. A copy of any paper required by these rules to be served on a party shall be
12 filed with the court and accompanied by proof of service.

13 (c) Manner of service. Service may be personal or by mail. Personal service includes delivery of the
14 copy to a clerk or other responsible person at the office of counsel. Service by mail is complete on
15 mailing.

16 (d) Proof of service. Papers presented for filing shall contain an acknowledgment of service by the
17 person served or a certificate of service in the form of a statement of the date and manner of service, the
18 names of the persons served, and the addresses at which they were served. The certificate of service
19 may appear on or be affixed to the papers filed. If counsel of record is served, the certificate of service
20 shall designate the name of the party represented by that counsel.

21 (e) Signature. All papers filed in the appellate court shall be signed by counsel of record or by a party
22 who is not represented by counsel.

23 (f) Filing by inmate. Papers filed by an inmate confined in an institution are timely filed if they are
24 deposited in the institution's internal mail system on or before the last day for filing. Timely filing may be
25 shown by a notarized statement or written declaration setting forth the date of deposit and stating that
26 first-class postage has been prepaid.

27 (g) Filings containing other than public information and records. If a filing, including an addendum,
28 contains non-public information, the filer must also file a version with all such information removed.
29 Non-public information means information classified as private, controlled, protected, safeguarded,
30 sealed, juvenile court legal, or juvenile court social, or any other information to which the right of public
31 access is restricted by statute, rule, order, or case law.

32 Advisory Committee Notes

33 Paragraph (e) is added to Rule 21 to consolidate various signature provisions formerly found in other
34 sections of the rules.

35 Records are classified as public, private, controlled, protected, safeguarded, sealed, juvenile court
36 legal, or juvenile court social by Code of Judicial Administration Rule 4-202.02. The right of public access
37 might also be restricted by Title 63G, Chapter 2, Government Records Access and Management Act, by

38 other statutes, rules, or case law, or by court order. If a filing contains information or records that are not
39 public, Rule 21(g) requires the filer to file an unredacted version for the court and a version for the public
40 that does not contain the confidential information.