

COURT OF APPEAL OF ALBERTA
PART J. - PROCEDURAL, MAINTENANCE OR CHILDREN'S RIGHTS APPEALS -
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. Deadlines for Appeal Records:

Subject to subpart 16 (see Section 8 of this form), Rule 530.1 applies with the following alterations:

- 5(a) The appellant must order any necessary transcript within 7 days of filing of the appeal.
- 5(b) The appellant must file and serve the Appeal Record within one month of filing of appeal, or one business day after the Appeal Record is ready, whichever comes first.
- 5(c) If the transcript will not be ready within one month of filing the appeal, the appellant may mention that fact in the table of contents, and file and serve the transcript later as a Supplemental Appeal Record volume as soon as it is ready.

2. Appeal Record Contents:

Subject to subpart 16 (see Section 8 of this form), Rules 530, 530.2, 530.3, 530.4, 530.5, 530.6 and Part B. of the Consolidated Practice Directions (CPD) apply except:

- 6(a) If the appellant desires, and the total contents do not exceed 200 pages, the Appeal Record may
 - (ii) use lettered or numbered cardboard tabs instead of numbering all the pages in the Appeal Record consecutively, so long as each tab's contents are clearly and consecutively paged in one continuous run;
 - (iii) be all in one volume and, if so, have a red cover; and
 - (iv) reproduce transcripts in single-spaced or double-spaced format.
- Notes:** If the total contents exceed 200 pages, the appeal record must be produced in accordance with Rules 530 and 530.1 - 530.5, inclusive (refer to the Regular Appeal Records Check/Return form for requirements).
- 6(c) An Appeal Record must also contain all of the following:
 - (i) table of contents in Form O;
 - (iv) notices of motion or notices of appeal from any Master, referee, or tribunal from whom the judge now appealed from was hearing an appeal;
 - (v) respondents' notices given for this motion under R. 384(3); and
 - (xi) a comprehensive front cover and title page clearly setting out the information in Form R and bearing the letters "Part J", bound along the left edge of the paper so that the printed pages are to the right.

- 6(f) The Appeal Record need not duplicate an item already in a leave to appeal book described in Part J. 3(e) (CPD), if the Appeal Record's Table of Contents mentions and cross references that item specifically, and if the appellant files any additional copies of it which the Registrar may require.

3. Contents of Factums:

Subject to subpart 16 (see Section 8 of this form),

- 7(a) Part C (CPD), paragraphs 2 to 8 inclusive, and paragraphs 11 and 12, apply.
 - Note:** Refer to the Regular Factum Check/Return form for these requirements.
- 7(c) The usual Rules on factums apply, subject to paragraphs (d) to (i) inclusive (see below).
 - Note:** Refer to the Regular Factum Check/Return form for further requirements.

4. Factum Deadlines, Copies Required and Consequences:

Subject to subpart 16 (see Section 8 of this form),

- 7(d) A factum shall not exceed a total of 12 pages, excluding appendices.
- 7(e) The original and 4 copies of the appellant's factum, authorities and extracts of key evidence shall be filed and served by the earlier of:
 - (i) two weeks after the Appeal Record is filed; or
 - (ii) six weeks after the appeal is filed.
- 7(f) The original and 4 copies of the respondent's factum, authorities and extracts of key evidence, or letter of intention not to file a factum, shall be filed and served by 12:00 noon, within 30 days after service on the respondent of the appellant's factum, or at least 14 days before the opening day of the sittings, whichever is earlier.
- 7(g) Where a factum, or letter of intention not to file a factum, is not filed by the respondent within the time periods set out in para. 7(f), the party in default will not be allowed to present oral argument, nor be entitled to costs, unless otherwise ordered.
- 7(h) If a respondent fails to file a factum, the appeal may proceed in the absence of that factum.
- 7(i) The number of copies required under this subpart does not include copies for counsel, parties or service.

5. Contents of Book of Authorities:

Subject to subpart 16 (see Section 8 of this form), the usual Rules and Practices apply with the following exceptions:

- 8(c) Passages need not be highlighted.
 - Note:** Refer to the Regular Book of Authorities Check/Return form for further requirements.

6. Extracts of Key Evidence:

Rules 537.1, 537.2 and 537.3 apply in their entirety. Refer to the Regular Extracts of Key Evidence Check/Return form for further requirements.

7. Consequences of Missed Deadlines:

- 12(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 records, factums or extracts of key evidence in the Alberta Rules of Court and Consolidated Practice Directions will result in the Registrar striking the appeal from the general Part J appeal list.
- 12(e) Where an appeal has been restored to the list, unless otherwise ordered by a judge, the Appeal Record and the appellant's factum and extracts of key evidence must be filed within 21 days from the date that the application was granted, or the appeal will be again struck from the general Part J appeal list.
- 12(f) Any appeal which has been struck from the general Part J appeal list and has not been restored within three months from the day that the case was struck from the list, will be deemed to have been abandoned.
- Note:** Pursuant to Rule 515.1(10), restoration fees will apply to any appeal that is restored.

8. Application of Other Parts of Consolidated Practice Directions and Rules:

All Rules of Court and Court of Appeal Practice Directions apply to Part J appeals, except:

- 16(a) Parts A.7, B.3, B.4, B.5, all of D.4 after first two sentences, D.8, E, G.6, and I, of the Consolidated Practice Directions.
- 16(b) Rr. 515.1(1)-(7), 515.1(9), 517, 530.1(1), 530.2(2), 530.5(4), 530.5(5), 538(1)-(2), and Form N (Clerk's Certificate).
- 16(c) Any parts of other Rules or Practice Directions which parts are inconsistent with this Part J.

Calgary Registry: (403) 297-2206

Edmonton Registry: (780) 422-2416

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Access this form on the Alberta Court's website at www.albertacourts.ab.ca under Court of Appeal > Publications & Forms > Check/Return Forms > Part J. Procedural, Maintenance or Children's Rights Appeals