



Overview of Extracts of Key Evidence

Civil Rules 14.27 – 14.29
Criminal Rule 16.19

Electronic Filing

On March 1, 2021, e-filing became mandatory. All documents must be formatted in accordance with the [Practice Direction on Electronic Filing](#) and filed via the Court of Appeal Management System ([CAMS](#)). Unless an exemption from e-filing is granted, paper documents at the counter and documents via email will not be accepted.

For more information about CAMS, including how to register for an account and how to format and file documents, view the [CAMS Manual](#) and [FAQs](#). To visit the CAMS e-filing website, click [here](#).

General

A sample Table of Contents for the Extracts is available on the Court's [website](#) under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms.

See also the Mandatory Requirements & Check/Return Form for Extracts of Key Evidence for a list of the minimum requirements that Registry staff will watch for when documents are filed. This form is located on the CAMS e-filing [website](#) under Manual/Tip Sheets > Mandatory Requirements & Check Return Forms.

Deadlines

The deadline for filing the Extracts of Key Evidence is either before or at the same time that a party files its Factum.

Content

Extracts:

- should contain extracts of the transcripts, exhibits or other material on the record needed to resolve the issues in the appeal
- must exclude any evidence, exhibits and other materials unlikely to be needed
- must not contain any comment, argument, trial briefs, legal authorities or new evidence
- can contain any document that should have been included in the Appeal Record but was not

All evidence or exhibits received by the lower court (or tribunal) are considered part of the Appeal Record even if they are not included in any document filed with the Court of Appeal.



The purpose of the rules governing Extracts is to deter parties from including every document and every piece of evidence in the Extracts and to ensure parties that if a relevant document is missed, they will not be penalized and will be able to refer to it.

If an exhibit cannot be readily reproduced and will be referred to in argument, the Extracts of Key Evidence must be accompanied by a letter requesting that the original exhibit be made available at the hearing of the appeal.

Requests/applications for permission to include written briefs or argument filed in the court below within Extracts should be made to the relevant Case Management Officer in advance.

Format

Extracts of Key Evidence have 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, Fees and Forms. The forms for civil matters and criminal matters are grouped separately on the website. Ensure that you use the correct one.

Extracts of Key Evidence must be formatted in accordance with the [Practice Direction on Electronic Filing](#). This includes such things as coloured covers, bookmarks, pagination, hyperlinking and so on. For complete information, see the Formatting section of the [CAMS Manual](#) and the section entitled Electronic Filing Formatting Requirements Overview.

Extracts of Key Evidence must have coloured covers as follows:

- Appellant (including appellants who are cross respondents): yellow
- Respondent (including respondents who are cross appellants): pink
- Intervenors: blue

Key passages in the Extracts of Key Evidence may be highlighted.

A sample formatted Extracts of Key Evidence is available on the on the CAMS e-filing [website](#) under Manual/Tip Sheets > Sample Formatted Documents.

NOTE

If an exemption from the requirement to file documents electronically is granted, the content, format, filing and other requirements of the [Alberta Rules of Court](#) apply except that only one paper copy is required to be filed, and it must be an unbound copy containing no staples or binding other than easily removable clips or rubber bands.