

**COURT OF APPEAL OF ALBERTA  
EXTRACTS OF KEY EVIDENCE - 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. Contents of the Extracts of Key Evidence (Rule 537.1(1)):**

If so desired, any appellant, respondent or intervener may each file Extracts of Key Evidence, prepared in accordance with Rule 537.2, which may include those

- (a) extracts from the transcribed oral evidence or written trial or tribunal evidence,
- (b) selected exhibits entered before the trial court or tribunal, and
- (c) other documents on the trial or tribunal record

which that party believes will be needed for the disposition of the appeal or will support the arguments in that party's factum.

**[Note:** It is the duty of counsel to an appeal to ensure so far as possible that only the material needed for the disposition of the appeal is included in the Extracts of Key Evidence and to exclude evidence, exhibits and other material unlikely to be needed. (Rule 537.1(2))]

**[Note:** All oral or written evidence or exhibits received for that case by the court or tribunal whose decision is appealed is an official part of the appeal record, notwithstanding that no copy is officially filed with the Court of Appeal. (Rule 530(2))]

**3. Joint Extracts (Rule 537.1(3)):**

Notwithstanding subrule (1), parties who are advancing the same position may, if they wish, file joint Extracts of Key Evidence.

**4. File at Time of Factum and Copies Required (Rule 537.1(4)):**

A party filing Extracts of Key Evidence must, at or before the time of filing or service of that party's factum,

- (a) file the original and 4 copies of its Extracts of Key Evidence with the Registrar, and
- (b) serve an additional copy thereof on each of the other parties.

**5. Civil Extracts of Key Evidence not Entitled to Costs if Filed Late (Rule 537.1(5)):**

When Extracts of Key Evidence are not filed within the time fixed by these Rules, the party in default is not entitled to costs for preparation of the Extracts of Key Evidence unless the court otherwise orders.

- The Registry will stamp any books filed outside these time periods with a "No Costs" stamp. The party in default may apply for costs at the time of hearing.

**6. Extracts of Key Evidence must (Rule 537.2(1)):**

- (a) contain a comprehensive table of contents of the whole of that party's Extracts of Key Evidence at the beginning of each volume,
- (b) be organized in such order as the party filing it desires, and not necessarily chronologically,
- (c) subject to clause (d), contain pages numbered consecutively commencing in the following fashion:
  - (i) with Page A1 in the Appellant's Extracts of Key Evidence;
  - (ii) with Page R1 in the Respondent's Extracts of Key Evidence;
  - (iii) with page IN1 in the Intervener's Extracts of Key Evidence,
- (d) not contain any duplicate page numbers, and where there are multiple appellants, or respondents, or interveners, they shall cooperate to avoid such duplication,
- (e) reproduce documents in facsimile, containing legible material only or, if material does not photocopy well, provide a photocopy together with a typewritten transcript of the illegible text (see pages \_\_\_\_\_), and
- (f) not contain any comment, argument, trial briefs, authorities or new evidence.
  
- In the case of exhibits that cannot be readily reproduced and will be referred to in argument, the Extracts of Key Evidence must be accompanied by a letter to the Registrar requesting that the original exhibit be made available at the appeal hearing. (Rule 537.2(2))

**7. Extracts of Key Evidence Included with Factum/Authorities (Rule 537.2(3)):**

If the Extracts of Key Evidence, any other appendices and the factum together do not exceed a total of 60 pages, the Extracts of Key Evidence may be included as an appendix to the factum, or with the book of authorities.

**8. Extracts of Key Evidence as a Separate Volume (Rule 537.2(4)):**

- If the Extracts of Key Evidence, any other appendices and the factum together do exceed a total of 60 pages, the Extracts of Key Evidence must be filed separately with a front cover and title page in Form R, naming the

party filing it, and bound with heavy stock on the front and back covers coloured as follows:

- (a) yellow for the Appellant's Extracts of Key Evidence;
  - (b) pink for the Respondent's Extracts of Key Evidence;
  - (c) dark blue for the Intervener's Extracts of Key Evidence.
- No one volume of the Extracts of Key Evidence may contain more than 200 pages, and if the total otherwise exceeds that, the Extracts of Key Evidence shall be split into separate volumes of approximately equal length. (Rule 537.2(5))

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

Form Revised: July 8, 2008

Access this form on the Alberta Court's website at [www.albertacourts.ab.ca](http://www.albertacourts.ab.ca) under Court of Appeal > Publications & Forms > Check/Return Forms > Extracts of Key Evidence