

SAMPLE FACTUM¹

Appeal Number:

In the Court of Appeal of Alberta

BETWEEN:

Insert the appropriate style of cause in this area, as provided for on the Notice of Appeal, or as otherwise amended or ordered.

Pursuant to part A.2 of the Court of Appeal Consolidated Practice Directions, the style of cause remains the same as in the Trial Court and must show the status for both courts.

Appeal from [Order/Judgment/Conviction/Decision/Acquittal] of
The Honourable [Mr./Madam] Justice [Insert last name]

Dated the [insert full date of order]

Filed the [insert full date order was filed]

FACTUM OF THE [APPELLANT/RESPONDENT]

For the Appellant
Appellant/Counsel's name
Name of Firm
Address
Telephone Number
Fax Number

For the Respondent
Respondent/Counsel's name
Name of Firm
Address
Telephone Number
Fax Number

Name, address, telephone and fax numbers of the individual or organization filing the factum

BAN ON PUBLICATION STATUS (include applicable statute section):

¹ For further format details refer to the Alberta Courts' Website > Court of Appeal > Publications & Forms > Check/Return Forms > Factum - Check/Return Form.

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PART I - Statement of Facts

[Rule 540(1) describes PART I - Statement of Facts as follows:

In the appellant's factum this part shall be a concise statement of the facts. In the respondent's factum this part shall be a concise statement of his position with respect to the appellant's statement of facts, including a concise statement of any other facts that he considers relevant.

Each party may at the start of the Statement of Facts state concisely what he considers to be the legal issue or issues raised by the appeal as for example:

The issue on this appeal is whether land may be obtained by adverse possession when, unknown to both parties, a fence is not on the surveyed boundary.

The issue on this appeal is whether the Registrar of Land Titles may file a Registrar's caveat claiming error in title.]

PART II - Grounds of Appeal

[Rule 540(1) describes PART II - Grounds of Appeal as follows:

In the appellant's factum this part shall be a concise statement setting out clearly and particularly the grounds of his appeal. On the argument of the appeal the appellant shall, unless the court otherwise orders or directs, be confined to these grounds.

In the respondent's factum this part shall be a statement of his position in regard to the grounds of appeal and of any other points he may properly put in issue.]

PART III - Points of Law

[Rule 540(1) describes PART III - Points of Law as follows:

In each factum shall be a brief of the argument setting out concisely the points of law or fact intended to be discussed with particular reference to pages and lines of the appeal record, and the authorities intended to be cited in support of each point.]

Standard of Review

[Part C.11 of the Court of Appeal Consolidated Practice Directions states:

An appellant's factum must state the relevant standard of review on each issue raised in the appeal in a separate section of Part III. A respondent's factum must state whether the respondent agrees with the standard suggested by the appellant for each issue in question.]

(For more information, see *Standards of Review Employed by Appellate Courts*, 2d ed, (Edmonton: Juriliber, 2006) written by the Honourable Roger P. Kerans and Kim W. Willey.)

PART IV - Nature of Relief Desired

[Rule 540(1) describes PART IV - Nature of Relief Desired as follows:

Each factum shall contain a concise statement of the nature of the relief or order the party desires the court to make or grant, including any special direction requested with respect to costs.]

All of which is respectfully submitted this [date] day of [month], [year].

Estimate of Time for Appellant's [or Respondent's] Argument: 45 Minutes [enter less, if applicable.]

(Signature of Counsel for the Appellant/Respondent)

(Full name of person signing (R. 5.1 ARC))

Attach appendices (if any)

[Pursuant to Rule 540(4) and Part C.3 of the Court of Appeal Consolidated Practice Directions, attach any statutes, regulations, rules, ordinances, by-laws, impugned rulings, critical exhibits, etc., being relied upon.]

List of Authorities

Tab

- 1 Insert case name (show in italics) for first case referred to, neutral citation (if available), followed by parallel reported citation.

- 2 Insert case name (show in italics) for second case referred to, neutral citation (if available), followed by parallel citation.

[Pursuant to Rule 540(2) - continue to list the authorities in the order they are likely to be referred.]