

**COURT OF APPEAL OF ALBERTA
MEMORANDUM - 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.

- A. **General Format of Document:**
Refer to the General Format - Check/Return Form for formal requirements of all documents.

- B. **Copies Required (Part F.1(b) & (c), F.2(b) & (c) CPD):**
The Registry will keep the original and:
 - (i) 2 copies, if the motion is scheduled before one Justice in Chambers, or
 - (ii) 4 copies, if the motion is scheduled before the Motions Court (panel of 3 justices), pursuant to Part F. of the Amended Court of Appeal Consolidated Practice Directions (CPD).

- C. **Memorandum in Support of or in Reply to (Parts F.1(a) & (b), F.2(a), (b)(i) & (ii), (c)(i) & (ii) & F.4(c) CPD):**
Within the time limits set out in Part F. CPD (see appropriate Notice of Motion Check/Return form):
 - (i) A memorandum **in support** of a notice of motion must be filed together with the notice of motion, and
 - (ii) a memorandum **in reply** to a notice of motion, or a letter indicating that you will not be filing a memorandum, must be filed, and must include, before the signature of counsel/party, an estimate of time required for oral argument if under 15 minutes for a regular motion or 30 minutes for an application for leave to appeal.

- D. **Relying on Materials Already Filed (Part F.3(c) CPD):**
Where a party will be relying on material which has been previously filed, the materials must be contained in or attached to the notice of motion, affidavit, memorandum, or a separate covering letter. The party must provide sufficient copies of those documents to the Registry for distribution purposes, and must serve the other parties with same, all within the time periods set out in Part F. (CPD).

- E. **Length of Memorandum (Part F.4(a) CPD):**
The memorandum must:
 - (i) on a regular motion, be no longer than three (3) double-spaced pages, or

- (ii) on a leave to appeal application, be no longer than ten (10) double-spaced pages, and should ordinarily be shorter.
- F. Format of Memorandum (Part F.4(b) CPD):**

A party may pick their own format, but should put in the memorandum whatever they consider useful to make the motion intelligible. Those contents would vary from case to case. The Court suggests that the party should ordinarily include the following in this order:

 - (i) relief sought,
 - (ii) a succinct statement of the facts relevant to that relief, including dates of any relevant steps in the proceedings, details of previous applications to the court, whether the appeal itself has been set down for hearing, and if so when,
 - (iii) the precise statute sections and subsections, subrule numbers, or principles under which the application is made, and
 - (iv) the grounds upon which the relief sought should be granted.
- G. Time Extensions or Delay (Part F.4(d) CPD):**

If time extensions or delays might be relevant, or if the facts are bulky or complex, then counsel should include a chronology of the facts, which need not be counted in the page limit.
- H. Well-known Authorities (Part F.4(d) CPD):**

Well-known authorities need not be listed or reproduced, but others important to the motion must be.
- I. Materials Filed Late (Part F.7 (a)(b) & (c) CPD):**
 - (i) When materials are not filed within the time fixed by Part F. (CPD), the party in default shall not be entitled to costs of the application, unless otherwise ordered.
 - (ii) When a respondent fails to file materials within the time fixed by Part F. (CPD), the respondent will not be allowed to present oral argument on the application, unless otherwise ordered.
 - (iii) The late-filed materials will be marked accordingly by the clerk (red stamped).

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

Form Revised: September 25, 2008

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