



The Court of Appeal of Alberta

Notice to the Profession

October 20, 2005

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

1. Paragraph C.4, in the second sentence, after (“... electronic database,”) insert “on the List of Authorities”, and

Delete the third sentence (“If a reported ... available”), and substitute:

“Provide a parallel neutral citation, if the court deciding the case has issued one. Examples: 2005 SCC 100, or 2004 NSCA 50.”

[October 2005]

2. In paragraph C.11, in both sentences, replace “should” with “must”.

[October 2005]

3. In subparagraph D.1(b), delete the first sentence and substitute:

“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.”, and

Delete the second sentence (“If the case cited ... available; and”), and substitute:

“Provide a parallel neutral citation, if the court deciding the case has issued one. Examples: 2005 SCC 100, or 2004 NSCA 50; and”

[October 2005]

4. Add the following as the second paragraph in the Notice to the Respondent in Part F.3(b)

“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.”

[October 2005]

5. In subparagraph F.4(d), delete “three” from the second sentence (“It need not be ...”).

[October 2005]

6. Reletter paragraph I.8 as (a), and insert after it the following:

“(b) The number of copies required under this subpart does not include copies for counsel, parties or service.”

[October 2005]

7. Reletter paragraph I.9 as (a), and insert after it the following:

“(b) The number of copies required under this subpart does not include copies for counsel, parties or service.”, and

Reletter the last paragraph (Counsel who fail to ...) as subpart (c).

[October 2005]

8. In subparagraph I.14(a), delete “opening day of” and substitute “first day of oral argument in”.

[October 2005]

9. In subparagraph I.19(a), delete “opening day of” and substitute “first day of oral argument in”.

[October 2005]

10. Reletter paragraph I.21 as (a), and insert after it the following:

“(b) Subject to paragraph 22(b), the Chief Justice may direct that oral argument at a sitting commence on Tuesday morning (or on Wednesday morning, if Monday is a holiday).”

[October 2005]

11. Reletter paragraph I.22 as (a), and insert after it the following:

“(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.”

[October 2005]

12. Add to the end of Part I a new subpart 25:

“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 that conditional sentence, that party should apply in the first instance to the trial court which imposed the original sentence.”

[October 2005]

13. In Part J.7(c), add the following to the end of the sentence
“, subject to paragraphs (d) to (h) inclusive.”

[October 2005]
14. Add to the end of Part J.7, paragraph 7(i)
“(i) The number of copies required under this subpart does not include copies for counsel, parties or service.”

[October 2005]
15. Part J.8, delete paragraph (a) and substitute
“(a) [Repealed October 2005]”

[October 2005]
16. Part J, delete paragraph 12(b) and substitute
“(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 books or factums in the Alberta Rules of Court and Consolidated Practice Directions will result in the Registrar striking the appeal from the general procedural appeal list.”

[October 2005]
17. Add the information from Appendix 1 as Part L, Guidelines for Judicial Dispute Resolution (JDR).

[October 2005]
18. Replace Form H with the attached Form H.
19. Replace Form L with the attached Form L.
20. Replace Form N with the attached Form N.

21. The 2006 Court Sitting Dates for the Court of Appeal of Alberta are attached.

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.

Appendix 1

- “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]

Form H

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 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 plead 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 individual or
organization filing the book**

BAN ON PUBLICATION STATUS (include applicable statute section):

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))

2006

COURT OF APPEAL OF ALBERTA

SITTINGS OF THE COURT OF APPEAL OF ALBERTA FOR THE YEAR 2006 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	Mon. Jan. 9	Mon. Jan. 9	Tues. Jan. 24	Thurs. Jan. 26	Thurs. Dec. 22/05
Calgary	Mon. Jan. 16	Mon. Jan. 16	Tues. Jan. 31	Thurs. Jan. 26	Thurs. Dec. 22/05
Edmonton	Mon. Feb. 6	Mon. Feb. 6	Wed. Feb. 22	Thurs. Feb. 23	Tues. Jan. 24
Calgary	Mon. Feb. 13	Mon. Feb. 13	Tues. Feb. 28	Thurs. Feb. 23	Tues. Jan. 24
Edmonton	Mon. Mar. 6	Mon. Mar. 6	Tues. Mar. 21	Thurs. Mar. 23	Wed. Feb. 22
Calgary	Mon. Mar. 13	Mon. Mar. 13	Tues. Mar. 28	Thurs. Mar. 23	Wed. Feb. 22
Edmonton	Mon. Apr. 3	Mon. Apr. 3	Wed. Apr. 19	Thurs. Apr. 20	Mon. Mar. 20
Calgary	Mon. Apr. 10	Mon. Apr. 10	Tues. Apr. 25	Thurs. Apr. 20	Mon. Mar. 20
Edmonton	Mon. May 1	Mon. May 1	Tues. May 16	Thurs. May 18	Wed. Apr. 19
Calgary	Mon. May 8	Mon. May 8	Wed. May 24	Thurs. May 18	Wed. Apr. 19
Edmonton	Mon. June 5	Mon. June 5	Tues. June 20	Thurs. June 22	Wed. May 24
Calgary	Mon. June 12	Mon. June 12	Tues. June 27	Thurs. June 22	Wed. May 24
Edmonton	Mon. July 17 ⁴				
Calgary	Mon. July 17 ⁴				
Edmonton	Tues. Sept. 5	Tues. Sept. 5	Tues. Sept. 19	Thurs. Sept. 21	Tues. Aug. 22
Calgary	Mon. Sept. 11	Mon. Sept. 11	Tues. Sept. 26	Thurs. Sept. 21	Tues. Aug. 22
Edmonton	Mon. Oct. 2	Mon. Oct. 2	Tues. Oct. 17	Thurs. Oct. 19	Tues. Sept. 19
Calgary	Tues. Oct. 10	Tues. Oct. 10	Tues. Oct. 24	Thurs. Oct. 19	Tues. Sept. 19
Edmonton	Mon. Oct. 30	Mon. Oct. 30	Wed. Nov. 15	Thurs. Nov. 16	Tues. Oct. 17
Calgary	Mon. Nov. 6	Mon. Nov. 6	Tues. Nov. 21	Thurs. Nov. 16	Tues. Oct. 17
Edmonton	Mon. Nov. 27	Mon. Nov. 27	Tues. Dec. 5	Thurs. Dec. 14	Wed. Nov. 15
Calgary	Mon. Dec. 4	Mon. Dec. 4	Tues. Dec. 12	Thurs. Dec. 14	Wed. Nov. 15

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.

2006

COURT OF APPEAL OF ALBERTA

SPEAKING TO THE LIST DATES FOR THE COURT OF APPEAL OF ALBERTA FOR THE YEAR 2006 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. 16
Calgary	Mon. Jan. 9	Mon. Jan. 9	Mon. Jan. 23
Edmonton	Wed. Feb. 15	Wed. Feb. 15	Mon. Feb. 13
Calgary	-	Mon. Feb. 27	Tues. Feb. 21
Edmonton	-	-	Mon. Mar. 13
Calgary	-	-	Mon. Mar. 20
Edmonton	Wed. Apr. 12	Wed. Apr. 12	Mon. Apr. 10
Calgary	-	-	Tues. Apr. 18
Edmonton	-	-	Mon. May 8
Calgary	Mon. May 1	Mon. May 1	Mon. May 15
Edmonton	Wed. June 14	Wed. June 14	Mon. June 12
Calgary	-	-	Mon. June 19
Edmonton	-	-	Mon. Sept. 11
Calgary	-	Fri. Sept. 1	Mon. Sept. 18
Edmonton	Wed. Oct. 11	Wed. Oct. 11	Tues. Oct. 10
Calgary	-	-	Mon. Oct. 16
Edmonton	-	-	Mon. Nov. 6
Calgary	Tues. Nov. 14	Tues. Nov. 14	Tues. Nov. 14
Edmonton	Wed. Dec. 13	Wed. Dec. 13	Mon. Nov. 27
Calgary	-	-	Mon. Dec. 4

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 appeals from Maintenance Only) where the appeal book has been filed, where three months has elapsed since the filing of the notice of appeal and no agreement as to contents or order fixing contents has been filed or entered, or where six months has elapsed since the filing of the notice of appeal, 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.