

**COURT OF APPEAL OF ALBERTA
BOOK OF AUTHORITIES - 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.

- A. **General Format of Document:**
Refer to the General Format - Check/Return form for formal requirements of all documents.
- B. **Copies Required:**
The Registry will keep the original and 4 copies of the book of authorities. (For E-Appeals only: the Registry will keep the original and 1 copy of the book of authorities).
- C. **Paper Size (ARC 540(5)):**
Similar to factums, authorities must be produced on white 8.5 x 11 inch paper only. Authorities can be copied onto both sides of the paper.
- D. **Cover Colors (ARC 540(7)):**
Similar to factums, cover colors must correspond with the factum colors. Appellant's authorities must be colored buff and the respondent's authorities must be colored green.
Note: The cover of a cross-appellant's authorities would be green and the cover of a cross-respondent's authorities would be buff; the party maintains their original factum color.
- E. **Volume Size:**
Similar to appeal books, books of authorities should contain no more than 200 pages per volume and where any volume exceeds 200 pages, be split into separate volumes of approximately equal length.

Consolidated Practice Directions (CPD) - Part D:

- 1. **Reproduce Authorities:**
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:
 - (i) paragraph numbers, or the page numbers from a printed source, must be provided on the printout, which numbers must be easily identified (large font, bold, etc.),
 - (ii) 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

Note: Refer to the document entitled “**ELECTRONIC AUTHORITIES - PARALLEL & NEUTRAL CITATIONS**” which explains how citations must be set out. It is available in hard copy at the Registry, or on line at <http://www.albertacourts.ab.ca/ca/publication>.

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

2. **Do Not Reproduce Minor or Well-Known Authorities:**

Counsel need not copy every authority cited. Do not reproduce minor authorities, or cases for well-known propositions, or all the authorities for a point of secondary importance.

3. **Authorities Bound Separately Unless Under 30 Pages:**

Authorities must be bound separately unless the authorities are under a total of 30 pages. If so, they can be bound with the factum.

Note: Where statutes, regulations, rules, ordinances or by-laws are attached as an appendix to the factum, you can only attach authorities to the factum if the combined total number of pages in the appendix and authorities do not exceed 30 pages. If the combined total exceeds 30 pages, the authorities (and the statutes, regulations, rules, ordinances or by-laws, if you so choose) must be filed in a separate book of authorities (C.2 CPD).

4. **Reproduce Relevant Pages/Underline Portions Referred To/Quality of Copies:**

Reproduce only the headnote and relevant pages; omit irrelevant pages. Try to add marks which show clearly the precise passages on which you rely:

(i) do not file photocopies which reproduce anything as a dark smudge,

(ii) do not underline with thick lines; they make it difficult to read the words underlined,

(iii) 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, and

(iv) 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.

5. **Do Not Duplicate Authorities:**

Make every effort to assure that the authorities reproduced by one party do not duplicate authorities reproduced by another party. (**Note:** This does not apply to E-Appeals as all parties are required to produce each authority they refer to).

- 7. **Include Index/Pages Numbered or Tabbed:**
Book of authorities must 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 on both the page and the index.

- 8. **Authorities to be Filed With Factum:**
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 (10) days after the last respondent's factum is filed.

- 9. **Materials Filed Late:**
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.

Calgary Registry: (403) 297-2206
Edmonton Registry: (780) 422-2416

Form Revised: January 24, 2006

Access this form on the Alberta Court's website at
<http://www.albertacourts.ab.ca/ca/publication/index.htm>