

**COURT OF APPEAL OF ALBERTA
APPEAL RECORD- 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. Electronic Transcript:

- If the appeal record has been prepared in electronic format, the electronic transcript must be uploaded to the Court of Appeal E-filing website and approved before filing the paper copies (See number 7 below).

2. General Format of Document:

- Refer to the General Format - Check/Return form for formal requirements of all documents.

3. Parts of the appeal record (Rule 530(1)(a)):

- Part I Pleadings [as described in subrule 530.3(a)],
- Part II Final Documents [as described in subrule 530.3(b)], and
- Part III Transcripts or Oral Evidence [as required by rule 530.1(1)(a)(i)].
- Extracts of Key Evidence (Rule 530(1)(b)) if the parties so elect, prepared in accordance with Rule 537.2 and filed in accordance with Rule 537.1. (Rule 530(1)(b)) Refer to Extracts of Key Evidence - Check/Return form for further information.

4. Volumes must be arranged and indexed in the following order (Rule 530(1)(c)):

- 1st Volume The Appeal Digest, consisting of Part I (Pleadings) & Part II (Final Documents), and
- 2nd Volume Part III (Transcripts of Oral Evidence), if any.
- The Extracts of Key Evidence are to be separately indexed in accordance with Rule 537.2(1). Refer to Extracts of Key Evidence - Check/Return form for further information.
- When numbering volumes, use regular numbers, refer to each volume in relation to the total number of volumes and change the font size on only the word "Volume" and the corresponding numbers to size 18 point font (e.g. Volume 1 of 7).
- Note:** The Appeal Digest and the Transcripts of Oral Evidence may have a separate volume numbering system.

5. Pages must be numbered consecutively as follows (Rule 530(1)(d)):

- Part I Commence page numbering with page P1,
- Part II Commence page numbering with page F1,
- Part III Commence page numbering with page 1, and
- If a supplement to the appeal record is filed, the page numbering for that supplement must continue sequentially from the last number of the last page of the immediately preceding record to which that supplement relates.
- The Extracts of Key Evidence are to be numbered in accordance with Rule 537.2(1). Refer to Extracts of Key Evidence - Check/Return form for further information.

6. Requests for transcripts/appeal records (Rule 530.1):

Within 10 days after a notice of appeal is filed the appellant must, unless otherwise

ordered by a judge,

- (1)(a) order from Transcript Management Services of the Department of Justice, or any other commercial preparer, a complete verbatim transcript of:
 - (i) all oral evidence,
 - (ii) all oral argument in a chambers hearing, if that hearing did not exceed ½ day, and
 - (iii) any oral reasons for the decision
- (1)(b) order or commence preparation of the Appeal Digest in accordance with Rule 530.3.
- (2) Subject to subrule (1)(a)(ii), the appellant need not transcribe oral argument at a civil trial or hearing.
- (3) The appellant must file a copy of the order placed under subrule (1) with the Registrar within 5 days of placing the order.
- (4) Any request or countermand for preparation or revision of transcripts or Appeal Digests must be promptly sent to the office preparing them, and a copy filed with the appropriate Deputy Registrar.
- (5) Subrule (4) does not apply to Appeal Digests prepared wholly by an appellant or a law office.
- (6) If no oral record as provided for in subrule (1)(a) exists, the appellant must file with the Registrar either
 - (a) a certificate of no oral record in Form T by the appellant's solicitor, or
 - (b) if the appellant is unrepresented, a certificate in Form U by the clerk of the court or the tribunal from which the order, judgment or decision is being appealed.

7. Transcripts of Oral Evidence Volumes (Rule 530.2(1)):

- Subject to Rule 530.6, the transcripts of oral evidence on the appeal record must conform to the requirements of Schedule E. Number 8 of the Alberta Rules of Court.
- Note:** In the case of a conviction, acquittal or decision appeal, Part III - Transcripts of Oral Evidence would consist of Arraignment/Plea, evidence, counsel's argument/address to the jury and the Certificate of Transcript.

8. Electronic copy of Part III - Transcripts (Rule 530.2(2)):

- An electronic copy of Part III must be filed with the Registry in a format satisfactory to the Registrar [see Court of Appeal Consolidated Practice Direction B(4) - Universal Transcript Format]. Electronic evidence must be submitted and approved prior to the paper copy appeal records being prepared or submitted for filing [see electronic appeal book manuals located at <https://www.albertacourts.ca/ca/efiling/>]. If a supplemental appeal record containing evidence must be filed and that evidence is in electronic form, an electronic copy of the evidence must be submitted prior to filing the paper copy unless otherwise ordered. In this case, a letter requesting the original electronic appeal record to be retracted must be filed and the new evidence will have to be added to the original Adobe file and resubmitted for filing.

9. Appeal Digest must contain the following documents, excluding the document backers when they are not needed to distinguish different suits, in chronological, ascending date order (Rule 530.3):

- (a) Part I - the Pleadings (as identified by the appellant when ordering or preparing the Appeal Digest), which are any documents by which proceedings are commenced or by which the issues in the actions are defined, including at least:
 - (i) the last amended version of any relevant pleading that was amended before trial,
 - (ii) any amendments made at trial, and

- pages on good quality, white, 8.5 by 11 inch paper. (Rule 530.4(3))
 - (c) Be bound with heavy stock on the front and back covers, with Appeal Digest covers in red and Transcript covers in grey,
 - (e) Contain legible material only or, if material does not photocopy well, provide a photocopy together with a typewritten transcript of the illegible text,
 - (f) Be printed or reproduced in type whose capital letters are at least 2.9 mm. high, whether or not the original is in smaller type, if need be reproducing one original sheet on 2 or more page, and
 - (g) Contain no more than 200 pages per volume, and where any volume exceeds 200 pages, be split into separate volumes of approximately equal length.
- 11. **Paper copies of Parts I and II must (Rule 530.4(1.1)):**
 - (a) Contain a front cover and title page in the format set out in Form R of Schedule A of the Alberta Rules of Court, and be bound along the left edge so that the printed pages are to the right,
 - The front cover must indicate whether the appeal record has been prepared in “electronic format” or “document format”,
 - Note:** The front cover, title page and table of contents of Part III, the Transcripts of Oral Evidence, will be in the format that was used in the court or tribunal appealed from.
 - (b) Contain a comprehensive table of contents of all of Part I, II and III at the beginning of each volume (See Forms C to G in the Court of Appeal Consolidated Practice Directions) and be bound along the left edge so that the printed pages are to the right,
 - If a supplement to the appeal record is filed after the initial filing of the appeal record, the supplement appeal record’s table of contents must be entitled “Supplemental Appeal Record - Table of Contents” and must only set out the contents of the supplemental appeal record. If the parts of the supplemental appeal record do not include Part I (Pleadings) or Part II (Final Documents), 5 extra copies of the Supplemental Appeal Record - Table of Contents must be provided to the clerk at the time of filing so that the clerk, for ease of reference, can staple a copy to the inside left cover of each of the appeal digests which were filed initially.
- 12. **Oral testimony; number of copies retained by the Registry (Rule 530.5(1)):**
 - (a) Original & one paper copy of Part III, the transcripts of oral testimony,
 - (b) Original & 4 paper copies of Parts I and II, the Appeal Digest, and
 - (c) One electronic copy of Part III, the transcripts of oral testimony [which must be approved by the Registry before paper copy appeal records can be filed - see section 7. above].
 - The number of copies required does not include those copies required to be served on each other party to the appeal. (Rule 530.5(3)).
- 13. **No oral testimony; number of copies retained by the Registry (Rule 530.5(2)):**
 - Original & 4 paper copies of Parts I and II, the Appeal Digest
 - The number of copies required does not include those copies required to be served on each other party to the appeal. (Rule 530.5(3)).
- 14. **Appeal struck (Rule 530.5(4)):**
 - Transcripts and Appeal Digests must be prepared promptly and filed and served forthwith after they are prepared, and in any event, unless otherwise ordered by a judge, be filed not later than 15 weeks from the date on which the notice of appeal was filed or the appeal will be struck by the Registrar. Note: Pursuant to Rule 515.1(9.1), fees to restore will apply.

15. Request for fiat (Rule 530.6(1)):

- Subject to subrule (2), an appeal record that does not materially conform to these Rules requires a fiat from a judge, the Registrar, the Deputy Registrar, or a case management officer. A letter of consent or a notice of motion and supporting documentation is required pursuant to subrules (1)(a) or (b).

16. Double-spaced transcript (Rule 530.6(2)):

- A double-spaced transcript may be filed, without fiat, if it was prepared by an official court reporter or examiner before service of the Notice of Appeal, and deviates from the requirements of Schedule E, Number 8 of the Alberta Rules of Court only in spacing.
- Only one set of page numbers can be shown on the transcript pages. Any old page numbering must be crossed off or removed.

Calgary Registry: (403) 297-2206

Edmonton Registry: (780) 422-2416

Access this form on the Alberta Court's website at www.albertacourts.ab.ca under Court of Appeal > Publications & Forms > Check/Return Forms > Appeal Record

Form Revised: October 2, 2009