

Overview of the Appeal Record & Transcripts

Civil Rules 14.15 – 14.22 Criminal Rules 16.12 – 16.15

General

1. The Appeal Record consists of Part 1 (Pleadings), Part 2 (Final Documents) and Part 3 (Transcripts). Part 1 and Part 2 are commonly filed in a “red book”, while Part 3 is often filed electronically with one hard copy in a “grey book”.
2. The court requires 5 copies of the red book and 5 copies of the grey book unless the transcripts are filed electronically in which case the court only requires 1 copy of the grey book. This does not include any copies required for the filing party or for service.
3. Sample tables of contents for various types of appeal records are posted on the Court’s website under Court of Appeal > Registry > Filing Information > Appeal Record Requirements.
4. See also the Mandatory Requirements & Check/Return Form for an Appeal Record for a list of the minimum requirements that Registry staff will watch for when documents are filed. This form is located on the Court’s website under Court of Appeal > Registry > Filing Information > Mandatory Requirements & Check/Return Forms.

Deadlines

5. The Appeal Record (including transcripts) must be ordered, or preparation commenced, by the appellant within 10 days after filing a Notice of Appeal. Transcripts can be ordered from Transcript Management Services (TMS). If the appellant prefers not to compile the Appeal Record itself, the entire Appeal Record may also be ordered from TMS. TMS’s contact information is as follows:

Transcript Management Services
Calgary Courts Centre
Suite 1901-N, 601-5th Street SW
Calgary, AB T2P 5P7

Phone: 403-297-7392
Fax: 403-297-7034
Email: tms.calgary@gov.ab.ca

Hours: 8:15 am - 4:30 pm (Monday to Friday, closed statutory holidays)

6. A copy of the order form must be filed and served on the respondent(s) within 5 days of placing the order.
7. The deadline for filing an Appeal Record in a **Standard appeal** is 4 months from the date that the Notice of Appeal was filed.

8. The deadline for filing an Appeal Record in a **Fast Track appeal** is one month from the date that the Notice of Appeal was filed.
9. The deadline for filing an Appeal Record in a **Conviction appeal** (includes acquittal and decision appeals) is 4 months from the date that the Notice of Appeal was filed.
10. The deadline for filing an Appeal Record in a **Sentence appeal** is:
 - where the appeal is as to sentence only and the net sentence is:
 - 6 months or less, 2 months after the date on which the Notice of Appeal was filed,
 - more than 6 months, 3 months after the date on which the Notice of Appeal was filed, and
 - where the appeal is as to conviction and sentence, 2 months after the date on which the conviction appeal was dismissed or abandoned.
11. If the deadline for filing the Appeal Record in a Standard or Fast Track appeal is missed, the appeal will be struck.
12. If the deadline for filing the Appeal Record in a Conviction or Sentence appeal is missed:
 - the appeal will be struck if the appellant is represented by counsel or is self-represented and not in custody, or
 - the Registrar may refer the appeal to a single appeal judge for directions if the appellant is self-represented and in custody.

Ordering Transcripts

13. The following transcripts must be ordered for a **civil** appeal:
 - all oral evidence (what the witnesses said)
 - all oral argument (what the lawyers said) from a **chambers application**, if that application did not exceed one-half day (if it exceeded one-half day, transcripts of oral argument are optional)
 - only such part of the oral argument (what the lawyers said) from a **trial** as is necessary to decide the appeal
 - any oral reasons for the decision under appeal (what the judge said) and for any other ruling that will be an issue in the appeal.
14. The following transcripts must be ordered for a **conviction** appeal (includes acquittal and decision appeals):
 - all oral evidence (what the witnesses said)
 - only that part of the oral argument (what the lawyers said) that is necessary to determine the appeal
 - any oral reasons for the decision under appeal (what the judge said)
 - in the case of an appeal from a judgment in a jury trial, the address to the jury of each party, the judge's charge to the jury and the answers given to any questions from the jury.

15. The following transcripts must be ordered for a **sentence** appeal:

- the plea and particulars
- all oral evidence (what the witnesses said)
- speaking to sentence:
 - in the case of a guilty plea, from the time of the plea,
 - and in all other cases, from the time of conviction
- any oral reasons for the decision under appeal (what the judge said).

16. Transcripts must be electronic (i.e. PDF format) unless:

- the appeal is a fast track appeal
- they are not available (often the case in board or tribunal appeals).

Content

17. The Appeal Record consists of Part 1 (Pleadings), Part 2 (Final Documents) and Part 3 (Transcripts). Part 1 and Part 2 are commonly referred to as the “red book”, while Part 3 is commonly referred to as the “grey book”.

18. A Table of Contents is required at the beginning of every volume, listing separately each document and showing the page number where the document can be found. The Table of Contents in the “red book” must include a copy of the table of contents from the “grey book”.

19. For **civil** appeals:

- Rule 14.18(1)(b) contains a precise list of what is included in Part 1, Pleadings.
- Rule 14.18(1)(c) contains a precise list of what is included in Part 2, Final Documents.
- Rule 14.18(1)(d) addresses Part 3, Transcripts.

20. For **conviction** appeals (includes acquittal and decision appeals):

- Rule 16.13(b) contains a precise list of what is included in Part 1, Pleadings.
- Rule 16.13(c) contains a precise list of what is included in Part 2, Final Documents.
- Rule 16.13(d) addresses Part 3, Transcripts.

21. For **sentence** appeals:

- Rule 16.14(b) contains a precise list of what is included in Part 1, Pleadings.
- Rule 16.14(c) contains a precise list of what is included in Part 2, Final Documents.
- Rule 16.14(d) addresses Part 3, Transcripts.

22. If any document that should have gone in to the Appeal Record is not available at the time of preparation (e.g., the order under appeal), a note to that effect must be inserted in the Appeal Record. A preparer’s note in the Table of Contents would suffice. The missing materials can then be included in the Extracts of Key Evidence or as an appendix to the Factum.

23. The following documents do not belong in an Appeal Record: affidavits, exhibits, agreed statements of fact, expert reports, correspondence, transcripts of questioning, etc. All of these documents properly belong in the Extracts of Key Evidence.

Format

24. The Appeal Record has a prescribed cover page (Form AP-5 for **civil** appeals and Form CRA-K for **criminal** appeals). These forms are available on the Court's website under Court of Appeal > Registry > Filing Information > Filing, Fee and Forms. The forms for civil matters and criminal matters are grouped separately on the website. Ensure that you use the correct one.

25. Parts 1 and 2 must have red cardstock covers, front and back. If together both parts do not exceed 200 pages, they can be placed in the same volume. The hard copy of Part 3 must have grey cardstock covers, front and back.

26. Parts 1 and 2 must be printed single-sided and bound so that the writing is on the left hand side of the page and the right hand side of the page is blank. The pages in Part 1 must be numbered P1, P2, P3 and so on. The pages in Part 2 must be numbered F1, F2, F3 and so on. If the appeal is a fast track appeal, the items in Part 1 and Part 2 can be separated by tabs and consecutively numbered within each tab instead.

27. The electronic copy of Part 3 must be uploaded to the Court's website (located under Court of Appeal > Electronic Filing) and approved before the hard copy is filed. Allow at least 3 business days for this step. If TMS has prepared the Appeal Record, they will complete this step. If TMS has prepared only the Transcripts, it is the appellant's responsibility to complete this step.

28. The hard copy of Part 3 must be printed double-sided and paginated. If the transcripts are more than 200 double-sided pages, they must be separated into multiple volumes of approximately equal length.