

COURT OF APPEAL PRACTICE NOTES

10.2.1 Notices to the Profession

10.3.1 Consolidated Practice Directions

Notice to the Profession

The Court of Appeal circulates certain judgments to the whole Court for comment on legal points in accordance with a consultative process that has long been part of the Court's tradition. These judgments are currently labelled Reasons for Judgment Reserved.

The circulation procedure was refined effective September 1st, 1999 and may be refined from time to time in the future. Such refinements do not have any effect on the binding nature of circulated judgments. In accordance with the principle of *stare decisis* as it has developed through the case law, lower courts are bound by such judgments, as is this Court, subject to our reconsideration procedure.

The Court's Practice Direction, which sets out the procedure to be followed in the event that a litigant wishes the Court of Appeal to reconsider an earlier precedent, remains in effect.

Fraser, C.J.A.
March 27, 2000

Notice to the Profession

The Court of Appeal of Alberta

The Alberta Court of Appeal is pleased to announce that effective September 2, 2003, advance notice of judgment(s) to be filed will be published on the Alberta Courts web site.

At 4:00 p.m. daily, notice of the judgment(s) to be filed at 9:30 a.m. the *following* day will be posted. This notice can be found at <http://www.albertacourts.ab.ca/ca>.

Electronic copies of the filed judgments will then be available on the Alberta Courts web site at 10:00 a.m. on the day of filing at <http://www.albertacourts.ab.ca/go.aspx?tabid=15>.

Fraser, C.J.A.
August 28, 2003

Notice to the Profession

The Court of Appeal of Alberta

Effective immediately, the Court of Appeal will implement a process whereby Notices to the Profession, with the exception of urgent matters, will be distributed twice per year, in April and October. The April 2004 release is attached.

Further to the Notice to the Bar dated January 14, 2004, the implementation of a personal notification subscription service has now been completed and is available to subscribers. This service enables users to individually subscribe to a service, at no charge, to notify them of new judgments to be released, new Notices, Bulletins and Notices to the Profession issued by the Court. For further information on this service, please check the website <http://www.albertacourts.ab.ca/go.aspx?tabid=2>.

Fraser, C. J.A.
April 26, 2004

Notice to the Profession

The Court of Appeal of Alberta

May 1, 2007

Electronic Appeals (E-Appeals)

In June 2004, the Court amended the Consolidated Practice Directions of the Court of Appeal of Alberta to require that facta and supporting materials for appeals filed on or after October 1, 2004, where the trial was ten days or longer, be filed in an electronic format unless otherwise ordered.

The Court recently conducted a detailed review of this project and thanks the various counsel who have provided their input on the process and its continuing challenges. The Court determined that further work is required to ensure all its Rules and Practice Directions are “electronic ready” and that the Court has the technological infrastructure in place necessary to support electronic filing. This being so, while the Court strongly supports the e-appeal initiative and encourages counsel to file electronic appeal materials, the requirement for filing an electronic appeal for a trial of ten days or longer will be optional effective May 1, 2007. The requirement to obtain leave to file an electronic appeal for a trial of less than ten days will also be removed. However, the Court reserves the right to order that an appeal be prepared electronically in situations the Court deems appropriate.

For appeals that have already commenced as e-appeals pursuant to Part K. of the Consolidated Practice Directions for trials of 10 days or longer, but neither factum has yet been filed, the parties may continue as an e-appeal, or may file their facta in hard copy only. However, both appellant and respondent must file in the same format, and their mutual decision must be sent in writing to the Deputy Registrar. If the appellant's factum has already been filed electronically, the respondent must also file an electronic factum. For appeals that have commenced as e-appeals by Order of the Court, that Order continues to be effective and that appeal will be heard as an e-appeal.

“C.A. Fraser”
Fraser, C.J.A.



Notice to the Profession

The Court of Appeal of Alberta

April 14, 2008

The Consolidated Practice Directions of the Court of Appeal are amended as follows:


1. Add the following to the end of Part C.1

 The Appellant s reply factum on a cross-appeal must not exceed 10

pages.

[April 2008]

2. Add the following at the end of the first sentence in Part C.5

 even if the maximum time of 45 minutes is the estimate.


[April 2008]

3. Add the following to the end of Part C.12

 Include the Standard(s) of Review in the Table of Contents.


[April 2008]

4. In Part E.1, delete the citation to Section 677 of the Criminal Code and replace it with the following citation



 Where a judge of the court of appeal expresses an opinion dissenting from the judgment of the court, the judgment of the court shall specify any grounds in law on which the dissent, in whole or in part, is

based.

[April 2008]

5. In Part J.6(c)(ix), delete the words  or if the appellant is

unrepresented, Form S and add the words

 (Lawyer  Certificate), if the appellant is represented by counsel;

and

Add a new subparagraph (x) that reads

 (x) Form S (Certificate of Preparer).

[April 2008]

6. Part E.3 is repealed and replaced with the following:

3. **Judicial Interim Release**

(a) The Court of Appeal will not grant an Order for Judicial Interim Release unless:

i) the appeal books have been filed;

- ii) an order for the appeal books has been placed; or
 - iii) counsel undertakes to place an order for the appeal books forthwith.
- b) Refer to Form A for the standards required when preparing an Order for Judicial Interim Release. Where a choice is given between two or more paragraphs, sentences or phrases, those which do not apply should be deleted. All other paragraphs are considered mandatory and should be included in the order.
- (c) Where the court imposes conditions in the undertaking or recognizance in paragraph 1 of the order, such conditions should be those described in s. 515(4) of the Criminal Code of Canada, and specifically:
- (i) In respect to the condition described in s. 515(4)(a), such condition should read as follows:

IN CALGARY or
EDMONTON: Report in person once each week commencing (*state time and date of first occasion on which the Appellant is required to report*) to _____ (*state name and address where the Appellant is required to report*); and thereafter report in person weekly on such day and at such time as may be determined by the said (*name or designate*).

IN AREAS OUTSIDE CALGARY AND EDMONTON where there are no Municipal Police, i.e. outside Lethbridge, Medicine Hat, Camrose, Barrhead, Hinton etc.:

Report in person once each week commencing (*state time and date of first occasion on which the Appellant is required to report*) to NCO/in Charge (Inspector, where applicable) RCMP Detachment at _____; and thereafter report in person weekly on such day and at such time as may be determined by the said (Inspector, where applicable).

IN AREAS OUTSIDE CALGARY AND EDMONTON, where there are Municipal Police, such condition should read as follows:

Report in person once each week commencing (*state time and date of first occasion on which the Appellant is required to report*) to (*name of appropriate police officer*) or designate, (*address of police station*); and thereafter report in person weekly on such day and at such time as may be determined by the said (*Police Officer*).

- (ii) In respect to the condition described in s. 515(4)(b), such condition should read as follows:

Remain within (*describe territorial jurisdiction, e.g. City, Town, Province*).

- (iii) In respect to the condition described in s. 515(4)(c), such condition should read as follows:

Notify (*person designated pursuant to condition described in s. 515(4)(a)*) of any change in his/her address or employment or occupation.

- (iv) In respect to the condition described in s. 515(4)(d), such condition should read as follows:

Abstain from communicating, directly or indirectly, with (*name of witness, complainant or any other person(s)*) except in accordance with the following conditions:

- (v) In respect to the condition described in s. 515(4)(e), such condition should read as follows:

Deposit his/her passport with a Judge of the Provincial Court of Alberta or Justice of the Peace to whom his/her undertaking will be given or before whom such recognizance will be entered into.

[April 2008]

7. Replace Form A with the attached Form A.

[April 2008]

8. The pilot project to implement time limits on oral argument for all civil and criminal appeals set out in the Notice to Profession issued June 30, 2004 (and corrected on July 14, 2004) and the pilot project to implement time limits on oral argument for all civil and criminal motions, whether before a single judge or three judges, set out in the Notice to Profession issued on June 30, 2004, are made permanent directions.

[April 2008]

9. The 2009 Court Sitting Dates for the Court of Appeal of Alberta are attached.

[April 2008]

These amendments are effective immediately.

“C.A. Fraser”
Fraser, C.J.A.

NOTE: A copy of the Consolidated Practice Directions and Practice Notes can be found on the Alberta Courts’ website at www.albertacourts.ab.ca/ca/practicenotes.

Certain precedents, checklists and forms can also be found on the Alberta Courts’ website. As these documents are revised from time to time, please refer to the website for the most recent version.

FORM A

Appeal Number:

In the Court of Appeal of Alberta**BETWEEN:**

HER MAJESTY THE QUEEN

Respondent

- AND -(APPELLANT'S NAME IN FULL AS IT APPEARS ON
INFORMATION OR INDICTMENT)

Appellant

Before the Honourable _____) On (Day of the week) day, the
Mr./Mme. Justice _____) (date) day of (month),
In Chambers, _____) 20(year) at (City), Alberta**Order for Judicial Interim Release**UPON THE APPLICATION of the Appellant; AND
UPON HAVING READ the Affidavit and Undertaking of
the Appellant; AND UPON HEARING Counsel for the
Appellant and Counsel for the Respondent;*On appeal
from
conviction only
use this
paragraph*AND IT APPEARING THAT the Appellant has
given Notice of Appeal of his/her conviction by (name of
Judge/Justice), in (level of court) of Alberta, at (location), on
the (date) day of (month), 20(year), on the following
charge(s), NAMELY:*(Set out, in full, the wording of each charge of which
the appellant was convicted and is appealing as it
appears in the information or indictment)**On appeal
from sentence
only use this
paragraph*AND IT APPEARING THAT the Appellant has
been granted Leave to Appeal against the sentence(s) of
(Set out, in full, the exact sentence(s) imposed)
imposed by (name of Judge/Justice), in the (level of court) of
Alberta, at (location), on the (date) day of (month), 20(year),
upon his/her conviction on the following charge(s),
NAMELY:*(Set out, in full, the wording of each charge of which the
appellant was convicted and is appealing as it appears
in the information or indictment)*

On appeal from conviction and sentence, use this paragraph

AND IT APPEARING THAT the Appellant has given Notice of Appeal of his/her conviction by (name of Judge/Justice), in the (level of court) of Alberta, at (location), on the (date) day of (month), 20(year), on the following charge(s), NAMELY:

(Set out, in full, the wording of each charge of which the appellant was convicted and is appealing as it appears in the information or indictment)

and that the Appellant has been granted Leave to Appeal against the sentence(s) of

(Set out, in full, the exact sentence(s) imposed)

imposed following the conviction(s) aforesaid;

If the appeal books have not been ordered, use the appropriate one of the following two paragraphs

AND IT APPEARING THAT the Appellant has placed an order for the appeal books;

AND IT APPEARING THAT counsel for the Appellant has undertaken to order the appeal books forthwith;

1. IT IS ORDERED THAT the Application be allowed and the Appellant be released upon his/her:

(a) Entering into an Undertaking, with the following conditions, namely:

- (i) keep the peace and be of good behavior;
- (ii) report to Court in person as and when required by the Court, a Justice of the Court, the Registrar, the Deputy Registrar or the Case Management Officer;

(iii) remain within _____;

(iv) pursue the appeal with due diligence, and in particular comply with any directions as may be set out in this Order, or as made by the Court, a Justice of the Court, the Registrar, the Deputy Registrar or the Case Management Officer, respecting the appeal;

(v) _____

(include any other conditions that the Court orders. Refer to Forms 11, 11.1, 12 & 32 of the Criminal Code)

Use the most appropriate one of the following two paragraphs

*Select either
“with” or
“without” as
appropriate.*

- (b) Entering into a Recognizance in the amount of \$ _____ with/without deposit of cash or other valuable security, and with/without sureties as deemed acceptable to the Court, with the following conditions, namely:
- (i) keep the peace and be of good behavior;
 - (ii) report to Court in person as and when required by the Court, a Justice of the Court, the Registrar, the Deputy Registrar or the Case Management Officer;
 - (iii) remain within _____;
 - (iv) pursue the appeal with due diligence, and in particular comply with any directions as may be set out in this Order, or as made by the Court, a Justice of the Court, the Registrar, the Deputy Registrar or the Case Management Officer respecting the appeal;
 - (v) _____
(include any other conditions that the Court orders. Refer to Forms 11, 11.1, 12 & 32 of the Criminal Code)
2. Such Undertaking or Recognizance may be entered into by the Appellant before any Judge of the Provincial Court of Alberta or any Justice of the Peace in and for the Province of Alberta.
3. Any Judge of the Provincial Court of Alberta or any Justice of the Peace in and for the Province of Alberta may order that the Appellant be brought before him/her for the purpose of entering into such Undertaking or Recognizance and being released from custody, and this Order shall be sufficient authority to any person having the custody of the Appellant in the Province of Alberta to have the Appellant brought before such Judge or Justice of the Peace.
4. If the Appellant is brought before such Judge or Justice of the Peace and enters into such Undertaking or Recognizance as aforesaid, the person having custody of the Appellant shall release him/her forthwith.
5. The Appellant is to attend personally and provide picture identification, at the opening of the next sittings of this Honourable Court on (day of week) day, the (date) day of (month), 20(year), between the hours of 8:15 a.m. and 10:00 a.m., at the Court of Appeal Registry Counter, (on the main floor of the Law Courts

Building/on the 26th floor of the TransCanada Pipelines Tower, in the City of (Edmonton/Calgary), in the Province of Alberta, and at the opening of every sitting thereafter until such time as this appeal can be heard, subject to such further Order as a Justice of this Honourable Court may make.

- 6. On the hearing date, the Appellant shall attend the courtroom assigned for his/her hearing between the hours of 9:45 a.m. and 10:00 a.m., or any other such time as directed, and shall then and there surrender himself/herself into the custody of any peace officer, pending the hearing of the within Appeal.
- 7. The Appeal shall proceed in strict compliance with the Rules of Court and the Consolidated Practice Directions, and the (name of document) must be filed by (date of deadline), failing which the Crown may apply to revoke this order.

If appropriate, insert any other deadlines imposed by the court

- 8. Additionally, the following deadlines are hereby imposed:

- (a) _____
- (b) _____
- (c) _____

Justice/Registrar of the Court of Appeal of Alberta

Approved as to form

Agent of the Attorney General

Entered this _____ day of _____, 20 ____.

Registrar

NOTE: See Part E.3(c)(i) to (v) of the Consolidated Practice Directions for further paragraphs required if the Court imposes conditions in the Undertaking or Recognizance.

Appeal Number:

IN THE COURT OF APPEAL OF ALBERTA

BETWEEN:

HER MAJESTY THE QUEEN

Respondent

-AND-

(APPELLANT'S NAME IN FULL AS IT
APPEARS ON INFORMATION OR
INDICTMENT)

Appellant

**ORDER FOR JUDICIAL INTERIM
RELEASE**

Appellant or counsel for the appellant:

Name

Law Firm (if applicable)

Address

Postal Code

Telephone Number

Fax Number

2009

Court of Appeal of Alberta

Sittings of the Court of Appeal of Alberta for the year 2009 will be as follows:

Place of Sitting	General Appeal Hearings - Opening Day ¹	Part J Appeals - Opening Day ^{1&2}	Sentence Sittings - First Day of Oral Argument ^{1&3}	Motions Court ¹	Motions Court - Filing Deadlines
Edmonton	Wed. Jan. 7	Wed. Jan. 7	Tues. Jan. 20	Thurs. Jan. 22	Thurs. Dec. 18/08
Calgary	Mon. Jan. 12	Mon. Jan. 12	Tues. Jan. 27	Thurs. Jan. 22	Thurs. Dec. 18/08
Edmonton	Mon. Feb. 2	Mon. Feb. 2	Wed. Feb. 18	Thurs. Feb. 19	Tues. Jan. 20
Calgary	Mon. Feb. 9	Mon. Feb. 9	Tues. Feb. 24	Thurs. Feb. 19	Tues. Jan. 20
Edmonton	Mon. Mar. 2	Mon. Mar. 2	Tues. Mar. 17	Thurs. Mar. 19	Wed. Feb. 18
Calgary	Mon. Mar. 9	Mon. Mar. 9	Tues. Mar. 24	Thurs. Mar. 19	Wed. Feb. 18
Edmonton	Mon. Mar. 30	Mon. Mar. 30	Wed. Apr. 15	Thurs. Apr. 16	Mon. Mar. 16
Calgary	Mon. Apr. 6	Mon. Apr. 6	Tues. Apr. 21	Thurs. Apr. 16	Mon. Mar. 16
Edmonton	Mon. Apr. 27	Mon. Apr. 27	Tues. May 12	Thurs. May 14	Wed. Apr. 15
Calgary	Mon. May 4	Mon. May 4	Wed. May 20	Thurs. May 14	Wed. Apr. 15
Edmonton	Mon. May 25	Mon. May 25	Tues. June 16	Thurs. June 18	Wed. May 20
Calgary	Mon. June 1	Mon. June 1	Tues. June 23	Thurs. June 18	Wed. May 20
Edmonton	Mon. July 13 ⁴				
Calgary	Mon. July 13 ⁴				
Edmonton	Tues. Sept. 1	Tues. Sept. 1	Tues. Sept. 15	Thurs. Sept. 17	Tues. Aug. 18
Calgary	Tues. Sept. 8	Tues. Sept. 8	Tues. Sept. 22	Thurs. Sept. 17	Tues. Aug. 18
Edmonton	Mon. Sept. 28	Mon. Sept. 28	Wed. Oct. 14	Thurs. Oct. 15	Tues. Sept. 15
Calgary	Mon. Oct. 5	Mon. Oct. 5	Tues. Oct. 20	Thurs. Oct. 15	Tues. Sept. 15
Edmonton	Mon. Oct. 26	Mon. Oct. 26	Thurs. Nov. 12	Thurs. Nov. 19	Tues. Oct. 20
Calgary	Mon. Nov. 2	Mon. Nov. 2	Tues. Nov. 17	Thurs. Nov. 19	Tues. Oct. 20
Edmonton	Mon. Nov. 23	Mon. Nov. 23	Tues. Dec. 1	Thurs. Dec. 10	Tues. Nov. 10
Calgary	Mon. Nov. 30	Mon. Nov. 30	Tues. Dec. 8	Thurs. Dec. 10	Tues. Nov. 10

¹ All sittings open at 10:00 a.m. unless otherwise directed.

² Time frames will be calculated from the opening day of the sittings.

³ For purposes of calculating time frames, opening day is the Monday prior to the first day of oral argument, whether or not the Monday of that week is a holiday.

⁴ Limited to appeals - (1) Against sentence where the appellant is in custody and there is a reasonable possibility that the result of the appeal is that he or she might be released before the next regular sittings of the Court; (2) From conviction where the appellant is in custody and has been refused interim release pending appeal; (3) Such other cases which, because of urgency or special circumstances, are directed to be heard by order of a Justice of Appeal.

2009

Court of Appeal of Alberta

Speaking to the list dates for the Court of Appeal of Alberta for the year 2009 will be as follows:

Place of Sitting	Chambers to set Criminal Hearing List - 10:00 a.m. ¹	Chambers to set Civil Hearing List - 1:30 p.m. ²	Chambers to set Maintenance Hearing List - 9:30 a.m. ³
Edmonton	-	-	Mon. Jan. 12
Calgary	Wed. Jan. 7	Thurs. Jan. 8	Mon. Jan. 19
Edmonton	Wed. Feb. 11	Wed. Feb. 11	Mon. Feb. 9
Calgary	-	Mon. Feb. 23	Tues. Feb. 17
Edmonton	-	-	Mon. Mar. 9
Calgary	-	-	Mon. Mar. 16
Edmonton	Wed. Apr. 8	Wed. Apr. 8	Mon. Apr. 6
Calgary	-	-	Tues. Apr. 14
Edmonton	-	-	Mon. May 4
Calgary	Mon. Apr. 27	Tues. Apr. 28	Mon. May 11
Edmonton	Wed. June 10	Wed. June 10	Mon. June 8
Calgary	-	-	Mon. June 15
Edmonton	-	-	Tues. Sept. 8
Calgary	-	Thurs. Sept. 3	Mon. Sept. 14
Edmonton	Wed. Oct. 7	Wed. Oct. 7	Mon. Oct. 5
Calgary	-	-	Tues. Oct. 13
Edmonton	-	-	Mon. Nov. 2
Calgary	Tues. Nov. 10	Thurs. Nov. 12	Mon. Nov. 9
Edmonton	Wed. Dec. 9	Wed. Dec. 9	Mon. Nov. 23
Calgary	-	-	Mon. Nov. 30

¹ Unless otherwise directed, the Criminal Speak to List will consist of all Criminal matters (excluding Sentence Appeals) where the notice of appeal is filed more than 10 business days prior to the speak to date.

² Unless otherwise ordered, the Civil Speak to List will consist of all Civil matters (excluding Part J appeals and appeals from Maintenance Only) where the Appeal Digest and transcripts have been filed, where six months have elapsed since the notice of appeal was filed, or where a judge or Case Management Officer directs that the case be so entered, whichever occurs first

³ Unless otherwise directed, the Maintenance Speak to List will consist of all appeals from Maintenance only where the notice of appeal is filed more than 10 business days prior to the speak to date.

Notice to the Profession

The Court of Appeal of Alberta

May 13, 2009

The Court has adopted a pilot project to move appeals that deal with maintenance only to the Part J list. Consequently:

1. All the provisions of Part J will apply to maintenance appeals including the deadlines, the consequences for missing them and the 12-page limit for facta.
2. There will no longer be a speaking to the list called for maintenance appeals.
3. Maintenance appeals will no longer be heard in conjunction with sentence appeals but will instead be heard during the general appeal hearings.

This pilot project shall commence immediately and shall be reviewed in two year's time. This pilot project shall not apply to any maintenance appeals that were filed before the implementation of this pilot project.

Questions can be directed to the case management officers in Edmonton and Calgary.

"C.A. Fraser"
Fraser, C.J.A.

NOTE: A copy of the Consolidated Practice Directions and Practice Notes can be found on the Alberta Courts' website at www.albertacourts.ab.ca/ca/practicenotes.

Certain precedents, checklists and forms can also be found on the Alberta Courts' website. As these documents are revised from time to time, please refer to the website for the most recent version.

Notice to the Profession

The Court of Appeal of Alberta

May 13, 2009

The Consolidated Practice Directions of the Court of Appeal of Alberta are amended as follows:

1. In Part A.7, between the words "a Judge in Chambers," and "the Registrar" add the words
"the Case Management Officer," .

[May, 2009]

2. In Part E.4(a), between sub-section (2) and sub-section (3) of the reference to s. 688 of the Criminal Code of Canada, add the following sub-section (2.1):

“(2.1) In the case of an appellant who is in custody and who is entitled to be present at any proceedings on an appeal, the court may order that, instead of the appellant personally appearing,

- (a) at an application for leave to appeal or at any proceedings that are preliminary or incidental to an appeal, the appellant appear by means of any suitable telecommunication device, including telephone, that is satisfactory to the court; and
- (b) at the hearing of the appeal, if the appellant has access to legal advice, he or she appear by means of closed-circuit television or any other means that permits the court and all parties to engage in simultaneous visual and oral communication.”

[May, 2009]

3. In Part E.9(a), between the words "a Judge in Chambers," and "the Registrar" add the words

“the Case Management Officer,”.

[May, 2009]

4. Repeal Part F.2(d) and replace it with the following:

“Motions that may be heard and decided by one justice of appeal include applications to:

- (i) extend time to file or serve a notice of appeal; and
- (ii) intervene, unless collateral to another motion that must be heard by a three-judge motions panel, with the discretion to refer the application to a full panel.”

[May, 2009]

5. At the end of Part F, add a new sub-part 10 which reads as follows:

“10. Application to Restore an Appeal

Refer to Form P for the standards required when preparing an Order for Restoration of an appeal. This standard form of order should be used whenever a regular civil appeal or a Part J appeal has been restored.”

[May, 2009]

6. Repeal Part I.4(h)(ii)(7) and replace it with the following:

“(7) Form M (Lawyer's Certificate), if the appellant is represented by counsel.”

- [May, 2009]
7. Repeal Part I.4.1(f)(ii).
[May, 2009]
8. At the end of Part I.9, add a new sub-sub-part (d) which reads as follows:
“(d) If a respondent fails to file a factum, the appeal may proceed in the absence of that factum.”
[May, 2009]
9. Change the title of Part J from “Procedural or Custody Appeals” to “Procedural, Maintenance or Children's Rights Appeals”.
[May, 2009]
10. In the headings of Part J, replace the word “Procedural” with the words “Part J”. (It appears 9 times.)
[May, 2009]
11. Replace the word “procedural” with the words “Part J” in the following sub-parts of Part J:
J.10, J.11(a), J.11(c), J.12(b), J.12(c), J.12(d) (it appears twice), J.12(e), J.12(f), and J.16.
[May, 2009]
12. In Part J.2(d):
At the beginning of sub-sub part (i), add the following: “any order affecting the rights of children, including”;
Delete the word “or” from the end of sub-sub part (i);
Delete the period from the end of sub-sub part (ii) and substitute it with a semi-colon and the word “or”; and
Add a new sub-sub part (iii) which reads as follows: “any order as to child or spousal maintenance, or both”.
[May, 2009]
13. In Part J.4(c)(i), change the number “22” to “21”.
[May, 2009]
14. In Part J.7(f), change the number “15” to “14”.
[May, 2009]
15. In Part J.10, change the number “16” to “17”.
[May, 2009]
16. In Part J.12(e), delete the words “from the date that the appeal was restored” and replace them with the words
“from the date that the application was granted”.

and add to the end of Part J.12(e):

“Refer to Form P for the standards required when preparing an Order for Restoration of a Part J appeal.”

[May, 2009]

17. Replace Form D with the attached Form D.

[May, 2009]

18. In Form M, replace the words “appeal record” with “appeal digest” (it appears twice), and replace the word “correct” with the word “complete”.

[May, 2009]

19. Add the attached Form O.

[May, 2009]

20. Add the attached Form P.

[May, 2009]

21. The following obsolete or superseded Notices to the Profession are hereby repealed:

- Notice to the Profession dated January 24, 2003 (Repeal of obsolete or superseded Notices to the Profession)
- Corrigendum dated July 14, 2004 (Time limits on oral argument as a pilot project)
- Notice to the Profession dated April 5, 2006 (Extension of pilot project for time limits of civil and criminal appeals)
- Notice to the Profession dated April 5, 2006 (2007 Court Sitting Dates)
- Notice to the Profession dated October 16, 2006 (Amendment of 2007 Court Sitting Dates)
- Notice to the Profession dated May 1, 2007 (Amendments to Consolidated Practice Directions)
- Notice to the Profession dated May 1, 2007 (Consultation on Time Limits of Oral Argument)
- Notice to the Profession dated May 9, 2007 (Amendment of 2008 Motions Court Filing Deadline for November, 2008 - Calgary)

[May, 2009]

22. The 2010 Court of Appeal Sitting Dates are attached.

[May, 2009]

23. Two years after the date hereof, this Notice will expire as transitional and obsolete, but such expiry will not affect the amendments or repeals of the

Consolidated Practice Directions made herein, nor revive the directions existing before such amendments or repeals.

[May, 2009]

These amendments are effective immediately.

“C.A. Fraser”
Fraser, C.J.A.

NOTE: A copy of the Consolidated Practice Directions and Practice Notes can be found on the Alberta Courts’ website at www.albertacourts.ab.ca/ca/practicenotes.

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FORM D SAMPLE – ORAL ARGUMENT IN CHAMBERS IF
 HEARING DID NOT EXCEED ½ DAY

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FORM O

SAMPLE – PART J.

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PART II - Final Documents

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Submissions by Plaintiff Two's Lawyer's Name	42
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Submissions by Plaintiff One's Lawyer's Name	45
Submissions by Plaintiff Two's Lawyer's Name	47
Certificate of Record	52
Tab 3 Reasons for Judgment of Lastname, J., dated/filed 10 October 2004	1
Tab 4 Order of Lastname, J., dated 10 October 2004/filed 22 October 2004	1
Tab 5 Civil Notice of Appeal to C.A.A., dated 10 November 2004/filed 12 November 2004	1
Tab 6 Certificate of Preparer - Form S	1
Tab 7 Lawyer's Certificate - Form O	1

FORM P

Appeal Number:

In the Court of Appeal of Alberta

BETWEEN:

Applicant/Respondent
 Status on Application
 (Appellant/Respondent)
 (Status on Appeal)

- AND -

Respondent/Applicant
 Status on Application
 (Respondent/Appellant)
 (Status on Appeal)

Before the Honourable) On (day of the week) day, the
 Mr./Mme. Justice _____) (date) day of (month),
 In Chambers) 20(year) at (City), Alberta

*If the Appellant
 or the
 Respondent does
 not have
 counsel, then
 delete the words
 "Counsel for"*

Order for Restoration of Appeal

UPON THE APPLICATION of the Applicant; AND
 UPON HAVING READ the Affidavit of (full name of the
 person who swore the Affidavit) and (insert the other
 documents relied on at the motion); AND UPON HEARING
 Counsel for the Appellant and Counsel for the Respondent;

IT IS ORDERED THAT

*Insert the
 applicable
 restoration fee
 pursuant to Rule
 515.1(10)*

1. The within appeal is hereby restored provided that:
 - (a) the restoration fee in the amount of \$ _____ is paid; and
 - (b) this order is filed forthwith, and in any event, within 5 business days of pronouncement of this order. The restoration fee and this order must be filed at the same time.
2. If the conditions listed in Paragraph 1 of this order are not satisfied, then the within appeal shall not be restored but instead shall remain struck.
3. Once the conditions listed in Paragraph 1 of this order are satisfied, then the within appeal shall be restored, and the following filing deadlines shall apply to this appeal:

*Insert the
 deadlines
 imposed by the
 court*

- (a) _____
- (b) _____
- (c) _____

4. If the appellant misses a deadline as set out in Paragraph 3 of this order, then the appeal shall again be struck and can only be restored by order of the court.

Justice/Registrar of the Court of
Appeal of Alberta

Approved as to form:

(Insert name and status of party approving)

Entered this ____ day of
_____, 20 ____.
at _____, Alberta

Registrar, Court of Appeal of Alberta

Appeal Number:

IN THE COURT OF APPEAL OF ALBERTA

BETWEEN:

Applicant/Respondent
Status on Application
(Appellant/Respondent)
(Status on Appeal)

-AND-

Respondent/Applicant
Status on Application
(Respondent/Appellant)
(Status on Appeal)

ORDER FOR RESTORATION OF APPEAL

Applicant or counsel for the applicant:

Name

Law Firm (if applicable)

Address

Postal Code

Telephone Number

Fax Number

2010

Court of Appeal of Alberta

Sittings of the Court of Appeal of Alberta for the year 2010 will be as follows:

Place of Sitting	General Appeal Hearings - Opening Day ¹	Part J Appeals - Opening Day ^{1&2}	Sentence Sittings - First Day of Oral Argument ^{1&3}	Motions Court ¹	Motions Court - Filing Deadlines
Edmonton	Thurs. Jan. 7	Thurs. Jan. 7	Tues. Jan. 19	Thurs. Jan. 21	Thurs. Dec. 17/09
Calgary	Mon. Jan. 11	Mon. Jan. 11	Tues. Jan. 26	Thurs. Jan. 21	Thurs. Dec. 17/09
Edmonton	Mon. Feb. 1	Mon. Feb. 1	Wed. Feb. 17	Thurs. Feb. 18	Tues. Jan. 19
Calgary	Mon. Feb. 8	Mon. Feb. 8	Tues. Feb. 23	Thurs. Feb. 18	Tues. Jan. 19
Edmonton	Mon. Mar. 1	Mon. Mar. 1	Tues. Mar. 16	Thurs. Mar. 18	Wed. Feb. 17
Calgary	Mon Mar. 8	Mon. Mar. 8	Tues. Mar. 23	Thurs. Mar. 18	Wed. Feb. 17
Edmonton	Mon. Mar. 29	Mon. Mar. 29	Tues. Apr. 13	Thurs. Apr. 15	Mon. Mar. 15
Calgary	Tues. Apr. 6	Tues. Apr. 6	Tues. Apr. 20	Thurs. Apr. 15	Mon. Mar. 15
Edmonton	Mon. Apr. 26	Mon. Apr. 26	Tues. May 11	Thurs. May 13	Wed. Apr. 14
Calgary	Mon. May 3	Mon. May 3	Tues. May 18	Thurs. May 13	Wed. Apr. 14
Edmonton	Tues. May 25	Tues. May 25	Tues. June 15	Thurs. June 17	Tues. May 18
Calgary	Mon. May 31	Mon. May 31	Tues. June 22	Thurs. June 17	Tues. May 18
Edmonton	Mon. July 12 ⁴				
Calgary	Mon. July 12 ⁴				
Edmonton	Tues. Sept. 7	Tues. Sept. 7	Tues. Sept. 21	Thurs. Sept. 23	Tues. Aug. 24
Calgary	Mon. Sept. 13	Mon. Sept. 13	Tues. Sept. 28	Thurs. Sept. 23	Tues. Aug. 24
Edmonton	Mon. Oct. 4	Mon. Oct. 4	Tues. Oct. 19	Thurs. Oct. 21	Tues. Sept. 21
Calgary	Tues. Oct. 12	Tues. Oct. 12	Tues. Oct. 26	Thurs. Oct. 21	Tues. Sept. 21
Edmonton	Mon. Nov. 1	Mon. Nov. 1	Tues. Nov. 16	Thurs. Nov. 25	Tues. Oct. 26
Calgary	Mon. Nov. 8	Mon. Nov. 8	Tues. Nov. 23	Thurs. Nov. 25	Tues. Oct. 26
Edmonton	Mon. Nov. 29	Mon. Nov. 29	Tues. Dec. 7	Thurs. Dec. 9	Tues. Nov 9
Calgary	Mon. Dec. 6	Mon. Dec. 6	Tues. Dec. 14	Thurs. Dec. 9	Tues. Nov 9

¹ All sittings open at 10:00 a.m. unless otherwise directed.

² Time frames will be calculated from the opening day of the sittings.

³ For purposes of calculating time frames, opening day is the Monday prior to the first day of oral argument, whether or not the Monday of that week is a holiday.

⁴ Limited to appeals - (1) Against sentence where the appellant is in custody and there is a reasonable possibility that the result of the appeal is that he or she might be released before the next regular sittings of the Court; (2) From conviction where the appellant is in custody and has been refused interim release pending appeal; (3) Such other cases which, because of urgency or special circumstances, are directed to be heard by order of a Justice of Appeal.

2010

Court of Appeal of Alberta

**Speaking to the list dates for the Court of Appeal of Alberta
for the year 2010 will be as follows:**

Place of Sitting	Chambers to set Criminal Hearing List - 10:00 a.m. ¹	Chambers to set Civil Hearing List - 1:30 p.m. ²
Edmonton	-	-
Calgary	Thurs. Jan. 7	Fri. Jan. 8
Edmonton	Wed. Feb. 10	Wed. Feb. 10
Calgary	-	Mon. Feb. 22
Edmonton	-	-
Calgary	-	-
Edmonton	Wed. Apr. 7	Wed. Apr. 7
Calgary	Mon. Apr. 26	Tues. Apr. 27
Edmonton	-	-
Calgary	-	-
Edmonton	Wed. June 9	Wed. June 9
Calgary	-	-
Edmonton	-	-
Calgary	-	Thurs. Sept. 2
Edmonton	Wed. Oct. 13	Wed. Oct. 13
Calgary	-	-
Edmonton	-	-
Calgary	Tues. Nov. 16	Wed. Nov. 17
Edmonton	Wed. Dec. 8	Wed. Dec. 8
Calgary	-	-

¹ Unless otherwise directed, the Criminal Speak to List will consist of all Criminal matters (excluding Sentence Appeals) where the notice of appeal is filed more than 10 business days prior to the speak to date.

² Unless otherwise ordered, the Civil Speak to List will consist of all Civil matters (excluding Part J appeals and appeals from Maintenance Only) where the Appeal Digest and transcripts have been filed, where six months have elapsed since the notice of appeal was filed, or where a judge or Case Management Officer directs that the case be so entered, whichever occurs first

Notice to the Profession

The Court of Appeal of Alberta

October 21, 2009

The Consolidated Practice Directions of the Court of Appeal are amended as follows:

1. In Part A.7, delete the words "the Maintenance Appeals List will commence at 9:30 a.m. and the calling of".

[October, 2009]
2. Repeal Part B.4(b) in its entirety and replace it with the following:
 - (b) The electronic copy shall be named in accordance with the following Universal Transcript Format naming conventions:

E - Edmonton C - Calgary R - Regional	V - Civil C - Criminal F - Family Y - Youth O - Other	P - Provincial Q - Queen's Bench	Last two digits of year produced "09"	Person's full last name followed by first initial of first name
---	---	-------------------------------------	---	--

- (i) The first character shall coincide with the first letter of the location where the transcript is being produced: 'E' for Edmonton, 'C' for Calgary (includes Airdrie, Banff, Canmore, Cochrane, Didsbury, and Okotoks), and 'R' for Regional (includes all other locations);
- (ii) The second character shall coincide with the type of proceeding: 'V' for Civil, 'C' for Criminal, 'F' for Family, 'Y' for Youth, and 'O' for Other;
- (iii) The third character shall coincide with the name of the trial court: 'P' for Provincial Court of Alberta, and 'Q' for Court of Queen's Bench;
- (iv) The next two characters shall be the last two digits of the year the transcript is produced: '09' for 2009;
- (v) The next characters shall coincide with the full last name of the first plaintiff/accused;
- (vi) The last character shall coincide with the first initial of the first name of the first plaintiff/accused: For example: For an Edmonton, Criminal, Queen's Bench, 2009 file, where the accused name is John Doe, the UTF electronic file name would be:
ECQ09DOEJ.pdf
- (vii) If the electronic file already exists, the naming convention would be altered to include the full last name followed by the first four letters of the first name:

For example: ECQ09DOEJOHN.pdf

- (viii) If the electronic file already exists, the naming convention would be altered to include a sequential number:

For example: ECQ09DOEJOHN1

- (ix) In cases where a style of cause contains a party name that is so common that confusion could result (such as the City of Edmonton), the least common name in the style of cause should be used.
- (x) In cases where a style of cause contains two company names, use the least common name in the style of cause.

[October 2009]

3. In Part D.3, delete the words "unless they are brief (under 30 pages)" and add the words:

“unless the factum, any other appendices and the authorities together do not exceed 60 pages”.

[October 2009]

4. Repeal subparagraph 4(b)(iv) of Part I in its entirety.

[October 2009]

5. Add a new sub-subpart (b.1) to Part I.4 which reads as follows:

(b.1) In addition to the requirements of sub-subpart (b), any portion of Parts I and II of the appeal record produced in paper form must contain

- (a) a front cover and title page clearly setting out the information in Form I, and
- (b) a comprehensive table of contents of all of Parts I, II and III at the beginning of each volume bound along the left edge of the paper, so that the printed pages are to the right.

[October 2009]

6. Add a new sub-subpart (b.2) to Part I.4 which reads as follows:

(b.2) Notwithstanding sub-subpart (b)(ii), the transcripts of oral evidence included in Part III of the appeal record must be printed or reproduced as double-sided pages on good quality, white, 8½ by 11 inch paper.

[October 2009]

7. Repeal subparagraph 4(f)(ii)-(iv) of Part I in its entirety and replace it with the following:

- (ii) Subject to sub-subpart (j), the transcripts of oral evidence on the appeal record must conform to the requirements of Schedule E, Number 8 of the Alberta Rules of Court.

[October 2009]

8. Repeal Part J.6 in its entirety and replace it with the following:

6. Contents of Part J Appeal Records

Subject to subpart 16, Rr. 530, 530.2, 530.3, 530.4, 530.5, 530.6 and Part B apply except:

- (a) If the appellant desires, and the total contents do not exceed 200 pages, the Appeal Record may
 - (i) use lettered or numbered cardboard tabs instead of numbering all the pages consecutively in the Appeal Record, so long as each tab's contents are clearly and consecutively paged in one continuous run; and
 - (ii) be all in one volume and, if so, have a red cover.
- (b) An Appeal Record must also contain all of the following:
 - (i) table of contents in Form O;
 - (ii) notices of motion or notices of appeal from any Master, referee, or tribunal from whom the judge now appealed from was hearing an appeal; and
 - (iii) respondents' notices given under R. 384(3).
- (c) The Appeal Record need not duplicate an item already in a leave to appeal book described in Part 3(e), if the Appeal Record's Table of Contents mentions and cross references that item specifically, and if the appellant files any additional copies of it which the Registrar may require.
- (d) Parts I and II of the Appeal Record must contain a comprehensive front cover and title page clearly setting out the information in Form R and bearing the letters "Part J", bound along the left edge of the paper so that the printed pages are to the right.

[October 2009]

9. Add a new Part M which reads as follows:

M. Emergency Directions

- 1. These directions affecting the management of matters before the Court and the business of the Court shall be called the "Emergency Directions". For the purposes of the Emergency Directions, the following definitions apply:

- (a) “Acting Chief Justice” means the holder of that office by appointment or by designation of the Chief Justice, or, in the absence of such person, the senior justice of the Court as may be then available.
 - (b) “Chief Justice” means the Chief Justice of Alberta and includes the Acting Chief Justice where necessary to give effect to the Emergency Directions.
 - (c) “Court” means the Court of Appeal.
 - (d) “designate of the Chief Justice” means any judge of the Court, or the Registrar, Deputy Registrar, or case management officer as designated by the Chief Justice.
 - (e) “electronic hearing” means the hearing of any matter before the Court conducted, in whole or part, by electronic means in which all participants in the hearing, and the Court, can hear each other, whether or not all or some of the participants and the Court can see each other or are in each other’s presence.
 - (f) “emergency” means any situation that the Chief Justice or designate of the Chief Justice believes exists or may exist that affects the management of matters before the Court or the business of the Court to such a degree that it is found necessary by the Chief Justice or designate of the Chief Justice to put these Emergency Directions into effect. This includes any emergency declared by an official authority.
 - (g) “official authority” means a person having power pursuant to applicable legislation of the Parliament of Canada or the Legislature of Alberta to declare an emergency, or to make authoritative directions in an emergency which may affect the management of matters before the Court or the business of the Court.
 - (h) “officer of the Court” includes any judge, Registrar, Deputy Registrar, case management officer and any other officer and employee of the Court.
2. (a) The Emergency Directions shall come into effect when the Chief Justice or the designate of the Chief Justice so declares.
- (b) As soon as practicable after making Emergency Directions, the Chief Justice or the designate of the Chief Justice shall cause the details of the Emergency Directions to be published by any means of communication that the Chief Justice or the designate of the Chief Justice considers appropriate in the circumstances.
- (c) Failure to publish either the Emergency Directions or any details of the Emergency Directions under s. 2(b) shall not affect any

declaration made under s. 2(a) nor limit the discretion of the Chief Justice or the designate of the Chief Justice under s. 3.

3. (a) The extent to which the Emergency Directions come into effect or apply is within the discretion of the Chief Justice or the designate of the Chief Justice as the case may be.
- (b) The designate of the Chief Justice may exercise any discretion under the Emergency Directions in the absence of the Chief Justice if necessary.
4. (a) If the Emergency Directions are in effect or apply to any extent, the Chief Justice or designate of the Chief Justice may in his or her discretion at any time cancel, suspend or alter the functioning or operation of the Court in any manner, including the following:
 - (i) the Court's Registries and any other offices of the Court in any locations may be closed or have reduced hours of operation for any period or periods of time,
 - (ii) the sittings of the Court in any location may be canceled or suspended and any matters listed for hearing may by direction be adjourned either *sine die* or to a later specific date,
 - (iii) the Court may sit in panels of two judges where permitted under law,
 - (iv) the running of any procedural time limitations applicable to appeals or motions before the Court may be suspended for any period or periods of time,
 - (v) the filing or entry of any documents with the Court or any record control or maintenance by the Court may be suspended or be set to occur at a location other than the ordinary offices of the Court, and
 - (vi) any other business, procedures or communications with the Court may be conducted by alternative means or in alternative locations.
- (b) The examples of discretion set out in s. 4(a)(i) to 4(a)(v) are for clarity and not to restrict the generality of the discretion that may be exercised.
5. If the Emergency Directions are in effect or apply to any extent, the Chief Justice or designate of the Chief Justice may at any time arrange for an electronic hearing or a hearing at any alternative place or by alternative means that the Chief Justice or designate of the Chief Justice considers in his or her discretion to be appropriate.

6. (a) Despite any declaration or announcement of an official authority that rescinds or amends any declaration made as defined in s. 2(b), the Emergency Directions shall remain in effect unless otherwise declared by the Chief Justice or the designate of the Chief Justice.
- (b) Any application or effect of the Emergency Directions may be terminated by declaration of the Chief Justice or the designation of the Chief Justice at such time and on such terms and conditions as the Chief Justice or designate of the Chief Justice may in his or her discretion specify.
- [October 2009]
10. Replace Form F with the attached Form F. [October 2009]
11. Replace Form G with the attached Form G. [October 2009]
12. In the top right-hand corner of Form I (Appeal Record Title Page), delete “Appeal #” and replace it with the following:
- Appeal Number:
Trial Court Number:
E-File Name:
- [October 2009]
13. Two years after the date hereof, this Notice will expire as transitional and obsolete, but such expiry will not affect the amendments or repeals of the Consolidated Practice Directions made herein, nor revive the directions existing before such amendments or repeals.
- [October 2009]

These amendments are effective immediately.

“C.A. Fraser”
Fraser, C.J.A.

NOTE: A copy of the Consolidated Practice Directions and Practice Notes can be found on the Alberta Courts’ website at www.albertacourts.ab.ca/ca/practicenotes.

Certain precedents, checklists and forms can also be found on the Alberta Courts’ website. As these documents are revised from time to time, please refer to the website for the most recent version.

FORM F

SAMPLE – BOARD HEARING APPEALED FROM
QUEEN’S BENCH**TABLE OF CONTENTS****PART I - Pleadings**

Page

Originating Notice, dated/filed 6 September 2006

P1

PART II - Final Documents

Reasons for Decision of Sub-Tribunal (if any), dated 24 January 2006	F1
Reasons for Decision of Board, dated 12 July 2006	F5
Reasons for Judgment of Lastname, J., dated 31 October 2006/filed 1 November 2006	F19
Order of Lastname, J., dated 31 October 2006/filed 13 February 2007	F37
Order of Lastname, J.A., dated 1 April 2007/filed 30 April 2007	F39
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Certificate of Preparer - Form S	F59
Clerk’s Certificate - Form N	F60
Lawyer’s Certificate - Form O	F61

PART III - TranscriptsTranscript of Board Proceedings, dated 16 August 2006¹

1

¹ If the transcripts consist of oral argument only (and no evidence), then include them under Part II - Final Documents instead of Part III - Transcripts.

FORM G SAMPLE – BOARD HEARING APPEALED DIRECTLY
FROM APPEAL BOARD**TABLE OF CONTENTS****PART 1 - Pleadings**

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PART II - Final Documents

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Decision of Board, dated 4 January 2007	F6
Memorandum of Decision of Last name, J.A. dated/filed 19 March 2007	F8
Order of Lastname, J.A., dated 19 March 2007/filed 20 March 2007	F20
Notice of Appeal to C.A.A., dated/filed 28 March 2007	F24
Certificate of Preparer - Form S	F33
Lawyer's Certificate - Form O	F34
Certificate of Secretary of Board	F35

PART III - Transcripts

Transcript of Board Proceedings, dated 4 January 2007 ¹	1
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¹ If the transcripts consist of oral argument only (and no evidence), then include them under Part II - Final Documents instead of Part III - Transcripts.

Notice to the Profession

The Court of Appeal of Alberta

June 23, 2010

1. The following obsolete or superseded Notices to the Profession are hereby repealed:

- Notice to the Profession dated June 30, 2004 (Pilot project for time limits on motions)
- Notice to the Profession dated April 5, 2006 (Pilot project for time limits on motions extended and to be reviewed in October, 2006)
- Notice to the Profession dated June 11, 2008 (Miscellaneous amendments to the Consolidated Practice Directions)
- Notice to the Profession dated June 11, 2008 (Amendments to the Consolidated Practice Directions with respect to the elimination of the agreement as to contents and the new appeal record)
- Notice to the Profession dated June 11, 2008 (Summary of Notices to Profession)

[June 2010]

2. The 2011 Court of Appeal Sitting Dates are attached.

[June 2010]

3. Two years after the date hereof, this Notice will expire as transitional and obsolete, but such expiry will not affect the amendments or repeals of the Consolidated Practice Directions made herein, nor revive the directions existing before such amendments or repeals.

[June 2010]

“C.A. Fraser”
Fraser, C.J.A.

NOTE: A copy of the Consolidated Practice Directions and Practice Notes can be found on the Alberta Courts’ website at www.albertacourts.ab.ca/ca/practicenotes.

Certain precedents, checklists and forms can also be found on the Alberta Courts’ website. As these documents are revised from time to time, please refer to the website for the most recent version.

2011

Court of Appeal of Alberta

Sittings of the Court of Appeal of Alberta for the year 2011 will be as follows:

Place of Sitting	General Appeal Hearings - Opening Day ¹	Part J Appeals - Opening Day ^{1&2}	Sentence Sittings - First Day of Oral Argument ^{1&3}	Motions Court ¹	Motions Court - Filing Deadlines
Edmonton	Fri. Jan. 7	Fri. Jan. 7	Tues. Jan. 18	Thurs. Jan. 20	Thurs. Dec. 16/10
Calgary	Mon. Jan. 10	Mon. Jan. 10	Tues. Jan. 25	Thurs. Jan. 20	Thurs. Dec. 16/10
Edmonton	Mon. Jan. 31	Mon. Jan. 31	Tues. Feb. 15	Thurs. Feb. 17	Wed. Jan. 19
Calgary	Mon. Feb. 7	Mon. Feb. 7	Wed. Feb. 23	Thurs. Feb. 17	Wed. Jan. 19
Edmonton	Mon. Feb. 28	Mon. Feb. 28	Tues. Mar. 15	Thurs. Mar. 17	Tues. Feb. 15
Calgary	Mon Mar. 7	Mon. Mar. 7	Tues. Mar. 22	Thurs. Mar. 17	Tues. Feb. 15
Edmonton	Mon. Mar. 28	Mon. Mar. 28	Wed. Apr. 12	Thurs. Apr. 14	Wed. Mar. 16
Calgary	Mon. Apr. 4	Mon. Apr. 4	Tues. Apr. 19	Thurs. Apr. 14	Wed. Mar. 16
Edmonton	Mon. May. 2	Mon. May 2	Tues. May 17	Thurs. May 19	Mon. Apr. 18
Calgary	Mon. May 9	Mon. May 9	Wed. May 25	Thurs. May 19	Mon. Apr. 18
Edmonton	Mon. June 6	Mon. June 6	Tues. June 21	Thurs. June 23	Wed. May 25
Calgary	Mon. June 13	Mon. June 13	Tues. June 28	Thurs. June 23	Wed. May 25
Edmonton	Mon. July 11 ⁴				
Calgary	Mon. July 11 ⁴				
Edmonton	Tues. Sept. 6	Tues. Sept. 6	Tues. Sept. 20	Thurs. Sept. 22	Tues. Aug. 23
Calgary	Mon. Sept. 12	Mon. Sept. 12	Tues. Sept. 27	Thurs. Sept. 22	Tues. Aug. 23
Edmonton	Mon. Oct. 3	Mon. Oct. 3	Tues. Oct. 18	Thurs. Oct. 20	Tues. Sept. 20
Calgary	Tues. Oct. 11	Tues. Oct. 11	Tues. Oct. 25	Thurs. Oct. 20	Tues. Sept. 20
Edmonton	Mon. Oct. 31	Mon. Oct. 31	Tues. Nov. 15	Thurs. Nov. 17	Tues. Oct. 18
Calgary	Mon. Nov. 7	Mon. Nov. 7	Tues. Nov. 22	Thurs. Nov. 17	Tues. Oct. 18
Edmonton	Mon. Nov. 28	Mon. Nov. 28	Tues. Dec. 6	Thurs. Dec. 15	Wed. Nov. 16
Calgary	Mon. Dec. 5	Mon. Dec. 5	Tues. Dec. 13	Thurs. Dec. 15	Wed. Nov. 16

¹ All sittings open at 10:00 a.m. unless otherwise directed.

² Time frames will be calculated from the opening day of the sittings.

³ For purposes of calculating time frames, opening day is the Monday prior to the first day of oral argument, whether or not the Monday of that week is a holiday.

⁴ Limited to appeals - (1) Against sentence where the appellant is in custody and there is a reasonable possibility that the result of the appeal is that he or she might be released before the next regular sittings of the Court; (2) From conviction where the appellant is in custody and has been refused interim release pending appeal; (3) Such other cases which, because of urgency or special circumstances, are directed to be heard by order of a Justice of Appeal.

2011**Court of Appeal of Alberta****Speaking to the list dates for the Court of Appeal of Alberta
for the year 2011 will be as follows:**

Place of Sitting	Chambers to set Criminal Hearing List - 10:00 a.m.¹	Chambers to set Civil Hearing List - 1:30 p.m.²
Edmonton	Wed. Jan. 12	Wed. Jan. 12
Calgary	Tues. Jan. 18	Wed. Jan. 19
Edmonton	Wed. May 11	Wed. May 11
Calgary	Tues. May 17	Wed. May 18
Edmonton	Wed. Sept. 14	Wed. Sept. 14
Calgary	Tues. Sept. 20	Wed. Sept. 21

¹ Unless otherwise directed, the Criminal Speak to List will consist of all Criminal matters (excluding Sentence Appeals) where the notice of appeal is filed more than 10 business days prior to the speak to date.

² Unless otherwise ordered, the Civil Speak to List will consist of all Civil matters (excluding Part J appeals) where the Appeal Digest and transcripts have been filed, where six months have elapsed since the notice of appeal was filed, or where a judge or Case Management Officer directs that the case be so entered, whichever occurs first

Consolidated Practice Directions

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CONSOLIDATED PRACTICE DIRECTIONS OF THE COURT OF APPEAL OF ALBERTA

October 2009

A. General

1. Previous practice directions are hereby replaced by those set out here.
2. Do not reverse the names of the parties in the style of cause; leave them as in Queen's Bench or Provincial Court. The Plaintiff or the Queen's name comes first even if he or she won in Queen's Bench and is Respondent in the Court of Appeal. But it is useful to distinguish which persons are not parties to the appeal.
3. **Previously-decided Cases**
 - (a) From time to time the Court is asked to reconsider a case decided by it at some time in the past which is a precedent in a case now before the Court.
 - (b) The Court has, generally, expressed the position that such a precedent may only be reconsidered in very limited circumstances. The policy of the Court will henceforth be that it will only entertain argument directed to the reconsideration of the precedent case if leave to seek reconsideration has been given by it.
 - (c) Counsel must, then, apply by motion for leave and the Court, if granting leave, must specify the issues that may be argued. This application need not await the filing of appeal records but may be made on motion to the Court any time after the filing of the notice of appeal. The motion must be heard prior to the time fixed for the hearing of the actual appeal unless the Court or a judge otherwise directs.

[June, 2008]

- (d) The motion should set out precisely the grounds on which the case ought to be reconsidered and should be accompanied by a memorandum identifying the authority or authorities to be reconsidered, any authorities to be relied upon, together with suitable extracts.
- (e) This note does not apply to any application to re-hear or re-open any appeal.

[October 11, 1985]

4. Precedent

Previous memoranda of the Court in sentencing cases have little weight as precedent: see *R. v. Johnas* (CA 1982) 41 AR 183, 196, and *R. v. Beaver* (CA 1984) 51 AR 159, 160.

5. Conflict of Dates

Paragraphs (a) to (e) inclusive are repealed.

[June, 2004]

(f) Counsel who have a busy Court of Appeal practice should keep some days open for appearances before the Court of Appeal at its regular sittings.

(g) Sentence appeals are usually brief and often should not be delayed. Moreover, they are now heard on a special list each month on dates published by the Court a year in advance. The above paragraphs do not apply to them. Defence counsel shall be expected to keep at least one day free each month for sentence appeals.

[April 26, 1983]

6. The names of the panel assigned to hear appeals set to the Civil, Conviction or Sentence Lists will be included as part of the lists and posted at the Registry counters in each city on the Wednesday before the opening of the sittings.

Counsel and litigants are advised, however, that the panel may change, without notice, at any time before the hearing.

Further, the registry offices have been instructed not to release this information over the telephone as they do not have the personnel to handle calls on this issue. It is incumbent on those who are interested in the information to attend at the counter personally.

[September, 1999]

7. Speaking to the Civil and Maintenance Appeal Lists

The Maintenance Appeals List and the Civil Appeals List will be called by a Judge in Chambers, the Case Management Officer, the Registrar, or the Deputy Registrar at a date to be specified by the Chief Justice. The calling of the Civil Appeals List will commence at 1:30 p.m. in both cities. **This change is effective May 1, 2003**

[October, 2009]

8. Parties filing a civil appeal are directed to use Form N for the Notice of Appeal.

[June, 2004]

9. Time Limits on Oral Argument of Appeals

(a) In keeping with current practice, the parties will estimate in their facta the time required for oral argument even if the maximum time of 45 minutes is the estimate, subject always to the following conditions;

(b) Unless otherwise ordered by the panel hearing the appeal at the hearing, the maximum time for oral argument (including reply) will be 45 minutes per separately-represented party;

- (c) Consolidated appeals will be treated as one appeal for purposes of time limits; and
- (d) When conviction and sentence are appealed and heard separately, the time limits will apply to each appeal.

[June, 2008]

B. Appeal Records

1. If existing transcripts are permitted in the appeal record pursuant to Rule 530.6(2):

- (a) Label the volumes carefully and prominently.
- (b) Ensure that all are paged throughout, or insert lettered tabs to mark the beginning of any new pagination.
- (c) Provide a full table of contents. Refer to Forms C to G of the Consolidated Practice Directions of the Court of Appeal of Alberta.
- (d) Mark new page numbers on the transcripts in a way that clearly demonstrates which are the new page numbers.

[June, 2008]

2. Do not shrink the size of written material unless the original is in large clear type. Often key clauses are extremely hard to read. It is better to reproduce a long sheet full size on two pages. Indeed if your photocopier enlarges, small print or sheets less than letter size should be enlarged. All print in the appeal record and extracts of key evidence (whether transcript or facsimile exhibits) should be 10 point or larger (ten point type is also called elite, and runs about 12 characters to the inch.) If the print is smaller, the Registrar has authority to reject the appeal record and extracts of key evidence under Rules of Court.

[June, 2008]

3. Repealed.

[June, 2008]

4. Electronic Appeal Records

- (a) Pursuant to Rule 530.2(2) of the Alberta Rules of Court, the prescribed format for the filing of the electronic copy of Part III of the appeal record is Adobe Acrobat.

[June, 2008]

- (b) The electronic copy shall be named in accordance with the following Universal Transcript Format naming conventions:

E - Edmonton C - Calgary R - Regional	V - Civil C - Criminal F - Family Y - Youth O - Other	P - Provincial Q - Queen's Bench	Last two digits of year produced "09"	Person's full last name followed by first initial of first name
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- (i) The first character shall coincide with the first letter of the location where the transcript is being produced: 'E' for Edmonton, 'C' for Calgary (includes Airdrie, Banff, Canmore, Cochrane, Didsbury, and Okotoks), and 'R' for Regional (includes all other locations);
- (ii) The second character shall coincide with the type of proceeding: 'V' for Civil, 'C' for Criminal, 'F' for Family, 'Y' for Youth, and 'O' for Other;
- (iii) The third character shall coincide with the name of the trial court: 'P' for Provincial Court of Alberta, and 'Q' for Court of Queen's Bench;
- (iv) The next two characters shall be the last two digits of the year the transcript is produced: '09' for 2009;
- (v) The next characters shall coincide with the full last name of the first plaintiff/accused;
- (vi) The last character shall coincide with the first initial of the first name of the first plaintiff/accused: For example: For an Edmonton, Criminal, Queen's Bench, 2009 file, where the accused name is John Doe, the UTF electronic file name would be:
ECQ09DOEJ.pdf
- (vii) If the electronic file already exists, the naming convention would be altered to include the full last name followed by the first four letters of the first name:

For example: ECQ09DOEJOHN.pdf
- (viii) If the electronic file already exists, the naming convention would be altered to include a sequential number:

For example: ECQ09DOEJOHN1
- (ix) In cases where a style of cause contains a party name that is so common that confusion could result (such as the City of Edmonton), the least common name in the style of cause should be used.
- (x) In cases where a style of cause contains two company names, use the least common name in the style of cause.

[October, 2009]

5. The format for the table of contents for appeal records found in Forms C to G and as described in Rule 530.4 must be followed.

[June, 2008]

C. **Factums**

1. The Registrar has been instructed to refuse factums over 30 pages long (exclusive of case tables or statutes) without a judge's fiat. A Respondent

who is also a cross-appellant will be allowed to file a factum totalling up to 40 pages (including both parts of his or her factum on the appeal, and on the cross-appeal). The Appellant's reply factum on a cross-appeal must not exceed 10 pages.

[April, 2008]

2. Reproduce statutes or Rules or Regulations at the end of the factum (or in a book of authorities filed with the factum or soon after). Rule 540(4) is often overlooked.
3. (a) If the appellant appeals any rulings made during the trial, the appellant shall include the impugned rulings as an appendix to the factum.

[January, 1997]

(b) Include as an appendix to the factum any exhibit critical to the appeal, e.g. the very contract sued on.

[September, 1999]

4. Where an authority cited is reproduced in the book of authorities, give its tab number when citing it in the factum. When citing a case from an electronic database on the List of Authorities, provide a parallel reported citation, if available, in a recognized format. Provide a parallel neutral citation, if the court deciding the case has issued one. Examples: 2005 SCC 100, or 2004 NSCA 50. If a pinpoint reference is required, provide the paragraph numbers, if available, or the page numbers from a printed source.

[October, 2005]

5. The Court requests that as the last item in every Factum immediately before the signature of counsel, an estimate of the length of counsel's argument be given even if the maximum time of 45 minutes is the estimate. The Registrar's Office has been instructed to reject Factums which do not contain this information.

[April, 2008]

6. Factums should indicate precisely which party filed them, especially if there are multiple respondents.
7. Print in the factum should be 12 point or larger. (Its capital letters are 2.9 mm or higher.) Lines should not be single spaced: they should be one and a half spaced or double spaced. Quotations may be single spaced, however. Each margin should be at least one inch. The Registrar has authority to reject factums not complying, under Rules 540 and 700.

[April, 1998]

8. a) The Court will entertain applications to hear and decide some appeals by reading the appeal record (including transcripts), factums, extracts of key evidence and books of authorities alone, without any oral argument.

[June, 2008]

- b) To have the Court consider this option, all parties to the appeal or their counsel must sign letters agreeing to this procedure.
 - c) The panel assigned to the appeal will decide whether or not to accept the application. They may at any time call for full or partial oral argument or further written submissions.
 - d) The Court anticipates that purely written argument will likely be appropriate only in cases:
 - (i) which are more straightforward, and;
 - (ii) where no new law is to be created, and the question is one of applying established law or procedures.
 - e) Paragraphs (a) to (d) also apply to motions before a panel of three Justices or before one Justice, with the necessary changes.

[April, 1998]
9. The Interim Practice Direction dated August 15, 1996 is hereby cancelled.

[April, 1998]
10. The Notice to the Profession dated April 21, 1997 is hereby cancelled.

[April, 1998]
11. An appellant's factum must state the relevant standard of review on each issue raised in the appeal in a separate section of Part III. A respondent's factum must state whether the respondent agrees with the standard suggested by the appellant for each issue in question.

[October, 2005]
12. Include a Table of Contents at the beginning of each factum. Include the Standard(s) of Review in the Table of Contents.

[April, 2008]

D. **Book of Authorities**

- 1. Reproduce authorities to be referred to for the Court, preferably in a joint book. Authorities may be reproduced from either hard-copy publications or electronic databases, subject to the following. If the Authority is reproduced from an electronic database,
 - (a) paragraph numbers, or the page numbers from a printed source, must be provided on the printout, which numbers must be easily identified (larger font, bold, etc.);
 - (b) on the Table of Authorities in the Book of Authorities, advise the Court whether the case cited is reported; and if so, provide a parallel reported citation for the same decision. Provide a parallel neutral citation, if the court deciding the case has issued one. Examples: 2005 SCC 100, or 2004 NSCA 50; and

(c) the printout must preserve any formatting in the original judgment.

[October, 2005]

2. Counsel need not copy every authority cited. Do not reproduce minor ones, or cases for well-known propositions, or all the authorities for a point of secondary importance.
3. Authorities should not be bound with a factum unless the factum, any other appendices and the authorities together do not exceed 60 pages.

[October, 2009]

4. In the factum, name the precise paragraph numbers or page numbers on which you rely in each authority. In the book of authorities, reproduce only the headnote and relevant pages; omit irrelevant pages. In the book of authorities, try to add marks which show clearly the precise passages on which you rely:

[April, 2004]

- (a) Do not file photocopies which reproduce anything as a dark smudge.
- (b) Do not underline with thick lines; they make it difficult to read the words underlined.
- (c) Most readable is highlighting each photocopy with yellow or a light fluorescent colour. But this may be too much work if there are many authorities, or many passages highlighted.
- (d) Less readable is underlining the precise passages in the original (with narrow lines), and then photocopying. If the relevant passage is long (such as a full paragraph), one may use a vertical line in the margin.

[August, 1995]

5. Make every effort to assure that the authorities reproduced by one party do not duplicate authorities reproduced by another party.
6. Books of authorities should indicate precisely which party or parties filed them.
7. Books of authorities should include an index of the authorities reproduced therein. They should also have a tab for each case (either numbered or lettered). All the pages in the book may be numbered consecutively and not tabbed if the page numbers of each authority are clearly shown.

[July, 1998]

8. The appellant's and respondent's books of authorities must be filed at the same time that their respective factum is filed. The only exception will be for a joint book of authorities which must be filed no more than ten days after the last respondent's factum is filed.

9. When a book of authorities is not filed within the time fixed by this Practice Direction, the party in default shall not be entitled to costs for preparation of the book of authorities unless the court otherwise orders.

[June, 2004]

E. **Criminal Cases**

1. **Dissents**

Where a judge of the court of appeal expresses an opinion dissenting from the judgment of the court, the judgment of the court shall specify any grounds in law on which the dissent, in whole or in part, is based.

[April, 2008]

2. **Names of Counsel**

- (a) The Court of Appeal is concerned about the fact that counsel who are retained for an appeal do not so advise the Registrar promptly. Three examples of problems which arise because the Registrar is not aware that a serving prisoner is represented are these:
- (i) There may be a Crown appeal. The lawyer and his client have arranged that the lawyer would appear and that the client would not. The Court is not aware that a lawyer is acting and issues an order directing the prisoner be produced. The prisoner says he has arranged with his lawyer that he will not be present. The result is several calls between the institutions, the police and the Registrar, and subsequent calls from the Registrar and the lawyer and back to the institution. If the lawyer had simply advised in the first place that he was acting and that his client did not want to be present, no order would have been applied for to have him before the Court.
 - (ii) A second example is of a notice of appeal being filed by a lawyer which notice states that the prisoner wishes to be present. Subsequently the lawyer and the prisoner arrange that the prisoner will not be present, but no one in the Registrar's office is notified, nor is any documentation filed. The result is that an order issues to bring in the prisoner and the prisoner is objecting violently to being brought in. Again, needless problems are created by dint of the lawyer not advising the Registrar's office of the change in position.
 - (iii) The third is the case where a client instructs his lawyer to abandon the appeal. The Registrar is not advised nor is an abandonment filed. Counsel simply arrives in Court and says the appeal is abandoned. In the meantime, the prisoner may have been brought in at public expense.

- (b) The Court is of the opinion that counsel, as officers of the Court, have a duty to advise the Registrar of their being retained and of any changes in circumstances that will affect the hearing of the appeal or the bringing in of prisoners when these circumstances first come to their attention.

[November, 1982]

3. Judicial Interim Release

- (a) The Court of Appeal will not grant an Order for Judicial Interim Release unless:

- i) the appeal records have been filed;
- ii) an order for the appeal records has been placed; or
- iii) counsel undertakes to place an order for the appeal records forthwith.

[June, 2008]

- (b) Refer to Form A for the standards required when preparing an Order for Judicial Interim Release. Where a choice is given between two or more paragraphs, sentences or phrases, those which do not apply should be deleted. All other paragraphs are considered mandatory and should be included in the order.
- (c) Where the court imposes conditions in the undertaking or recognizance in paragraph 1 of the order, such conditions should be those described in s. 515(4) of the Criminal Code of Canada, and specifically:
- (i) In respect to the condition described in s. 515(4)(a), such condition should read as follows:

IN CALGARY or
EDMONTON:

Report in person once each week commencing (*state time and date of first occasion on which the Appellant is required to report*) to _____

_____ (*state name and address where the Appellant is required to report*); and thereafter report in person weekly on such day and at such time as may be determined by the said (*name or designate*).

IN AREAS OUTSIDE CALGARY AND EDMONTON where there are no Municipal Police, i.e. outside Lethbridge, Medicine Hat, Camrose, Barrhead, Hinton etc:

Report in person once each week commencing (*state time and date of first occasion on which the Appellant is required to report*) to NCO/in Charge (Inspector, where applicable) RCMP Detachment at _____; and thereafter report in person weekly on such day and at such time as may be determined by the said (Inspector, where applicable).

IN AREAS OUTSIDE CALGARY AND EDMONTON, where there are Municipal Police, such condition should read as follows:

Report in person once each week commencing (*state time and date of first occasion on which the Appellant is required to report*) to (*name of appropriate police officer*) or designate, (*address of police station*); and thereafter report in person weekly on such day and at such time as may be determined by the said (*Police Officer*).

- (ii) In respect to the condition described in s. 515(4)(b), such condition should read as follows:

Remain within (*describe territorial jurisdiction, e.g. City, Town, Province*).

- (iii) In respect to the condition described in s. 515(4)(c), such condition should read as follows:

Notify (*person designated pursuant to condition described in s. 515(4)(a)*) of any change in his/her address or employment or occupation.

- (iv) In respect to the condition described in s. 515(4)(d), such condition should read as follows:

Abstain from communicating, directly or indirectly, with (*name of witness, complainant or any other person(s)*) except in accordance with the following conditions: _____

- (v) In respect to the condition described in s. 515(4)(e), such condition should read as follows:

Deposit his/her passport with a Judge of the Provincial Court of Alberta or Justice of the Peace to whom his/her undertaking will be given or before whom such recognizance will be entered into.

[April, 2008]

4. Presence of Prisoners

The cost of bringing prisoners before the Court for the hearing of conviction appeals has become substantial because of overcrowding in the remand centres and because the prisoners often have to be brought from distant points. Therefore the practice of the Court is as follows:

- (a) The provision of s. 688 C.C.C. will be strictly adhered to. This provides:
- (1) Subject to subsection (2), an appellant who is in custody is entitled, if he desires, to be present at the hearing of the appeal.
 - (2) An appellant who is in custody and who is represented by counsel is not entitled to be present
 - (a) at the hearing of the appeal, where the appeal is on a ground involving a question of law alone,
 - (b) on an application for leave to appeal, or
 - (c) on any proceedings that are preliminary or incidental to an appeal, unless rules of court provide that he is entitled to be present or the court of appeal or a judge thereof gives him leave to be present.
- (2.1) In the case of an appellant who is in custody and who is entitled to be present at any proceedings on an appeal, the court may order that, instead of the appellant personally appearing,
- (a) at an application for leave to appeal or at any proceedings that are preliminary or incidental to an appeal, the appellant appear by means of any suitable telecommunication device, including telephone, that is satisfactory to the court; and
 - (b) at the hearing of the appeal, if the appellant has access to legal advice, he or she appear by means of closed-circuit television or any other means that permits the court and all parties to engage in simultaneous visual and oral communication.

[May, 2009]

- (3) An appellant may present his case on appeal and his argument in writing instead of orally, and the court of appeal shall consider any case or argument so presented.

(4) A court of appeal may exercise its power to impose sentence notwithstanding that the appellant is not present.

- (b) Where a conviction appeal has been put on the hearing list in a case where the prisoner has asked to be present, he will then be brought before the Court. If, in such circumstances, his counsel then asks for an adjournment which could have been asked for at the time the list was spoken to, that counsel may be ordered, if the adjournment is granted, personally to pay the costs of transportation of the prisoner to the Court.

[June, 1999]

5. Summary and Indictable Sentence Appeals Together

- (a) The Court occasionally receives Notices of Appeal both from lawyers and unrepresented persons appealing from sentences imposed simultaneously by a trial judge in connection with both categories of offences.
- (b) It is often in the interests of all concerned to have such appeals heard "simultaneously" in the sense that the Court of Appeal full panel will deal with the indictable cases, and a single Court member will deal with the summary conviction cases.
- (c) For the benefit of Court functioning, however, the court insists that lawyers who file such Notices of Appeal file separate Notices of Appeal, one for Court of Appeal for the indictable cases, and one for Court of Queen's Bench for the other cases, so that it may have separate files for each Court prepared. Each such file will have its own proper number as set out in the C.A.P. system, and will be completed in accordance with the practices of the Court in question. Staff will seek to acquire the trial Court file (including informations and indictments) and put such file in its proper appeal file.
- (d) The importance of the second Notice of Appeal is that it is then plain and unquestionable that the appeal has been taken to the proper Court in the legal sense, and the obligations that a lawyer has to such Court arising from such appeal are engaged. It is also of considerable administrative assistance.
- (e) Separate Formal Judgments would also be taken out. Apparently provided there are separate Court files with separate numbers, the Crown has no difficulty in taking out separate Formal Judgments properly styled in such cases.
- (f) The result of this will be that the Court can still entertain these appeals in the manner in which the Court does this, but even in that case that for all intents and purposes -- and in legal effect -- there would be two separate appeals. The staff member sitting in the Court Room would have both files and make separate file notations for each. A separate Report of Appeal would also be issued and also separate Warrants of Committal would issue.

- (g) In view of a decision of the Supreme Court of Canada, *Re: Mills*, it is important that the court documents filed and issued in relation to an appeal clearly on their face disclose proper jurisdiction and procedures, because the Charter has not been held to grant jurisdiction outside the scope of governing legislation. The Court should not just assume this, and feels obliged to maintain complete and proper records.

[November 12, 1986]

6. Sentence Appeals

- (a) Thanks to the co-operation of the Queen's Bench, the Court of Appeal has additional sittings of the Court of Appeal, and hears sentence appeals monthly in Edmonton and Calgary.
- (b) The general provisions of the Consolidated Practice Directions apply to sentence appeals where not inconsistent with Part I below. For further details, see Part I.

[October, 2001]

- (c) The Court might also set appeals other than sentence appeals for the new sittings in the same manner as for other sittings.

[October, 2001]

- (d) After the Court has disposed of an appeal on conviction where there is also a sentence appeal, the Court will adjourn the hearing of the sentence appeal to the next regular sittings of the sentence appeal panel, unless counsel have a valid reason for having it heard immediately following the termination of the conviction appeal (or at some time later than the next sentence appeal hearings).

[October, 2001]

7. Costs in Summary Convictions

The Court of Appeal wishes to give Notice to members of the bar that consideration will be given to awarding costs for or against the Crown, in summary conviction appeals which, in the opinion of the Court, are without merit.

[March 21, 1984]

8. Delayed Prosecution of Criminal Appeals

- (a) The Court has been concerned about the delay in the prosecution of many appeals in criminal causes to the Court of Appeal. While delay may occur in obtaining funding for an appeal, delay in the preparation of factums once the appeal records are available is rarely defensible in the case of an appellant in custody or, in the public perception, at all. With this in mind the Court is adopting Rules deeming appeals to be abandoned if factums are not filed and served within four months of the date of the appeal records are readied. Because the Court has encountered delay in filing appeal records, even after their completion, time will run from the date the appeal records have been prepared.

That date will be communicated by the Court Reporters to the Registrar.

[June, 2008]

- (b) A four-month rule contemplates two successive sittings of the Court of Appeal in each city. It cannot be considered onerous to appellants. Nonetheless counsel are reminded that other relevant Rules of Court relating to filing and service of factums and the dismissal of appeals for want of prosecution remain in place.
- (c) There has been an unsettling increase in the practice of filing a provisional appellant's factum apparently to comply with Rule 840(6.1) before the expiration of the four-month limitation. This is followed by the filing of the appellant's real factum at the appellant's leisure. This practice, if permitted, simply repeals the integrity of Rule 840(6.1) and the rationale accompanying it. That is the expedition of criminal appeals. As well, it disrupts the scheduling of the Criminal Appeal List. The Court of Appeal is adamant that this be avoided.

The office of the Registrar has hence been advised that second, supplementary factums in criminal appeals are not to be accepted for filing without leave of either the Motions Court or the Criminal List Manager. It follows that the appellant who seeks such leave must file and serve a Notice of Motion claiming such relief returnable at least 60 days before the opening of the sittings at which the appeal is to be heard. An affidavit setting forth the reasons for the application, which exhibits the proposed supplementary factum, will be considered essential.

[March, 2003]

9. Speaking to the Criminal Appeals List

- (a) The Criminal Speak to List will be called by a Judge in Chambers, the Case Management Officer, the Registrar, or the Deputy Registrar at 10:00 a.m. on the date to be specified by the Chief Justice.
[May, 2009]
- (b) If the notice of appeal is filed 11 business days or more before the speak to date, the appeal will be placed on the current Criminal Speak to List. If the notice of appeal is filed 10 business days or less before the speak to date, the appeal will go over to the next Criminal Speak to List.
- (c) The party, or counsel for the party appearing on their behalf, shall appear at the time and place specified and are expected to be fully instructed in the progress of the appeal they are speaking to.
- (d) The Registrar is permitted to assign advance hearing dates for appeals to be heard. Where a fixed hearing date has been assigned, counsel are excused from attending the calling of the Criminal Speak to List. Counsel are advised, however, that exceptional circumstances will have

to be demonstrated before the Court will entertain applications for any adjournment of these cases.

- (e) If counsel do not appear when a case is called on the Criminal Speak to List, the case shall be struck and may not be restored except by the order of the court of a judge.
- (f) At any time, before or after 6 months from the date when a notice of appeal was filed, the court may on the application of any party or on its own motion, dismiss an appeal for want of prosecution.

[March, 2003]

10. Leave for summary conviction appeals: see paragraph F.6 below.

F. Motions

1. Motions Court:

- (a) The Court of Appeal directs that a party filing a notice of motion returnable before a panel of the Court must file an affidavit (if applicable) and a memorandum.
- (b) The notice of motion and supporting documents must be filed together, in quintuplicate, and except in urgent cases, must be filed and served at least 21 business days before the motion is heard.
- (c) A respondent to the motion must, at least 14 business days before the motion is heard, file and serve:
 - (i) either a memorandum, or a letter indicating that they will not be filing a memorandum, and
 - (ii) an affidavit (if applicable),all of which must be filed in quintuplicate.
- (d) Criminal motions that may be heard and decided by the motions court include applications to:
 - (i) dismiss for want of prosecution, and
 - (ii) withdraw as counsel of record.
- (e) Subparts 3 to 7 of this Practice Direction apply.

2. Justice Chambers:

- (a) The Court of Appeal directs that a party filing a notice of motion returnable before a justice in chambers must file an affidavit (if applicable) and a memorandum.
- (b) On motions to which Rule 516.1 applies:

- (i) the notice of motion and supporting documents must be filed together, in triplicate, and except in urgent cases, must be filed and served at least 21 business days before the motion is heard, and
 - (ii) a respondent to the motion must, at least 14 business days before the motion is heard, file and serve:
 - (A) either a memorandum, or a letter indicating that they will not be filing a memorandum, and
 - (B) an affidavit (if applicable),all of which must be filed in triplicate.
- (c) On motions to which Rule 516.1 does not apply:
- (i) the notice of motion and supporting documents must be filed together, in triplicate, and except in urgent cases, must be filed and served at least 7 business days before the motion is heard, and
 - (ii) a respondent to the motion must, at least 5 business days before the motion is heard, file and serve:
 - (A) either a memorandum, or a letter indicating that they will not be filing a memorandum, and
 - (B) an affidavit (if applicable),all of which must be filed in triplicate.
- (d) Motions that may be heard and decided by one justice of appeal include applications to:
- (i) extend time to file or serve a notice of appeal; and
 - (ii) intervene, unless collateral to another motion that must be heard by a three-judge motions panel, with the discretion to refer the application to a full panel.
- [May, 2009]
- (e) One justice will sit to hear motions at 9:30 a.m. every Tuesday, Wednesday, and Thursday (statutory holidays excepted) in both Edmonton and Calgary. The only other exception will be the months of July and August at which time one justice will sit to hear motions for both Edmonton and Calgary from whichever city is specified.
 - (f) These motions must be pre-booked with the Registry before sending documentation for filing.
 - (g) Motions to one justice may be made on other days or times only in cases of true emergency, and by arrangement with the Deputy Registrar.

(h) Subparts 3 to 9 of this Practice Direction apply.

3. Notices of Motion & Supporting Documentation:

- (a) Every notice of motion must contain, before the signature of counsel/party, the estimate of time required for oral argument (including reply) if under 15 minutes for a regular motion or 30 minutes for an application for leave to appeal.
- (b) Every notice of motion must contain, on the left-hand side of the backer, a Notice to the Respondent which must state the following:

“Notice to the Respondent:

A respondent who fails to comply with the requirements of the Alberta Rules of Court and the Court of Appeal Consolidated Practice Directions, within the prescribed time, will not be allowed to present oral argument on the application, nor be entitled to costs of the application, unless otherwise ordered. Failure to appear may also lead to an order or judgment being made against the respondent in their absence.

Unless otherwise ordered at the hearing, the maximum time for oral argument (including reply) will be 15 minutes per separately-represented party; except for applications for leave to appeal where the maximum time allowed will be 30 minutes per separately-represented party.”

- (c) Where a party will be relying on material which has been previously filed, the materials must be contained in or attached to the notice of motion, affidavit, memorandum, or a separate covering letter. The party must provide sufficient copies of those documents to the Registry for distribution purposes, and must serve the other parties with same, all within the time periods set out in this Practice Direction.

[October, 2005]

4. Contents of Memoranda:

- (a) The memorandum must:
 - (i) on a regular motion, be no longer than three double-spaced pages, or
 - (ii) on a leave to appeal application, be no longer than ten double-spaced pages,and should ordinarily be shorter.
- (b) A party may pick their own format, but should put in the memorandum whatever they consider useful to make the motion intelligible. Those contents would vary from case to case. The Court suggests that the party should ordinarily include the following in this order:
 - (i) the relief sought,

- (ii) a succinct statement of the facts relevant to that relief, including dates of any relevant steps in the proceedings, details of previous applications to the Court, whether the appeal itself has been set down for hearing, and if so when,
 - (iii) the precise statute sections and subsections, subrule numbers, or principles under which the application is made, and
 - (iv) the grounds upon which the relief sought should be granted.
- (c) Memoranda in reply to a motion must include, before the signature of counsel/party, the estimate of time required for oral argument if under 15 minutes for a regular motion or 30 minutes for an application for leave to appeal.
- (d) If time extensions or delay might be relevant, or if the facts are bulky or complex, then counsel should include a chronology. (It need not be counted in the page limit.) Well-known authorities need not be listed or reproduced, but others important to the motion must be.

[October, 2005]

5. Proceed Without Oral Argument:

- (a) A judge/panel will entertain applications to hear and decide some motions by reading the notice of motion and supporting materials, without any oral argument.
- (b) To have the judge/panel consider this option, all parties to the motion or their counsel must sign letters agreeing to this procedure.
- (c) Any judge assigned to the motion will decide whether or not to accept the application. The judge may, at any time, call for full or partial oral argument or further written submissions.
- (d) The judge/panel anticipates that purely written argument will likely be appropriate only in cases which are more straightforward.

6. Scheduling Motions:

- (a) The clerks will not schedule motions on a hearing date too early for the required notice to be given, unless otherwise ordered. Instead, the clerks will insert the next available date for hearing on the notice of motion and schedule it accordingly:
 - (i) the only exception to this direction will be for leave to appeal applications where the leave application must be made before the expiration of a limitation period, and the expiry of that limitation period falls inside the notice period for filing and serving documents set out in 1(b) or 2(b)(i) above, and
 - (ii) in these instances only, the clerks will accept only those leave to appeal applications brought for the purpose of meeting the

limitation period and with respect to which the applicant is seeking an adjournment. If the adjournment is granted, the application will be adjourned over to a day which will allow the parties to comply with the notice provision in 1(b) or 2(b)(i) above.

- (b) The clerks will not file a notice of motion unless the applicant provides, at the same time the notice of motion is being filed, the supporting affidavit (if applicable), memorandum and any other supporting materials required for the application. The only exception to this direction will be on leave applications where a preservation of time is being requested.
- (c) Applications to preserve time on leave applications may be scheduled to be heard by the duty judge, in person or by way of telephone or video conference call. Counsel/party must be prepared at that time to discuss filing deadlines for all materials which are to be filed for the leave application, and should take into consideration subpart 8 of this practice direction, as a timetable will be set by the duty judge at that time.

7. Materials Filed Late:

- (a) When materials are not filed within the time fixed by this Practice Direction, the party in default shall not be entitled to costs of the application, unless otherwise ordered.
- (b) When a respondent fails to file materials within the time fixed by this Practice Direction, the respondent will not be allowed to present oral argument on the application, unless otherwise ordered.
- (c) The late-filed materials will be marked accordingly by the clerk.

8. Applications for Leave to Appeal - Deemed Abandoned:

Where an application for leave to appeal has not been heard within 6 months from the date the notice of motion is filed, the motion will be deemed abandoned, unless otherwise ordered before the expiration of this 6-month period.

9. Leave to Appeal Summary Conviction Appeals:

- (a) One cannot appeal further to the Court of Appeal from the Court of Queen's Bench in a summary conviction matter except with leave on a question of law alone: Criminal Code s. 839. Such leave must be sought beforehand from one justice of appeal in chambers in accordance with subpart 2 of this Practice Direction.
- (b) The applicant's memorandum must contain the information set out in subpart 4 of this Practice Direction and must also:
 - (i) specify the precise question or questions of law alone,

- (ii) contain material to show that the question may govern the case in question, and
 - (iii) contain the reasons of the Provincial Court judge and the judge of the Court of Queen's Bench.
- (c) No such appeal will be put on the hearing list before leave to appeal is granted.
- (d) There can be no:
- (i) restoration of an operator's permit (stay of license suspension), or
 - (ii) judicial interim release,
- before leave to appeal is granted.
- (e) This procedure will also apply to applications for a certificate of importance in prosecutions under Alberta statutes.
- (f) Case law bars any appeal or prerogative relief from a denial of leave to appeal.

[June, 2004]

10. Application to Restore an Appeal

Refer to Form P for the standards required when preparing an Order for Restoration of an appeal. This standard form of order should be used whenever a regular civil appeal or a Part J appeal has been restored.

[May, 2009]

G. Release of Judgments

1. Judgments will be released the day after they are signed (or two days if signed in the later afternoon), except that:
 - (a) no judgments will be released between Christmas Day and New Year's Day; and
 - (b) transcriptions or oral judgments will be released when ready.
2. On the day before a judgment is to be released, the judge's assistant will advise the Registrar concerned that the judgment will be released at 9:30 the following morning. The judge's assistant will not at this time advise the Registrar of the result of the judgment.

[June, 2008]

[June, 2008]

3. The Registrar will telephone the lawyers involved and leave a message either with them or with their offices, that the judgment will be released at 9:30 a.m. on the following morning at the Registrar's office.
4. At 9:30 a.m. on the morning in question, the Registrar will, if requested, have available hard copies of the judgment for the lawyers/parties listed on the file. Otherwise, the judgment will be available on the Alberta Courts website at www.albertacourts.ab.ca at 10:05 a.m.
[April, 2004]
5. The procedure presently in force for releasing judgments will then be followed as to outsiders obtaining copies of the judgment.
[July 7, 1988]
6. (a) Where in a criminal appeal the Court renders judgment ordering a new trial, the presiding judge shall be deemed to have directed, pursuant to section 679(7.1) of the Criminal Code, that the Appellant is remanded to appear at the next sitting of the Court appealed from that has jurisdiction in the case.
(b) Paragraph 6 shall not apply to appeals by the Attorney General, nor to cases where the Appellant is detained in custody for other matters.
(c) Unless otherwise directed, where an Appellant is on judicial interim release at the time of the judgment, that order for judicial interim release will be deemed to have been continued until the Appellant re-appears before the Court appealed from.
[June, 2008]
7. A judge may change the times provided in Part G, and may waive exception G.1(a)
[June, 2008]

H. **Costs in Civil Matters**

The first words of Rule 601(3):

Where no order is made, the costs follow the event.

Henceforth, no specific direction about costs will be made except when the Court hearing an appeal is of the view that the case shall be an exception to that general practice.

Moreover, the present practice will continue that, without special order, costs will include disbursements accepted as reasonable by the taxing officer.

As a result, the Court makes these directions about submissions about costs:

1. No submissions about costs need be made by a party unless the party seeks an exception to the general practice.

2. If a party seeks an exception on the assumption of a certain outcome of the appeal, this should be stated in the factum together with a brief statement of argument.
3. Oral submissions about costs will be requested only in exceptional circumstances.

We also take this occasion to remind the Bar about Rule 608, which establishes a standard practice about the scale of costs.

We also take this occasion to remind the Bar of Rule 538(4), and that the present practice of the Court is not to grant exemptions from loss of a right to costs from delayed filing unless special circumstances can be shown.

Part I - Sentence Appeals

1. General Sentence Appeal List

Once a notice of appeal is filed, the appeal is placed on the General Sentence Appeal List.

2. Creation of the Fixed Hearing List

Eleven days before the opening day of any sitting:

(a) The following matters *will be* moved to the Fixed Hearing List:

- (i) Every case in which the appellant is not represented by counsel and the sentence appeal record has been filed (unless subpart 2(b)(i) to (iii) or (vi) apply);
- (ii) Every case in which the sentence is six months or less and judicial interim release has not been granted (unless subpart 2(b)(i) to (iii) apply);
- (iii) Every case in which the sentence appeal record, the appellant's sentence factum and the extracts of key evidence (if applicable) have been filed (unless subpart 2(b)(i) to (iii) apply);
- (iv) Every case in which there is an order of the Court directing that the matter be moved to the Fixed Hearing List;
- (v) Every case in which the appeal record has not been ordered and the appellant is in custody and unrepresented.

(b) The following matters *will not be* moved to the Fixed Hearing List:

- (i) Every case in which the notice of appeal was filed 14 days or less before the opening day of a sitting;
- (ii) Every case which has been adjourned by consent and in writing;
- (iii) Every case which has been adjourned by order of the Court;

- (iv) Subject to subpart 2(a)(ii), every case in which a sentence appeal record has not been filed;
- (v) Subject to subpart 2(a)(ii), every case in which the appellant is represented by counsel and a sentence appeal record, the appellant's sentence factum and the extracts of key evidence (if applicable) have not been filed;
- (vi) Subject to subpart 2(a)(ii), every case in which the appellant is not represented by counsel and is waiting to find out whether Legal Aid will appoint counsel.

3. Unrepresented Party

- (a) If a party is not represented by counsel, the Registrar will advise the party by letter that the case will be placed on the General Sentence Appeal List. A copy of Parts E.4 and E.6 and this Part I and Forms B and H to M inclusive will also be forwarded to the party.
- (b) Refer to subpart I.18 (Right of Appellant to Attend), Parts E.4 and E.6, this Part I and Forms B and H to M inclusive, if applicable.

4. Contents of the Sentence Appeal Record

- (a) The appeal record
 - (i) must consist of the following sections:
 - (1) Part I - Pleadings, as described in sub-subpart (h)(i);
 - (2) Part II - Final Documents, as described in sub-subpart (h)(ii); and
 - (3) Part III - Evidence as described in sub-subpart (f);
 - (4) Repealed;
 - (ii) may include extracts of key evidence if the parties so elect, prepared in accordance with 4.1;
 - (iii) must be arranged in volumes in the following order:
 - (1) First: Appeal Digest, consisting of Parts I and II; and
 - (2) Second: Part III, Evidence; and
 - (3) Repealed;
 - (iv) must contain pages numbered consecutively as follows:
 - (1) Part I must commence page numbering with page P1;
 - (2) Part II must commence page numbering with page F1;

- (3) Part III must commence page numbering with page 1; and
- (4) Repealed;
- (5) if a supplement to the appeal record is filed, the page numbering for that supplement must continue sequentially from the last number of the last page of the immediately preceding record to which the supplement relates.

Extracts of key evidence are to be paginated in accordance with 4.1.

- (b) Any portion of Part I, II and III of the appeal record produced in paper form must be prepared in the following manner:
 - (i) if they are the original copy, be clearly marked as “original” at the top of the front cover;
 - (ii) printed or reproduced on one side of good quality, white, 8½ by 11 inch paper, bound along the right edge so that the printed pages are to the left;
 - (iii) bound with heavy stock on the front and back covers, with
 - (1) Appeal Digest covers in red, and
 - (2) any Evidence covers in grey;
 - (iv) Repealed.

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 - (v) contain legible material only or, if material does not photocopy well, provide a photocopy together with a typewritten transcript of the illegible text; and
 - (vi) printed or reproduced in type whose capital letters are at least 2.9 mm. high, whether or not the original is in smaller type, if need be reproducing one original on 2 or more pages.
- (b.1) In addition to the requirements of sub-subpart (b), any portion of Parts I and II of the appeal record produced in paper form must contain
 - (a) a front cover and title page clearly setting out the information in Form I, and
 - (b) a comprehensive table of contents of all of Parts I, II and III at the beginning of each volume

bound along the left edge of the paper, so that the printed pages are to the right.

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- (b.2) Notwithstanding sub-subpart (b)(ii), the transcripts of oral evidence included in Part III of the appeal record must be printed or reproduced as double-sided pages on good quality, white, 8½ by 11 inch paper.

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- (c) The appellant must file the following with the Registrar:
- (i) the original, one paper copy and one electronic of Part III, Evidence; and
 - (ii) the original and 4 paper copies of Part I and Part II, the Appeal Digest.
 - (iii) Repealed.
 - (iv) Repealed.
- (d) Notwithstanding sub-subpart (a) and (c) where the contents of Parts I to III do not exceed 200 pages, all parts must be included in the appeal digest and be labelled accordingly.
- (e) The number of copies required under sub-subpart (c) does not include those copies required for counsel.
- (f) Part III of the appeal record must
- (i) consist of:
 - (1) Preamble/Appearances;
 - (2) Particulars;
 - (3) Speaking to sentence. If by way of:
 - a) guilty plea - starting with arraignment;
 - b) finding of guilt - starting with judgment; or
 - c) jury trial - starting with finding of guilt;
 - (4) Sentence; and
 - (5) Certificate of Transcript in Form J; and
 - (ii) Subject to sub-subpart (j), the transcripts of oral evidence on the appeal record must conform to the requirements of Schedule E, Number 8 of the Alberta Rules of Court.

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- (g) Repealed.

- (h) The Appeal Digest must contain the following documents, excluding the document backers when they are not needed to distinguish different appeals, in chronological, ascending date order:
- (i) Part I, the Pleadings, which must include:
 - (1) the information or indictment;
 - (2) any amendments made at trial; and
 - (3) any other documents by which proceedings are commenced or by which the issues in the action are defined;
 - (ii) Part II, the Final Documents which must include:
 - (1) the formal certificate of conviction, certificate of acquittal, order of disposition, report of criminal trial, formal judgment or order appealed from;
 - (2) if by way of :
 - a) guilty plea - reasons for judgment on sentence;
 - b) finding of guilt - reasons for judgment on conviction and sentence; or
 - c) jury trial - reasons for judgment on sentence;unless section I.4(d) applies, in which case this information need only be included in Part III - Evidence;
 - (3) the Notice of Appeal;
 - (4) all final documents, such as pre-sentence or post-sentence reports including probation orders, weapons' prohibition, order granting leave, undertakings/recognizance and other like material;
 - (5) the "Ban on Publication and Similar Order" form, or any other similar document if one exists;
 - (6) Form K (Certificate of Preparer); and
 - (7) Form M (Lawyer's Certificate), if the appellant is represented by counsel.

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- (i) The electronic copy of Part III, the evidence portion of the appeal record, must be provided to the Registrar, in a format satisfactory to the Registrar.
- (j) An appeal record which does not materially conform to sub-subpart (a) through (i) requires a fiat from a judge, the Registrar, the Deputy

Registrar or the Case Management Officer and the fiat must be obtained:

- (i) where there is consent, by providing a letter to the Registrar that sets out the discrepancies and requests that a fiat be granted; or
 - (ii) where there is no consent, by filing and serving a notice of motion, supporting affidavit (if applicable) and memorandum returnable before a judge.
- (k) The appeal record must
- (i) be prepared promptly and filed and served forthwith after it is prepared,
 - (ii) be ordered, or its preparation begun by the appellant, before the expiration of three clear days from the filing of the notice of appeal, and
 - (iii) in any event, on sentence appeals of six months or less, unless otherwise ordered by a judge, be filed no later than six weeks from the date the notice of appeal was filed.

4.1 Extracts of Key Evidence

- (a) If so desired, any appellant, respondent or intervener may each file Extracts of Key Evidence, prepared in accordance with R. 537.2, which may include those
- (i) extracts from the transcribed oral evidence or written trial evidence,
 - (ii) selected exhibits entered before the trial court,
 - (iii) other documents on the trial record,
- which that party believes will be needed for the disposition of the appeal or will support the arguments in that party's factum.
- (b) Without derogating from R. 530(2), it is the duty of counsel on an appeal to ensure so far as possible that only the material needed for the disposition of the appeal is included in the Extracts of Key Evidence and to exclude evidence, exhibits and other material unlikely to be needed.
- (c) Notwithstanding subpart (a), parties who are advancing the same position may, if they wish, file joint Extracts of Key Evidence.
- (d) A party filing Extracts of Key Evidence must
- (i) file the original and 4 copies of its Extracts of Key Evidence with the Registrar, and

- (ii) serve an additional copy thereof on each of the other parties
at or before the time of filing or service of that party's factum.
- (e) The Extracts of Key Evidence shall
 - (i) contain a comprehensive table of contents of the whole of that party's Extracts of Key Evidence at the beginning of each volume;
 - (ii) be organized in such order as the party filing it desires, and not necessarily chronologically;
 - (iii) subject to subpart (iv), contain pages numbered consecutively commencing in this fashion:
 - (1) with Page A1 in the Appellant's Extracts of Key Evidence;
 - (2) with Page R1 in the Respondent's Extracts of Key Evidence;
 - (3) with Page IN1 in the Intervener's Extracts of Key Evidence
 - (iv) not contain any duplicate page numbers, and where there are multiple appellants, or respondents, or interveners, they shall cooperate to avoid such duplication;
 - (v) reproduce documents in facsimile, containing legible material only or, if material does not photocopy well, provide a photocopy together with a typewritten transcript of the illegible text;
 - (vi) not contain any comment, argument, trial briefs, authorities or new evidence; and
 - (vii) contain any document, including the criminal record and like material, submitted or entered as an exhibit during the sentence proceedings.
- (f) In the case of exhibits
 - (i) which cannot be readily reproduced and will be referred to in argument, the Extracts of Key Evidence shall be accompanied by a letter to the Registrar requesting that the original exhibit be made available at the appeal hearing; and
 - (ii) Repealed
- (g) If the Extracts of Key Evidence, any other appendices and the factum together do not exceed a total of 60 pages, the Extracts of Key Evidence may be included as an appendix to the factum, or with the book of authorities.
- (h) If the Extracts of Key Evidence, any other appendices and the factum together do exceed a total of 60 pages, the Extracts of Key Evidence

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must be filed separately with a front cover and title page in Form R, naming the party filing it, and bound with heavy stock on the front and back covers coloured

- (i) yellow for the Appellant's Extracts of Key Evidence;
 - (ii) pink for the Respondent's Extracts of Key Evidence;
 - (iii) dark blue for the Intervener's Extracts of Key Evidence.
- (i) No one volume of the Extracts of Key Evidence may contain more than 200 pages, and if the total otherwise exceeds that, the Extracts of Key Evidence shall be split into separate volumes of approximately equal length.

5. Contents of the Sentence Factum

- (a) A sentence factum shall be so titled and shall include, as the first document following the table of contents, a sentence appeal questionnaire in:
- (i) the appellant's sentence factum, or
 - (ii) where the appellant is unrepresented, the respondent's sentence factum.

The sentence appeal questionnaire shall be prepared in the prescribed form as set out in Form B.

- (b) Immediately following the sentence appeal questionnaire, a sentence factum shall set out the following 4 parts:

Part I - Statement of Facts:

In the appellant's sentence factum this part shall be a concise statement of facts. In the respondent's sentence factum this part shall be a concise statement of the respondent's position with respect to the appellant's statement of facts, including a concise statement of any other facts that the respondent considers relevant, including whether the respondent is conceding the appeal.

Each party may at the start of its respective part, state concisely what the party considers to be the legal issue or issues raised by the appeal.

Part II - Grounds for Appeal:

In the appellant's sentence factum this part shall be a concise statement setting out clearly and particularly the grounds of the appeal. On the argument of the appeal the appellant shall, unless the court otherwise orders or directs, be confined to these grounds.

In the respondent's sentence factum this part shall be a statement of the respondent's position in regard to the grounds of appeal and of any other points the respondent may properly put in issue.

Part III - Points of Law:

In each sentence factum shall be a brief of the argument setting out concisely the points of law or fact intended to be discussed with particular reference to pages and lines of the appeal record, extracts of key evidence (if applicable), and the authorities intended to be cited in support of each point.

In a separate section in this part, the appellant shall state the relevant standard of review on each issue raised in the appeal and the respondent shall state whether the respondent agrees with the standard suggested by the appellant for each issue in question.

Part IV - Nature of Relief Desired:

Each sentence factum shall contain a concise statement of the nature of the relief or order the party desires the court to make or grant.

(c) A sentence factum shall:

- (i) have the original copy clearly marked as "original" at the top of the front cover;
- (ii) be bound with stock on the front and back covers and unless otherwise ordered, the covers of the sentence factum shall be coloured as follows:
 - (1) appellants - buff;
 - (2) respondents - green;
 - (3) respondents who are cross-appellants - green; and
 - (4) interveners - blue;
- (iii) contain a front cover and title page clearly setting out the information in Form L, bound along the left edge of the paper, so that the printed pages are to the right;
- (iv) be printed or reproduced on one side of good quality, white, 8 1/2 by 11 inch paper, and bound along the right edge so that the printed pages are to the left, unless otherwise specified in this schedule;
- (v) contain a comprehensive table of contents at the beginning of the book, following the title page, bound along the left edge of the paper so that the printed pages are to the right;

- (vi) be printed or reproduced in type whose capital letters are at least 2.9 mm. high;
 - (vii) be one and one-half or double spaced with the exception of quotations which may be single spaced, with each margin being at least one inch;
 - (viii) not be more than 30 pages in length, exclusive of authorities, appendices and extracts (if applicable);
 - (ix) not contain irrelevant matter nor reproduce matter that appears in the appeal record or extracts of key evidence (if applicable) if a reference to it will reasonably suffice;
 - (x) not contain illegible material;
 - (xi) indicate the specific tab number or the precise pages where an authority or extract (if applicable) has been reproduced; and
 - (xii) cite passages in the oral evidence both to the electronic appeal record and to its extracts of key evidence, if applicable.
- (d) Each party or the party's counsel must sign the sentence factum and include an estimate of the length of their argument immediately before the signature.
- (e) At the end of each sentence factum and on a separate page following the signature page, a list of authorities which were referred to in the factum must be provided, together with the citations, in the order in which they are likely to be referred to. This page is bound along the left edge of the paper, so that the printed pages are to the right. Authorities must be prepared in the prescribed form as set out in subpart 6.
- (f) The following items should be included as an appendix at the end of the sentence appeal factum:
- (i) where a statute, regulation, rule, ordinance or by-law is relied on, so much of it as may be necessary to the decision of the case shall be printed at length;
 - (ii) if the appellant appeals any ruling made during trial, the impugned rulings;
 - (iii) any exhibit critical to the appeal; and
 - (iv) the extracts of key evidence if it, any other appendices and the factum together do not exceed a total of 60 pages.

These items should be bound along the left edge of the paper so that printed pages are to the right.

- (g) The parties must file the original and 4 copies of their sentence factum with the Registrar, which does not include those copies required for counsel.
- (h) A sentence factum that does not conform to this schedule requires a fiat from a judge, Registrar, Deputy Registrar or Case Management Officer.

6. Sentence Book of Authorities

- (a) Authorities consisting of:
 - (i) 30 pages or less may be included at the back of the sentence factum, following the list of authorities; or
 - (ii) 31 pages or more must be bound in a separate book titled Sentence Book of Authorities.
- (b) Authorities to be referred to should be reproduced for the court, preferably in a joint book. In this case the cover of the book should correspond to cover colour of the party responsible for filing the book and the book should be titled Joint Book of Authorities.
- (c) Authorities filed separately must:
 - (i) be bound with stock on the front and back covers and unless otherwise ordered, the cover colours shall correspond with the sentence factum. (Subpart 5(c)(ii));
 - (ii) contain a front cover and title page clearly setting out the information in Form L, and must indicate precisely which party filed them;
 - (iii) include a table of contents of the authorities reproduced therein with:
 - (1) each case tabbed (either numbered or lettered); or
 - (2) all pages clearly numbered consecutively;
 - (iv) be reproduced on good quality, white, 8 1/2 by 11 inch paper, on:
 - (1) both sides of the paper; or
 - (2) one side of the paper, bound along the left edge, so that the printed pages are to the right.
- (d) Every authority cited need not be reproduced. Do not reproduce minor cases, cases for well-known propositions, or all the authorities for a point of secondary importance.
- (e) Reproduce only the head note and relevant pages of any authority relied upon and omit irrelevant pages.

- (f) Add marks to authorities which show clearly the precise passages relied upon by:
 - (i) highlighting passages on each photocopy, which is most readable;
 - (ii) underlining the precise passages with narrow lines, as thick lines make it difficult to read; or
 - (iii) if the relevant passage is long, such as a full paragraph, use a vertical line in the margin.
- (g) Authorities shall not contain illegible material.
- (h) Do not duplicate authorities which have been reproduced and filed by another party.
- (i) The parties must file 5 copies of their book of authorities at the same time as their factum with the Registrar, which does not include those copies required for counsel.

7. Sentence Appeal Questionnaire

The sentence appeal questionnaire will be the first document included in the appellant's sentence factum, following the table of contents. If the appellant is unrepresented, the sentence appeal questionnaire will be included in the respondent's sentence factum. The questionnaire must be prepared in the prescribed form as set out in Form B.

8. Appellant's Sentence Factum, Authorities and Extracts of Key Evidence (If Applicable)

- (a) Where the original and 4 hard copies of the appellant's sentence factum, authorities and extracts of key evidence (if applicable) are filed and served at least 14 days prior to the opening day of the sittings, the matter will be moved to the Fixed Hearing List.
- (b) The number of copies required under this subpart does not include copies for counsel, parties or service.

9. Respondent's Sentence Factum, Authorities and Extracts of Key Evidence (If Applicable)

- (a) On every case that moves to the Fixed Hearing List, the original and 4 hard copies of the respondent's sentence factum, authorities and extracts of key evidence (if applicable), or letter of intention not to file a sentence factum, shall be filed and served by 12:00 noon, at least 7 days prior to the opening day of the sittings.
- (b) The number of copies required under this subpart does not include copies for counsel, parties or service.
- (c) Counsel who fail to meet this deadline are required to provide a prepaid courier slip and envelope to the Registrar at the time of filing, so that

the Registrar can forward a filed copy of the respondent's sentence factum to the panel member(s) in Calgary or Edmonton, as the case may be. The Court has the discretion not to consider the respondent's factum if it is filed late.

- (d) If the respondent fails to file a factum, the appeal may proceed in the absence of that factum.

[May, 2009]

10. Delay in Legal Aid Appointment

Where a party has applied for legal aid coverage and there has been a delay in determining whether coverage will be granted, counsel or the party may apply to have the filing deadlines extended by filing a letter with the Registrar. This application will be forwarded to a judge or the Case Management Officer for determination. The letter shall indicate:

- (a) the appeal number and the name of the party;
- (b) the date legal aid was applied for;
- (c) whether legal aid has been:
 - (i) allowed, and if so the name of the lawyer and the date of appointment, or
 - (ii) denied, and if appealed, the level of appeal the party is currently at;
- (d) any further reasons for delay; and
- (e) when a decision is expected, if known.

11. Adjournments by Consent

Any appeal scheduled to move to the Fixed Hearing List may be adjourned by consent by filing a letter with the Registrar **no later than 4:30 p.m. on a date at least 12 days** prior to the opening day of the sittings. Where the sentence appeal record, the appellant's sentence factum and the extracts of key evidence (if applicable) have been filed, the appeal shall not be adjourned by consent on more than 2 occasions, and shall only be adjourned to the next Fixed Hearing List date, unless otherwise ordered.

12. Posting of the List

- (a) Fixed Hearing Lists will be posted for viewing on the Alberta Courts' website at www.albertacourts.ab.ca and at the Registry counter, 10 days before the opening day of the sittings.
- (b) The Registry does not provide this information over the telephone. Copies of the lists can be obtained from the Alberta Courts' website or purchased at the Registry pursuant to the Schedule of Fees of the Alberta Rules of Court.

- (c) The names of the panel assigned to hear appeals will be posted on the Alberta Courts' website and at the Registry counter on the Wednesday before the opening day of the sittings.
- (d) Parties are advised that the panel may change without notice at any time before the hearing of individual cases.

13. Pre-booking

- (a) On any case where the appellant's sentence factum and extracts of key evidence (if applicable) have been filed, the appeal can be pre-booked, where possible, to be heard within the first 2 days of the sittings. Pre-booking an appeal to be heard within a scheduled one-half day can be requested by letter setting out both counsel's consent, 12 to 14 days before the opening day of the sittings. All pre-booked matters will be heard within the scheduled one-half day, barring unforeseen circumstances.
- (b) If a case is not heard within the half-day to which it was assigned, it will be heard at a time directed by the Court.

14. Attendance of Counsel

- (a) Where an appeal is scheduled to proceed on the Fixed Hearing List, counsel must appear before the Court on the first day of oral argument in the sittings (unless the hearing has been pre-booked, in which case counsel must appear at the pre-booked time) and be prepared to argue the appeal when the matter is called.
- (b) If an appeal is not scheduled to proceed on the Fixed Hearing List, counsel or the party need not attend before the Court.

15. Striking an Appeal from the General Sentence Appeal List

Where one of the following conditions exist, and unless the appellant has been granted an extension of time for filing the sentence appeal record, the sentence factum or the extracts of key evidence (if applicable), a sentence appeal will be struck by the Registrar and automatically removed from the General Sentence Appeal List

- (a) where the sentence appeal record, the appellant's sentence factum and the extracts of key evidence (if applicable) have not been filed within 4 months of the filing of the notice of appeal, or
- (b) where the sentence appeal record, the appellant's sentence factum and the extracts of key evidence (if applicable) have not been filed within 3 months of the dismissal or abandonment of the conviction appeal.

A warrant will issue in the event that the appeal is struck under this subpart and the party is on judicial interim release.

16. Restoring a Sentence Appeal that has been Struck from the General Sentence Appeal List

- (a) Where consent has been obtained, the appellant may file with the Registrar, a letter of consent of all parties to the appeal which sets out the reason the appeal should be restored to the General Sentence Appeal List. The Registrar will forward the letter to a judge or the Case Management Officer for consideration and the setting of a filing deadline for the next step, if deemed appropriate.
- (b) Where no consent has been obtained, the appellant may apply to a judge in chambers to restore a sentence appeal to the General Sentence Appeal List by filing and serving a notice of motion, supporting affidavit (if applicable) and memorandum, which clearly sets out the reason for the default.
- (c) Where the appellant's sentence appeal has been restored, unless otherwise ordered by a judge, the sentence appeal record, the appellant's sentence factum and the extracts of key evidence (if applicable) must be filed within 21 days from the date the appeal was restored or it will be struck.

17. Deeming a Sentence Appeal Abandoned

Any appeal that has been struck from the General Sentence Appeal List and has not been restored within 3 months from the day that the case was struck from the list will be deemed to have been abandoned.

18. Right of Appellant to Attend

Section 688 of the Criminal Code is quoted in Part E.4 above.

Counsel or a party who is in custody may request that the party not be brought in by forwarding a letter to the Registrar at least 12 days before the opening day of the sittings.

19. Judicial Interim Release

- (a) If a convicted person who is a party to the appeal has been granted judicial interim release, he or she must report, in person, and provide picture identification to the Court of Appeal Registry counter between the hours of 8:15 a.m. and 10:00 a.m. on the first day of oral argument in every scheduled Sentence Appeal Sitting until the appeal is heard and a decision rendered, or as otherwise ordered by the Court.

20. Application to Increase Sentence by the Attorney General or Notice to Vary Sentence by the Court

Rule 853 reads as follows:

- (1) *In an appeal against sentence by a convicted person, the Attorney-General, if he intends upon the hearing of the appeal to contend that the sentence should be increased or varied, shall, not less than three*

(3) days before the commencement of the sittings of the Court at which the appeal comes to be heard, give notice of such intention in writing to the appellant or his counsel.

(2) In any appeal against sentence by either a convicted person or the Attorney-General, the Court of its own motion may treat the whole matter of sentence as open, and on appeal by a convicted person, may increase or vary the sentence, and on appeal by the Attorney-General, decrease or vary the sentence, provided that notice that such increase or variation is to be considered, is given by the Court so that the convicted person or the Attorney-General may be heard on such disposition.

21. Sitting Schedule

- (a) The Court of Appeal schedules Sentence Appeal Sittings every month except the months of July and August. The Court schedules one special summer sitting during these two months at which time urgent appeals are heard. Leave of the Court is required to place a matter on the summer list, unless the matter is a sentence appeal in which the sentence is 6 months or less.
- (b) Subject to paragraph 22(b), the Chief Justice may direct that oral argument at a sitting commence on a Tuesday morning (or on a Wednesday morning, if Monday is a holiday).

22. Times Referred To

- (a) Notwithstanding Rule 545 of the Alberta Rules of Court, any reference to number of days refers to actual calendar days, weekends and holidays included. Any time limit which expires on a weekend or holiday is automatically extended to the next business day.
- (b) Whether or not oral argument is to commence, or commences, on a Tuesday or Wednesday, the Monday of that week shall be considered to be the opening day of the sittings for purposes of calculating times, whether or not the Monday of that week is a holiday.

23. No Split Sentence Appeals

Except in exceptional circumstances, and only with leave of a judge granted in advance of the hearing of the appeal, all issues in a sentence appeal must be argued at the same time.

24. Application for Exceptions to Parts E.4 and E.6 and this Part I and Forms B and H to M inclusive

Applications for exceptions to these practices may be made:

- (a) if by consent, by providing a letter of consent to the Registrar setting out the exceptions requested and the facts surrounding the circumstances. The letter will be forwarded to a judge or the Case Management Officer for determination of the request.

- (b) if consent has not been obtained
 - (i) 12 days or more before the opening day of the sittings, to a judge in chambers or the Case Management Officer, by filing and serving a notice of motion, supporting affidavit (if applicable) and memorandum, which clearly sets out the circumstances regarding the request, or
 - (ii) 11 days or less before the opening day of the sittings, by filing with Registry and serving a letter on all parties which clearly sets out the circumstances regarding the request. The letter, and any other material that is provided will be forwarded to a member of the panel, a judge or the Case Management Officer for a determination of the issue.

25. Variation of Conditional Sentence

Where the Court of Appeal has granted (or varied) a conditional sentence, and the Crown or the accused later wishes to seek a variation (or further variation) of the conditional sentence, that party should apply in the first instance to the trial court which imposed the original sentence.

J. Procedural, Maintenance or Children's Rights Appeals

[May, 2009]

1. General

The aim of this Part is to provide a faster, less expensive procedure for this class of appeal, without case-by-case monitoring by a judge, Registrar or case management officer.

2. Definition and Scope

- (a)
 - (i) Subject to paras. (b), (c), (d), and (e), the procedure in this Part J. applies to any appeal from any order, or part of an order, which does not finally determine all or some significant part of the substantive rights in issue in an action.
 - (ii) The test is what the order appealed did, not what the notice of motion sought. For example, refusal of summary judgment comes within this Part J. Its grant does not.
- (b) This Part J. does not apply to any appeal from any of the following:
 - (i) an order striking out a statement of claim, statement of defence or third party notice;
 - (ii) an order refusing to open up default judgment or a noting in default;
 - (iii) an order permitting or directing default judgment;

- (iv) an order staying the action indefinitely;
 - (v) an order dismissing the action on procedural grounds;
 - (vi) a final judgment at trial or at summary trial;
 - (vii) summary judgment on the merits;
 - (viii) order nisi of foreclosure or of cancellation of agreement for sale;
 - (ix) a declaration.
- (c) "Substantive rights" in para. (a) do not include privilege, confidentiality, privacy, costs, or liability to pay fees or costs.
- (d) Appeals from any of the following will come within this Part J:
- (i) any order affecting the rights of children, including an order as to custody of, or access to, a minor;
 - (ii) a ruling during a trial; or
 - (iii) any order as to child or spousal maintenance, or both.
- [May, 2009]
- (e) One Justice of Appeal may
- (i) declare whether a given appeal fits within these guidelines; or
 - (ii) for the purpose of including or excluding an appeal, consolidate appeals or sever an appeal into separate appeals.

3. Leave to Appeal

- (a) Leave must be obtained before the following can be appealed:
- (i) any case where leave to appeal is mandated by statute, or Rule, or regulation;
 - (ii) any case management or pre-trial order directing adjournments, time periods or time limits;
 - (iii) any ruling during trial, where the appeal is brought before the trial is concluded; or
 - (iv) any decision on security for costs.
- (b) If not otherwise specified by a statute, Rule or regulation, such leave shall be sought from one Justice of Appeal.
- (c) A notice of motion applying for leave and supporting materials shall be filed and served:

- (i) within the time limited in the applicable statute, Rule or regulation; or
 - (ii) where no time limit is specified, within 20 days after the order or judgment for which leave is sought has been signed, entered and served.
- (d) From the date that the notice of motion is filed, the time to appeal will not run until the decision on the application for leave is filed.
- (e) The applicant's supporting materials for the leave application shall be bound with orange coloured stock on the front and back covers and shall, unless otherwise ordered, consist of:
- (i) a table of contents describing each document along with corresponding page or tab numbers;
 - (ii) a memorandum no longer than 10 double-spaced pages;
 - (iii) a copy of the order, judgment or decision upon which leave to appeal is sought (including any order of the Queen's Bench Master or Provincial Court Judge, which was appealed to the judge who is now appealed from);
 - (iv) any reasons for the order, judgment or decision;
 - (v) transcripts of the hearing before the court, board or tribunal to be appealed, if available in time;
 - (vi) all other material, including but not limited to, affidavits, transcripts of oral testimony and other documents, which were before the court, board or tribunal that made the order, judgment or decision; and
 - (vii) the record or return from the court, board or tribunal, as applicable.
- (f) The respondent's memorandum shall be no longer than 10 double-spaced pages and shall be bound with lilac coloured stock on the front and back covers.
- (g) At least 10 business days prior to the application, the applicant(s) may file and serve a reply in the form of a memorandum, which shall be no longer than 3 double-spaced pages, or if the applicant(s) chooses not to file a reply, the applicant(s) must file a letter within this same time period advising the Registrar of same, all of which must be filed in triplicate.
- (h) Any failure by the applicant(s) to comply with filing deadlines in the Alberta Rules of Court and Practice Directions will result in the application for leave being struck.

- (i) Where leave to appeal is granted, the appellant(s) shall file a notice of appeal in Form N and serve all parties within 14 days from the date the decision on the leave application is granted. Any failure to file within this time frame will result in the appeal being struck.

4. Creation of Part J Fixed Hearing List

[May, 2009]

- (a) Upon filing of the Notice of Appeal, the Registrar will send a letter to unrepresented parties, along with a copy of this Part J. and the Part J appeal deadlines.
- (b) The fixed hearing list will be created by the Registrar for each sittings, 17 days before opening of the sittings.
- (c) Subject to para. (d), the following appeals will then be placed on that list:
 - (i) those where the Appeal Record, the appellant's factum and the appellant's extracts of key evidence have been filed 21 or more days before the opening of the sittings; and
 - (ii) those ordered on by a Justice of Appeal.
- (d) The following appeals will not be placed on that list:
 - (i) those timely adjourned by consent (under part 9(a) below); and
 - (ii) those adjourned by a Justice of Appeal.
- (e) When any party to an appeal placed on that list is not represented by counsel, the Registrar will notify the party by letter by ordinary mail, at the last known address, or via fax if a fax number is provided, of the hearing week selected.

[May, 2009]

5. Deadlines for Part J Appeal Records

[May, 2009]

Subject to subpart 16, Rule 530.1 applies with the following alterations:

- (a) The appellant must order any necessary transcript within 7 days of filing of the appeal.
- (b) The appellant must file and serve the original and 4 copies of all volumes of the Appeal Record within one month of filing the appeal, or one business day after the Appeal Record is ready, whichever comes first.
- (c) If the transcript will not be ready within one month of filing the appeal, the appellant may mention that fact in the table of contents, and file and serve the transcript later as a separate Appeal Record volume as soon as it is ready.

6. Contents of Part J Appeal Records

Subject to subpart 16, Rr. 530, 530.2, 530.3, 530.4, 530.5, 530.6 and Part B apply except:

- (a) If the appellant desires, and the total contents do not exceed 200 pages, the Appeal Record may
 - (i) use lettered or numbered cardboard tabs instead of numbering all the pages consecutively in the Appeal Record, so long as each tab's contents are clearly and consecutively paged in one continuous run; and
 - (ii) be all in one volume and, if so, have a red cover.
- (b) An Appeal Record must also contain all of the following:
 - (i) table of contents in Form O;
 - (ii) notices of motion or notices of appeal from any Master, referee, or tribunal from whom the judge now appealed from was hearing an appeal; and
 - (iii) respondents' notices given under R. 384(3).
- (c) The Appeal Record need not duplicate an item already in a leave to appeal book described in Part 3(e), if the Appeal Record's Table of Contents mentions and cross references that item specifically, and if the appellant files any additional copies of it which the Registrar may require.
- (d) Parts I and II of the Appeal Record must contain a comprehensive front cover and title page clearly setting out the information in Form R and bearing the letters "Part J", bound along the left edge of the paper so that the printed pages are to the right.

[October, 2009]

6.1 Extracts of Key Evidence

Rr. 537.1, 537.2 and 537.3 apply in their entirety.

7. Factums

Subject to subpart 16,

- (a) Part C paragraphs 2 to 8 inclusive, and paragraph 11 and 12, of the Consolidated Practice Directions apply.
- (b) Repealed December 2004.
- (c) Rules 538 - 543 inclusive of the Alberta Rules of Court apply, subject to paragraphs (d) to (h) inclusive.

- (d) A factum shall not exceed a total of 12 pages, excluding appendices.
- (e) The original and 4 copies of the appellant's factum, authorities and extracts of key evidence shall be filed and served by the earlier of:
 - (i) two weeks after the Appeal Record is filed; or
 - (ii) six weeks after the appeal is filed.
- (f) The original and 4 copies of the respondent's factum, authorities and extracts of key evidence, or letter of intention not to file a factum, shall be filed and served by 12:00 noon, within 30 days after service on the respondent of the appellant's factum, or at least 14 days before the opening day of sittings, whichever is earlier.

[May, 2009]
- (g) Where a factum, or letter of intention not to file a factum, is not filed by the respondent within the time periods set out in sub-subpart (f), the party in default will not be allowed to present oral argument, nor be entitled to costs, unless otherwise ordered.
- (h) If a respondent fails to file a factum, the appeal may proceed in the absence of that factum.
- (i) The number of copies required under this subpart does not include copies for counsel, parties or service.

8. Book of Authorities

Subject to subpart 16,

- (a) [Repealed October 2005]
- (b) Each book of authorities must be filed at the same time as that party's factum.
- (c) Part D applies except passages need not be highlighted.

9. Adjournments of Part J Appeals

[May, 2009]

- (a) Adjournments of appeals scheduled to move to the fixed hearing list may be obtained by application in writing to the Registrar, by consent, on or before 4:30 p.m. on the day which is 20 days before the opening of the sittings.
- (b) An adjournment by consent may only be to the next sittings, and no later.
- (c) There may be no more than two consent adjournments.
- (d) An opposed adjournment must be requested in writing to the Registrar no later than 12 noon on the day 20 days before the opening of the

sittings. It will be granted or refused by the list manager, duty judge or case management officer.

10. Posting of the Part J List and Sitting Schedule

[May, 2009]

The Fixed Part J Appeal List will be posted in accordance with Part A.6 of the Consolidated Practice Directions. It will also be posted for viewing on the Alberta Courts' website at www.albertacourts.ab.ca and the Registry counter 17 days before the opening day of the sittings.

[May, 2009]

11. Attendance of Counsel on Part J Appeals

[May, 2009]

(a) Gowned counsel, and parties who have no counsel, must appear ready to argue the appeal at the opening of the sittings, if it is on the fixed Part J appeal list.

[May, 2009]

(b) If an appeal is not on that list, counsel need not appear, unless directed to, or served with a notice of motion returnable then.

(c) The lists for Part J appeals will be neither called nor spoken to.

[May, 2009]

12. Striking from Part J List, Restoration, and Deemed Abandonment

[May, 2009]

(a) The list manager, duty judge or case management officer may give directions in individual cases, and any party may move on notice to set or vary the timetable.

(b) Unless the appellant has been granted an extension of time for filing, any failure by the appellant to comply with the filing deadlines for appeal records, factums or extracts of key evidence in the Alberta Rules of Court and Consolidated Practice Directions will result in the Registrar striking the appeal from the general Part J appeal list.

[May, 2009]

(c) The appellant may file with the Registrar a letter of consent of all parties to an appeal which sets out the reason why the appeal should be restored to the general Part J appeal list. The Registrar will forward the letter to a Justice of Appeal or case management officer for consideration and the setting of a filing deadline for the next step, if deemed appropriate.

[May, 2009]

(d) Where no consent has been obtained, the appellant may apply to a Justice of Appeal in chambers to restore Part J appeals to the Part J

appeal list by filing and serving a notice of motion, a supporting affidavit (if applicable) and memorandum, which clearly sets out the reason for default.

[May, 2009]

- (e) Where an appeal has been restored to the list, unless otherwise ordered by a judge, the Appeal Record and the appellant's factum and extracts of key evidence must be filed within 21 days from the date that the application was granted, or the appeal will be again struck from the general Part J appeal list. Refer to Form P for the standards required when preparing an Order for Restoration of a Part J appeal.

[May, 2009]

- (f) Any appeal which has been struck from the general Part J appeal list and has not been restored within three months from the day that the case was struck from the list, will be deemed to have been abandoned.

[May, 2009]

13. Part J Cross-Appeals

[May, 2009]

If a notice of cross-appeal or a notice of intention to vary is filed, where either the main appeal or the cross-appeal falls within this Part J., the party filing it must apply immediately, on notice, to the list manager, duty judge or case management officer, to set a timetable and give directions for the appeal.

14. Computation of Times for Part J Appeals

[May, 2009]

- (a) Notwithstanding Rule 545, any reference to number of "days" in this Part J. refers to actual calendar days, weekends and holidays included.
- (b) Any time limit which expires on a weekend or holiday is automatically extended to the next business day.

15. Modification

On application, the list manager, duty judge or case management officer may vary the guidelines in this Part J. in a particular appeal.

16. Application of Other Parts of Consolidated Practice Directions and Rules

All Rules of Court and Court of Appeal Practice Directions apply to Part J appeals, except

[May, 2009]

- (a) Parts A.7, B.3, B.4, B.5, all of D.4 after first two sentences, D.8, E, G.6, and I, of the Consolidated Practice Directions.

- (b) Rr. 515.1(1)-(7), 515.1(9), 517, 530.1(1), 530.2(2), 530.5(4), 530.5(5), 538(1)-(2), and Form N (Clerk's Certificate) of the Alberta Rules of Court.
- (c) Any parts of other Rules or Practice Directions which parts are inconsistent with this Part J.

K. Electronic Appeals (E-Appeals)

1. Recognizing the efficiency of electronic appeals, the Court of Appeal of Alberta will allow, by consent of both parties or by Order of the Court when deemed appropriate, facta and supporting materials for any appeal to be filed in an electronic format.
2. Electronic versions of facta must be hyperlinked to authorities and to the appeal record and extracts of key evidence (if applicable). The use of electronic facta will allow counsel/parties to better integrate submissions and expedite the reader's access to the applicable law and evidence. This will facilitate and enhance oral argument of the appeal, as well as the Court's pre-hearing preparation and judgment drafting. It is anticipated that conversion to electronic facta will ultimately reduce the cost of appellate litigation and preserve scarce resources.

[June, 2008]
3. Counsel/parties will be required to prepare and file electronic copies of the factum and book of authorities with the Registry for review and approval prior to filing hard copies. Once approved, counsel must print and file the required number of facta, but must file only one original and one copy of the book of authorities and extracts of key evidence (if applicable).

[June, 2008]
4. Manuals setting out the full requirements for the creation and filing of electronic appeals which are available at www.albertacourts.ab.ca/ca/ will no longer be updated effective May 1, 2007.

[May, 2007]

L. Guidelines for Judicial Dispute Resolution (JDR)

1. The purpose of judicial dispute resolution (JDR) is to reach a settlement on all issues, or to resolve as many issues as possible, with the assistance of a Justice of the Court of Appeal.
2. JDR may be requested at any time throughout the appeal.
3. All parties must agree to JDR and be represented by counsel, unless otherwise directed.
4. All requests for JDR must be made in writing to the Registry.
5. To promote success, parties with authority to make settlement decisions must be present and participate in the JDR process.

6. Upon receipt of a consent letter requesting JDR, the Registry will look for the next available date and will coordinate that date with all counsel and parties.
7. Upon agreement of that date, a letter will be forwarded by the Registry to counsel, confirming the date and setting out the minimum filing requirements. In addition, at the request of the JDR Justice, a pre-meeting may be arranged with counsel to discuss and agree upon any further materials and procedures required for JDR to proceed.
8. Once a date has been scheduled for JDR, time limits on the appeal will not apply until after the JDR meeting. If JDR is not successful, the JDR Justice will set time lines for filing materials on the appeal.
9. The materials submitted for the JDR meeting will not be filed by the Registry. Instead, the Registry will stamp them "Received" and forward them directly to the JDR Justice.
10. JDR meetings are conducted informally in a conference room setting. Gowning is not required.
11. The process is confidential. All documents prepared for JDR and statements made by counsel, or by the parties, during JDR are confidential and without prejudice, and cannot be used for any purpose or in any proceeding other than JDR. All documents submitted to the judge for JDR will be destroyed following the JDR meeting.
12. Unless the parties consent, the JDR Justice will not hear any applications on the appeal, or sit on the appeal of the matter. The JDR Justice will not discuss the JDR process with the appeal panel, should the matter proceed to appeal.
13. If JDR is successful the Appellant must file a Discontinuance, or a Consent Judgment (if appropriate), within 30 days or such time as the JDR Justice directs.
14. As in any judicial process, the JDR Justice is non-compellable as a witness in any proceedings.

[October, 2005]

M. Emergency Directions

1. These directions affecting the management of matters before the Court and the business of the Court shall be called the "Emergency Directions". For the purposes of the Emergency Directions, the following definitions apply:
 - (a) "Acting Chief Justice" means the holder of that office by appointment or by designation of the Chief Justice, or, in the absence of such person, the senior justice of the Court as may be then available.
 - (b) "Chief Justice" means the Chief Justice of Alberta and includes the Acting Chief Justice where necessary to give effect to the Emergency Directions.

- (c) “Court” means the Court of Appeal.
 - (d) “designate of the Chief Justice” means any judge of the Court, or the Registrar, Deputy Registrar, or case management officer as designated by the Chief Justice.
 - (e) “electronic hearing” means the hearing of any matter before the Court conducted, in whole or part, by electronic means in which all participants in the hearing, and the Court, can hear each other, whether or not all or some of the participants and the Court can see each other or are in each other’s presence.
 - (f) “emergency” means any situation that the Chief Justice or designate of the Chief Justice believes exists or may exist that affects the management of matters before the Court or the business of the Court to such a degree that it is found necessary by the Chief Justice or designate of the Chief Justice to put these Emergency Directions into effect. This includes any emergency declared by an official authority.
 - (g) “official authority” means a person having power pursuant to applicable legislation of the Parliament of Canada or the Legislature of Alberta to declare an emergency, or to make authoritative directions in an emergency which may affect the management of matters before the Court or the business of the Court.
 - (h) “officer of the Court” includes any judge, Registrar, Deputy Registrar, case management officer and any other officer and employee of the Court.
2. (a) The Emergency Directions shall come into effect when the Chief Justice or the designate of the Chief Justice so declares.
- (b) As soon as practicable after making Emergency Directions, the Chief Justice or the designate of the Chief Justice shall cause the details of the Emergency Directions to be published by any means of communication that the Chief Justice or the designate of the Chief Justice considers appropriate in the circumstances.
- (c) Failure to publish either the Emergency Directions or any details of the Emergency Directions under s. 2(b) shall not affect any declaration made under s. 2(a) nor limit the discretion of the Chief Justice or the designate of the Chief Justice under s. 3.
3. (a) The extent to which the Emergency Directions come into effect or apply is within the discretion of the Chief Justice or the designate of the Chief Justice as the case may be.
- (b) The designate of the Chief Justice may exercise any discretion under the Emergency Directions in the absence of the Chief Justice if necessary.

4. (a) If the Emergency Directions are in effect or apply to any extent, the Chief Justice or designate of the Chief Justice may in his or her discretion at any time cancel, suspend or alter the functioning or operation of the Court in any manner, including the following:
- (i) the Court's Registries and any other offices of the Court in any locations may be closed or have reduced hours of operation for any period or periods of time,
 - (ii) the sittings of the Court in any location may be canceled or suspended and any matters listed for hearing may by direction be adjourned either *sine die* or to a later specific date,
 - (iii) the Court may sit in panels of two judges where permitted under law,
 - (iv) the running of any procedural time limitations applicable to appeals or motions before the Court may be suspended for any period or periods of time,
 - (v) the filing or entry of any documents with the Court or any record control or maintenance by the Court may be suspended or be set to occur at a location other than the ordinary offices of the Court, and
 - (vi) any other business, procedures or communications with the Court may be conducted by alternative means or in alternative locations.
- (b) The examples of discretion set out in s. 4(a)(i) to 4(a)(v) are for clarity and not to restrict the generality of the discretion that may be exercised.
5. If the Emergency Directions are in effect or apply to any extent, the Chief Justice or designate of the Chief Justice may at any time arrange for an electronic hearing or a hearing at any alternative place or by alternative means that the Chief Justice or designate of the Chief Justice considers in his or her discretion to be appropriate.
6. (a) Despite any declaration or announcement of an official authority that rescinds or amends any declaration made as defined in s. 2(b), the Emergency Directions shall remain in effect unless otherwise declared by the Chief Justice or the designate of the Chief Justice.
- (b) Any application or effect of the Emergency Directions may be terminated by declaration of the Chief Justice or the designation of the Chief Justice at such time and on such terms and conditions as the Chief Justice or designate of the Chief Justice may in his or her discretion specify.

[October, 2009]

Appendix**FORM A**

Appeal Number:

In the Court of Appeal of Alberta**BETWEEN:**

HER MAJESTY THE QUEEN

Respondent

- AND -(APPELLANT'S NAME IN FULL AS IT APPEARS ON
INFORMATION OR INDICTMENT)

Appellant

Before the Honourable) On (Day of the week)day, the
 Mr./Mme. Justice _____) (date) day of (month),
 In Chambers) 20(year) at (City), Alberta

Order for Judicial Interim Release

UPON THE APPLICATION of the Appellant; AND
 UPON HAVING READ the Affidavit and Undertaking of
 the Appellant; AND UPON HEARING Counsel for the
 Appellant and Counsel for the Respondent;

*On appeal
 from
 conviction only
 use this
 paragraph*

AND IT APPEARING THAT the Appellant has
 given Notice of Appeal of his/her conviction by (name of
 Judge/Justice), in (level of court) of Alberta, at (location), on
 the (date) day of (month), 20(year), on the following
 charge(s), NAMELY:

*(Set out, in full, the wording of each charge of which
 the appellant was convicted and is appealing as it
 appears in the information or indictment)*

On appeal from sentence only use this paragraph

AND IT APPEARING THAT the Appellant has been granted Leave to Appeal against the sentence(s) of

(Set out, in full, the exact sentence(s) imposed)

imposed by (name of Judge/Justice), in the (level of court) of Alberta, at (location), on the (date) day of (month), 20(year), upon his/her conviction on the following charge(s),

NAMELY:

(Set out, in full, the wording of each charge of which the appellant was convicted and is appealing as it appears in the information or indictment)

On appeal from conviction and sentence, use this paragraph

AND IT APPEARING THAT the Appellant has given Notice of Appeal of his/her conviction by (name of Judge/Justice), in the (level of court) of Alberta, at (location), on the (date) day of (month), 20(year), on the following charge(s), NAMELY:

(Set out, in full, the wording of each charge of which the appellant was convicted and is appealing as it appears in the information or indictment)

and that the Appellant has been granted Leave to Appeal against the sentence(s) of

(Set out, in full, the exact sentence(s) imposed)

imposed following the conviction(s) aforesaid;

If the appeal records have not been ordered, use the appropriate one of the following two paragraphs

AND IT APPEARING THAT the Appellant has placed an order for the appeal records;

AND IT APPEARING THAT counsel for the Appellant has undertaken to order the appeal records forthwith;

1. IT IS ORDERED THAT the Application be allowed and the Appellant be released upon his/her:

Use the most appropriate one of the following two paragraphs

(a) Entering into an Undertaking, with the following conditions, namely:

(i) keep the peace and be of good behaviour;

(ii) report to Court in person as and when required by the Court, a Justice of the Court, the Registrar, the Deputy Registrar or the Case Management Officer;

(iii) remain within _____;

(iv) pursue the appeal with due diligence, and in particular comply with any directions as may be set out in this Order, or as made by the Court, a Justice of the Court, the Registrar, the Deputy Registrar or the Case Management Officer, respecting the appeal;

(v) _____

(include any other conditions that the Court orders. Refer to Forms 11, 11.1, 12 & 32 of the Criminal Code)

Select either "with" or "without" as appropriate.

(b) Entering into a Recognizance in the amount of \$ _____ with/without deposit of cash or other valuable security, and with/without sureties as deemed acceptable to the Court, with the following conditions, namely:

(i) keep the peace and be of good behavior;

(ii) report to Court in person as and when required by the Court, a Justice of the Court, the Registrar, the Deputy Registrar or the Case Management Officer;

(iii) remain within _____

(iv) pursue the appeal with due diligence, and in particular comply with any directions as may

be set out in this Order, or as made by the Court, a Justice of the Court, the Registrar, the Deputy Registrar or the Case Management Officer respecting the appeal;

(v) _____

(include any other conditions that the Court orders. Refer to Forms 11, 11.1, 12 & 32 of the Criminal Code)

2. Such Undertaking or Recognizance may be entered into by the Appellant before any Judge of the Provincial Court of Alberta or any Justice of the Peace in and for the Province of Alberta.
3. Any Judge of the Provincial Court of Alberta or any Justice of the Peace in and for the Province of Alberta may order that the Appellant be brought before him/her for the purpose of entering into such Undertaking or Recognizance and being released from custody, and this Order shall be sufficient authority to any person having the custody of the Appellant in the Province of Alberta to have the Appellant brought before such Judge or Justice of the Peace.
4. If the Appellant is brought before such Judge or Justice of the Peace and enters into such Undertaking or Recognizance as aforesaid, the person having custody of the Appellant shall release him/her forthwith.
5. The Appellant is to attend personally and provide picture identification, at the opening of the next sittings of this Honourable Court on (day of week)day, the (date) day of (month), 20(year), between the hours of 8:15 a.m. and 10:00 a.m., at the Court of Appeal Registry Counter, (on the main floor of the Law Courts Building/on the 26th floor of the TransCanada Pipelines Tower), in the City of (Edmonton/Calgary), in the Province of Alberta, and at the opening of every sitting thereafter until such time as this appeal can be heard, subject to such further Order as a Justice of this Honourable Court may make.
6. On the hearing date, the Appellant shall attend the courtroom assigned for his/her hearing between the hours of 9:45 a.m. and 10:00 a.m., or any other such time as directed, and shall then and there surrender himself/herself into the custody of any peace officer, pending the hearing of the

within Appeal.

7. The Appeal shall proceed in strict compliance with the Rules of Court and the Consolidated Practice Directions, and the (name of document) must be filed by (date of deadline), failing which the Crown may apply to revoke this order.

*If appropriate, insert
any other deadlines
imposed by the court*

8. Additionally, the following deadlines are hereby imposed:

(a) _____

(b) _____

(c) _____

Justice/Registrar of the Court of
Appeal of Alberta

Approved as to form

Agent of the Attorney General

Entered this ____ day of
_____, 20 ____.

Registrar

NOTE: See Part E.3(c)(i) to (v) of the Consolidated Practice Directions for further paragraphs required if the Court imposes conditions in the Undertaking or Recognizance.

Appeal Number:

IN THE COURT OF APPEAL OF ALBERTA

BETWEEN:

HER MAJESTY THE QUEEN

Respondent

-AND-

(APPELLANT'S NAME IN FULL AS IT
APPEARS ON INFORMATION OR
INDICTMENT)

Appellant

**ORDER FOR JUDICIAL INTERIM
RELEASE**

Appellant or counsel for the appellant:

Name

Law Firm (if applicable)

Address

Postal Code

Telephone Number

Fax Number

Form B

(Schedule C)

Sentence Appeal Questionnaire

Part I:

The following information must be provided on the Questionnaire as the first page of the Sentence Factum:

1. Amount of time in custody before sentence.
2. (a) Date released on bail pending appeal.
(b) Was community service performed?
3. Serving time for other offences also?
4. Date of mandatory release from last offence (if applicable). Was he/she on other pre-release programs?
5. (a) Sentences given to co-accused and their offences.
(b) Their previous records are on p.____of the_____.
6. (a) Does appellant have previous criminal record?
(b) If so, is it on p.____of the_____.
7. Employment history, including current job: found on p.____of the_____.
8. (a) Age at time of offence.
(b) Age now.
9. Any pre-sentence report, medical or psychological report? If so, found on p.____ of the _____. Drawn up for this case, or for earlier sentencing?
10. Any evidence of, or statement of effects of, the offence on the victim? If so, found on p._____ of the_____.

Part II:

Parties need not repeat the following on the questionnaire if the information has been properly included in the Notice of Appeal that was filed:

1. Court and judge convicting.
2. Was there a trial, or a guilty plea?
3. Was there a jury?
4. (a) Offences of which convicted (names and section numbers).
(b) Do any sentences include those by way of summary conviction?

5.
 - (a) Sentences imposed.
 - (b) Total sentence then imposed.
 - (c) Any probation conditions? If so, found on p. _____ of the _____.

6.
 - (a) Date of sentence.
 - (b) Date of offence.

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Statement of Claim, dated 27 January 2005/filed 31 January 2005	P1
Statement of Defence, dated/filed 6 February 2005	P3

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Judgment of Lastname, J., dated 8 June 2005/filed 30 June 2005	F5
Notice of Appeal to C.A.A., dated/filed 4 July 2005	F9
Certificate of Preparer - Form S	F19
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PART III - Transcripts

Opening, 8 June 2005, 10:00 a.m.	1
<u>Witness A Name</u> , Sworn, Examined by Plaintiff's Lawyer's Name	3
Defendant's Lawyer's Name Cross-Examines the Witness	14
Plaintiff's Lawyer's Name Re-Examines the Witness	45
<u>Witness B Name</u> , Sworn, Examined by Plaintiff's Lawyer's Name	51
Defendant's Lawyer's Name Cross-Examines the Witness	74
Plaintiff's Lawyer's Name Re-Examines the Witness	100
Defendant's Lawyer's Name Re-Cross-Examines the Witness	103
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Plaintiff's Lawyer's Name Re-Examines the Witness	104
<u>Witness B Name</u> , Examination for Discovery Read-In	107
<u>Witness C Name</u> , Sworn, Examined by Defendant's Lawyer's Name	112
Plaintiff's Lawyer's Name Cross-Examines the Witness	143
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FORM D SAMPLE – ORAL ARGUMENT IN CHAMBERS IF
 HEARING DID NOT EXCEED ½ DAY

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Submissions by Applicant's Lawyer's Name	F2
Submissions by Respondent's Lawyer's Name	F8
Reply Submissions by Applicant's Lawyer's Name	F12
Certificate of Record	F15
Court Ordered Restrictions on Publication Form, dated 1 August 2006	F16
Reasons for Judgment of Lastname, J., dated 1 August 2006/ filed 2 August 2006	F17
Judgment of Lastname, J., dated 1 August 2006/ filed 16 August 2006	F30
Notice of Appeal to C.A.A., dated/ filed 22 August 2006	F34
Certificate of Preparer - Form S	F41
Clerk's Certificate - Form N	F42
Lawyer's Certificate - Form O	F43

FORM E

SAMPLE - NO ORAL EVIDENCE

TABLE OF CONTENTS**PART 1 - Pleadings****Page**

Notice of Motion, dated/filed 7 March 2006	P1
Notice of Motion, dated/filed 2 May 2006	P4

PART II - Final Documents

Reasons of Judgment of Lastname, J., dated 20 January 2007	F1
Order of Lastname, J., dated 20 January 2007/filed 23 January 2007	F2
Order of Lastname, J., dated 20 January 2007/filed 27 January 2007	F4
Order of Lastname, J.A., dated 13 February 2007/filed 16 February 2007	F6
Notice of Appeal to C.A.A., dated 13 February 2007/filed 16 February 2007	F10
Certificate of No Oral Record – Form T	F16
Certificate of Preparer – Form S	F20
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FORM F

SAMPLE – BOARD HEARING APPEALED FROM
QUEEN’S BENCH**TABLE OF CONTENTS****PART 1 - Pleadings**

Page

Originating Notice, dated/filed 6 September 2006

P1

PART II - Final Documents

Reasons for Decision of Sub-Tribunal (if any), dated 24 January 2006	F1
Reasons for Decision of Board, dated 12 July 2006	F5
Reasons for Judgment of Lastname, J., dated 31 October 2006/filed 1 November 2006	F19
Order of Lastname, J., dated 31 October 2006/filed 13 February 2007	F37
Order of Lastname, J.A., dated 1 April 2007/filed 30 April 2007	F39
Notice of Appeal to C.A.A., dated 24 May 2007/filed 25 May 2007	F41
Opening, October 25, 2006, 10:00 a.m. session	F47
Submissions by Appellant’s Lawyer’s Name	F48
Submissions by Respondent’s Lawyer’s Name	F52
Reply Submissions by Appellant’s Lawyer’s Name	F55
Certificate of Record	F57
Certificate of Preparer - Form S	F59
Clerk’s Certificate - Form N	F60
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PART III - TranscriptsTranscript of Board Proceedings, dated 16 August 2006¹

1

¹ If the transcripts consist of oral argument only (and no evidence), then include them under Part II - Final Documents instead of Part III - Transcripts.

FORM G SAMPLE – BOARD HEARING APPEALED DIRECTLY
FROM APPEAL BOARD**TABLE OF CONTENTS****PART 1 - Pleadings**

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PART II - Final Documents

Decision of Sub-Tribunal (if any), dated 15 November 2006	F1
Decision of Board, dated 4 January 2007	F6
Memorandum of Decision of Last name, J.A. dated/ filed 19 March 2007	F8
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Certificate of Preparer - Form S	F33
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PART III - Transcripts

Transcript of Board Proceedings, dated 4 January 2007 ¹	1
--	---

¹ If the transcripts consist of oral argument only (and no evidence), then include them under Part II - Final Documents instead of Part III - Transcripts.

Form H

(Schedule B)

SAMPLE CALENDAR MONTH

S	M	T	W	T	F	S
				1	2	3
4	5 Deadline for filing the Appellant's sentence factum Pre-booking Accepted	6 Pre-booking Accepted	7 Deadline for filing letters of adjournment by consent Pre-booking Accepted	8 Fixed Hearing List is created	9 Fixed Hearing List is posted	10
11	12 Deadline for filing the Respondent's sentence factum is 12:00 noon.	13 Books will be delivered to the panel (by courier in opposite city) by 9:00 a.m.	14 Panel names posted	15	16	17
18	19 ←SENTENCE Opening Day of the Sittings	20 APPEAL First Day of Oral Argument	21 SITTINGS→	22	23	24
25	26	27	28	29	30	31

Form I

Appeal Number:
Trial Court Number:
E-File Name:

IN THE COURT OF APPEAL OF ALBERTA

Between:

Her Majesty the Queen

Appellant/Respondent

and

A.B.

Appellant/Respondent (Accused)

Appeal from the Sentence of
The Honourable Mr./Madam Justice _____
Dated the ___ day of _____, 20
Filed the ___ day of _____, 20
The Accused having pled guilty (if applicable)

Title of Book, volume number, brief description of contents and
page numbers included in volume

Name of counsel for the Appellant
address, telephone and fax number

Name of counsel for the Respondent
address, telephone and fax number

Name, address, telephone and fax numbers of the individual or organization
preparing the appeal records

The appeal records have been prepared in electronic format
 document format

Form J

(Schedule E)

Certificate of Transcript

[I/We], the undersigned, hereby certify that the foregoing pages ____ to are a true and faithful transcript of the proceedings taken down by [a digital recording device/us in shorthand] and transcribed to the best of [my/our] skill and ability.

Date: _____

Signature
Official Court Reporter/Typist
Pages _____ to _____

Signature
Official Court Reporter/Typist
Pages _____ to _____

Form K

(Schedule F)

CERTIFICATE OF PREPARER

I certify to the Registrar of the Court of Appeal of Alberta that I prepared the foregoing Appeal Records and they contain true copies of all material as:

- (a) taken from the court file,
- (b) furnished to me by counsel for the parties, or
- (c) furnished by me.

Dated: _____

Name of Person Who Prepared the Appeal Records

Form L**Appeal #**

IN THE COURT OF APPEAL OF ALBERTA

Between:

Her Majesty the Queen

Appellant/Respondent

and

A.B.

Appellant/Respondent (Accused)

Appeal from the Sentence of
The Honourable Mr./Madam Justice _____
Dated the ___ day of _____, 20
Filed the ___ day of _____, 20
The Accused having pled guilty (if applicable)

Title of Book
(eg. Sentence Factum of the Appellant or Sentence Factum of the Respondent)

For the Appellant
Appellant/Counsel's name,
Address, telephone and fax number

For the Respondent
Respondent/Counsel's name,
Address, telephone and fax number

Name, address, telephone and fax numbers of the individual or
organization filing the book

BAN ON PUBLICATION STATUS (include applicable statute section):

Form M**LAWYER'S CERTIFICATE**

I certify to the Court that:

1. I am a Barrister and Solicitor on the active roll of The Law Society of Alberta;

OR

I am a Barrister and Solicitor on the active roll of The Law Society in the Province of _____ and, pursuant to the *Legal Profession Act*, have been authorized to act in the Province of Alberta. My agent (if applicable) in Alberta is

_____ ;
(name, address and telephone number of agent)

2. I have personally checked the contents of this appeal digest and found them to be complete;
3. There are no recorded reasons for the decision appealed from, except for those stated in this appeal digest.

Name of Lawyer: _____

Address: _____

Dated _____, 20 _____.

Lawyer's Signature

Form N - (An interactive version of this form, which is updated as required, is available on the Alberta Courts' Website under Court of Appeal, Publications and Forms).

Appeal Number:

Q.B. Number:

IN THE COURT OF APPEAL OF ALBERTA

All applicable areas must be completed. Please type or print. Attach additional pages if necessary

BETWEEN:

(The style of cause remains the same as in the Trial Court and must show status for both courts - Practice Direction A.2.)

APPELLANT OR RESPONDENT (circle one)
(Plaintiff, Petitioner or Applicant) Circle status at trial

- AND -

APPELLANT OR RESPONDENT (circle one)
(Defendant or Respondent) Circle status at trial

CIVIL NOTICE OF APPEAL

1. **APPEAL FROM:** Judgment Order Decision

PORTION BEING APPEALED (R. 511):

Whole, or

Only specific part(s)

If specific part(s), indicate which part(s): _____

PROVIDE A BRIEF DESCRIPTION OF THE ISSUES: _____

OF THE TWO OPTIONS BELOW, INDICATE WHERE THE ORDER ORIGINATED:

COURT OF QUEEN'S BENCH

File number: _____

Location: _____

Justice: _____

On appeal from a Queen's Bench Master or Provincial Court Judge? Yes No

(If you are appealing an order of a Queen's Bench Master or Provincial Court Judge, a copy of that order is also required.)

BOARD, TRIBUNAL or PROFESSIONAL DISCIPLINE BODY

Specify: _____

2. **PARTICULARS OF JUDGMENT, ORDER OR DECISION APPEALED FROM:**

Date pronounced: _____

Date entered: _____

Date served: _____

Attach a copy pursuant to R.506(2). If a copy is not attached, provide reason: _____

(Upon the judgment or order becoming available, the Appellant shall forthwith file a copy with the Registrar.)

3. IF THE ORDER ORIGINATED IN THE COURT OF QUEEN'S BENCH, CHECK ONE OF THE FOLLOWING, TO INDICATE THE TYPE OF ORDER THAT IS UNDER APPEAL:

- Interim order made In chambers
Specify nature of order: _____
- Final order or refusal to grant final order before trial (eg. summary judgment, striking pleadings, etc.)
- Judgment after trial

4(a). IS THIS APPEAL ABOUT PROCEDURE OR CUSTODY OR ACCESS ONLY UNDER PART J. OF THE CONSOLIDATED PRACTICE DIRECTIONS?

Yes No

IF YES, CHECK APPLICABLE BOXES:

Error correcting only Yes No
 Involves new law Yes No

IF YES, WAS VIVA VOCE EVIDENCE GIVEN IN THE COURT APPEALED FROM?

Yes No

4(b). IS THIS A FAMILY LAW APPEAL?

Yes No

IF YES, CHECK APPLICABLE BOXES:

- Divorce
 - Error correcting only Yes No
 - Involves new law Yes No
- Maintenance Only
 - Child support Spousal support Spousal and child support
 - Error correcting only Yes No
 - Involves new law Yes No
- Maintenance arrears
 - Child support Spousal support Spousal and child support
 - Error correcting only Yes No
 - Involves new law Yes No
- Matrimonial property
 - Error correcting only Yes No
 - Involves new law Yes No
- Adoption
 - Error correcting only Yes No
 - Involves new law Yes No
- Guardianship
 - Error correcting only Yes No
 - Involves new law Yes No
- Parentage
 - Error correcting only Yes No
 - Involves new law Yes No
- Protection against family violence
 - Error correcting only Yes No
 - Involves new law Yes No
- Other, please specify:
 - Error correcting only Yes No
 - Involves new law Yes No

5. HAS THIS FILE BEEN UNDER CASE MANAGEMENT IN THE COURT OF QUEEN'S BENCH?

Yes No

If yes, case management justice: _____

Trial date: _____

6. IS THIS CASE RELATED TO ANY CASE PRESENTLY BEFORE OR ABOUT TO BE FILED IN THIS COURT? (e.g. arises from same controversy; involves same, similar or related issues, etc.)

Yes No

If yes, name of related case(s): _____

Action or appeal number(s): _____

Nature of relationship: _____

7. IS THE CONSTITUTIONAL VALIDITY OF AN ACT OR REGULATION BEING CHALLENGED AS A RESULT OF THIS APPEAL?

Yes No

8. HAS MEDIATION BEEN ATTEMPTED IN THE TRIAL COURT?

Yes No

9. ARE YOU WILLING TO PARTICIPATE IN JUDICIAL DISPUTE RESOLUTION WITH A VIEW TO SETTLEMENT OR CRYSTALLIZING OF ISSUES?

Yes No

10. WOULD CASE MANAGEMENT BE BENEFICIAL?

Yes No

11. COULD THIS MATTER BE DECIDED WITHOUT ORAL ARGUMENT?

Yes No

12. SHOULD THE APPEAL BE EXPEDITED?

Yes No

If yes, provide reason: _____

13. IS THERE A STATUTORY BAN, BAN ON PUBLICATION OR AN ORDER OF THE COURT WHICH AFFECTS THE PRIVACY STATUS OF THIS FILE?

Yes No

If yes, provide details including which party/parties the ban or order affects and the section the ban was granted under: _____

14. APPELLANT'S ESTIMATED TIME OF ARGUMENT (if less than 45 minutes):

15. LIST RESPONDENT(S) OR COUNSEL FOR THE RESPONDENT(S):

Name

Law Firm (if applicable)

Address

Postal code

Telephone number

Fax number

NOTE: The address set out in section 15 will be considered the respondent's address for service until such time as the respondent files documentation specifying otherwise.

All parties listed in section 15 must be served with a filed copy of the Notice of Appeal within the prescribed appeal period. (R. 510(1))

Date

Signature of Appellant(s) or Counsel
(Legibly print or stamp name (R. 5.1))

Notice to the Respondent:

A respondent who fails to comply with the requirements of the Alberta Rules of Court and the Court of Appeal Consolidated Practice Directions, within the prescribed time, will not be allowed to present oral argument, nor be entitled to costs, unless otherwise ordered.

Failure to appear at the appeal hearing may also lead to an order or judgment being made against the respondent in their absence.

Notice To All Parties:

Parties are required to provide an address for service if it is different than the address set out in this document.

Parties are also required to notify the Registrar of any change of address throughout the proceedings, to ensure that they can be contacted at all times.

An address for service within 30 kilometres of the office of the Registrar must be provided (R. 5(1)(b)(i)).

Appeal Number:

Q.B. Number:

IN THE COURT OF APPEAL OF ALBERTA**BETWEEN:**

APPELLANT OR RESPONDENT (circle one)
(Plaintiff, Petitioner or Applicant)
Circle status at trial

- AND -

APPELLANT OR RESPONDENT (circle one)
(Defendant or Respondent)
Circle status at trial

CIVIL NOTICE OF APPEAL**Appellant(s) or counsel for the appellant(s):**

Name

Law Firm (if applicable)

Address

Postal code

Telephone number

Fax number

FORM O

SAMPLE – PART J.

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Submissions by Plaintiff One's Lawyer's Name	4
Submissions by Plaintiff Two's Lawyer's Name	42
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Submissions by Plaintiff One's Lawyer's Name	45
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Tab 3 Reasons for Judgment of Lastname, J., dated/ filed 10 October 2004	1
Tab 4 Order of Lastname, J., dated 10 October 2004/ filed 22 October 2004	1
Tab 5 Civil Notice of Appeal to C.A.A., dated 10 November 2004/ filed 12 November 2004	1
Tab 6 Certificate of Preparer - Form S	1
Tab 7 Lawyer's Certificate - Form O	1

FORM P

Appeal Number:

In the Court of Appeal of Alberta

BETWEEN:

Applicant/Respondent
Status on Application
(Appellant/Respondent)
(Status on Appeal)

- AND -

Respondent/Applicant
Status on Application
(Respondent/Appellant)
(Status on Appeal)

Before the Honourable) On (day of the week) day, the
Mr./Mme. Justice _____) (date) day of (month),
In Chambers) 20(year) at (City), Alberta

*If the Appellant
or the
Respondent does
not have
counsel, then
delete the words
"Counsel for"*

Order for Restoration of Appeal

UPON THE APPLICATION of the Applicant; AND
UPON HAVING READ the Affidavit of (full name of the
person who swore the Affidavit) and (insert the other
documents relied on at the motion); AND UPON HEARING
Counsel for the Appellant and Counsel for the Respondent;

IT IS ORDERED THAT

*Insert the
applicable
restoration fee
pursuant to Rule
515.1(10)*

1. The within appeal is hereby restored provided that:
 - (a) the restoration fee in the amount of \$ _____ is paid; and
 - (b) this order is filed forthwith, and in any event, within 5 business days of pronouncement of this order. The restoration fee and this order must be filed at the same time.
2. If the conditions listed in Paragraph 1 of this order are not satisfied, then the within appeal shall not be restored but instead shall remain struck.
3. Once the conditions listed in Paragraph 1 of this order are satisfied, then the within appeal shall be restored, and the following filing deadlines shall apply to this appeal:

*Insert the
deadlines
imposed by the
court*

- (a) _____
- (b) _____
- (c) _____

4. If the appellant misses a deadline as set out in Paragraph 3 of this order, then the appeal shall again be struck and can only be restored by order of the court.

Justice/Registrar of the Court of
Appeal of Alberta

Approved as to form:

(Insert name and status of party approving)

Entered this ____ day of
_____, 20 ____.
at _____, Alberta

Registrar, Court of Appeal of Alberta

Appeal Number:

IN THE COURT OF APPEAL OF ALBERTA

BETWEEN:

Applicant/Respondent
Status on Application
(Appellant/Respondent)
(Status on Appeal)

-AND-

Respondent/Applicant
Status on Application
(Respondent/Appellant)
(Status on Appeal)

ORDER FOR RESTORATION OF APPEAL

Applicant or counsel for the applicant:

Name

Law Firm (if applicable)

Address

Postal Code

Telephone Number

Fax Number

