

**Court of Appeal of Alberta
Appeal Books - Check/Return Form**

This checklist return form provides an itemized summary of the most common problems when filing documents in the Court of Appeal. However, this form does not include each requirement of the Alberta Rules of Court and Practice Directions. Accordingly, you should rely on the appropriate authority when preparing a document for filing in the Court of Appeal.

1. General Format of Document:

- Refer to the General Format - Check/Return form for formal requirements of all documents.

2. Electronic copy of Part III - Evidence (Rule 530(10)):

- An electronic copy of Part III, the evidence portion of the appeal books, must be filed with the Registry in a format satisfactory to the Registrar [see Court of Appeal Consolidated Practice Direction B(4) - Adobe Acrobat format]. Electronic evidence must be submitted and approved prior to the hard copy appeal books being prepared or submitted for filing [see electronic appeal book manuals located at www.albertacourts.ab.ca/ca/eab]. If a supplemental appeal book containing evidence must be filed and that evidence is in electronic form, an electronic copy of the evidence must be submitted prior to filing the hard copy unless otherwise ordered. In this case, a letter requesting the original electronic appeal book to be retracted must be filed and the new evidence will have to be added to the original Adobe file and resubmitted for filing.

3. Parts of the appeal book (Rule 530(1)(a)):

- Part I Pleadings [as described in subrule (9)(a)],
- Part II Final Documents [as described in subrule (9)(b)],
- Part III Evidence, and
- Part IV Exhibits.

4. Volumes must be arranged in the following fashion (Rule 530(1)(b)):

- 1st Volume The Appeal Book Digest, consisting of Part I (Pleadings) & Part II (Final Documents),
- 2nd Volume Consisting of Part III (Evidence), and
- 3rd Volume Consisting of Part IV (Exhibits).

[Note: When numbering volumes, use regular numbers, refer to each volume in relation to the total number of volumes and change the font size on only the word "Volume" and the corresponding numbers to size 18 point font (e.g. Volume 1 of 7).]

5. Pages must be numbered as follows (Rule 530(1)(c)):

- Part I Commence page numbering with page P1,
- Part II Commence page numbering with page F1,
- Part III Commence page numbering with page 1,
- Part IV Commence page numbering with page E1, and
- If a supplementary volume to an appeal book is filed, the page numbering for that supplementary volume must continue sequentially from the last number of the last page of the immediately preceding volume for the Part to which the supplementary volume relates.

[Note: A supplemental appeal book can only be filed if counsel/parties file an Amended Agreement as to Contents of Appeal Book or provide a “Letter of Consent to Add Further Material”. In either case, the amended agreement or consent letter must be included in Part II (Final Documents) of the appeal book and must be properly indexed in the table of contents.]

6. Hard copies must (Rule 530(2)):

- (a) Have the original copy clearly marked as “original” at the top of the front cover of each original volume,
- (b) Be printed or reproduced on one side of good quality, white, 8.5 by 11 inch paper, and be bound along the right edge so that the printed pages are to the left (unless otherwise specified),
- (c) Have stock covers on the front and back covers, with evidence and exhibit volumes in grey and digest volumes in red,
- (d) Contain a front cover and title page in the format set out in Form R of the Alberta Rules of Court, and be bound along the left edge so that the printed pages are to the right,

[Note: The front cover must indicate whether the appeal books have been prepared in “electronic format” or “document format”],

- (e) Contain a comprehensive table of contents of the entire appeal book at the beginning of each volume (See Forms C to G in the Court of Appeal Consolidated Practice Directions), be bound along the left edge so that the printed pages are to the right, and list exhibits in two columns;
 - One indicating the page where the exhibit was entered into the record at trial or was identified in the affidavit, and
 - One indicating the page where the exhibit is now reproduced in the appeal book,

[Note: If a supplemental appeal book is filed after the initial filing of the appeal books, the supplemental appeal book’s table of contents must be entitled “Supplemental Appeal Book - Table of Contents” and must only set out the contents of the supplemental appeal book. If the parts of the supplemental appeal book do not include Part I (pleadings) or Part II (final documents), 5 extra copies of the Supplemental Appeal Book - Table of Contents must be provided to the clerk at the time of filing so that the clerk, for ease of reference, can staple a copy to the inside left cover of each of the appeal book digests which were filed initially.]

- (f) Contain legible material only or, if material does not photocopy well, provide a photocopy together with a typewritten transcript of the illegible text (see pages _____),
- (g) Be 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 sheet on 2 or more page (see pages _____), and
- (h) Contain no more than 200 pages per volume, and where any volume exceeds 200 pages, be split into separate volumes of approximately equal length.

7. Oral testimony; number of copies retained by the Registry (Rule 530(3)):

- (a) Original & one hard copy of all evidence volumes,
- (b) Original & 4 hard copies of all exhibit volumes,

- (c) Original & 4 hard copies of the Appeal Book Digest, and
- (d) One electronic copy of Part III, the evidence portion of the appeal book [which must be approved by the Registry before hard copy appeal books can be filed - see section 1. above].

[Note: The number of copies required does not include those copies required for counsel (Rule 530(6)).]

8. No oral testimony; number of copies retained by the Registry (Rule 530(4)):

- (a) Original & 4 hard copies of all exhibit volumes,
- (b) Original & 4 hard copies of the Appeal Book Digest,
- (c) Original & 4 hard copies of all volumes containing other types of evidence or agreed material, and
- (d) When the exhibits and evidence do not exceed a total of 200 pages, they may be combined into one volume which must follow the Appeal Book Digest and be labelled accordingly.

[Note: The number of copies required does not include those copies required for counsel (Rule 530(6)).]

9. Parts combined into one volume (Rule 530(5)):

Notwithstanding subrules (1) and (3), if

- (a) The evidence does not exceed a total of 15 pages, the evidence must be included in the Appeal Book Digest,
- (b) The exhibits do not exceed a total of 15 pages, the exhibits must be included in the Appeal Book Digest, or
- (c) The evidence and exhibits together do not exceed a total of 30 pages, the evidence and exhibits must be included in the Appeal Book Digest, and be labelled accordingly.

10. Evidence volumes (Rule 530(7)):

- (a) When evidence is in the form of a question and answer, the question line must be preceded by a Q and the answer line must be preceded by an A and each Q & A must be grouped together and preceded by a blank line,
- (b) Every 5th line in the margin of each page must be numbered, and
- (c) The transcript must be single-spaced, subject to subrules (12) & (13).

11. Exhibit volumes must (Rule 530(8)):

- (a) Contain the exhibits as agreed by counsel in the Agreement as to Contents of the Appeal Book or as fixed by a judge,
- (b) Include all documents in ascending chronological date order, with undated documents appearing after dated documents [If there are many exhibits of the same sort (eg. income tax returns) they are to be grouped, organized in ascending chronological date order, and inserted at the end of the exhibit volume with each item properly indexed in the table of contents under a corresponding group header (Court of Appeal Consolidated Practice Direction B3(c)). To do this a preparer's note should be inserted at the bottom of the table of contents which explains any groupings (eg. Preparer's Note: A group has been created and organized as follows: Income Tax Returns - Exhibits 3,7,8,12 & 18 are page #'d E678 to E 702).],
- (c) Subject to subrule (2)(f), reproduce documents in facsimile,
- (d) In the case of exhibits that cannot readily be reproduced and will be referred to in argument, be accompanied by a letter to the Registrar requesting that

- the original exhibit be made available at the appeal hearing, and
- (e) In the case of an exhibit read into evidence at trial, but not reproduced in the appeal book, contain a reference in the table of contents to the exhibit and page number where it was read into the record.

12. Appeal Book Digest must contain the following, excluding the document backers, when they are not needed to distinguish different suits, in chronological, ascending date order (Rule 530(9)):

- (a) Part I - all pleadings, including amendments or other documents by which the issues in the action are defined,
- (b) Part II - all final documents, which must include:
 - (i) The reasons for judgment (if oral - excerpt from transcript),
 - (ii) The formal judgment or order appealed from,
 - (iii) The Notice of Appeal,
 - (iv) The Agreement as to Contents of the Appeal Book,
 - (v) A Certificate of Preparer in Form S,
 - (vi) If the appeal books have been prepared by anyone other than Transcript Management Services of Alberta Justice (A) A Clerk's Certificate in Form N, and (B) A Lawyer's Certificate in Form O, if the appellant is represented by counsel,
 - (vii) In the case of a direct appeal from an administrative tribunal, a certificate from the tribunal's records custodian or, where the tribunal has no records custodian, an agreement as to the authenticity of the records signed by all parties, and
 - (viii) The Court Ordered Restrictions on Publication form or any other similar document, if one exists.

[**Note:** Watch for "Letters of Consent to Add Further Material" as clerk must seek a fiat from the Deputy Registrar.]

13. Request for fiat (Rule 530(12)):

- Subject to subrules (13) and (13.1)(a), an appeal book that does not conform to subrules (1) to (11) requires a fiat from a judge, the Registrar or the Deputy Registrar. A letter of consent or a notice of motion and supporting documentation is required pursuant to subrules (12)(a) or (b).

14. Double-spaced transcript (Rule 530(13)):

- A double-spaced transcript may be filed, without fiat, if it was prepared by an official court reporter or examiner before service of the Notice of Appeal, and deviates from this Rule only in spacing, and
- If subrule 13 applies and the evidence is (Rule 530(13.1)):**
 - (a) 100 pages or less, the electronic version of the appeal book is not required, or
 - (b) 101 pages or more, the electronic version of the appeal book is required, unless otherwise ordered by a judge.
- Only one set of page numbers can be shown on the transcript pages. Any old page numbering must be crossed off or removed.

15. Appeal struck (Rule 530(15)):

- Appeal books must be prepared promptly and filed and served forthwith after they are prepared, and in any event, unless otherwise ordered by a judge, be filed not later than 12 weeks from the date on which the agreement as to contents was filed

or fixed or the appeal will be struck by the Registrar.

16. Requests for appeal books (Rule 530(16)):

- Any request to prepare, or instructions to revise or countermand, appeal books must be promptly served on Transcript Management Services of Alberta Justice, or any other preparer, in writing, and a copy filed with the appropriate Deputy Registrar. This does not apply to appeal books prepared wholly by an appellant or a law office (Rule 530(17)).

Calgary Registry: (403) 297-2206

Edmonton Registry: (780) 422-2416

Form Revised: July 11th, 2006

Access this form on the Alberta Court's website at

<http://www.albertacourts.ab.ca/ca/publication/index.htm>