



## The Court of Appeal of Alberta

### **Notice to the Profession**

May 21, 2002

Assuming a leadership role in the area of electronic appeals, the Court of Appeal of Alberta has accepted electronic appeal books since the fall of 1994. The principal reason for accepting electronic appeal books is to reduce the cost of appeals for litigants and, at the same time, increase efficiency with which appeal documents are handled. The tangible benefits associated with the adoption of electronic appeal books have been proven time and time again. Recognizing these benefits, the Court is proceeding to replace SmarText, which is no longer supported, with Adobe Acrobat.

Accordingly, effective July 1, 2002, Part B of the Court of Appeal Consolidated Practice Directions is amended to replace SmarText with Adobe Acrobat. All appeal books for appeals filed after June 30, 2002 must be filed in Adobe Acrobat.

Detailed information relating to the production of electronic appeal books in the Adobe Acrobat format can be obtained from the Alberta Courts website at [www.albertacourts.ab.ca/ca/eab](http://www.albertacourts.ab.ca/ca/eab) or by contacting any of the following individuals:

Wendy Yanish  
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This amendment is effective forthwith.

“C.A. Fraser”  
Catherine A. Fraser

Part B of the Consolidated Practice Directions of the Court of Appeal of Alberta

**B. Appeal Books**

1. If existing transcripts are permitted instead of a new formal appeal book:
  - (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, including a list of exhibits or other documents, showing the page number where each was put into evidence, and where each was reproduced. Refer to Forms C to G of the Consolidated Practice Directions of the Court of Appeal of Alberta.

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  - (d) Reproduce the agreement as to contents, and the notice of appeal. If there are pleadings or orders or other contents not in the transcript, reproduce them.
  - (e) Mark new page numbers on the transcripts in a way that clearly demonstrates which are the new page numbers.
  
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 book (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 book under Rules 530, 534 and 700.

[August 1992]
  
3. (a) Rule 530 on how to list and treat exhibits applies not only to trial exhibits but also to:
  - (i) affidavit exhibits,
  - (ii) exhibits to an agreed statement of facts,
  - (iii) a book of different documents marked as a single exhibit,
  - (iv) a return to certiorari,

- (v) documents filed for chambers (such as a certified copy of title)
- (b) Often the only evidence which an appeal book's table of contents lists (or its tabs mark) is a series of affidavits. Commonly the key evidence consists of many documents exhibited to the affidavits. One then has no way to find a given document in the book. Rule 530 was amended in 1989 to make it clear that exhibits to affidavits are to be treated as separate items. The table of contents must show the page number where each exhibit is marked (i.e. where the affidavit identifies it), and the page number where each exhibit is reproduced.
- (c) Exhibits are to be reproduced in date order. If there are many exhibits of the same sort (such as conveyances) they are to be grouped.

[November 10, 1989]

#### 4. Electronic Appeal Books

- (a) Pursuant to Rule 530(10) of the Alberta Rules of Court, the prescribed format for the filing of the electronic copy of the evidence volume of appeal books is Adobe Acrobat.

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- (b) The electronic copy shall be named in accordance with the following Adobe Acrobat naming conventions:
  - (i) A maximum of eight characters is to be used in naming each electronic appeal;
  - (ii) The first character shall coincide with the first letter of the city where the appeal is filed: 'C' for Calgary or 'E' for Edmonton;
  - (iii) The second character shall coincide with the type of appeal: 'M' for Maintenance (Support) only appeals, 'V' for all other Civil appeals, 'C' for Conviction, Decision or Acquittal appeals, 'S' for Sentence appeals and 'T' for Transfer Hearings (Young Offender files transferred to adult court);
  - (iv) The next five characters shall coincide with the first five letters of the appellant's last name. Use the entire last name if it consists of less than five characters;

- (v) The last character shall coincide with the first initial of the appellant's first name;

*Example:* If an Edmonton Civil appellant is John Smythe, the name of the file would be EVSMYTHJ

- (vi) In cases where a style of cause contains an appellant's 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;

- (vii) In cases where a style of cause contains two company names, use the first 6 letters of the least common name in the style of cause;

- (viii) If an appeal already exists between the same parties, each subsequent appeal between these parties will be numbered sequentially within the file name; this will be achieved by modifying (iv) and (v) above as follows:

1. Include only the first four characters of the appellant's last name;
2. The first initial of the appellant's first name will be the second last character of the file name; the last character shall be the sequential number.

*Example:* There are three conviction appeals in Edmonton between the Crown and John Smythe. The name of the first file would be ECSMYTHJ; the name of the second file would be ECSMYTJ2; the name of the third file would be ECSMYTJ3.

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