

Appeals and Post-Trial Motions

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Overview

Losing at trial does not always mean the case is over. But winning an appeal requires something very different from winning at trial. Appellate courts do not reweigh testimony, reassess credibility, or reconsider the evidence. They review whether the trial court applied the law correctly. That distinction is the single most important thing a party considering an appeal needs to understand, because it defines every strategic decision that follows.

Cohen Cleary handles civil, criminal, and administrative appeals, as well as post-trial motions such as motions for a new trial, motions to reconsider, and motions for relief from judgment. The firm's appellate work arises from its litigation practice across multiple disciplines, giving its attorneys firsthand familiarity with the trial records, evidentiary rulings, and procedural decisions that form the foundation of any appeal.

How We Evaluate Appellate Grounds and Standards of Review

The first question we ask a client considering an appeal is not whether they feel the result was wrong. It is whether the trial court committed a reviewable legal error, and whether the applicable standard of review gives the appellate court room to correct it. These are distinct inquiries, and confusing them leads to costly, unsuccessful appeals.

Standards of review vary significantly and control the outcome of most appeals. A pure question of law is reviewed *de novo*, meaning the appellate court owes no deference to the trial judge. Factual findings, by contrast, are reviewed under the "clearly erroneous" standard, which overturns a finding only when the reviewing court is left with a definite and firm conviction that a mistake was made. Discretionary rulings, such as evidentiary decisions or sanctions, are reviewed for abuse of discretion, one of the most deferential standards in appellate practice. We tell our clients that understanding where their issue falls on this spectrum is the difference between a viable appeal and an expensive exercise in frustration.

For clients on the winning side of a trial court decision, we handle opposition briefing when the adverse party appeals. Preserving a favorable result demands the same rigor as seeking reversal: identifying the strongest arguments the appellant is likely to raise, demonstrating that the trial court's reasoning was sound, and showing that any claimed error was harmless.

Cohen Cleary also represents clients in administrative appeals, challenging decisions issued by state and local agencies, licensing boards, and zoning boards of appeal. Judicial review of agency decisions in Massachusetts is governed by G.L. c. 30A, § 14, which asks whether the agency's decision was supported by substantial evidence, was based on an error of law, or was otherwise arbitrary or capricious. These appeals follow their own procedural tracks and filing deadlines, and the deference courts afford to agency expertise makes early identification of

reviewable error essential.

Why Work With Cohen Cleary's Appellate Attorneys

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our appellate practice, this approach helps clients navigate the transition from trial-level advocacy to the distinct demands of appellate litigation with clarity, efficiency, and confidence.

Filing Deadlines for Appeals and Post-Trial Motions in Massachusetts

Appellate deadlines are jurisdictional, not aspirational. In Massachusetts, the notice of appeal in a civil case must be filed within 30 days of the entry of judgment. Miss that window, and the right to appeal is extinguished. No extension request, no equitable argument will restore it. Post-trial motions carry their own filing deadlines and, when properly and timely filed, can toll the appeal clock. We review trial records promptly after adverse decisions so that clients can make informed decisions about their options while every available path remains open.

Appellate Practice Across Massachusetts and Rhode

Island

Cohen Cleary handles appeals before the Massachusetts Appeals Court and the Supreme Judicial Court, as well as the Rhode Island Supreme Court. The firm also represents clients in administrative appeals from state and local agency decisions. With offices in [Taunton](#) and [Plymouth](#), and the capacity to serve clients across New England, the firm brings regional familiarity to appellate matters that originate in trial courts and agencies throughout southeastern Massachusetts and beyond.

Discuss Your Appeal with Cohen Cleary

Appellate deadlines do not wait. If you have received an unfavorable decision or need to defend a favorable one, contact Cohen Cleary to discuss your options. An early assessment of the record and the applicable standard of review can determine whether an appeal or post-trial motion is a sound investment of time and resources.

Frequently Asked Questions About Appeals and Post-Trial Motions

What is the difference between an appeal and a new trial?

An appeal asks a higher court to review whether the trial court made legal errors. The appellate court examines the existing record; it does not hear new testimony or consider new evidence. A motion for a new trial, by contrast, is filed in the trial court itself and argues that errors during the trial (such as newly discovered evidence or juror misconduct) warrant a fresh proceeding. These are fundamentally different remedies with different procedural requirements.

How long do I have to file an appeal in Massachusetts?

In most civil cases, the notice of appeal must be filed within 30 days after entry of the judgment or order being appealed. Criminal appeals follow similar timelines. Administrative appeals may have different deadlines depending on the agency. These deadlines are strict. Courts do not grant extensions for late filings, and missing the deadline forfeits the right to appeal entirely.

Can I raise new arguments on appeal that were not made at trial?

Generally, no. Appellate courts review issues that were properly preserved at the trial level, meaning the issue was raised before the trial court, and the trial court had an opportunity to rule on it. Arguments raised for the first time on appeal are typically reviewed only for “plain error” or “substantial risk of a miscarriage of justice,” standards that are very difficult to meet. This is why trial preparation and contemporaneous objections are critical to preserving appellate rights.

What types of decisions can be appealed?

Final judgments from trial courts are generally appealable. Certain interlocutory (pre-trial or mid-trial) orders may also be appealable in limited circumstances, such as orders granting or denying injunctive relief. Administrative agency decisions are typically reviewable by a court under the applicable statutory framework. Cohen Cleary handles appeals arising from civil, criminal, and administrative proceedings across a range of practice areas.

