



The Court of Appeal of Alberta

Notice to the Profession

April 26, 2004

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

Part C., “Factums”, paragraph 4, is amended to read as follows:

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, provide a parallel reported citation, if available, in a recognized format. If a reported citation is not available, provide the parallel neutral citation, if available. If a pinpoint reference is required, provide the paragraph numbers, if available, or the page numbers from a printed source.

[April 2004]

Part D., “Book of Authorities”, paragraph 1, is amended to read as follows:

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) in either the book of authorities or the factum, advise the Court whether the case cited is reported; and if so, provide parallel reported citations for the same decision. If the case cited is not reported, provide the neutral citation, if available; and
- (c) the printout must preserve any formatting in the original judgment.

[April 2004]

Part D., “Book of Authorities”, paragraph 4, is amended to read as follows:

- 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]

Part G., “Release of Judgments”, paragraph 4, is amended to read as follows:

- 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]

Part I., paragraph 3., “Unrepresented Party”, is amended to read as follows:

3. (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.

[April 2004]

Part I., paragraph 4.(h)(ii)(2), “Contents of the Sentence Appeal Books”, is amended to read as follows:

- (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;

[April 2004]

Part I., “Sentence Appeals”, paragraphs 23 and 24 are amended as follows:

Add new paragraph 23:

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.

and renumber the existing paragraphs to:

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 the 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.

[April 2004]

I hereby rescind the following obsolete or superseded Notices to the Profession:

Notice to the Profession (Rule 840(6.1) Criminal Appeals)

Notice to the Profession dated June 12, 2001 (General Appeal List - Edmonton - Civil and Criminal Appeals, July 30th, 2001)

Notice to the Profession dated September 19, 2003 (Amend Form M)

[April 2004]

The Consolidated Practice Directions of the Court of Appeal of Alberta are amended by replacing Forms I and L with the attached Forms I and L.

These amendments are effective forthwith.

“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.

Form I

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, 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 books**

The appeal books have been prepared in

**9 electronic format
9 document format**

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 Rule number):



The Court of Appeal of Alberta

Corrigendum

July 20, 2004

In Part I., “Sentence Appeals”, of the Consolidated Practice Direction of the Court of Appeal dated April 2004, the numbering in paragraph 24(b) has been corrected as follows:

“(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 the 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.

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