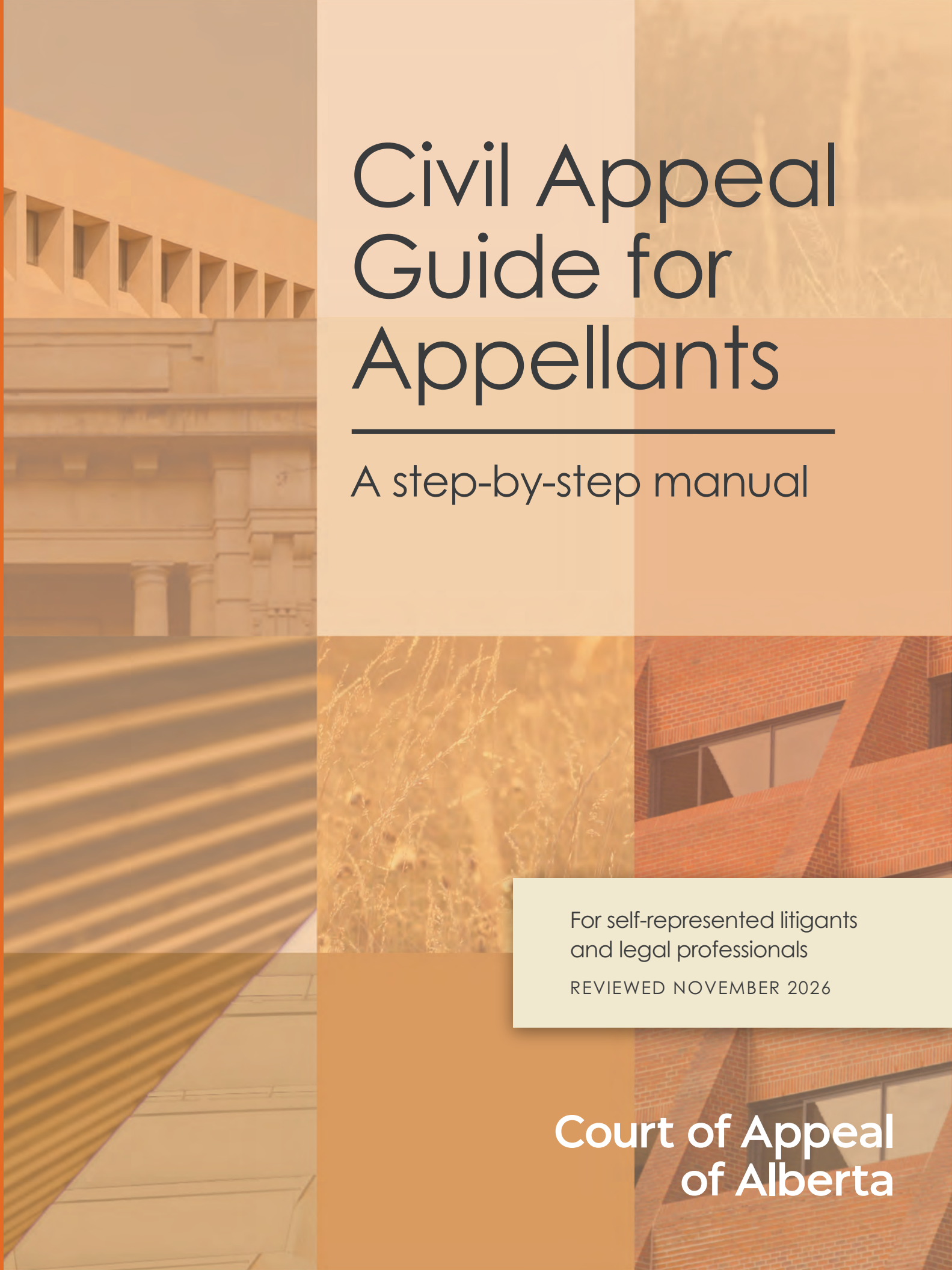


Civil Appeal Guide for Appellants

A step-by-step manual

For self-represented litigants and legal professionals

REVIEWED NOVEMBER 2026

Court of Appeal of Alberta

COMPILED BY COURT OF APPEAL STAFF

Contact information

The Court of Appeal is the highest court in Alberta with offices in Edmonton and Calgary. These offices are called the Registry. Hours of operation are Monday to Friday from 8:15 a.m. to 4 p.m. The Registry is closed weekends, statutory holidays and between Christmas and New Year's Day.

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Appeals of matters that originate north of Red Deer are filed in Edmonton.

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Appeals of matters that originate in or south of Red Deer are filed in Calgary.

The information contained in this guide is an overview of the relevant legislation, the Alberta Rules of Court and Consolidated Practice Directions. It is not intended to be a substitute for the *Rules of Court* or the Consolidated Practice Directions. Nothing contained, expressed or implied in this guide is intended as, or should be understood as, legal advice. Court staff cannot provide legal advice or conduct or respond to an appeal on your behalf. To comment on this guide, email communications@albertacourts.ca.

How to use this guide

This is a guide to assist parties who are appealing a civil decision from a lower court, board or tribunal at the Court of Appeal of Alberta. It offers step-by-step information to advance an appeal from filing to judgment.

There are three guides on civil appeals.
In addition to this guide, there is a **Civil Respondent Guide** and a **Civil Applications Guide**. If you are responding to an appeal, use the *Civil Respondent Guide*. All parties should refer to the *Civil Applications Guide* if they require information on preparing applications related to an appeal.
Civil appeals are governed by Part 14 of the *Alberta Rules of Court*. If there is an inconsistency between this guide and the *Rules of Court*, the *Rules of Court* apply.

If you are considering an appeal, begin at Part 1 to decide whether an appeal at the Court of Appeal is an appropriate next step for you.

Part 2 outlines how litigants start appeals, while Part 3 offers guidance in preparing and submitting the documents needed for the appeal hearing.

Consult Part 4 for information on finding and providing the authorities you will need to support/prove your legal arguments and consult Part 5 if you need to make an application to the Court that is related to your appeal or see the *Civil Applications Guide*.

Part 6 introduces the Court's alternative dispute resolution processes, while Part 7 outlines how to schedule an appeal or permission to appeal hearing.

Part 8 includes information on preparing for a hearing and what to expect at a hearing. Part 9 outlines what happens after a hearing.

To navigate this guide, we recommend using the table of contents and an internal search function[1] to find specific topics and terms you need.

[1] For example, on a Windows computer use crtl + F.

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Part 1

Part 1 | Before starting an appeal

Before starting an appeal at the Court of Appeal of Alberta, it is important to understand the limits of an appeal and the appeal process.

Consider the following preliminary questions:

Understanding Appeals

- What is an appeal? How is it different from a trial?
- Are there alternatives to appealing? Varying an order, settling?
- Do I have a right to appeal to the Court of Appeal?
- Do I need permission to appeal?

Time Considerations

- Am I within the time allowed to appeal?
- How long will an appeal take?

Legal Assistance

- Do I need a lawyer?
- Can I get legal assistance?

Financial and Time Considerations

- What are the costs?

Using an Interpreter

- Do I need an interpreter? See **Part 1.5**.

1.1 Understanding appeals

A. What is an appeal?

An **appeal** is a request made to a higher court to correct errors in a decision made by a lower court or tribunal.

The person who brings the appeal is called the **appellant**. The other party is the **respondent**. There may be multiple appellants and/or respondents on a single appeal. There can be other parties, such as **intervenors**.

Important! An appeal is a limited review of what happened in the court or tribunal below. An appeal is **not** a re-trial or a rehearing of your case.

- Generally, only evidence (oral or written) and exhibits that were provided in the lower court are considered by the Court of Appeal; Anything else is regarded as new evidence. In most cases, new evidence is not allowed. See the limited exception in **Part 7** of the *Civil Applications Guide*.
- Witnesses are not called and there is no jury on an appeal.
- To succeed in an appeal, an appellant needs to show:
    - The decision-maker in the lower court or tribunal made a factual or legal error at the trial or in the decision,
    - This error affected the outcome of the case, and
    - The error must be corrected.

I. GROUNDS OF APPEAL

Three main types of errors, also called the grounds of appeal, can be raised at the Court of Appeal:

- **An error of law:** concerns the legal test that should be applied in a given situation.
- **An error of fact:** concerns the relevant events between the parties that affected the decision.
- **An error of mixed fact and law:** concerns the application of a legal standard or principle to the specific facts of a case.

II. STANDARD OF REVIEW

It is not enough simply to show there was an error in the lower court or tribunal's decision.

- You also must show the error meets a minimum threshold standard or level referred to as the **standard of review**. The standard of review varies depending on the type of error alleged.
- For example, for an error of fact, the standard of "palpable and overriding" error is high. This is explained at **Part 3.2.B.**

B. Alternatives to appealing

Consider whether an alternate path forward may be available to you and whether it may be more appropriate than an appeal. Options may include applying to vary the order at the lower court or settling your case.

I. APPLY TO VARY AN ORDER

In limited situations, where there is new information or circumstances have changed, the lower court may consider varying its decision. A party may be able to apply to the lower court to vary a decision instead of appealing it.

II. WAIT FOR AN ORDER TO EXPIRE

If an order has an expiry date, consider how much time remains and whether the order may expire before the appeal is heard and decided.

III. SETTLE THE CASE WITH THE OTHER PARTY

The parties can consider settling the case if appropriate. Settling is reaching an agreement with the other party, rather than a court deciding for you. Parties can work with a private mediator at any time.

IV. AVOID APPEALS FROM INTERIM DECISIONS

While appeals from interim decisions sometimes occur, they are discouraged. Consider allowing your matter to proceed to trial and reviewing the findings after a final decision is issued. See rule 14.71. Interim decisions are not final.

C. Do I have a right to appeal to the Court of Appeal?

A right to appeal a decision to a higher court or tribunal comes from the *Rules of Court* and other legislation. If legislation provides a right to appeal, it may specify the forum, any limits to the right to appeal, and any time limits.

- Check whether relevant legislation sets out a right for you to appeal and ensure you bring your appeal to the correct court. Registry staff cannot advise you.
- For example, appeals from the following decisions go to the Court of King's Bench (KB), rather than the Court of Appeal:
    - Alberta Court of Justice decisions made in a civil matter (i.e., Small Claims Court)

- Alberta Court of Justice decisions made under the *Family Law Act*.
- Alberta Court of Justice decisions under the *Child, Youth and Family Enhancement Act*.
- Decisions of an Applications Judge of the Court of King's Bench. (A Court of King's Bench Applications Judge is different from a Court of King's Bench judge.)

- Mostly, the Court of Appeal hears civil appeals from decisions of judges of the Court of King's Bench, administrative boards and tribunals and professional regulatory bodies.
- For appeals from decisions made by a lower court, the relevant legislation is typically the *Alberta Rules of Court* or an Act, for example, the *Family Law Act*.
- For appeals from a board or tribunal, legislation will set out whether a party may appeal and the required steps. In some cases, a party can only appeal to a higher board or tribunal, not to a court.

D. Do I need permission to appeal?

Some legislation provides you with an automatic **right to appeal** to the Court of Appeal. (See examples in the box below.) If so, file a notice of appeal. See **Part 2.6.A**.

- Other times, legislation requires an appellant to first get **permission to appeal,** also called PTA or 'leave to appeal', from a Court of Appeal judge. If permission to appeal is required but denied, you cannot appeal to the Court of Appeal.
- Identifying whether you require permission to appeal is important because it affects:
  - Time limits (Section 1.2 below), and
  - Steps and forms required to start the appeal process.
- To determine if you have an automatic right of appeal or need permission to appeal, consider speaking with a lawyer or review the *Alberta Rules of Court* and any other legislation that applies to your case.

Examples: When automatic right to appeal or permission to appeal applies

Generally, there is a right to appeal to the Court of Appeal from the Court of King's Bench in rule 14.4 for:

- A decision of a Court of King's Bench judge. (This does not include a decision of a Court of King's Bench Applications Judge.)
- However, there are exceptions.
    - Review rule 14.4(1) of the *Rules of Court* or any legislation that applies. See Appendix 3 for more examples.
- Permission to appeal is required in some cases, for example, to appeal:
    - A decision made by a single Court of Appeal judge.
    - A decision as to a costs award only.
    - Any decision made under an Act which requires permission to appeal.
    - Any decision that involves an amount that can be estimated in money and is below $25,000 not including costs.
    - Any appeal by a person who has been declared a vexatious litigant in the court appealed from.

See rule 14.5 for more.

1.2 Time considerations

A. Am I within the time limit to appeal?

Once you determine if you have an automatic right to appeal or need permission to appeal, review the sections below to calculate the time limit to appeal.

I. AUTOMATIC RIGHT TO APPEAL: FILING A NOTICE OF APPEAL

(a) Under the *Alberta Rules of Court*

This section generally applies to Court of King's Bench decisions, but there are exceptions. See rule 14.5(1).

- If you have an automatic right to appeal under the *Alberta Rules of Court* and do not need permission to appeal, the time limit to file and serve a notice of appeal (rule 14.8) is generally **one month** from the "date of decision". Read rule 14.8(1) for the definition.
    - The "date of the decision" is summarized as **the later of**:

    - the date the decision is made, or
    - if reasons for the decision are given later, the date the reasons are issued.
- Note: It is not the date an order or judgment is filed and served.
- **Important!** Read rule 14.8(1) carefully. Filing late is one of the most common errors made by litigants at the Court of Appeal.

(b) Under a separate Act

If your automatic right to appeal falls under a different Act, that Act will likely specify the time limit. Refer to the Act.

II. PERMISSION TO APPEAL: FILING AN APPLICATION

When permission to appeal is required, it is a two-stage process. First, file an application for permission to appeal. If permission is granted, then file a notice of appeal. See **Parts 1.1.D** and **2.6.B** for details.

(a) Under the *Alberta Rules of Court*

If the *Alberta Rules of Court* require you to apply for permission to appeal, the time limit to file an application for permission to appeal (rules 14.8 and 14.44(1)) is **one month** from the "date of decision". Read rule 14.8(1) for the definition.

- The "date of the decision" is summarized as **the later of**:
    - the date the decision is made, or
    - if reasons for the decision are given later, the date the reasons are issued.
- Note: It is **not** the date an order or judgment is filed and served.
- **Important!** Read rule 14.8(1) carefully. Filing late is one of the most common errors made by litigants at the Court of Appeal.

(b) Under a separate Act

If a separate Act requires you to apply for permission to appeal, that Act will specify your time limit. Refer to the Act.

Note: If permission is granted, the appellant then has **10 days**, unless otherwise stated in an Act, to file a notice of appeal (rule 14.8(2)(a)(ii)). An appellant must file **one** notice of appeal only.

Notes for calculating time limits:

- Registry staff cannot calculate time periods for the parties.
- Documents must be both filed *and* served within the time limit stated.
- If your deadline falls on a weekend or statutory holiday, or a day when the Registry is closed, you may file the notice of appeal on the next business day.
- If you are outside the time limit, you will need to apply to a Court of Appeal judge to extend the time limit. See the *Civil Applications Guide*.

B. How long will an appeal take?

Many factors affect the time an appeal takes to move from start to finish.

The *Alberta Rules of Court* sets out deadlines for the required steps within an appeal. However, parties can file documents early or apply to extend those deadlines. Other factors, such as the availability of hearing dates or parties, can also affect the length of an appeal.

It takes about eight months for a standard appeal to be ready to be **scheduled** for a hearing—if the parties file their documents within the deadlines and without extensions.

Note: The amount of time it takes for a decision to be issued generally depends on the complexity of the matter. In practice, for most appeals, a decision is issued within three to four months of a hearing.

1.3 Legal assistance

A. Do I need a lawyer?

You are not required to have a lawyer to appeal. You can represent yourself throughout the appeal and during the appeal hearing.

- Note: Self-represented litigants are required to know and apply the rules under which litigation is conducted. See **Ouellette v Law Society of Alberta**, 2021 ABCA 99 at para 99.
- Appeals, particularly family law appeals, can be emotional. It is often difficult to separate the legal issues from the emotions. This may impair a party's ability to adequately present the legal issues. Consider this challenge before deciding to represent yourself.

- Appeals are different from trials. They typically require significant legal research to show any legal errors made by the lower court or tribunal. The standard of review (outlined in **Part 3.2.B.V**) can be challenging to identify and meet.
- Because the law and appeal process are complex, getting help is recommended. See Appendix 5 for resources to find legal information and lawyers.

B. Can I get subsidized legal assistance?

Free (pro bono) or subsidized legal assistance may be available. Some resources in Appendix 5 offer free or subsidized legal assistance.

Some lawyers provide "unbundled" services, which can reduce the cost of legal assistance. This means a lawyer assists with part of an appeal, such as providing initial legal advice or drafting a factum, rather than representing and assisting you for the whole appeal.

1.4 Financial and time considerations

Appeals are costly and time consuming whether a party has a lawyer or not.

- Parties are responsible for all costs associated with an appeal including legal fees.
- Before deciding to appeal, it is helpful to discuss your case with a lawyer. This step is recommended even if you plan to self-represent. The main costs a self-represented appellant faces on appeal are the respondent's legal costs (if any) if the respondent succeeds, and personal time and costs invested.
- Some costs to consider include:
    - Filing fees
        - Filing a notice of appeal or an application for permission to appeal costs $600 and must be paid in full before the appeal can be filed. Refer to the fee guide at albertacourts.ca or Appendix 6.
        - If you need to file an application to a single appeal judge or panel during the appeal (see **Part 5**), the cost is $100.
        - Either party may apply and qualify for a fee waiver. This allows the Court of Appeal to waive certain document filing fees. To receive a fee waiver, you need to meet eligibility requirements and submit an application form, the Court and Justice Services' fee waiver and statement of finances, to the relevant Court of Appeal Registry. A waiver covers filing fees only—not transcripts and other required fees.

- Transcripts
  - If you are appealing from a lower court or tribunal, you order and pay for transcripts from the lower court or tribunal. Transcripts can cost hundreds or thousands of dollars.
- Legal costs awards
  - If your appeal is dismissed or abandoned, the Court can order you to pay the legal fees of the other party, even if you are self-represented or face financial difficulties. This can be thousands of dollars.
- Time
  - Preparing for an appeal, including learning the rules and drafting all required documents such as factums, is time consuming. Consider the time you have available to research the law and meet your deadlines.

1.5 Using an interpreter

If required, litigants may arrange for an interpreter at a hearing. In civil appeals, the litigant is typically responsible for arranging and paying for the interpreter.

- There are several resources available to help you find an interpreter. Both the **Alberta Court Interpreters Association** and the **Association of Translators and Interpreters of Alberta** publish directories.
- If you plan to bring an interpreter to your oral hearing, advise the Court by uploading a letter to the Registrar in the Court of Appeal Management System (CAMS). See **Part 2**.
- If you have trouble finding an interpreter, contact the Registry.


Part 2

Part 2 | Starting an appeal

An appeal begins when the appellant files materials with the Court of Appeal to appeal a decision from a lower court or tribunal. This part outlines the process to start an appeal—by filing a commencement document—at the Court of Appeal of Alberta.

It covers how to use the Court of Appeal Management System (CAMS) and how to set up a CAMS account (**Part 2.2**), how to submit documents that comply with the *Alberta Rules of Court* (**Part 2.3**), how Court staff can help (**Part 2.4**) and how to file an appeal or application for permission to appeal (**Part 2.6**).

Once a notice of appeal is filed, you will gather and file the documents for your hearing, which is explained in **Part 3**. Review the deadlines for each step. Missing a deadline will affect your appeal.

2.1 Preliminary items

A. Stopping (or staying) the enforcement of a decision

Appealing a decision made by a lower court or tribunal does not automatically stop that decision from having effect.

If a party wants to apply to stop the order from having effect, they must make a request to a judge by filing an application for a **stay** and paying a fee. A party can make an application for a stay to the lower court judge or to a Court of Appeal judge. See the *Civil Applications Guide* for information on preparing an application to a Court of Appeal judge.

B. The importance of deadlines

Required: All litigants, including self-represented litigants, are required to follow the *Alberta Rules of Court*. Identify any deadlines you must meet by reviewing the *Alberta Rules of Court*. Deadlines are discussed in **Parts 2** and **3** of this guide. File and serve required documents well in advance of a deadline.

Do not wait until the final day of your deadline to upload documents. A document is not filed until it is reviewed and stamped "Filed" by the Registry.

Note: Documents uploaded after business hours **(after 4 p.m.)** are processed the next business day. If filed, they will be **stamped with the date they are reviewed**, not the date uploaded. Documents uploaded **after 4 p.m.** on the day of the deadline have missed the deadline.

I. CONSEQUENCES OF MISSING A DEADLINE

The impact of missing a deadline depends on which party missed the deadline and when.

II. WHEN THE APPELLANT IS LATE STARTING AN APPEAL

If you are outside the time limit to file a notice of appeal or application for permission to appeal, you will need to apply for an extension to a Court of Appeal judge. See the *Civil Applications Guide*.

III. WHEN THE APPELLANT MISSES A DEADLINE AFTER THE APPEAL STARTS

If you miss a deadline after you start an appeal, your appeal will be struck. When an appeal is struck, it is stopped, and the case is closed.

- If your appeal has been struck and you want it to continue, you can apply to restore it.
    - First, ask the other parties if they consent to your request to restore. Then:
        - If the other parties consent, apply to the Case Management Officer (CMO) and ask to restore the appeal. Write a letter. Explain why the deadline was missed, propose a deadline for filing outstanding materials and note the other parties' consent. Copy all parties and upload the letter in CAMS. See **Part 2.4.C.II** for information on how to contact the CMO.
        - If the other parties do not consent, apply to a Court of Appeal judge to have the appeal restored. See the *Civil Applications Guide*.
- Restoring an appeal is costly. A fee of $200 to $1000 applies. (See *Rules*, Schedule B). You need to pay the fee even if the other parties consent to continuing the appeal, and you have a fee waiver. See Appendix 6 for fee information.
- If an appeal is struck and not restored, the appeal is deemed abandoned:
    - For fast-track appeals: within **three months**
    - For standard appeals: within **six months**
- You may apply to restore an appeal that has been deemed abandoned, but a stricter test will apply. Contact the CMO for information.

IV. WHEN THE RESPONDENT MISSES A DEADLINE

(a) On the appeal

If the respondent misses a filing deadline and uploads materials late, the Registry will stamp those materials "Filed Late". Cost consequences may apply (rule 14.90).

If the respondent does not file a factum before the appeal hearing, they will not be allowed to present oral argument at the hearing unless the panel of judges decides otherwise (rule 14.23(3)).

(b) On a cross appeal

If a respondent files a cross appeal, additional deadlines will apply. See Appendix 9. The parties may contact the CMO for information.

2.2 CAMS accounts

A. Introduction to CAMS

The court record at the Alberta Court of Appeal is electronic. Litigants and lawyers start appeals, upload materials, access their case information and communicate with the Court electronically through the Court of Appeal Management System (CAMS). It is a secure document management and electronic filing system. When an appeal begins, an electronic file is created in CAMS prior to the official appeal number being assigned. The file contains all the appeal information.

Parties can access CAMS 24/7 outside maintenance times.

I. USING CAMS IS MANDATORY

All parties are required to upload their documents in CAMS. See the **Court of Appeal of Alberta Practice Direction on Electronic Filing** for more information. An exception may apply if a party has an e-filing exemption. See **Part 2.2.A** below.

II. FIRST DOCUMENTS

While the preferred way to submit a first document that starts an appeal—a notice of appeal or application for permission to appeal—is in CAMS, the Registry will accept a paper or emailed copy of this document.

The appellant can submit these documents at the Registry counter or email the documents to the appropriate Registry's email address.

Note: The fee must be paid first or evidence of a valid fee waiver provided before the Registry will accept the documents.

All documents filed subsequently must be uploaded in CAMS unless you have an e-filing exemption.

III. DEVICES TO USE WITH CAMS

Use a computer to access CAMS. If you do not have access to a computer that allows you to create and upload documents, you are welcome to use a public computer located outside the Registry offices in Edmonton and Calgary.

Note: CAMS is not suitable for mobile devices.

IV. BUSINESS HOURS

You can upload documents and access your file through CAMS 24/7 apart from maintenance times. Technical assistance with CAMS is available during business hours only, from **8:15 a.m. to 4 p.m.**

Note: Documents uploaded after business hours **(after 4 p.m.)** are processed the next business day. If filed, they will be **stamped with the date they are reviewed**, not the date uploaded. Documents uploaded after 4 p.m. on the day of the deadline have missed the deadline.

Access the Manual and Tip Sheets in CAMS at any time, including 'how to' videos, a comprehensive **manual** and an FAQ section.

V. WHEN NOT TO USE CAMS

CAMS is **not** used to:

- Pay fees
- Upload transcripts. Transcripts are only filed here: **https://www.albertacourts.ca/ca/transcriptfiling**
- Upload documents intended for the Court of Justice or Court of King's Bench

VI. CAMS FILING EXEMPTION

The CMO may grant exemptions from electronic filing in rare situations. To apply for an exemption, submit a **Request for Exemption from Electronic Filing** form to the Registry. If an

exemption is granted, it will detail how you need to submit documents outside CAMS. You will still need a CAMS account to view documents and correspondence.

B. Set up a CAMS account

All parties require a CAMS account, even parties with an e-filing exemption. This is how the Court will send information and Court communications to you—through letters uploaded to CAMS.

- Only the person who electronically uploads the commencement document (notice of appeal or application for permission to appeal) gets automatic access to the appeal in their CAMS account.
- If you are represented by a lawyer, your lawyer will get access to CAMS on your behalf.
- If you are a self-represented appellant or lawyer without a CAMS account, go to **https://cams.albertacourts.ca/public-portal/** to set one up.
- Self-represented respondents and lawyers for respondents do not receive automatic access to the appeal in CAMS, but it is simple to obtain. See **Part 2.2.B** in the *Civil Respondent Guide*.

Watch the **video tutorial** under the Manual/Tip sheets tab on the CAMS home page:

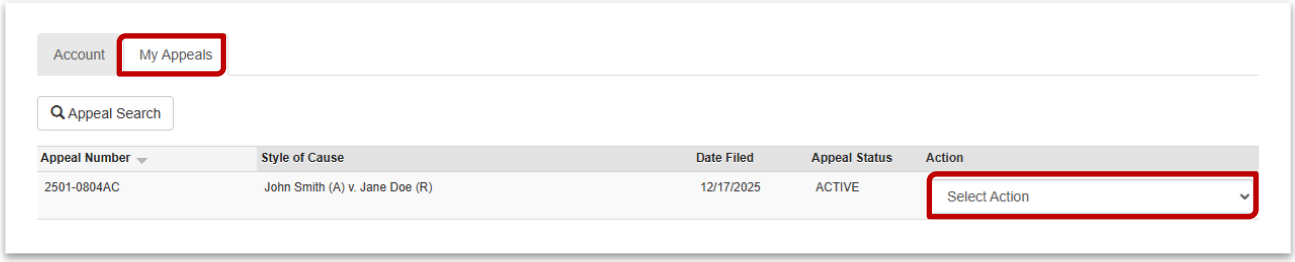
- Click "To Register for an Account."
- Select the correct type of account, either law firm or self-represented litigant.
- Submit your request to register. You will receive messages by email, for example, that your request is pending approval. Respond to all emails.
- Once your account is approved, you will receive another email. It includes a one-time link to finish setting up your account. We **highly recommend** you clear your browsing data (cache) before clicking the link to finish setting up your account.

C. CAMS basics

Emails about your CAMS account or your appeal come from **CAMSInquiries@albertacourts.ca.** Ensure your spam filters do not block this email address. (Search how to "whitelist" an email address online.)

- You will **only receive** email notices about documents uploaded in CAMS if:
  - You are the person who submitted a document for filing, or
  - The Court has created or modified a document addressed to you.

- Letters and other documents from the Court will not be sent to you by mail, fax or email. Log in to your CAMS account to retrieve and review these documents. They may contain important information such as deadlines, directions or hearing dates.
- Ensure the document name of any PDF document you upload is between 25-35 characters. Do not include symbols, spaces or periods (except for the period before the document extension, for example, .pdf). Once a document is uploaded and filed, the Registry may change the document name.
- Each time you correctly upload a document in CAMS, you will receive an email acknowledging that the document has been uploaded. If you do not receive this email, the document did not upload correctly.
- After the Registry reviews a document, you will receive another email advising whether the document was filed, filed on conditions, filed noncompliant or rejected.
- Uploaded documents will appear on the court record in CAMS when the Registry files them.
- **You must serve documents yourself. Filing in CAMS does not amount to service on other parties.** See Appendix 8 about service for details.
- To upload documents in CAMS, use the Action column that appears in the My Appeals tab (see below.) When you are in the My Appeals tab, you should see the Action column on the far right of your screen.



- If you do not see the Action column, adjust the zoom on your browser so the full web page is showing, and the action menu is visible. To zoom out, press CTRL and the "-" (minus) sign. You should now see the Action column on the far right of your screen.

2.3 Submit documents that comply with *Rules*

After a party submits a document, the Registry stamps the document with the filing date if it complies with requirements. A document is "Filed" when the Registry stamps it.

- The following resources can assist in drafting documents:

- The Manual/Tip Sheet section in CAMS:
  - Mandatory requirements and check/return forms for each document type
  - Electronic filing and formatting requirements
  - Document formatting guidelines
  - Document preparation tips
- Information Sheets on the Court's website.

- If a document does not comply with requirements, the Registry may reject it. If an appellant misses a deadline, the appeal will be struck. An appeal will not be struck if a respondent misses a deadline. Other consequences apply. See **2.1.B** above.
- If a document is not stamped "Filed" and is returned to you or the document is filed on conditions, you will receive an email notification. Review the relevant check/return form in CAMS. It will highlight any issue(s).
  - If the document was not filed by the Registry, correct the issue(s) and upload the document again so it can be stamped "Filed."
  - If the Registry filed a document on conditions, you will be given 24 to 48 hours to correct and resubmit it. Email the corrected document to the relevant Registry at Calgary.Registry@albertacourts.ca or Edmonton.Registry@albertacourts.ca so the Registry can replace the document.

2.4 How Court staff can help

Court of Appeal staff, including Registry clerks, case management officer and CAMS staff, can assist you with information to progress an appeal.

While staff can give information about the appeal process, they cannot give legal advice.

A. What is legal advice versus legal information?

I. LEGAL INFORMATION

Legal information explains the law and legal procedure in general terms. The information is not applied to the facts in your individual case. Someone who provides legal information can tell you about the available options, but they cannot tell you what you should do or give you an opinion about your situation.

II. LEGAL ADVICE

Providing legal advice involves applying the law—legal principles, legislation and case law—to an individual's situation. If you hire a lawyer, they can provide you with legal advice. They can give you an opinion about your case and make recommendations about what you should do.

Court staff can only provide legal information.
They cannot provide legal advice.

A range of resources are available to assist litigants with an appeal. See Appendices 1 and 5 in this guide, the *Alberta Rules of Court* and the Court of Appeal website.

B. Registry clerks

Registry clerks work at the Court's Registry offices in Calgary and Edmonton.

They are responsible for maintaining the court record, clerking appeal hearings and assisting members of the public, counsel and litigants.

I. HOW REGISTRY CLERKS CAN HELP

Registry clerks can:

- Answer questions about procedure or the *Alberta Rules of Court*.
- Send details and login information for virtual hearings.
- Review and file materials that are submitted for an appeal file in compliance with the *Alberta Rules of Court* and the *Court of Appeal Practice Direction on Electronic Filing*.
- Send directions received from a judge or CMO to the parties via a letter uploaded in CAMS.

Registry clerks do not act for either party and cannot give legal advice. They can provide legal information only.

II. CORRESPONDING WITH THE REGISTRY

Lawyers and self-represented litigants can contact the Registry by submitting a letter in CAMS, by email or phone, and in person at the Registry counter.

If you are represented by a lawyer, you must communicate with the Registry through your lawyer.

Calgary	Edmonton
Email: Calgary.Registry@albertacourts.ca	**Email:** Edmonton.Registry@albertacourts.ca
Phone: 403-297-2206	**Phone:** 780-422-2416
Address: 2600, 450 – 1st Street SW Calgary AB T2P 5H1	**Address:** 1A Sir Winston Churchill Square Edmonton AB T5J 0R2

C. Case management officers

The case management officer (CMO) is a senior staff lawyer who manages the progress of all matters before the Court. The CMO reviews all appeals from the start to identify and resolve issues related to an appeal's progress.

- The CMO can also decide a wide range of applications and issue administrative directions.
- The CMO does not act for either party and cannot provide legal advice to the parties. See **Part 2.4.A** above.
- For information on how to request an administrative direction from the CMO, see subsection II below.
- **Please note, while you can send an email to the CMO, do not send the CMO documents attached to an email. The CMO cannot upload documents into CAMS for parties.** All documents must be uploaded electronically using CAMS unless you have an electronic filing exemption. See **Part 2.2.A** above.

I. HOW THE CMO CAN HELP

CMOs can answer questions related to procedure or the *Alberta Rules of Court* and issue various administrative directions. Review the CMO Information Sheet.

- You can apply to the CMO to[2]:
  - Categorize an appeal as fast-track or standard.

[2] This list is not exhaustive.

- Make a direction about whether permission to appeal or an extension of time to appeal is required.
- Set, approve or modify timetables for filings.
- Grant a fiat to permit the filing of deficient documents, to amend documents and to vary the contents or format of documents to be filed.
- Restore an appeal by consent.
- Set, adjourn or reschedule an appeal.
- Settle the terms of orders or judgments or approve an order or judgment (when it is to be filed without all signatures or after the deadline in the *Rules*.)
- Enforce, stay, shorten or extend any timeline or deadline in the *Rules* (except for the deadline to file an appeal or application for permission to appeal if permission is required.)
- Amend a filed document or file additional materials after the deadline.
- Provide an administrative direction on other procedural matters.

II. CORRESPONDING WITH THE CMO

This section outlines how lawyers and self-represented litigants can communicate with the CMO. This is done primarily by making an application in a letter uploaded to CAMS. See **Part 2.2** for information on CAMS.

If you are represented by a lawyer, you must communicate with the CMO through your lawyer.

(a) Making requests for administrative directions/decisions

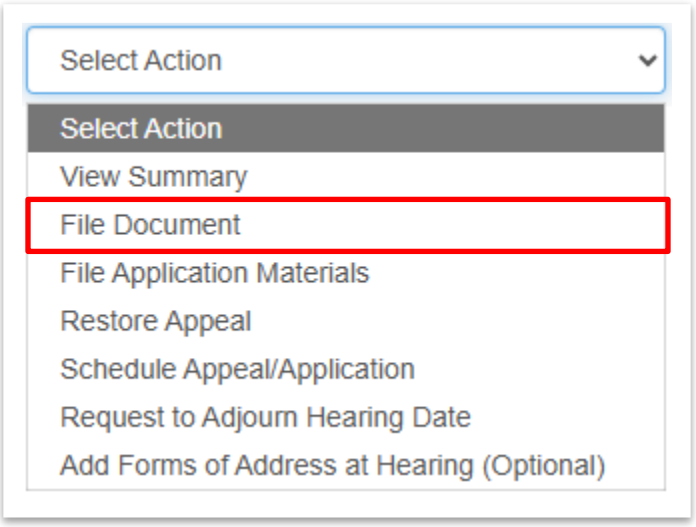
Requests for administrative directions from the CMO are made informally (rule 14.39), subject to any directions from the CMO.

- These applications, generally in writing by letter, must:
  - Give a reason or explanation for the request, even if the other party consents to the request.
  - Provide the other party's position with respect to the request, if known.
  - Be copied (cc'd) to the other party.

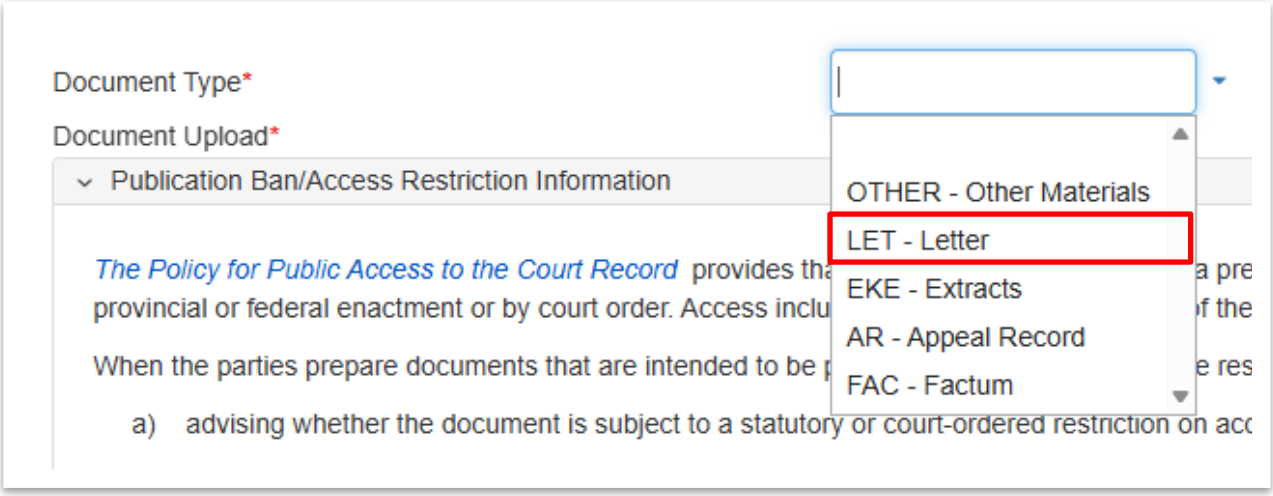
Note: The following instructions **do not** apply to applications to restore an appeal by consent. Go to **Part 2** of the *Civil Applications Guide*.

- Upload the letter in CAMS. Instructions are found in the CAMS Manual at p. 62.

- Log in to your CAMS account and locate the My Appeals tab. **Select Action** > **File Document**.



- On the page that opens, beside Document Type, select **LET – Letter**, then **Choose File** to upload the letter. The document must not exceed 100MB.



- Answer the questions and click Proceed.
- Each time you correctly upload a document in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this payment request. No payment is required to file a letter. Emails will come from CAMSInquiries@albertacourts.ca. Please ensure your spam filters do not block

this email address. If you do not receive an email from CAMS, the document did not upload correctly.

- The CMO will deliver a decision in writing by uploading a new document in CAMS or by endorsing the party's original letter. You will receive an email notification from CAMSInquiries@albertacourts.ca once the decision is added to the file. Ensure your spam filters do not block this email address. The decisions can only be reviewed by logging in to your CAMS account.
- No fee is paid to make a request for direction from the CMO, except when you are seeking to restore an appeal. Decisions from the CMO can be appealed **within one month** by filing a formal application to a single appeal judge who can rescind, confirm, amend or enforce the decision. See **Part 3** of the *Civil Applications Guide*.

(b) Request legal information

The CMOs can be contacted by email to provide legal information.

- Contact information:
  - Edmonton: Bobbi.McDevitt@albertacourts.ca
  - Calgary: Laurie.Baptiste@albertacourts.ca

D. CAMS administrators—technical support

Self-represented litigants, lawyers and legal support staff can contact the CAMS unit for technical help using the CAMS portal. The CMOs and Registry do not provide technical support.

If you experience difficulties setting up an account, logging in or accessing your appeal, use the online form to request help. Please detail the issue you are experiencing.

CAMS technical support is available between 8:15 a.m. and 4 p.m. on business days, excluding statutory holidays.

2.5 Types of civil appeals

There are two types of civil appeals—fast-track appeals and standard appeals.

The type of appeal you are making is important because the rules and deadlines are different.

The notice of appeal, Form AP-1, will ask if your appeal must be dealt with as a fast-track appeal. If you do not know this information at the start of your appeal, do not be concerned. After the Registry files the notice of appeal, the CMO will send you a letter noting the appeal type. If a

party believes their appeal fits the other category, they may apply to the CMO to change the classification. Reasons must be given. For instructions, see **Part 2.4.C** above.

A. Fast-track appeals

Fast-track appeals are outlined in rules 14.14(1) and 14.14(2). They typically include appeals from interim decisions or decisions involving children. If a decision is made by a lower court but the proceedings in the lower court are not finally concluded, then any appeal from that decision will likely be a fast-track appeal.

Fast-track appeals have shorter deadlines and are typically heard more quickly than standard appeals.

B. Standard appeals

Any civil appeal that is not a fast-track appeal is a standard appeal (rule 14.13(1)). See rule 14.14(3) for appeals listed as standard appeals.

Examples

- Fast-track appeals (rule 14.14(2)):
  - An appeal from a decision made in the Court of King's Bench before a trial concludes.
  - An appeal from a decision as to custody, access, parenting time, child support, etc.
- Standard appeals (rule 14.14(3)):
  - An appeal from a decision staying an action indefinitely.
  - An appeal from a decision refusing to open a default judgment.
  - An appeal from a decision following a trial.

2.6 How to file a civil appeal

The process required to start an appeal is different depending on whether you have an automatic right to appeal or need permission to appeal. See **Part 1.1.C** above.

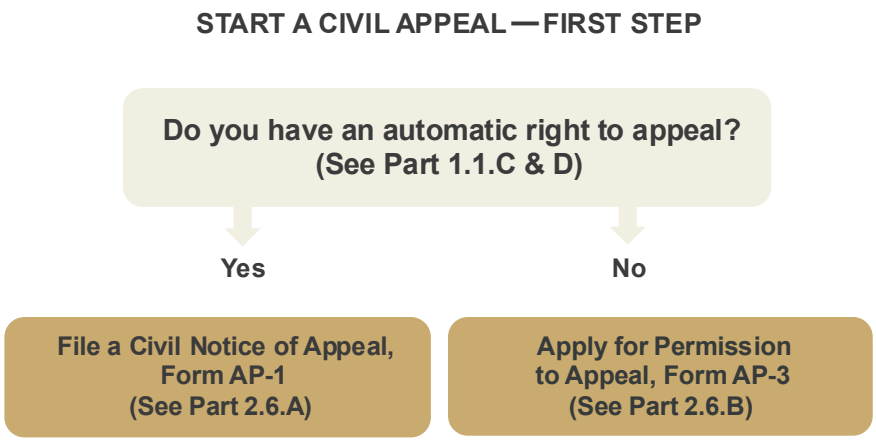


Figure 1: First steps to start an appeal

- If you have an automatic right to appeal, you will upload a civil notice of appeal to start the appeal. The civil notice of appeal is your commencement document. Follow the steps in **Part 2.6.A**. The Registry will accept a paper copy of the notice of appeal.
- If you have missed your deadline, file a notice of appeal and then an application to a single judge to extend the time to appeal. See the *Civil Applications Guide*.
- If you need permission to appeal, you will file a civil application for permission to appeal. Follow the steps in **Part 2.6.B** below.
- If you are not sure which document to file, file a notice of appeal, and the CMO will contact you with directions.

A. How to file a civil notice of appeal (with right to appeal)

This section applies when you have an automatic right to appeal, and you are filing a notice of appeal to start your appeal. This section does not apply when you are filing a notice of appeal after being granted permission to appeal. The filing process is different. See **Part 2.6.C.II** and rules 14.7 and 14.8 of the *Rules of Court*.

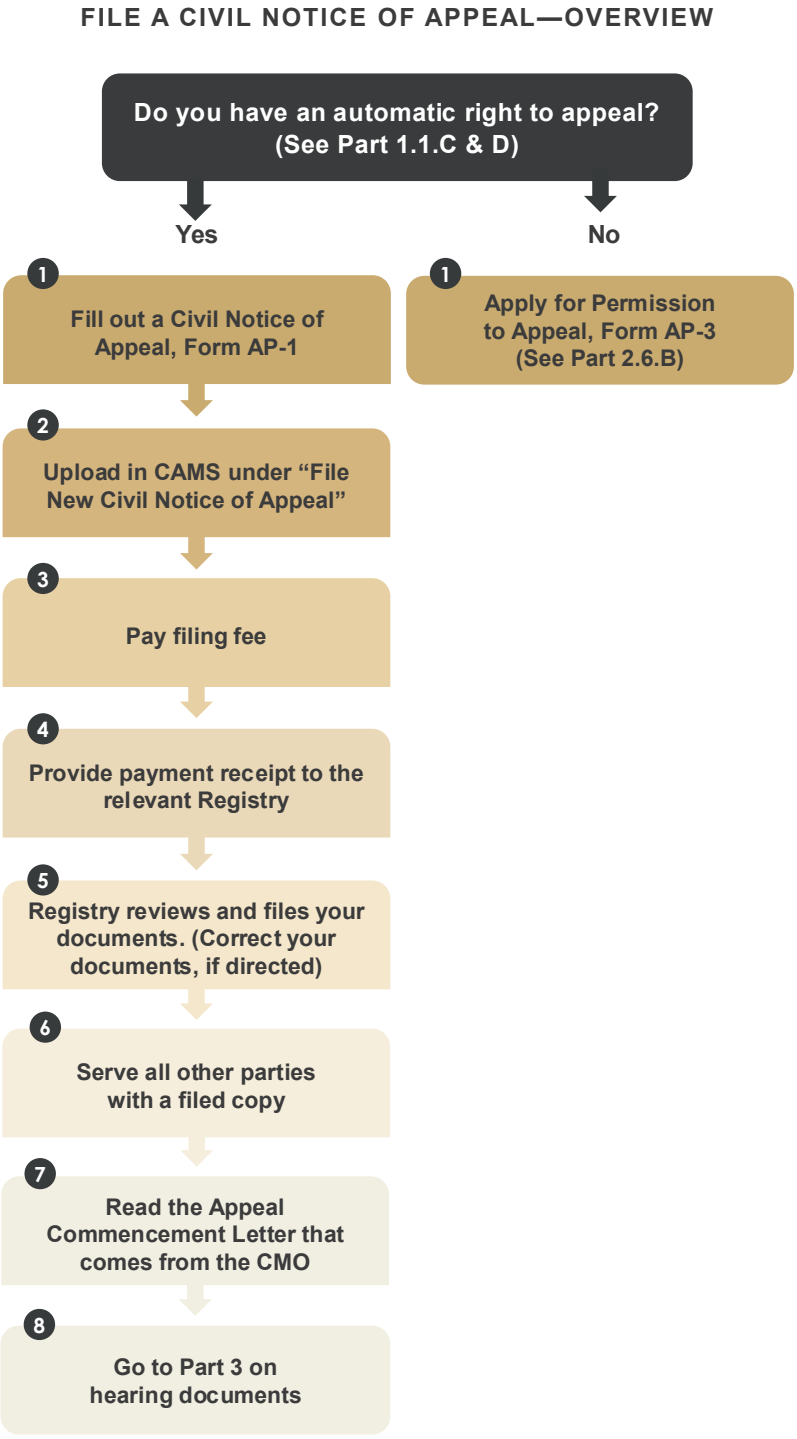


Figure 2: Steps to file a civil notice of appeal

I. COMPLETE THE NOTICE OF APPEAL FORM

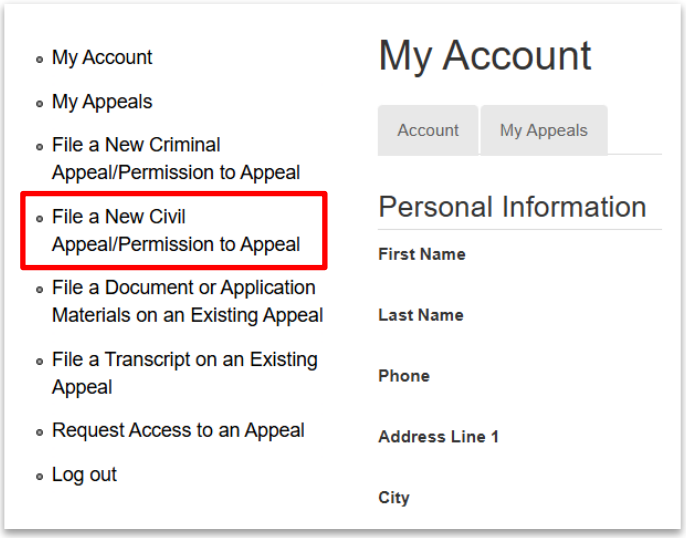
Complete your civil notice of appeal Form AP-1. You will need to upload this form to CAMS later. Rule 14.12(2) outlines what is required. The notice of appeal must include details about the decision you are appealing and the remedy you seek.
Include only a brief description. Do not include legal argument. You will provide legal argument later in your factum. See **Part 3.2** below. Forms are linked in this guide in Appendix 7.

Note: The style of cause is the title of your case from the lower court or tribunal—made up of the names of the parties. Do not reverse the names of the parties in the style of cause.

II. HOW TO UPLOAD THE DOCUMENTS IN CAMS

To upload documents in CAMS, log in to your account: https://cams.albertacourts.ca/public-portal/

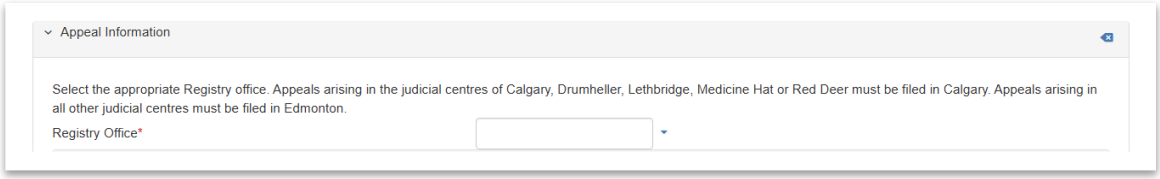
- In the menu on the left of the page, click on: File a New Civil Appeal/Permission to Appeal.



- Two options appear:
  - **New Civil Notice of Appeal**, and
  - **New Civil Application for Permission to Appeal**



- Select **New Civil Notice of Appeal.**
- For instructions on filling in this page, watch the video Filing a Civil Notice of Appeal or read the https://cams.albertacourts.ca/public-portal/files/CAMSManual.pdf CAMS Manual (pp. 22 to 31) located under the Manual/Tip Sheets tab in CAMS. It covers the following steps:
    - The New Civil Notice of Appeal web page opens. You will need to know the details of the decision you want to appeal. Have a filed copy of the decision with you to upload.
        - Fill in the required information.
        - Select 'Calgary' as your Registry office if the appeal is from a decision made in Red Deer or south of Red Deer. Select 'Edmonton' if the decision was made north of Red Deer.



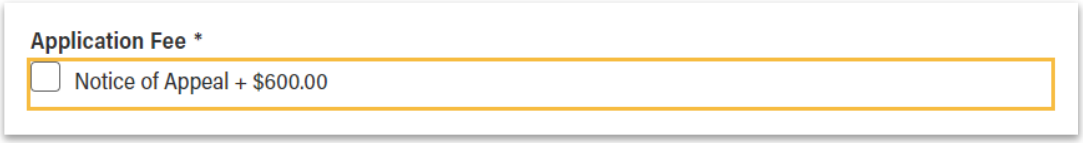
        - Upload your completed Civil Notice of Appeal, Form AP-1, and a copy of the decision you are appealing. All documents must be in Adobe PDF format and not exceed 100MB.
          If you do not have a copy of the decision you are appealing, you can provide it later.

- Answer the questions about privacy and access restrictions. Click Proceed. If you correctly upload a document in CAMS, you will receive an email. This automatic email includes a generic link for online payment. Emails come from CAMSInquiries@albertacourts.ca. Ensure your spam filters do not block this email address. If you do not receive an email, the document did not upload correctly.
- This email will include a temporary reference number for your submission. It ends in EF. This is not the appeal number. The Registry will assign an appeal number after it reviews and files your notice of appeal.

III. PAY THE FILING FEE

After you receive the email with the payment link, pay the $600 filing fee at https://eservices.alberta.ca/courtofappeal-filing-fees-civil.html.

- Click **Begin Form** to start.
- Select **Notice of Appeal + $600.**



- As noted above, the Court will waive the notice of appeal filing fee if you have been granted a fee waiver. See **Part 1.4** above.

See application for fee waiver and statement of finances, Court and Justice Services. The waiver covers filing fees only, not transcripts and other fees.

IV. EMAIL PAYMENT RECEIPT TO THE REGISTRY

Once the filing fee is paid, email a copy of your receipt to Calgary.Registry@albertacourts.ca or Edmonton.Registry@albertacourts.ca or upload the receipt to CAMS so your appeal can proceed. The Registry cannot file your notice of appeal until you provide proof of payment.

V. DOCUMENTS REVIEWED BY REGISTRY

After the Registry reviews your notice of appeal, you will receive an email advising whether the document was filed or rejected. Emails come from CAMSInquiries@albertacourts.ca. Please ensure your spam filters do not block this email address.

- If you receive a check/return form, the Registry has found issues with a document that need to be fixed. Correct the document. Refer to **Part 2.3**.
- Once a notice of appeal is reviewed and stamped "Filed," the Registry assigns an appeal number ending in AC. Include this appeal number on every document you upload and on all correspondence with the court and CMO.

VI. SERVE THE OTHER PARTIES

After the Registry files your documents in CAMS, serve the other parties. **Filing in CAMS is not service**.

- Download and print your filed document from CAMS. It will show the Registry's filing stamp and date.
- Serve a filed copy of the notice of appeal on every other party to the appeal within the time allowed in rule 14.8(2). See **Part 1.2.A** to determine your time limit.
- See Appendix 8 about service for information on service.
- Note: A notice of appeal is a commencement document.
    - If you are filing a notice of appeal **after** receiving permission to appeal, the application for permission to appeal (PTA) is your commencement document.

VII. APPEAL COMMENCEMENT LETTER

Once the notice of appeal is filed, the CMO will send you an appeal commencement letter in CAMS. It includes important information including how your appeal was classified—fast-track or standard. Read the letter and follow the directions.

B. How to apply for permission to appeal

Permission to appeal (PTA) applications are explained in **Part 1.1.D**.

- If you require permission to appeal to the Court of Appeal do not file a notice of appeal at this time. Follow the steps in Figure 3 first.

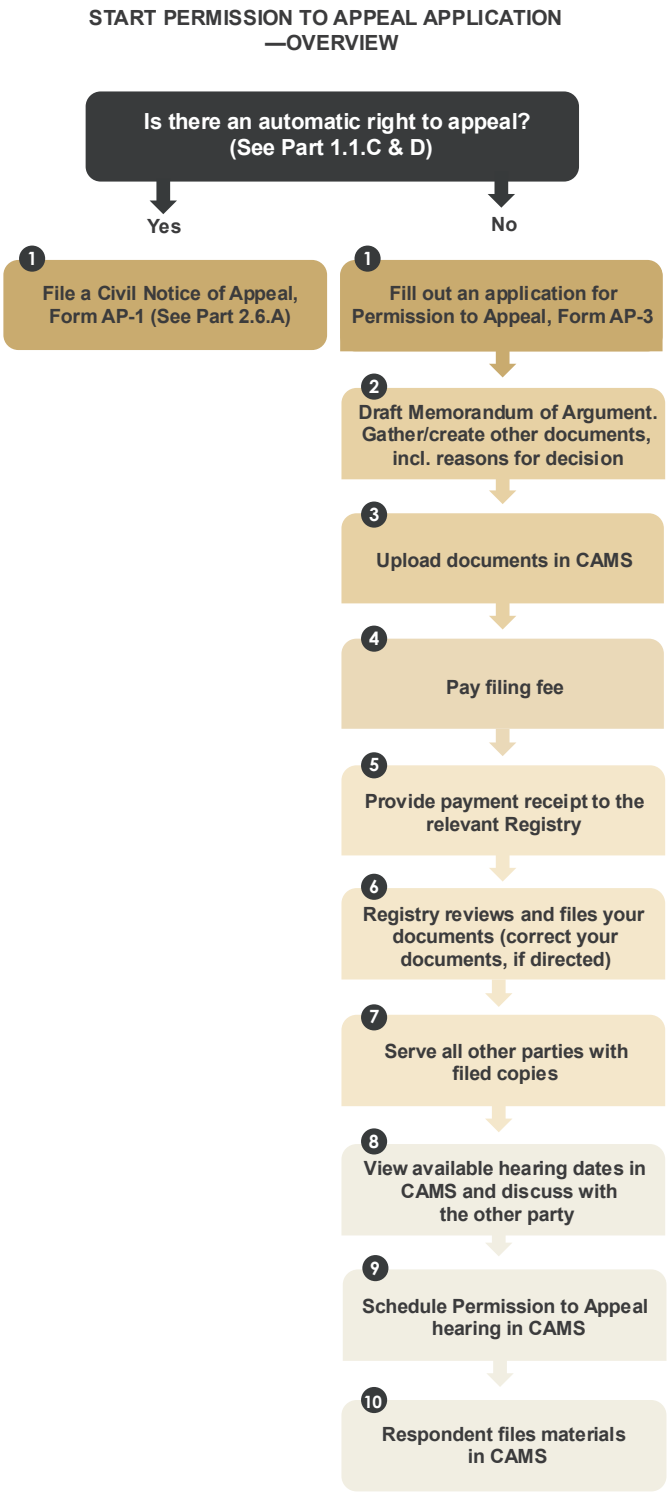


Figure 3: How to start a permission to appeal application

- If your application for permission to appeal is successful, you will upload a notice of appeal, Form AP-1, later.

Follow these steps:

I. COMPLETE THE APPLICATION FORM

Complete Form AP-3. You will need to upload this form later.

- Review the check/return form for applications in CAMS.
- Applications for permission to appeal are heard on Wednesdays and Thursdays. Leave the application date and time blank for now. After the Registry files the application, you will be advised to request a hearing date in CAMS.

II. DRAFT A MEMORANDUM OF ARGUMENT

A memorandum of argument contains the legal argument to support your application. It is required for permission to appeal applications. For information on drafting a memorandum of argument, see Appendix 12.

- Your memorandum of argument should outline the reasons (the exact questions of law) that support your request for permission to appeal.
- Do not include evidence in a memorandum. Use an affidavit instead.
- Attach a copy of the reasons for the decision you want to appeal. Reasons can be given orally or in writing. If the reasons were given orally, order a transcript as soon as possible. See **Part 3.1.B** below.
- Include a brief chronology only if necessary. A chronology is a simple list of dates and events. Do not include arguments about the facts.

III. GATHER AND CREATE OTHER DOCUMENTS YOU PLAN TO FILE

Gather, save and keep any other documents you require to support your application, for example, an affidavit filed in the lower court. You must upload in CAMS any document required to decide the appeal. **The Court of Appeal does not have access to lower court files.**

- Supporting documents you can file include:
    - Any other documents you plan to rely on, even if previously filed. These must be attached to an affidavit or a cover letter or combined in a single PDF called "Other Materials".

- Accompanying affidavits, if applicable. See Appendix 12 for guidelines. Include an affidavit if you are providing evidence. Do not include argument in an affidavit.

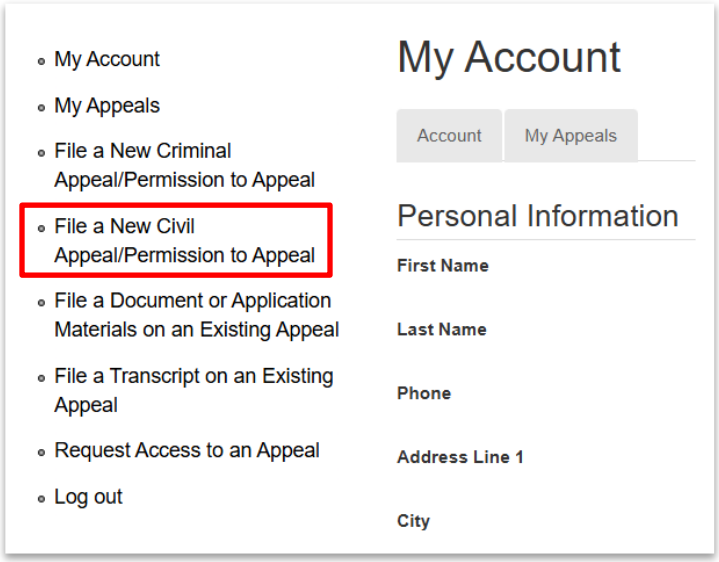
- Evidence filed for an application for permission to appeal is used for a permission to appeal application only. It does not become part of the Court Record for the appeal. The judges who later hear the appeal will not receive it.

IV. HOW TO UPLOAD THE DOCUMENTS IN CAMS

Note: Upload all application materials at the same time. A memorandum must accompany an application for permission to appeal, unless it is an **application to preserve a time limitation**.[3]

To file a civil application for permission to appeal in CAMS, click on: **File a New Civil Appeal/Permission to Appeal** in the menu on the left of the page.

To upload an application for permission to appeal in CAMS, log in to your account: https://cams.albertacourts.ca/public-portal/. Click on File a New Civil Appeal/Permission to Appeal.



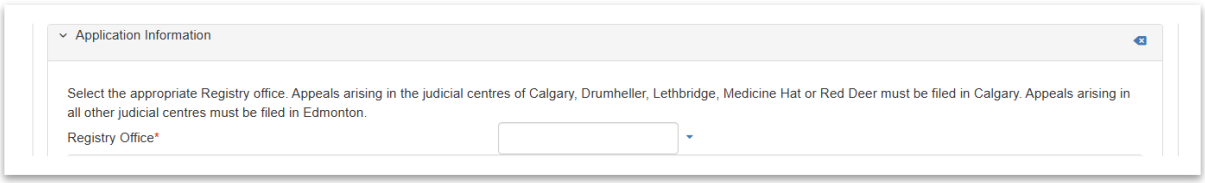
- Two options will appear:

[3] If it is for an application to preserve time, the memorandum of argument must be filed at least 10 days before the hearing date to avoid delay.

- **New Civil Notice of Appeal**, and
- **New Civil Application for Permission to Appeal**



- Select **New Civil Application for Permission to Appeal**.
- See the CAMS Manual (pp. 32 to 40) for instructions. It covers the following steps:
  - The New Civil Application for Permission to Appeal web page opens. Provide details of the decision you want to appeal. You will need a filed copy of the decision to upload later.
    - Answer the questions. Select "Calgary" as your Registry office if the appeal is from a decision made in Red Deer or south of Red Deer. Select "Edmonton" if the decision was made north of Red Deer.



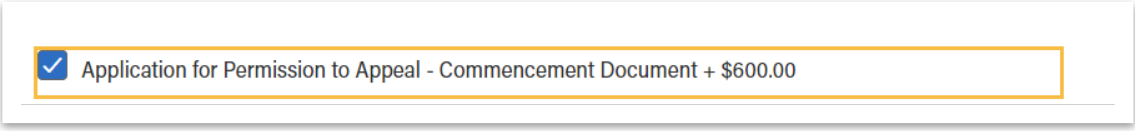
    - Upload your completed civil application Form AP-3, memorandum of argument, any other supporting documents and a copy of the decision you want to appeal. All documents must be in Adobe PDF format and not exceed 100MB. Upload documents individually.
- Answer the questions about privacy and access restrictions and click proceed.

- If you correctly upload a document in CAMS, you will receive an email. It will include a link for online payment. Emails come from CAMSInquiries@albertacourts.ca. Ensure your spam filters do not block this email address. If you do not receive an email, the documents did not upload correctly.
- The email from CAMS includes:
    - A temporary reference number ending with EF. (This is not an appeal number. An appeal number is assigned after your application for permission to appeal is reviewed and filed by the Registry.)
    - A link to pay online.

V. PAY THE FILING FEE

Use the emailed payment link to pay the $600 filing fee. The link is https://eservices.alberta.ca/courtofappeal-filing-fees-civil.html.

- If you do not already have an Alberta.ca account, you will need to create one.
- To pay the filing fee, click on Alberta.ca Account under the heading "Sign in with Alberta.ca Account".
- Once you have logged in to Alberta.ca click Begin Form to access the Order Form.
- You will be asked for the style of cause. This is the title of your case from the lower court or tribunal—made up of the names of the parties to the case. Do not reverse the names of the parties in the style of cause.
- If you are filing a Notice of Appeal or Permission to Appeal application, you will not have an appeal number yet so leave that field blank.
- Select **Application for Permission to Appeal – Commencement Document + $600**:



- If you have a fee waiver (see **Part 1.4**), the Court will waive the filing fee for the application for permission to appeal.

VI. EMAIL PAYMENT RECEIPT TO REGISTRY

Once the filing fee is paid, email a copy of your receipt to Calgary.Registry@albertacourts.ca or Edmonton.Registry@albertacourts.ca or upload the receipt to CAMS so your application can proceed. The Registry cannot file your application until you provide proof of payment.

VII. APPLICATION REVIEWED BY REGISTRY

Once your application and documents are reviewed by the Registry, you will receive an email about the status of the document. It may be filed, filed on conditions or rejected.

- Emails come from CAMSInquiries@albertacourts.ca. Please ensure your spam filters do not block this email address.
- If you receive a check/return form, the Registry has found issues in a document that need to be fixed. Correct the document. Refer to **Part 2.3**.
- Once the Registry files your documents, an appeal number ending in AC will be assigned. Include this appeal number on all other documents you file and on all correspondence with the court and CMO.

VIII. SERVE THE OTHER PARTIES

After the Registry files your documents, serve the other parties. **Filing in CAMS is not service**.

- Download and print your filed documents from CAMS—your application for permission to appeal, memorandum of argument, and any other document filed. They show the Registry's filing stamp and filing date.
- Serve these documents on every other party to the appeal within the time allowed in rule 14.8(2). See the discussion in **Part 1.2.A** about time limits.
- See Appendix 8, an introduction to service, for more information.

IX. SCHEDULE A PERMISSION TO APPEAL HEARING

The Registry will advise you by email to schedule the hearing date for your permission to appeal application. The email comes from Calgary.registry@albertacourts.ca or Edmonton.registry@albertacourts.ca

The steps required to schedule a hearing date are outlined in **Part 7.4**. Review the Deadlines section below and discuss the dates with the respondent.

X. RESPONDENT'S NEXT STEPS

The respondent can file and serve application materials in response **or** a letter of intention not to file documents. See **Part 2.6.B** of the *Civil Respondent's Guide*.

- The respondent's documents **must be filed at least five days before** the scheduled hearing of the application (rule 14.41).

XI. HEARING DEADLINES

An application for permission to appeal must be heard within **six months** from the date it is filed.

- If not, the application will be deemed abandoned, and the file will be closed unless the CMO directs otherwise (rule 14.44(2)).
- If a memorandum of argument was not included in an **application to preserve a time limitation**, you must file your memorandum **at least 10 days** before the hearing date to ensure your hearing is not delayed.
- Evidence filed for an application for permission to appeal is used for the permission to appeal application only. It does not become part of the court record for the appeal. Judges at a later appeal hearing will not receive it.

XII. THE "PERMISSION TO APPEAL" HEARING

Applications for permission to appeal are heard by a single judge on Wednesdays and Thursdays.

- At the hearing, subject to the judge hearing the matter, you will have a maximum of **30 minutes** to present your case. Each of the other parties will also have a maximum of **30 minutes**. The appellant's time limit includes an oral reply if the judge allows.
- For more information about the hearing and receiving a decision, see the *Civil Applications Guide*.

C. Steps after filing your first document

Your next steps depend on how you started the appeal—by filing a notice of appeal or by filing an application for permission to appeal.

I. NOTICE OF APPEAL

If the first document you were required to file was a notice of appeal, go to **Part 3** to start preparing your appeal documents.

II. APPLICATION FOR PERMISSION TO APPEAL

If the first document you were required to file was an application for permission to appeal, your next steps depend on the outcome of the application—if granted or denied.

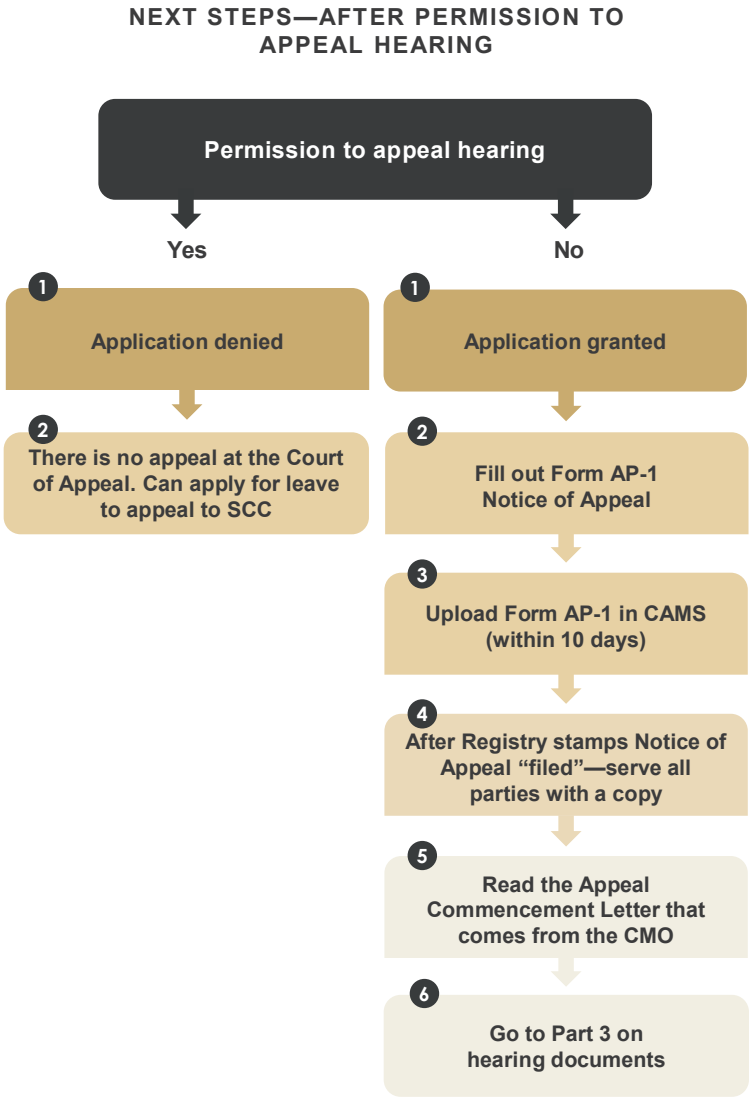
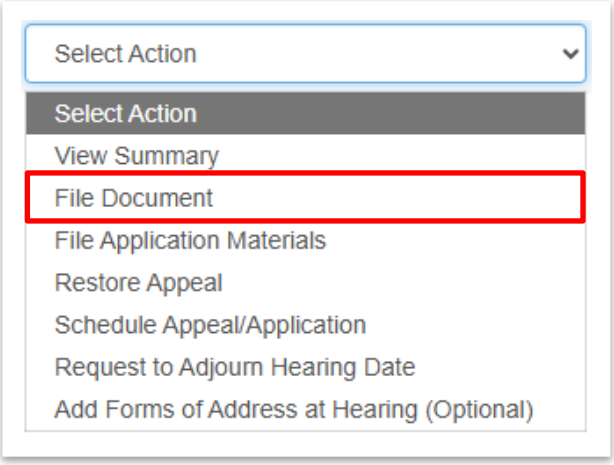


Figure 4: Next steps depend on whether application is granted or denied

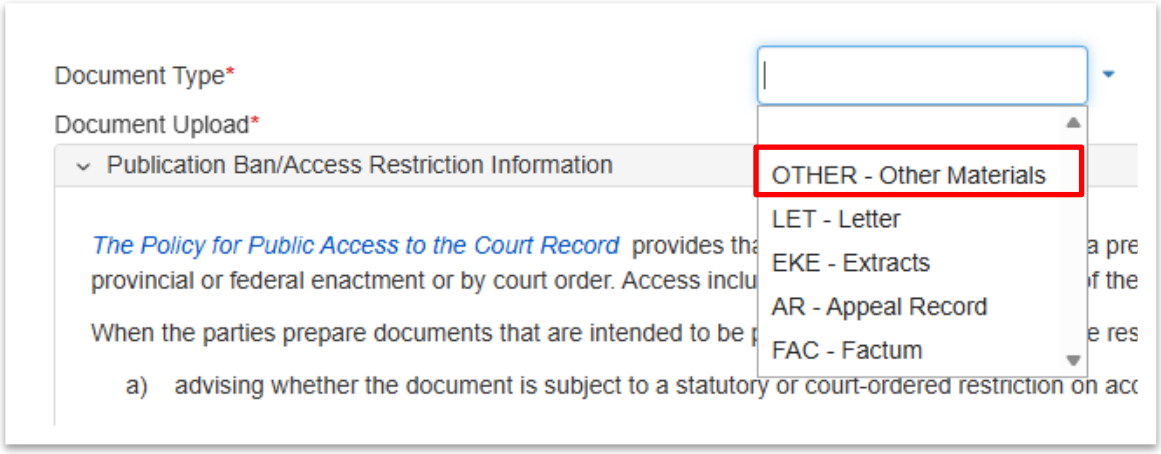
(a) Application is granted

If the application is granted, you have **10 days** to file a notice of appeal. This begins on the day permission is granted (rule 14.8(2)(a)(ii)). An appellant can file only one notice of appeal.

- The way you file a notice of appeal after permission to appeal is granted is different from filing a notice of appeal when you don't need permission to appeal:
    - Complete Form AP-1
        - Include the appeal number from your application for permission to appeal. You will need to upload this form later. Form AP-1 includes the information outlined in rule 14.12(2). This includes details of the decision you are appealing and the remedy you seek. Do not include argument. You will have a chance to provide argument later in your factum. Court forms are linked on the website and in Appendix 7.
    - Log in to CAMS and click on the 'My Appeals' tab to locate the application for permission to appeal. **Select Action** > **File Document**.



    - On the page that opens, beside Document Type, select **OTHER – Other Materials**, then **Choose File** to upload the completed Form AP-1.
      The document must not exceed 100MB.



- Answer the questions about privacy and access restrictions and click proceed.

- If you correctly upload a document in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this payment request: you paid the application fee when you uploaded your application for permission to appeal. Emails come from CAMSInquiries@albertacourts.ca. Please ensure your spam filters do not block this email address. If you do not receive an email, the document did not upload correctly.
- Once the Registry reviews your notice of appeal, you will receive another email advising whether the document was filed or rejected. Emails come from CAMSInquiries@albertacourts.ca.
- Serve a filed copy of the notice of appeal on every other party to the appeal. See Appendix 8 about service for more information.

- **Appeal Commencement Letter**: Once the notice of appeal is filed, the CMO will send all parties an appeal commencement letter in CAMS. It includes important information such as how your appeal was classified—fast-track or standard. Read the letter and follow the directions.
- Go to **Part 3** to start preparing your appeal documents.

(b) Application is denied

If permission to appeal is denied, there is no appeal and the file is closed.

- Single judge decisions on applications for permission to appeal cannot be further appealed to the Court of Appeal (rule 14.5(3)).

- If a party wants to appeal a Court of Appeal of Alberta decision that denied or granted permission to appeal, they can seek leave to appeal to the Supreme Court of Canada (SCC).

2.7 Filing a cross appeal

A cross appeal may be filed by the respondent on the decision you have appealed. For information on what to do if a cross appeal is filed, see Appendix 9.


Part 3

Part 3 | Preparing appeal documents

After the notice of appeal is filed, start preparing documents for the appeal hearing.

This section outlines the documents required—the appeal record, factum and extracts of key evidence. It also includes deadlines, content, formatting and filing requirements.

Note there are multiple deadlines. Some actions must be completed at the same time. To avoid delay and ensure the best outcome for your appeal, read each section and note the requirements and deadlines.

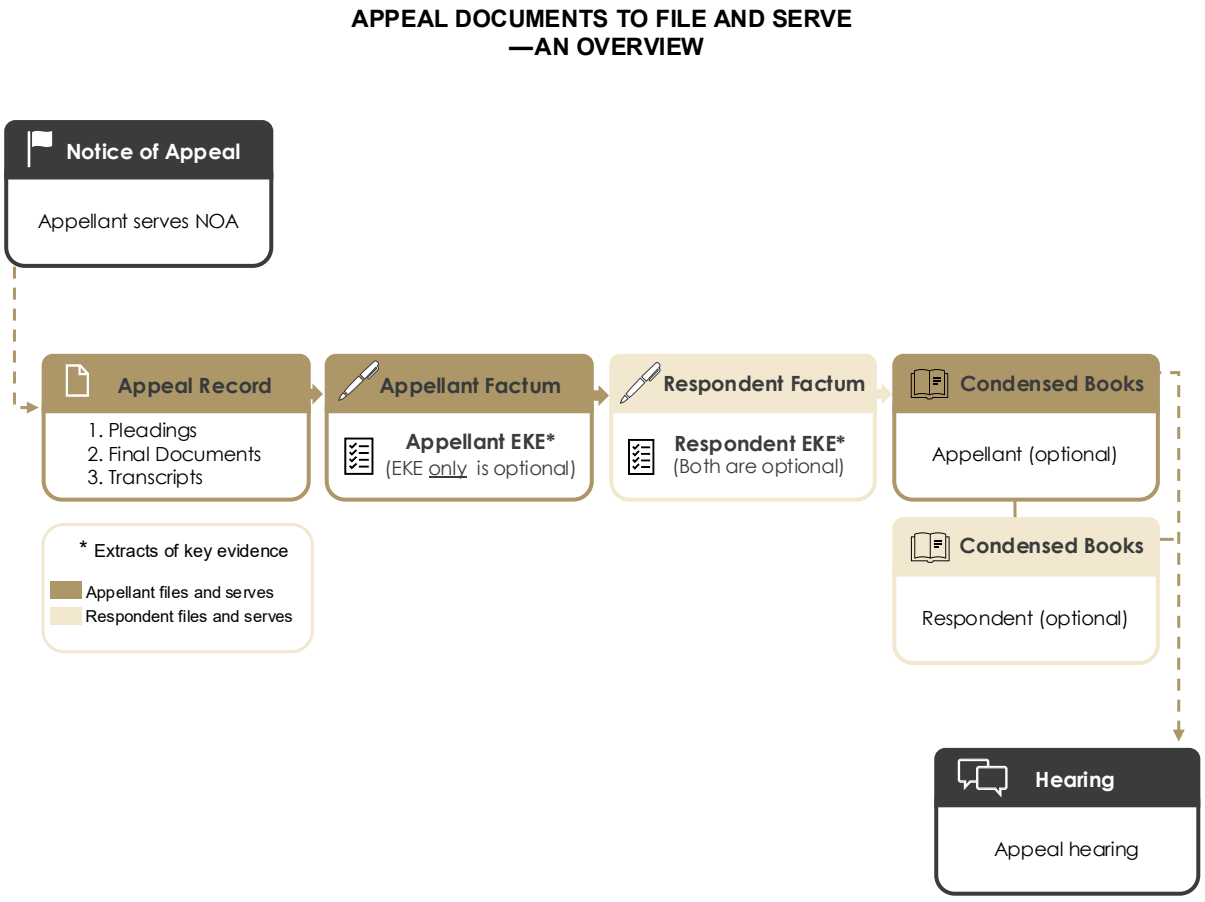


Figure 5: Appeal hearing documents

Recommended! File and serve documents well in advance of a deadline. **Do not wait until the final day to upload documents.**

The filing process: The filing process begins when a party submits a document, usually by uploading it in CAMS. The process ends when the Registry stamps the document "Filed". A document is not filed until it is stamped "Filed".

Deadlines for active appeals are displayed in a party's CAMS account under Deadlines. If an appellant misses a filing deadline, the appeal will be struck. See **Part 2.1.B**.

- The parties must identify and meet all deadlines relevant to their appeal or application.
- This section outlines requirements and deadlines for appeal documents. For information about applications (other than permission to appeal applications that start an appeal), see the *Civil Applications Guide*.

APPELLANT'S FILING DEADLINES
STANDARD APPEALS

Day 0	**Notice of appeal filed & served** *Your filing clock starts here*
By Day 10	**Start preparing appeal record, Order transcripts**
By +5 days	**File & serve the transcript order** *Within 5 days of ordering*
By 4 months Less 3 business days	**Appeal Record: File Part 3 transcripts** *Filed at least 3 business days before filing deadline*
By 4 months	**Appeal record: File Parts 1 & 2, Serve appeal record (Parts 1, 2 & 3)**
By 6 months or **2 months** after AR* filed, whichever is earlier	**File & serve factum & EKE*** (EKE optional) *By earlier of 6 months, or 2 months after appeal record filed*
By +2 months	**Respondent files & serves factum and EKE*** (EKE optional) *Within 2 months after appellant serves factum*
At least 2 business days before hearing	**Both parties: File & serve condensed books** (Optional)
	Hearing

* **EKE:** Extracts of key evidence
AR: Appeal record

APPELLANT'S FILING DEADLINES
FAST-TRACK APPEAL

Day 0	**Notice of appeal filed & served** *Your filing clock starts here*
By Day 10	**Start preparing appeal record, Order transcripts**
By +5 days	**File & serve the transcript order** *Within 5 days of ordering*
By 1 month Less 3 business days	**Appeal record: File Part 3 transcripts** *Filed at least 3 business days before filing deadline*
By 1 month	**Appeal record: File parts 1 & 2, Serve appeal record (Parts 1, 2 & 3)**
By 2 months or **20 days** after AR* filed, whichever is earlier	**File & serve factum & EKE*** (EKE optional) *By earlier of 2 months, or 20 days after appeal record filed*
By +1 month or **10 days** before opening day of sittings for the appeal, whichever is earlier	**Respondent files & serves factum and EKE*** (EKE optional) *By earlier of 1 month after appellant serves factum, or 10 days before the opening day of sittings when appeal is scheduled to be heard*
At least 2 business days before hearing	**Both parties: File & serve condensed books** (Optional)
	Hearing

* **EKE:** Extracts of key evidence
AR: Appeal record

3.1 Appeal record

The appeal record brings together key existing documents and information about the decision under appeal (for example, the pleadings and decision from the lower court or tribunal, transcripts from that court or tribunal and the notice of appeal).

- The **appellant** is responsible for preparing and filing the appeal record before serving it on the respondent.
- See the **Overview of Appeal Records & Transcripts** information sheet.
- The appeal record consists of three parts—Part 1: Pleadings, Part 2: Final Documents and Part 3: Transcripts.

Summary of steps for appellant to file the appeal record

1. Order transcripts and upload the order receipt in CAMS.
2. Put together the other parts of the appeal record (Part 1 and Part 2).
3. Upload the transcripts (Part 3) on the Court of Appeal website, **not** in CAMS. and wait for the Registry to review and file Part 3.
4. Then upload Part 1 and Part 2 as a single PDF document in CAMS.
5. Serve a filed copy of Parts 1, 2 and 3 on the other parties.

A. Deadlines

I. DEADLINE TO START THE APPEAL RECORD

Within **10 days** after filing the notice of appeal, the appellant must:

- Order or start preparing the appeal record, and
- Order required transcripts.

- Then, **within five days** of ordering the transcripts and starting the appeal record, the appellant must file a copy of the transcript order and serve a filed copy on the respondent.
  - Click on My Appeals, **Select Action** > **File Document**. On the page that opens, beside Document Type, select **OTHER – Other Materials**, upload the receipt, complete the questions and click Proceed.

- If instructions to prepare the appeal record/transcripts change, upload a copy of the new order and serve it on the respondent within a reasonable time.

II. DEADLINE TO FILE THE APPEAL RECORD ON FAST-TRACK APPEALS

Within **one month** of filing the notice of appeal (rule 14.16), the appellant must:

  - File the transcripts and the other parts of the appeal record, and
  - Serve a filed copy of the appeal record on the other parties.

- Failure to meet this deadline will result in the appeal being struck. Apply to the CMO for an extension before your deadline if you cannot file your appeal record in time.
- If your appeal is struck, refer to the *Civil Applications Guide* for information on restoring an appeal.

III. DEADLINE TO FILE THE APPEAL RECORD ON STANDARD APPEALS

Within **four months** of filing the notice of appeal (rule 14.16), the appellant must:

  - File the transcripts and the other parts of the appeal record, and
  - Serve a filed copy of the appeal record on the other parties.

- Failure to meet this deadline will result in the appeal being struck. Apply to the CMO for an extension before your deadline if you cannot file your appeal record in time.
- If your appeal is struck, refer to the *Civil Applications Guide* for information on restoring an appeal.

B. Ordering transcripts

Transcripts go in Part 3 of the appeal record. The requirements and ordering process will depend on the court or tribunal you are appealing from.

I. WHICH TRANSCRIPTS ARE REQUIRED FROM A LOWER COURT?

The Court of Appeal requires transcripts from a lower court or tribunal (rule 14.15(1)) including transcripts of:

  - All **oral evidence** (what the witnesses said under oath). Note the exception for boards and tribunals (rule 14.20).
  - Parts of the **oral argument** that are necessary to decide the appeal. (What the parties or lawyers said to the judge or tribunal). Exception: For chambers hearings that do not exceed a half day, all oral argument is required.

- Any **oral reasons** (what the judge or tribunal said when giving their decision). This is for the *decision* under appeal and for any other *rulings* made in the lower court or tribunal that will be an issue on the appeal.

- Only include transcripts that are **necessary to decide the appeal.** In practice, only one or two types of transcripts may apply. For example, if no witnesses testified, and if the judge or tribunal gave their decision in writing, only a transcript of oral argument would be required.

II. HOW TO ORDER TRANSCRIPTS FROM A LOWER COURT HEARING

When appealing from a lower court, the first step in preparing the appeal record is to **order transcripts** online from Transcript Management Services (TMS). Costs, timelines, information needed and contact details can be found on the TMS site.

- You will need to **create an account** (Justice Digitial website).
- TMS contact details are:
  - Phone: 403-297-7392; Fax: 403-297-7043; Email: **tms.calgary@gov.ab.ca**
  - Hours: 8:15 a.m. to 4:30 p.m. (Mon-Fri)
- Gather the following information before ordering online:
  - Details of the hearing you are appealing from including:
    - the dates of the hearing that needs to be transcribed
    - start and end times
    - court location and courtroom number
    - docket or action number
    - party names

    If you do not have this information, you can get it from the clerk's notes at the trial court. This can take time to retrieve.
  - A filed copy of your notice of appeal.
  - Court specific documents. See the TMS drop-down menu.
- The transcription fee is calculated per character. Shorter turnaround times increase cost. See order transcripts on the Alberta government website at the link above.

III. HOW TO OBTAIN TRANSCRIPTS FROM A BOARD OR TRIBUNAL

When appealing from a board or tribunal, the appellant's first step in preparing the appeal record is the same—to obtain transcripts. However, the requirements and process to do this are different.

- Only existing transcripts of evidence are required (rule 14.20). Transcripts of oral argument are not required. Recordings do not need to be transcribed.
- The process to obtain transcripts depends on the specific board or tribunal you are appealing from.
- Review the legislation to obtain transcripts depending on the specific board or tribunal you are appealing from.
- Review the legislation that contains the right to appeal for any information on who is responsible for providing transcripts of evidence.
- Contract the specific board or tribunal directly to find out if transcripts exist and how to obtain them, if necessary.
    - For example, for the Alberta Energy Regulator, hearing ranscripts can be obtained from their Electronic Proceeding System-EPS Query by entering the hearing information.

C. Options for putting together the appeal record

After transcripts are ordered, an appeal record can be put together in one of two ways. Gather all the required documents (see the list in section D below) and either:

a. Compile the appeal record yourself (the only option if the appeal is from a board or tribunal), or

b. If the appeal is from a lower court and not a board or tribunal, provide TMS with the documents and request they compile the appeal record for a fee. Fill in the **Request for Appeal Record form** and email **tms.calgary@gov.ab.ca** with the subject line "Appeal Record Request – Appeal [appeal #]" and the required attachments. TMS will take up to three weeks to complete this request for a fast-track appeal and up to eight weeks for a standard appeal.

The *Alberta Rules of Court* notes a third option—to have a commercial preparer compile the appeal record. Note: There may be no commercial preparers in the market at this time. Court of Appeal staff do not have information about commercial preparers.

D. Appeal record contents

The documents required for each part of the appeal record are detailed below.

- Part 3 contains the transcripts. You will upload the transcripts with their own table of contents on the Court of Appeal website (not CAMS) before filing Parts 1 and 2. The transcripts, Part 3, must be reviewed and filed by the Registry before you serve Part 3 on all parties.
    - Note: If you appeal from a lower court and order the whole appeal record (Parts 1, 2 and 3) from TMS, they will upload the transcripts on your behalf. If you order Part 3 only from TMS, you are responsible for uploading Part 3, the transcripts, on the Court of Appeal website.
- Parts 1 and 2 of the appeal record are then uploaded together as a single document in CAMS. After this has been reviewed and filed by the Registry, you must serve Parts 1 and 2 on all parties.

I. PART 1: PLEADINGS

The **pleadings** from a lower court or tribunal are presented in chronological order (rule 14.18(1)(b)) including:

- The last version (only) of any pleading that was amended before trial.
- Any amendments to pleadings made at trial.
- If the appeal relates to a decision arising from an application, a copy of the application.

II. PART 2: FINAL DOCUMENTS

Documents for this part (rule 14.18(1)(c)) include:

- The lower court judge's or tribunal's **reasons for the decision** that you are appealing. The reasons may be written or oral. If the reasons are oral, the reasons will be one of the transcripts you have already ordered. (If applicable, include any decisions made during the trial that are relevant to the issues on appeal.)
- Any **prior decision(s)** of a judge, Applications Judge and/or tribunal that led to the decision now being appealed.
- The **filed judgment or order** for the decision being appealed. (This is usually filed by the successful party in the court below.) The judgment or order is a brief, formal document that records the outcome of a hearing. This is different from the

judge's written or oral reasons called the decision. The decision provides both the outcome and the judge's reasoning/explanation for the outcome.

- If the judgment or order has not been filed yet, include a note in the table of contents to explain its absence. You will need to provide a copy before the appeal can be scheduled for hearing.

- Any restricted access orders. Examples of restricted access orders include publication bans or sealing orders. For information about restricted access orders, see chapters 2, 3, 4 and 8 of the Court Information Access Guide for Alberta.
- Any **prior orders**, if required to resolve the appeal.
- The court order granting permission to appeal, if any.
- The notice of appeal.
- The notice of cross appeal, if any.
- Proof of service on the Minister of Justice and Attorney General if service on them was required.[4]
- If there was no oral record that could be transcribed for Part 3 below (for example, there was no oral evidence, no oral argument or no oral decision), include a note to that effect in the table of contents for Parts 1 and 2.

III. PART 3: TRANSCRIPTS

This section must include:

- The transcripts outlined in **Part 3.1.B** above
- Part 3 table of contents, and
- A list and description of all exhibits that were entered at the trial court and the page in the transcripts where the exhibit was entered

IV. ITEMS NOT TO INCLUDE IN THE APPEAL RECORD

These items must **not** appear:

- Exhibits and other evidence[5]

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[4] For example, if you are arguing a law is unconstitutional, provide a copy of your notice of appeal to the Minister of Justice or Attorney General.
[5] Only provided in extracts of key evidence

- New evidence[6]
- Affidavits[7]
- Comment or argument[8]
- Trial briefs[9]
- Legal authorities (hyperlinks must be provided in the factum or memorandum. Only provide copies if there is no hyperlink)

E. How to format the appeal record

Important! The formatting requirements for the combined Part 1 and Part 2 of the appeal record differ from the formatting requirements for Part 3, Transcripts.

I. PART 1 AND PART 2 OF THE APPEAL RECORD

The combined Parts 1 and 2 of the appeal record must be submitted as one PDF with Optical Character Recognition (OCR). This makes the PDF searchable.

- In the table of contents, list each document separately and show the page number where the document can be found. See samples in Section F below.
- Note any missing documents.
- The combined Parts 1 and 2 of the appeal record must:
  - Start with the prescribed Civil Appeals Cover Page form, Form AP-5. The cover must be red.
  - Use an 8.5" x 11" document size with 1-inch margins.
  - Have continuously numbered pages, starting with the cover as page 1.
  - Include electronic bookmarks for:
    - The cover page, and
    - The first page of each document in the table of contents along with a description of the document.

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[6] Only provided in an application to admit new evidence
[7] Can only be provided in extracts of key evidence—if necessary for the appeal.
[8] Can only be provided in the factum.
[9] Can only be included with permission of the CMO.

II. PART 3 OF THE APPEAL RECORD (TRANSCRIPTS)

Transcripts have their own cover page. It is not coloured. If you receive transcripts for example, from TMS, they come with a cover page. Do not change it.

- Part 3 of the appeal record (transcripts) must be submitted as a single PDF with OCR. This makes the PDF searchable. If you have more than one PDF, combine them.
- Transcripts must comply with the **Electronic Transcript Checklist**. If you are appealing from a lower court and ordered the transcripts from TMS together with the other parts of the appeal record, TMS will ensure the transcripts comply with the Electronic Transcript Checklist.
- If you ordered the transcripts from TMS or elsewhere and prepared the other parts of the appeal record on your own, ensure the transcripts comply with the Electronic Transcript Checklist. TMS will not do this for you. Transcripts that do not comply, will not be filed by the Registry.

F. Appeal record resources

- All parts of the appeal record:
  - **Sample** Table of contents
  - **Information Sheet**: Overview of the appeal record & transcripts
- Part 3 of the appeal record:
  - **Checklist**: Electronic transcript checklist
- Parts 1 and 2 of the appeal record:
  - **Sample**: Formatted appeal record
  - **Form**: Form AP-5, cover page
  - **Video tutorial**: Steps to prepare an appeal record
  - **Checklist**: Appeal record & transcripts—mandatory requirements and check/return form
  - **Manual**: PDF skills explained (CAMS Manual pp. 79-129)

G. How to upload and file the appeal record

I. UPLOAD PART 3 OF THE APPEAL RECORD

Part 3 of the appeal record (transcripts) is **uploaded first on its own**. It is not uploaded in CAMS.

- It must be uploaded to **https://www.albertacourts.ca/ca/transcriptfiling.** This transcript-specific portal is separate from CAMS. First register for an account for this portal on the Court of Appeal website. Then log in.

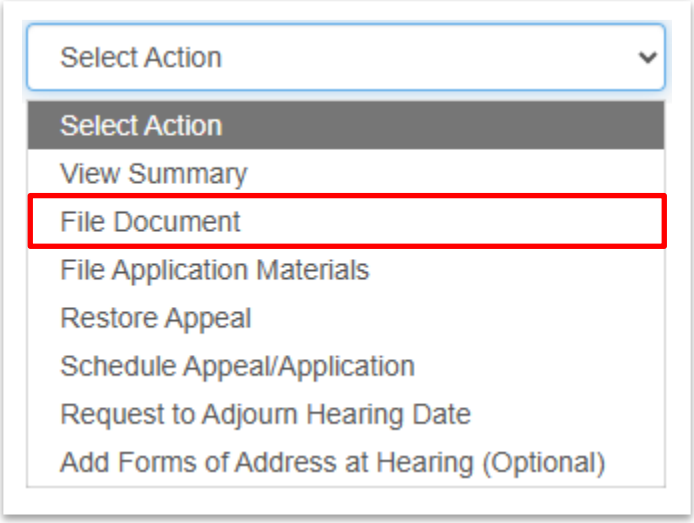
- The Registry must review and stamp your transcripts 'filed' before you can upload Parts 1 and 2 of the appeal record in CAMS.
- Use the Electronic Transcript Checklist to review Part 3. All pages must comply.
- Upload Part 3 **at least three business days** ahead of your deadline to allow the Registry time to review and file the transcript.

II. UPLOAD PARTS 1 AND 2 OF THE APPEAL RECORD

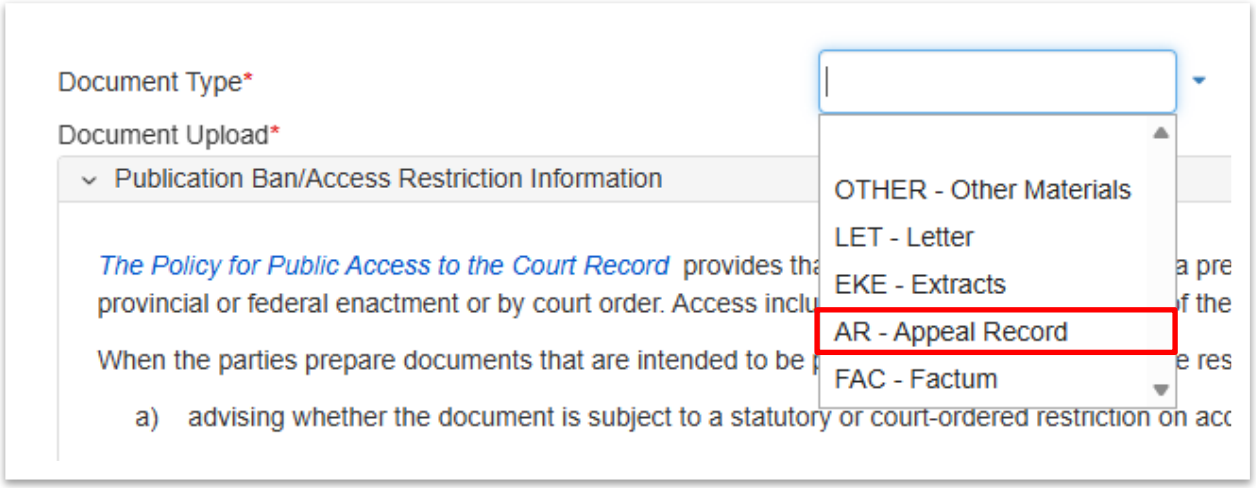
After the Registry reviews and files the transcripts, Parts 1 and 2 must be uploaded in CAMS—in a single document.

Instructions can be found in the CAMS Manual at p. 62.

- Log in to your CAMS account, locate the appeal under the My Appeals tab and **Select Action** > **File Document**.



- On the page that opens, beside Document Type, select **AR – Appeal Record**, then **Choose File** to upload Parts 1 and 2 of the appeal record.
  The document must not exceed 100MB.



- Answer the questions and click Proceed.
- If you correctly upload a document in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this payment request. No payment is required to file an appeal record.
  Emails come from CAMSInquiries@albertacourts.ca. Ensure your spam filters do not block this email address. If you do not receive an email, the document did not upload correctly.

H. Serving the appeal record

A filed copy of the appeal record, including Parts 1, 2 and 3, must be served on every other party to the appeal (rule 14.23(1)).

The appeal record is a non-commencement document. See Appendix 8 on service for information.

3.2 Factum

After filing the appeal record, the next step is to file and serve a factum. A factum is a party's written argument. It summarizes the facts, why you believe the previous decision maker was mistaken and why the Court should agree with your position.

Judges read all factums prior to the hearing, so make your factum thorough yet brief. It is probably the most important document you will file.

A. Factum filing deadlines

The appellant must file a factum and serve a filed copy on every other party to the appeal. The respondent will then file their own factum and serve a filed copy on every other party.

If the appellant's factum is not filed in time, the appeal will be struck. Apply to the CMO for an extension before your deadline if you cannot file your factum in time. If your appeal is struck, review the *Civil Applications Guide* for information about restoring an appeal.

I. FAST-TRACK APPEAL

The appellant's factum must be filed and served (rule 14.24(1)) either:

- **20 days after** the appeal record is filed, or
- **Two months after** the notice of appeal is filed,

whichever comes **first**.

- Only if the respondent files a **cross appeal**, can the appellant file a second factum—to respond to the cross appeal. This is a **reply factum**. See Appendix 9. The CMO will set the deadline and page limits for the reply factum (rule 14.24(2)).
- If the appellant chooses not to prepare a reply factum, they must file and serve a letter of intention not to file a reply (rule 14.23(4)).

II. STANDARD APPEAL

The appellant's factum must be filed and served (rule 14.23(1)) either:

- **Two months after** the appeal record is filed, or
- **Six months after** the notice of appeal is filed,

whichever comes **first**.

- Only if the respondent files a **cross appeal**, can the appellant file a second factum—to respond to the cross appeal. This is a **reply factum.** See Appendix 9.
- The appellant's reply factum must be 10 or fewer pages in length (rule 14.26(2)) and filed and served no later than **10 days** after being served with the respondent's factum.
- If the appellant chooses not to prepare a reply factum, they must file and serve a letter of intention not to file a reply (rule 14.23(4)).

B. Respondent's factum filing deadlines

The respondent may file a respondent's factum or a letter of intention not to file a factum. The respondent's deadlines for filing and serving a factum also depend on whether the appeal is fast track or standard.

I. FAST-TRACK APPEAL

The respondent's factum must be filed and served either (rule 14.24):

- **One month after** being served with the appellant's factum, or
- **10 days before** the opening day of the sittings when the appeal is scheduled to be heard,

whichever comes **first**.

II. STANDARD APPEAL

The respondent's factum must be filed and served within **two months** of being served with the appellant's factum (rule 14.23.)

C. Factum contents

A factum must include (rule 14.25(1)):

I. FACTUM COVER

The cover of the appellant's factum uses Form AP-5. It must be coloured beige or ivory.

II. TABLE OF CONTENTS

The table of contents should include all required sections and correct page numbers, starting from the cover page as page 1. See the sample in **Part 3.2.E** below.

III. PART 1: FACTS

Include a statement of **facts** as found by the lower court or tribunal.

- Where necessary to decide the appeal, identify the source relied on for each statement of fact (e.g., testimony, an exhibit, reasons for decision) by referring to the page, paragraph or line number where it can be found in the transcript, appeal record or extracts of key evidence.

- No **new evidence** can be introduced without a formal application. See New Evidence in the *Civil Applications Guide*.

IV. PART 2: GROUNDS OF APPEAL

The grounds of appeal are the errors you say the lower court or tribunal made in their decision.

- Keep your grounds of appeal simple and brief. You will write a more detailed explanation of your arguments in Part 4 of the factum below.
- For example:

  "I am appealing the decision of the lower court on the following grounds: x,y,z."

V. PART 3: STANDARD OF REVIEW

Include a statement in this section about the relevant **standard of review** that should apply for each ground of appeal.

- The Court of Appeal will not vary or overturn a decision simply because the appeal judges disagree with it.
- Before the Court of Appeal will vary or overturn a decision, the appellant must show that the lower court or tribunal made an error which meets the required threshold standard. This threshold level varies depending on the type of error alleged and is referred to as the standard of review.
- Different grounds of appeal may attract a different standard of review. The information below is not comprehensive and **is not provided as legal advice**. Consider speaking with a lawyer about the standards of review that apply. They may change over time.

(a) Pure questions of fact

The standard of review for pure questions of fact is "palpable and overriding error". See **Housen v Nikolaisen**, 2002 SCC 33.

- The Court of Appeal will only allow an appeal on a question of fact if it concludes there was a palpable and overriding error.
- According to **Housen v Nikolaisen**, 2002 SCC 33, means "plain to see," which sets a high bar for appellants. If there is some evidence to support the decision maker's fact finding or inference of fact, it will be hard to show there was palpable error.
  - For **inferences of fact**, the error may be with the underlying finding of fact the judge relied on or with the process of making the inference.

- To succeed, the appellant needs to show the fact finding was plainly wrong. The error must have affected the outcome of the case—be "overriding".

(b) Pure questions of law

The standard of review for pure questions of law is correctness. See **Housen v Nikolaisen**, 2002 SCC 33.

- For pure questions of law, if the Court of Appeal finds the lower court or tribunal incorrectly decided a question of law, it will substitute its own view on the question of law.
- See the discussion of rule 14.75 in the *Alberta Civil Procedure Handbook 2025* (Vol. 2) for more information. See **Alberta Law Libraries'** information below.

(c) Mixed questions of fact and law

The standard of review for mixed questions of fact and law falls along a "spectrum" which will determine whether the standard of review is correctness or palpable and overriding error. See **Housen v Nikolaisen**, 2002 SCC 33.

- Mixed questions of fact and law ask: Did the facts in question satisfy the legal test?
- Applying a legal test to a set of facts is a mixed question of fact and law. An example would be applying the *Alberta Rules of Court* to the facts of a case.

VI. PART 4: ARGUMENT

Provide your argument:

- Provide your position on the questions of fact or law (your grounds of appeal in Part 2), and
- Argue how your appeal satisfies the relevant standard of review in Part 3.
  - If you have more than one ground of appeal, address each ground separately.

VII. PART 5: RELIEF SOUGHT

You must tell the Court what you want the Court to do, including any special directions related to costs.

The relief sought must be something the Court has the power to do. For example, the Court of Appeal cannot make a person "tell the truth," but it can set aside, uphold or vary a decision.

VIII. ESTIMATED TIME FOR ORAL ARGUMENT

Include in your factum the estimated time for oral argument at the hearing. The maximum time allowed is 45 minutes. Even if you intend to use the full 45 minutes, it must be stated in the factum.

IX. TABLE OF AUTHORITIES

If you have relied on a case, Act, regulation or other authority to support your argument, list it in a **Table of Authorities.**

- Each authority must have a neutral citation, and at least one print citation, if available.
- If the authority is available online through a free service—such as CanLII.org, hyperlink it in your Table of Authorities.
- Only if a hyperlink is not available, provide a copy of the authority, attached to the factum (rule 14.25(1)(h)).

A neutral citation is the citation given to the authority by the court or tribunal that decided it, for example, *Sherman Estate v. Donovan,* 2021 SCC 25.

A print citation is the citation for the version of an authority found in a book, for example, *Sherman Estate v. Donovan,* [2021] 2 S.C.R. 75.

X. PAGE LIMITS—PARTS 1 TO 5 OF THE FACTUM ONLY

(a) Fast-track appeal

The page limit for each party in a fast-track appeal is **12 pages**.

(b) Standard appeal

The page limit for each party in a standard appeal is **30 pages**.

(c) Cross appeal in fast-track and standard appeals

See Appendix 9 about cross appeals.

D. How to format the factum

The factum must be submitted as a PDF with Optical Character Recognition (OCR). This makes the PDF searchable.

- A factum must:

- Start with the prescribed Civil Appeals Cover Page form, Form AP-5. Appellants use beige or ivory covers. Respondents use green covers. Intervenors use blue covers.
- Use an 8.5" x 11" document size with 1-inch margins.
- Be typed using at least 12-point font with 1.5 line spacing, except for quotations. Quotations may use single line spacing.
- Have continuously numbered pages, starting with the cover as page 1. Include paragraphs numbered continuously in a single series from start to end. Do not restart numbering for each section.
- Include electronic bookmarks for:
  - the cover page,
  - each heading and subheading, and
  - the first page of each document that is attached to the factum along with a description of that document.

See rules 14.26 and 14.87.

E. Factum resources

Consult the following resources when drafting and formatting your factum:

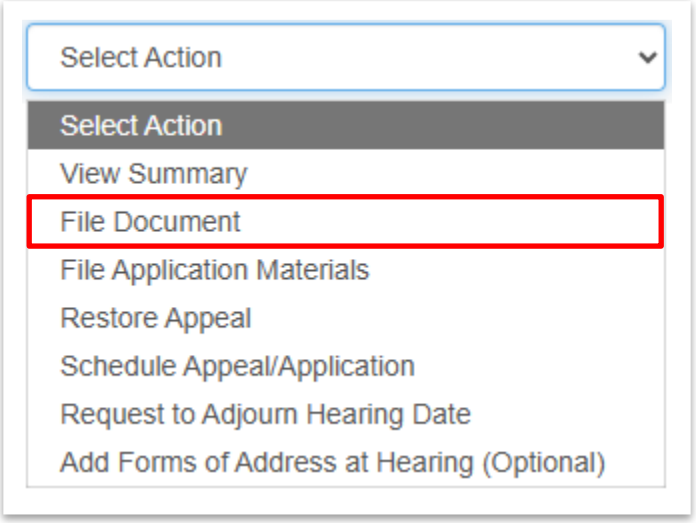
- Sample: Formatted factum
- Form: Cover page, Form AP5
- Video Tutorial: Steps to prepare a factum
- Information Sheet: Overview of the factum
- Checklist: Factum—mandatory requirements and check/return form
- Manual: PDF skills detailed (CAMS Manual pp. 79-129)
- Information Sheet: Finding and providing authorities

F. How to upload the factum

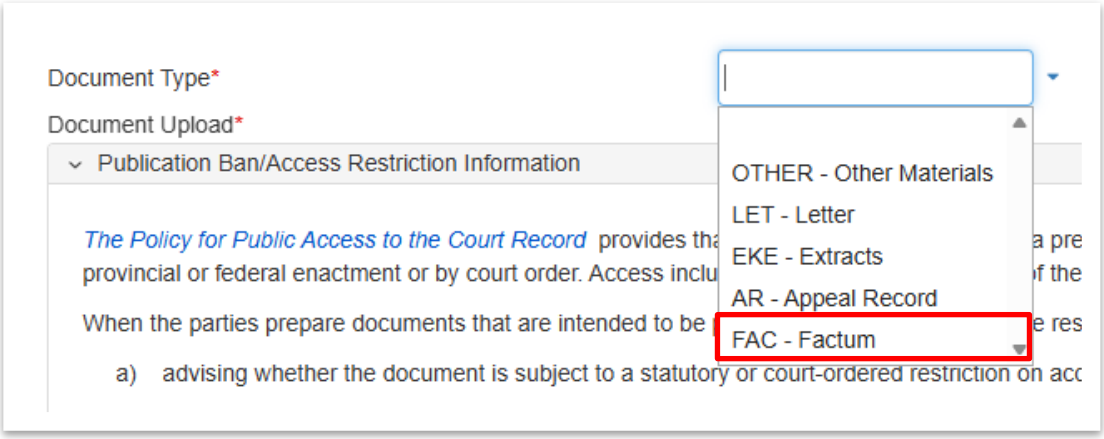
The factum is uploaded in CAMS.

Instructions are in the CAMS Manual at p. 62.

- Log in to your CAMS account, locate the appeal under the My Appeals tab and **Select Action > File Document**.



- On the page that opens, beside Document Type, select **FAC – Factum**, then **Choose File** to upload the factum. The document must not exceed 100MB.



- Answer the questions and click Proceed.
- If you correctly upload a document in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this payment request. No payment is required to file a factum.
- Emails come from CAMSInquiries@albertacourts.ca. Ensure your spam filters do not block this email address. If you do not receive an email, the document did not upload correctly.
- The Registry will review the factum. If no issues are identified, the document will appear in the court record after the Registry stamps it "Filed".

G. Serving the factum

A filed copy of the factum must be served on every other party to the appeal (rule 14.23(1)).

See Appendix 8 about service.

3.3 Extracts of key evidence (optional)

Extracts of key evidence are a limited collection of excerpts from materials that:

- were filed in the lower court or tribunal, and
- are required by the Court of Appeal to resolve the issues on appeal.

- Either or both parties can file extracts of key evidence. While extracts of key evidence are optional, note that the Court of Appeal does not have access to lower court records. All records necessary to decide the appeal must be filed in the extracts of key evidence.
- Typically brief, extracts of key evidence should contain only documents needed to resolve the issues in the appeal (rule 14.27). Review rules 14.27 to 14.29, Part F of the Consolidated Practice Directions and **Part 3.3.B** below.

A. Extracts of key evidence deadline

If you decide to file extracts of key evidence, they must be filed either before or at the same time as your factum (rule 14.27(3)).

B. Extracts of key evidence content

Extracts of key evidence can include (rule 14.27(1)):

- Excerpts from transcripts, affidavits, exhibits, transcripts of questioning and other material that was submitted to the lower court or tribunal that is needed to resolve the issues in the appeal.
  - If a video or audio file was submitted to the lower court judge or tribunal and you plan to include it in your extracts of key evidence, provide it on a USB or CD to the Registry. Ensure it can be easily viewed or played on a standard Windows Media Player. Provide five copies.
  - Do not upload video or audio files in CAMS.

- Any document required for the appeal record that was not available at the time the appeal record was prepared (for example, the filed order or judgment under appeal).
- A table of contents that separately describes each document, including each exhibit to any affidavit, along with the page number where the document can be found.

- Appellants should try to include key evidence that will likely be required by other parties, not just the appellant. Where only part of a document is needed to resolve the appeal, include only that portion. For example, if you only need a few exhibits from an affidavit, only include those exhibits and not the whole affidavit.
- Any records subject to a restricted court access order (i.e., documents that are sealed or confidential because a court order or Act requires it) must be filed in a separate extracts of key evidence document and labeled accordingly. See chapters 2, 3, 4 and 8 of the **Court Information Access Guide for Alberta** for information on restricted access.

I. ITEMS TO EXCLUDE FROM EXTRACTS OF KEY EVIDENCE

These items **must not** appear in the extracts of key evidence:

- The entire record from the lower court or tribunal.
- Evidence that is unlikely to be needed during the hearing.
- Comment or argument
- **Trial briefs**[10]
- Legal authorities
- New evidence (see **Part 7** of the *Civil Applications Guide*)

II. AVOID AN EXTRACTS OF KEY EVIDENCE DATA DUMP

Include **only those extracts of documents** needed to resolve the issues on appeal (rule 14.27). There is no reason to file materials out of an "abundance of caution."

- While the Court of Appeal does not have automatic access to lower court or tribunal records, you will not be penalized if you forget to include a document. See rule 14.28.

[10] Can only be included with permission of the CMO.

- If you include additional documents that are not needed or do not comply with the rules, you may be directed to resubmit the extracts or be subject to other directions, including additional costs. Avoid an extracts of key evidence data dump of unnecessary documents from the lower court or tribunal. Review rules 14.27 to 14.29.
- For exhibits that cannot be readily reproduced, see rule 14.28(2).

C. How to format extracts of key evidence

Extracts of key evidence must be submitted as a PDF with optical character recognition (OCR). This makes the PDF searchable.

- Extracts of key evidence must (rules 14.29 and 14.87):
    - Start with the prescribed Civil Appeals Cover Page, Form AP-5. Appellants, including those who are cross respondents, use yellow covers. Respondents use pink covers. Intervenors use blue covers.
    - A table of contents (as detailed in the section above).
    - Use an 8.5" x 11" document size with one-inch margins.
    - Have continuously numbered pages, starting with the cover as page 1.
    - Include electronic bookmarks for:
        - The cover page, and
        - The first page of each document listed in the table of contents, along with a description of that document. If you are including an affidavit with exhibits, include a bookmark to the first page of the affidavit and the first page of each of the exhibits.
- The document description should help a user to quickly identify and locate the document. Instead of describing a document as "Exhibit A," describe it as, for example, "Construction contract between the parties [date], Exhibit A to the affidavit of John Doe sworn on [date]."

D. Extracts of key evidence resources

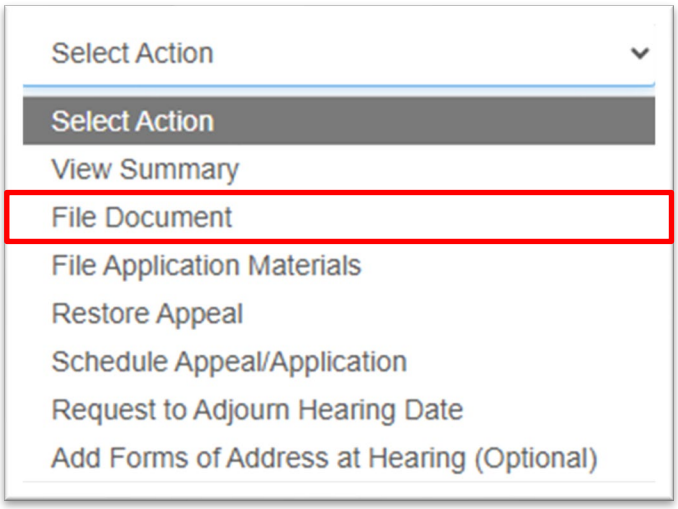
- Sample: Formatted extracts of key evidence
- Sample: Table of contents for extracts of key evidence
- Form: Cover page, Form AP-5
- Video tutorial: Steps to prepare extracts of key evidence
- Information Sheet: Overview of extracts of key evidence

- Checklist: Extracts of key evidence—mandatory requirements and check/return form
- Manual: PDF skills detailed (CAMS Manual, pp. 79-129)

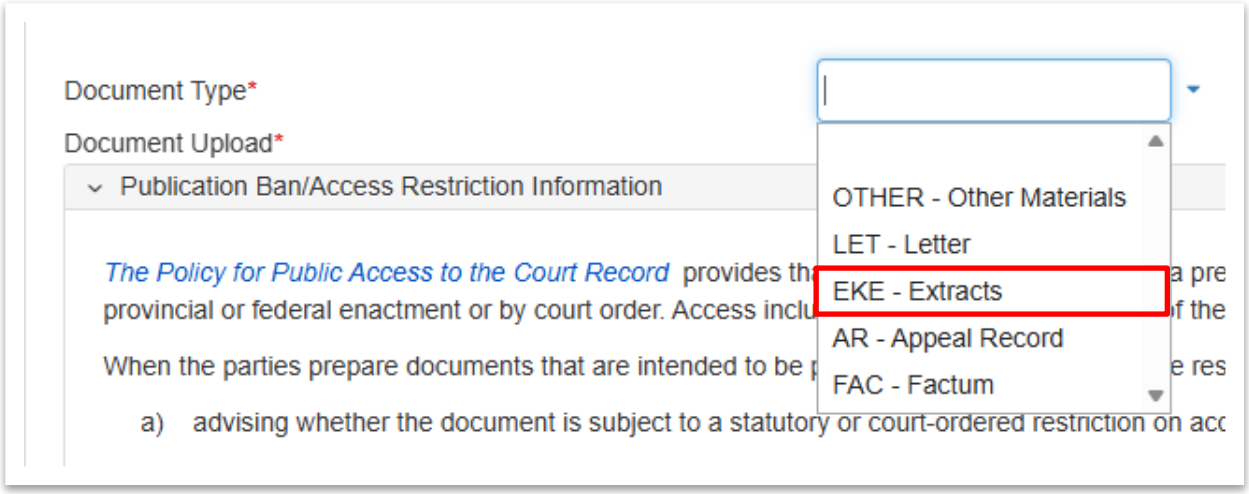
E. Filing extracts of key evidence

Extracts of key evidence must be uploaded in CAMS.

- Instructions can be found in the CAMS Manual at p. 62.
- Log in to your CAMS account and locate the appeal under the My Appeals tab. **Select Action** > **File Document**.



- On the page that opens, beside Document Type, select **EKE – Extracts**, choose file to upload the extracts of key evidence. The document must not exceed 100MB.



- Answer the questions and click Proceed.
- If your document is correctly uploaded in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this request. No payment is required to file extracts of key evidence.
- Emails come from CAMSInquiries@albertacourts.ca. Ensure your spam filters do not block this email address. If you do not receive an email, the document did not upload correctly.

F. Serving extracts of key evidence

A filed copy of extracts of key evidence must be served on every other party to the appeal (rule 14.27(3)).

Extracts of key evidence are a non-commencement document. See Appendix 8 about service for information.

3.4 Condensed books (optional)

Condensed books are optional for both parties (rule 14.30). Small in size, they provide easy access to the parts of filed materials that the party will specifically refer to during the oral hearing. Typically, condensed books are used in complex matters where many pages have been filed by the parties.

Review the condensed books information sheet.

Condensed books must comply with Part G of the **Consolidated Practice Directions of the Court of Appeal of Alberta** and be filed two or more business days before the scheduled hearing.



Part 4

Part 4 | Finding and providing authorities

Legal research is strongly advised for appeals and applications where questions of law are at issue. The Court **advises litigants** to exercise caution using artificial intelligence.

Alberta Law Libraries provides 30-minute legal research instruction sessions on finding, managing and researching legal information. You can access legal research materials online or in person at libraries in 10 locations across Alberta. See Appendix 10 for more information.

Authorities are used to support your legal argument on an application or appeal. Authorities include legislation, statutes, rules, regulations and decisions of courts or tribunals. Decisions of courts or tribunals are sometimes called "cases," "case authorities" or "case law".

A legal argument is a specific way of presenting information to the Court.

Legal arguments are presented in the factum for an appeal (**Part 3.2**), in the memorandum of argument for applications, in submissions to the Case Management Officer (CMO) and during oral submissions at the appeal or application hearing. See Appendix 12 or the *Civil Applications Guide* where relevant.

A legal argument follows this basic formula: "Applying the law (state the authority) to the facts of my case (state the relevant evidence), the decision I want the Court to make is _____."

For information on finding relevant authorities, reading legal cases and formatting authorities for documents, see the **Finding & Providing Authorities** information sheet, Appendix 10 on learning about legal research and Appendix 11 on researching with CanLII.



Part 5

Part 5 | Introduction to applications

Before starting an application, review the *Civil Applications Guide* and the *Alberta Rules of Court,* rules 14.36(1) to 14.54.

Applications are made to the Court to resolve any issues that arise related to the appeal. Either party can start an application to seek an order from the Court to settle an issue.

The party who makes an **application** is called the **applicant**. The party who responds to the application is called the **respondent**.[11]

- The **type of issue** you are seeking to resolve determines:
    - Who will hear and decide your application—a single judge, a panel of three judges or the Case Management Officer (CMO), and
    - The documents and process you need to follow. See the *Civil Applications Guide* for details.

There are many types of applications, for example, applications to extend time to appeal, for permission to appeal, for a stay pending appeal, to admit new evidence and to restore an appeal. Information on starting an application for permission to appeal is included in **Part 2.6.B** of this guide.

For information on making an application for directions from the CMO, see **Part 2.4.C** of this guide.

What is "chambers"?

Chambers refers to an application to a single Court of Appeal judge in open court where the proceedings are recorded.

[11] Note: The "respondent" on the appeal may also be the "applicant" in an application. The appellant in the appeal would then be the "respondent" in the application.

Part 6



Part 6 | Judicial dispute resolution

Note: Judicial dispute resolution and appeal conferences are on hold until further notice. See the Court's **notice** about JDR and ACs.

The Court of Appeal offers confidential dispute resolution services to help parties resolve appeal matters early. The aim is to increase access to justice and decrease expense for the parties. To participate, all parties must agree to the judicial dispute resolution (JDR) process.

(a) Judicial dispute resolution (on hold)

Judicial dispute resolution is a different way to settle issues on appeal. In judicial dispute resolution, the parties and their lawyers meet with a Court of Appeal judge in person or virtually. Meetings do not take place in a courtroom.

- The purpose of judicial dispute resolution is to reach a settlement on all issues or to resolve as many issues as possible with the help of a Court of Appeal judge, outside a hearing (rule 14.60).
- Judicial dispute resolution is optional, and the parties can choose a judicial dispute resolution with either a binding or non-binding outcome.
- Once the parties agree to participate in a judicial dispute resolution, write a letter that confirms that agreement and upload it to CAMS. The Court of Appeal website lists judges who participate in judicial dispute resolution.
- Although most common in family matters, a judicial dispute resolution can be scheduled for any civil appeal including commercial matters.
- Once a date has been scheduled for a judicial dispute resolution, the appeal's time limits are suspended (rule 14.61(1)) until an order or direction is made under rule 14.61(2).
- See Part D of the **Consolidated Practice Directions** for details.

(b) Appeal conference (on hold)

An **appeal conference** (AC) is another alternative dispute resolution method. It is mandatory for most family law appeals that are categorized as **fast-track appeals**.

- After a **notice of appeal** is filed for a family law fast-track appeal, an appeal conference is scheduled, and a letter is sent to lawyers and self-represented litigants. The letter includes a date for the appeal conference and other details.
- The purpose of an appeal conference is to encourage resolution of the appeal and to reduce family conflict and expense.

- Appeal conferences are scheduled at least two weeks after the notice of appeal is filed—on the 2nd and 4th Tuesdays of each month.
- Appeal conferences are typically conducted virtually.
- See the **Appeal Conferences Guide** for details.

Part 7



Part 7 | Scheduling the hearing

Scheduling is the process of setting a hearing date for oral argument.

This section applies to appeal and permission to appeal hearings.

7.1 Introduction

The Court of Appeal sits in Calgary and Edmonton and hears:

- **Appeals**—one week in each month from September to June.
  See the Court Calendar for more information.
- **Permission to appeal applications**—heard virtually on Wednesdays and Thursdays at **9:30 a.m**.

- Hearing dates are requested and appeals are scheduled through the eScheduling feature in CAMS. **Part 7.4** below explains how to use eScheduling.

Note: The Court can hear and decide an appeal without oral argument. This can only happen if the parties agree, or a single appeal judge or panel has directed.

7.2 When to request a hearing date

For an **appeal** hearing date—only make a request using the eScheduling feature if:

- There is an approved timetable, or
- You have received a letter in CAMS advising to request a hearing date.

- For a **permission to appeal** hearing date (to start an appeal)—make a request after you receive an email from the Registry advising you to redo so.

7.3 Deadlines for scheduling appeal hearings

A. Appeals

I. FAST-TRACK APPEALS

Fast-track appeals will be scheduled for an oral hearing once the appellant's appeal record and factum are filed, and the filed order from the lower court has been provided to the Court of Appeal.

- There can be as few as **20 days** between the filing of the appellant's factum and the first sitting week when the appeal can be heard (rule 14.34).
- If a fast-track appeal is not scheduled for hearing **within six months** after the notice of appeal is filed, the appeal will be struck subject to any direction from the CMO.

II. STANDARD APPEALS

For standard appeals, an oral hearing must be scheduled **no later than 20 days** after the deadline for the last factum to be filed (rule 14.33).

- In practice, the appeal is scheduled for an oral hearing once the respondent's factum is filed and the filed order, judgment or decision from the lower court has been provided to the Court of Appeal.
- The hearing date will be **at least eight weeks** after the last factum is filed subject to any direction from the CMO.
- If the appeal has not been scheduled for hearing **within six months** after the deadline for the last factum or **12 months after** filing the notice of appeal, whichever happens **earlier**, the appeal will be struck subject to any direction from the CMO (rule 14.64).

B. Applications for permission to appeal

An application for permission to appeal must be heard within **six months** from the date it is filed. If not, the application will be deemed abandoned, and the file will be closed unless the CMO directs otherwise (rule 14.44(2)).

If a memorandum of argument was not included in an application to preserve a time limitation, you must file your memorandum at least **10 days** before the hearing date to ensure your hearing is not delayed.

7.4 How to book a hearing in CAMS

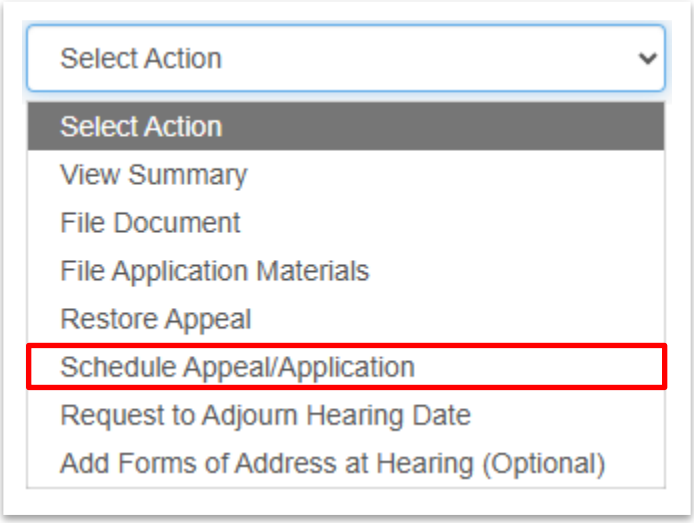
Appeal and application hearings are scheduled in CAMS, typically by the appellant or applicant.

See the Manual/Tip Sheets on the CAMS website for guides and video tutorials on eScheduling, the information sheet Scheduling Appeals and rules 14.33 to 14.35.

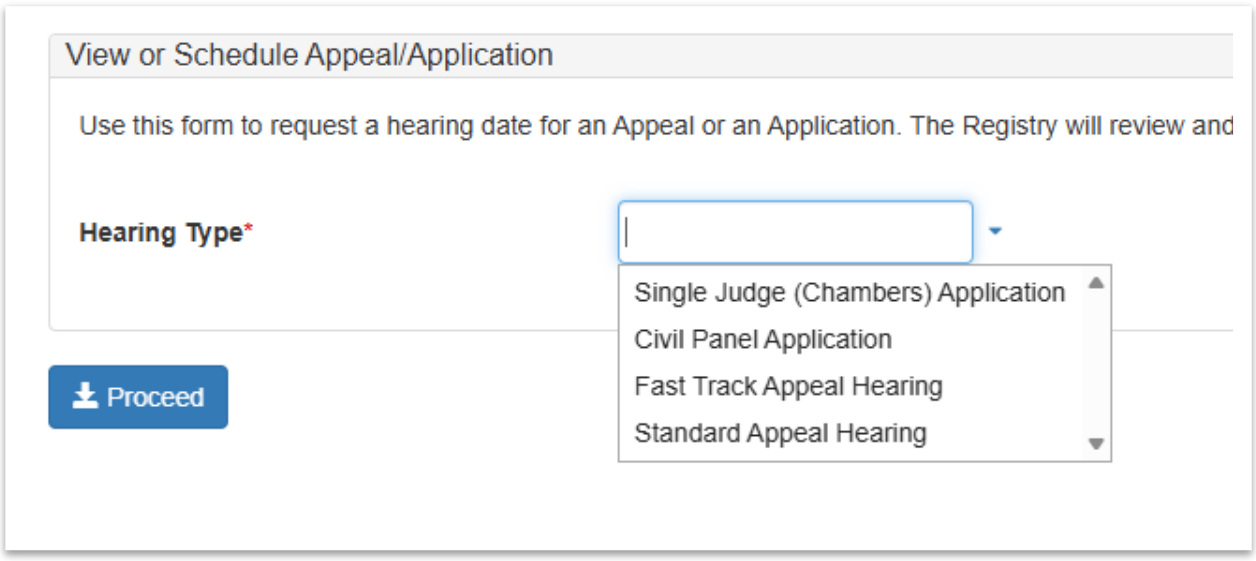
A. Go to eScheduling in CAMS

Log in to your CAMS account.

- On the My Appeals page, select **Schedule Appeal/Application** from the **Select Action** drop-down menu.



- On the page that opens:
  - For **appeal** hearings, on the next page select the appropriate appeal type: Fast-Track Appeal Hearing or Standard Appeal Hearing.
  - For **application for permission to appeal** hearings, select single judge application. See **Part 3** of the *Civil Applications Guide* for more information.

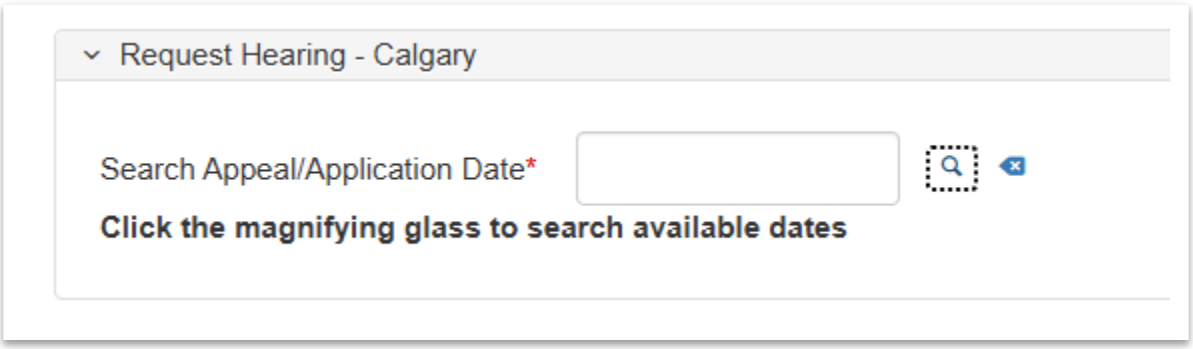


- Read all the information on the new page.

B. Check available hearing dates and discuss

For **appeal** hearings, all parties must agree on a potential hearing date before formally requesting a date through the portal.

- For **application** for permission to appeal hearings, all parties should discuss and agree.
- To check available hearing dates, go to the bottom of the page. Click on the magnifying glass and then proceed to search available dates.
  (If checking appeal dates, you will see questions above the image shown below. You do not need to answer the questions to simply check dates.)



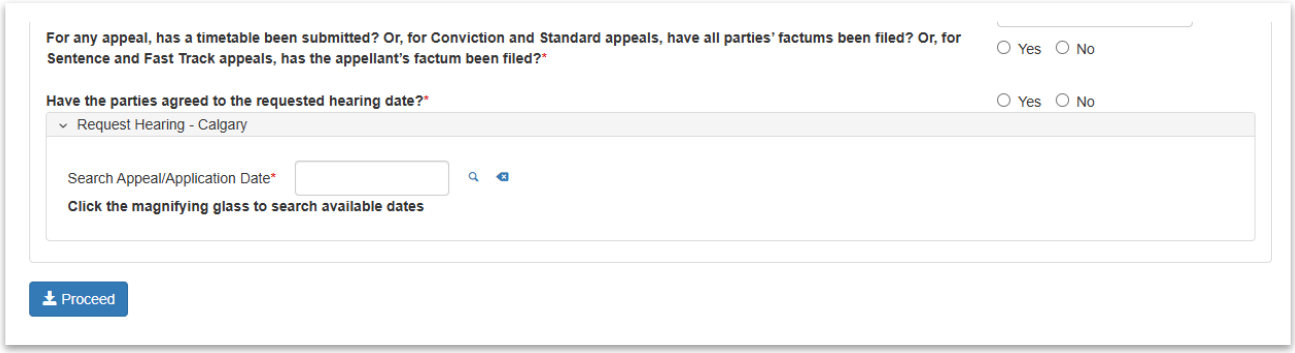
- Note the available dates you plan to discuss with the other party.

- Contact the other party and agree on a preferred hearing date to request.
- Dates are first-come, first-served.

C. Request the preferred hearing date

If requesting a hearing date for **an appeal**, answer the mandatory questions first. If you answer no to either question, you cannot proceed. Review the items required.

  - The questions do not appear if you are requesting a hearing date for an application.



- To send your request, click on the magnifying glass to locate the preferred date. Click on the date. It will now appear in the Request Hearing box. Click Proceed.
- The request is sent for approval, and the system will return to the My Appeals page.
- The party that requested the hearing date will receive an automated email confirming receipt of the request. At this stage, the request has not been reviewed.

D. Court of Appeal responds to hearing date request

A second email goes to all parties and will either:

  - Confirm the hearing date and provide hearing details, or
  - Notify parties that the request was not approved.
- If the request is approved, the hearing date will appear in the Appeal Summary in CAMS under Hearings. (Under My Appeals, click the **Select Action** drop-down menu and choose **View Summary**.)
- If the request is not approved, there may be a number of reasons. For example, the date you selected may no longer be available.

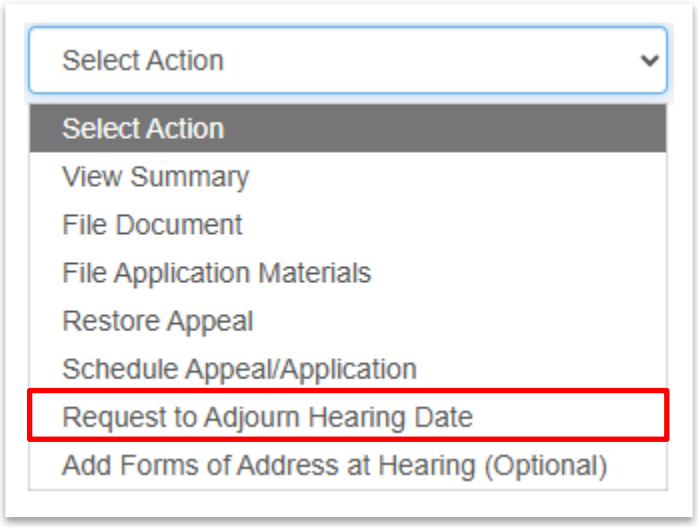
- If you are unsure which steps to take next, contact the Registry.

Note: Once an appeal is scheduled for hearing, the date cannot be adjourned or rescheduled unless a judge or CMO allows.

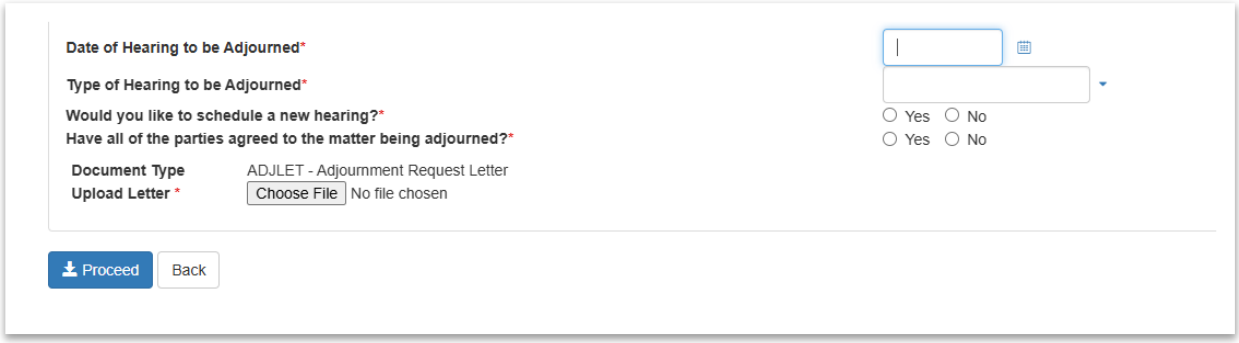
7.5 Adjourning or cancelling a hearing date

If you have a hearing date and want to adjourn or cancel it, follow the steps below. Do not use the eScheduling feature. Speak with the other party first. The position of the other party is required.

- To request that an existing hearing date **be adjourned to a new date, cancelled or adjourned sine die** (with no return date), make an application to the CMO.
  - Log in to CAMS.
  - Go to the My Appeals page.
  - Choose the appeal.
  - From the **Select Action** drop-down menu, select **Request to Adjourn Hearing Date**. Follow the instructions.



  - Answer the questions shown below.



- In your application, you must upload an adjournment request letter which provides the details and reasons for the request.
- The adjournment request letter should include:
  - The reasons for the request.
  - The length of the requested adjournment (or indicate there is no return date).
  - Information about contact: Have you contacted the other party? What is their position, if known?
  - Information about consent: If you have consulted all parties, indicate whether they consent to the request. If they do not consent, explain why.
  - The position of the other party is required before any decision can be made on a request to adjourn.
- Click Proceed.
- You will be taken to the Scheduling Appeal/Application page. If you are not requesting a new hearing date, leave the page.

- If you need to request a new hearing date, stay on the page to view hearing dates to discuss with the other party.
  - Follow the steps in **Part 7.4** above to request a new hearing date.

Part 8



Part 8 | Appeal hearings

This section includes information on hearing methods, preparing for a hearing, what to expect in court and how to argue your case. See **Part 6** of the *Civil Applications Guide* for information about virtual hearings.

8.1 Preparing

It may help to attend an appeal hearing before your own. Hearing dates and times can be found on the website. Watching an appeal can help you better understand court procedure and how to present your argument.

- Organize your presentation. Make notes about how you want to present the details about your case. This includes, for example, the law you are relying on, the transcript paragraphs you will refer to and so on.
- Try to anticipate questions the judges may ask.
- Oral argument at the hearing is a maximum of 45 minutes for each party, subject to the panel's discretion. Prepare with that time limit in mind.
- The judges will read all documents before the hearing, so do not use your time to simply read from your factum. Explain your arguments instead.
- You may wish to consult with a lawyer about how to present and argue your appeal at the hearing.

8.2 Methods of hearing

A. Standard civil hearing methods

The standard method for a hearing before a panel of three or more judges is **in person.**

This includes any **appeal hearing** or **application to a panel** of three judges.

The standard method of hearing for an application to a single judge, an appeal conference or judicial dispute resolution is **virtual**.

Refer to **Part 6** of the *Civil Applications Guide* for information on virtual hearings.

- The Registry will confirm which method of hearing applies to your matter. Hearing details will be added to CAMS after the hearing is scheduled.

- For virtual matters, a hearing link will be provided to the parties. Closer to the hearing date, hearing lists are posted on the Court's website under Court Hearing Lists. A public "view hearing" link is typically included for virtual hearings.

B. Applying to change hearing method

Parties can make an application to change the hearing method for civil proceedings.

- Applications can be made to:
  - Change a hearing from in-person to virtual,
  - Change a hearing from virtual to in-person, or
  - Request a hybrid hearing, where some participants appear in person and others virtually.

I. WHEN TO MAKE AN APPLICATION

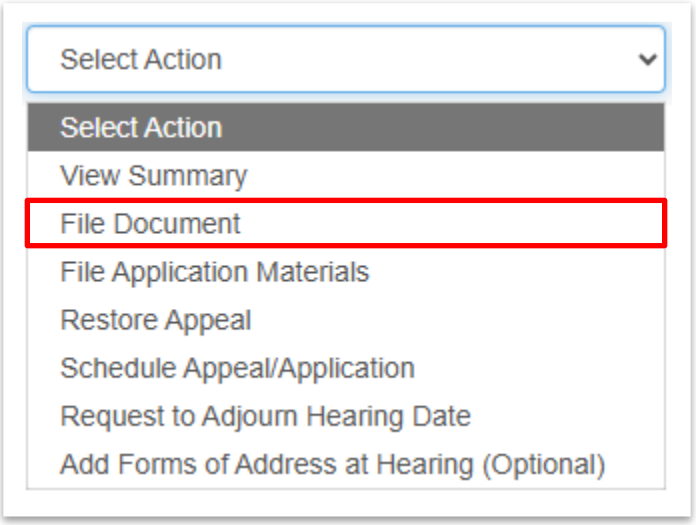
- An application to change the hearing method can be made:
  - after a proceeding has been scheduled for hearing, and
  - no later than:

Civil proceeding	Timing ahead of scheduled hearings
Appeal Hearings	1 week
Applications (three judge panels)	1 week
Single Judge Applications	At least 48 hours

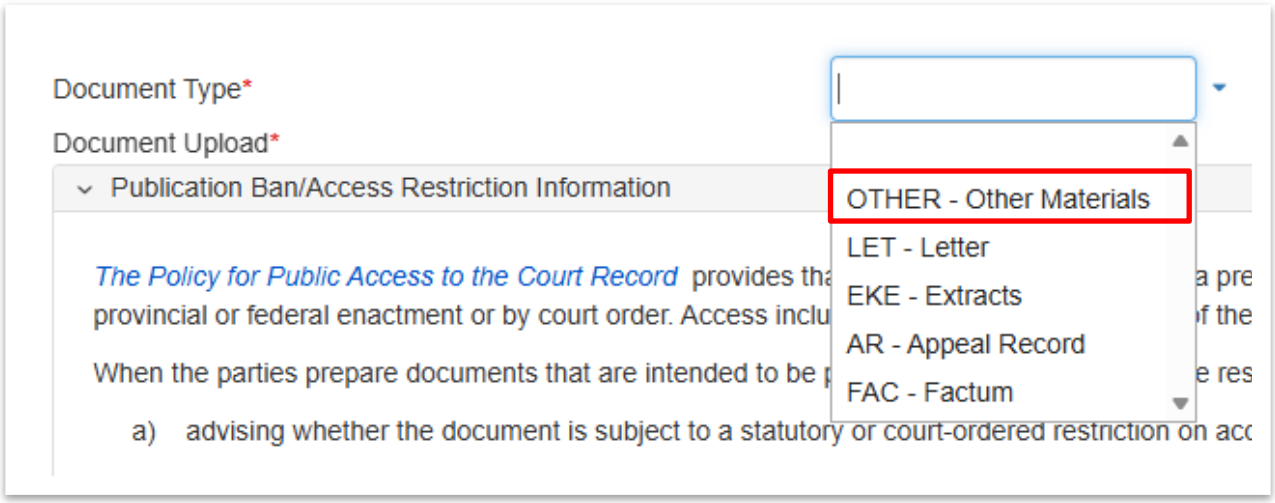
II. HOW TO MAKE AN APPLICATION

Apply using the **Application to Change Hearing Method** form (on the Court of Appeal website under Filing, Fees and Forms and in Appendix 7).

- Log in to CAMS and click on the My Appeals tab to locate your appeal.
  Choose **Select Action** > **File Document**.



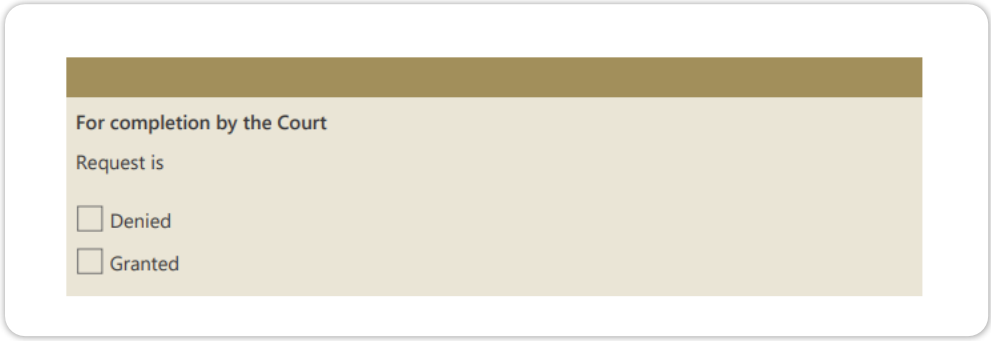
- On the page that opens, beside Document Type, select **OTHER – Other Materials**. Choose File and upload the completed **Application to Change Hearing Method** form.



- Answer the questions about privacy and access restrictions and click Proceed.
- If you correctly upload a document in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this payment request. Emails come from CAMSInquiries@albertacourts.ca. Please ensure your spam filters do not block this email address. If you do not receive an email, the document did not upload correctly.

III. RECEIVING THE DECISION

After your application is reviewed, the form will be endorsed with the Court's decision—granted or denied.



You will receive an email from CAMSInquiries@albertacourts.ca advising that the application has been endorsed. Log in to CAMS to see the Court's decision.

8.3 In-person hearings

This section provides information about in-person hearings. For virtual hearings, see **Part 6.B** in the *Civil Applications Guide*.

If you are participating in a hybrid hearing, read this section and **Part 6.B** in the *Civil Applications Guide* to understand both the in-person and virtual aspects of the hearing.

If you are attending the courthouse for an in-person hearing, check your hearing letter in CAMS to confirm the date and time. Note the courtroom number and court location before going to the courthouse. Court hearing lists are also posted in the courthouse.

A. In Calgary

Civil appeals are typically heard at the Court of Appeal in Calgary. The address is 26th floor, 450 1st Street SW.

- Sometimes, a civil appeal may be heard at the Calgary Courts Centre (601 5th Street SW, Calgary). Review your letter to confirm the hearing location.
- Arriving at 450, 1st Street SW:

- In the lobby, go to the security desk and ask for a security pass to the 26th floor, where courtrooms are located.
- Sheriffs on the 26th floor will assist you through security screening.
- Two courtrooms—Courtroom 1 and Courtroom 2—are located to your right after you clear security. The Registry is to your left.
- Keep your security pass. You will need it to leave the elevator bank on the ground floor on your way out of the building. Return your pass to the security desk in the lobby.

- Arriving at Calgary Courts Centre (CCC):
  - Sheriffs stationed in the CCC lobby will assist you through security screening.
  - Appeals are usually heard in courtroom 1404 on the 14th floor. Review your hearing letter in CAMS to confirm the hearing location. Court hearing lists are also posted in the courthouse.

B. In Edmonton

All civil appeals are heard by the Court of Appeal in Edmonton at the Edmonton Law Courts (ELC), 1A Sir Winston Churchill Square.

- There are three entrances (east, west and underground) each with security screening stations.
- After you clear security, follow the noticeboards and yellow screens located throughout the courthouse. They display the courtroom details for matters listed for hearing that day. An information booth is located by the east entrance in the North Tower.
- The Court of Appeal is in the South Tower at Edmonton Law Courts. Typically, Court of Appeal matters are heard in courtrooms 512 and 514. Check if your matter will be heard in one of these courtrooms. If so, take the elevator to the 5th floor.
- The Court of Appeal Registry counter is located in the South Tower on the main floor near the west entrance.

C. Arrive early

Arrive at least half an hour before the hearing is scheduled to start so you have time to make your way through security and find the courtroom.

- Going through security at the courthouse is very similar to going through security at an airport. Parties will be asked to empty their pockets and step through a metal detector. Bags, briefcases and other materials will pass through an x-ray machine.
- Items deemed to be a security concern cannot be brought into the court. These include, but are not limited to:
    - Illegal drugs or drug paraphernalia
    - Weapons of any kind, including bear spray
    - Alcohol
    - Knives, including utility knives and pocketknives
    - Scissors or any other instrument with a cutting edge
    - Sharp objects such as knitting needles, metal forks and corkscrews
    - Tools such as screwdrivers, hammers, nails, and screws.

D. What to wear

Lawyers representing parties always gown (wear formal robes) when appearing before a panel of three or more Court of Appeal judges either in person or virtually. If appearing before a single judge, lawyers do not gown.

All litigants are encouraged to wear business-like clothing including footwear. All hats and sunglasses must be removed.

E. Information to provide before the hearing

Provide the following information to the Court via CAMS **at least 10 days before** the scheduled hearing date:

- Hearings Confidentiality or Privacy Concerns Form

  The parties are asked to discuss this form together and file a single coordinated response when possible.

- Optional Form of Address Information
    - Lawyers and self-represented parties can provide information such as their preferred names and titles, for example, Ms, Mrs, Mr, Mx, Counsel, Dr.
    - Submit this information through CAMS. For more information, click on the link above.

F. Courts are typically open to the public

Court of Appeal hearings are open to the public, with rare exceptions.

- If a closed court is required, a Private Hearing sign will be posted on the courtroom door. Only the parties and their lawyers can enter the courtroom.
- Hearing dates and times are posted publicly in **Court Hearing Lists** on the website.

G. Electronics policy and documents

Electronic devices may be used in the courtroom for limited purposes by self-represented litigants, lawyers and approved media only. See the Court's **Policy** on the Use of Electronic Devices in Courtrooms for details.

- Phones should not be used or accessed by anyone in the courtroom—in the gallery or at counsel tables. A narrow exception allows self-represented litigants or counsel to access speaking notes or a document. Litigants who are represented by counsel should not access their phones at all.
- Members of the public are not permitted to use any electronic devices including smartphones and tablets in the courtroom. Turn them off and keep them out of sight.
- Taking photos and recording are not permitted.
- If you are relying on electronic documents (including documents filed by the other party), download them before you come to court to avoid relying on Wi-Fi. Alternatively, print the documents in advance and bring paper copies.
- The court has Wi-Fi. Connection instructions are located inside the courtroom.
- Bring pen and paper.

H. In the courtroom

The courtroom is a formal setting, whether the hearing is in person or virtual. All parties must be polite and respectful towards each other, visitors, staff and judges.

I. BEFORE THE HEARING

When you arrive, check in with the court clerk.

Note: All documents must be filed in advance, unless permission is sought and provided.

- If more than one hearing is listed for the courtroom, take a seat on one of the benches at the back. If only one hearing is listed, take a seat at the tables at the front on either side

of the lectern. The appellant (or applicant) sits to the left of the lectern facing the judges, and the respondent sits to the right.

- All hearings are recorded by the clerk.
- Only water is permitted in the courtroom. Do not bring in food or other beverages and do not chew gum.
- Keep cellphones turned off. See **Part 8.3.G** above. You cannot take photos or videos or use a cellphone.

II. DURING THE HEARING

When the hearing begins, the court clerk will announce court is in order. Everyone in the courtroom is required to stand, and the judges enter. After the judges sit, everyone in the courtroom will sit.

- First, the judge will advise the order in which matters will be heard. If there is more than one matter and your matter is not first, wait in the courtroom unless a judge directs otherwise. Listen to all instructions.
- Before each matter, a judge will introduce the parties and the case number.
- If your appeal is called and you are seated at the back of the court, move to the tables at the front on either side of the lectern.

III. ORAL ARGUMENT

(a) Time allocation

Unless the panel allows more time, oral argument is limited to 45 minutes for each separately represented party, subject to the panel's discretion (rule 14.32(4)). This also applies to consolidated appeals—related appeals that are treated as one appeal.

A timer light on the lectern monitors the length of oral argument. It turns yellow when the speaker has five minutes left. It turns red when the speaker has reached the time limit.

(b) Order of submissions

A judge will indicate when it is your turn to speak or ask you a question. Remain seated until then.

- Usually, the appellant speaks first, although sometimes judges will ask the respondent to speak first. Each party moves to the lectern in the centre to speak when called.

- The respondent typically speaks second, orally summarizing their argument. The respondent will provide their position on the grounds advanced by the appellant.
- Once the respondent finishes addressing the Court, the appellant is often given an opportunity to reply. In this case, the appellant is encouraged to address only new items raised by the respondent. It is not necessary to use a reply.

(c) Tips when presenting

The judges read all materials filed, including every factum prior to the hearing. Do not read your factum to the Court. Use it as a presentation guide to summarize the key points in your factum—for example, how you believe the lower court judge or tribunal made or did not make errors on questions of fact, law or mixed fact and law.

- Alternatively, a party can advise the Court that it will rely on its written factum and not make any oral argument.
- The judges may ask questions during oral argument to clarify what the parties have said. Listen carefully to their questions and do your best to answer them.

(d) Decorum

If you are able, stand when addressing the Court. Remain seated when you are not speaking.

- When addressing a judge, address them by "Justice" or "Justice [last name]," rather than "your Honour." If the Chief Justice is a member of the panel, the Chief Justice is addressed as "Chief Justice" or "Chief Justice [last name]."
- The names of the judges assigned to hear your appeal will be posted a week before the hearing on the Court's website and the hearing list posted on the bulletin board outside the Registry office. A panel of three judges can also be addressed as "the Court."
- Do not interrupt when another party is speaking to the judges unless you are called upon by a judge.
- Do not interrupt when a judge is speaking.

(e) Microphone and sound

Microphones in the courtroom record. They do not amplify voices. Speak as clearly as possible so everyone can hear.

(f) Conclusion

A judge will indicate when your matter has finished. The Court may orally provide a decision before you leave the courtroom, or they may "reserve" the decision and issue it later. See **Part 9.1** for details.

- If there is another matter scheduled to follow your hearing, collect your things and move to the benches at the back or leave the courtroom.
- When the judges leave the courtroom, stand if you are able.

I. Support in Court: McKenzie friend

A self-represented litigant may seek permission from the court to have a support person sit beside them in court. This person is called a McKenzie friend. They can take notes and offer emotional support, but they cannot speak on your behalf.

- To seek permission for a McKenzie friend, upload a letter in CAMS to make the request about a week before the hearing.
- Locate the appeal under the My Appeals tab and **Select Action** > **File Document**. Select **Document Type** = **LET-Letter**.
- For more information about McKenzie friends, view the Canadian Bar Association's **The McKenzie Friend** guide.

8.4 Virtual hearings

For information on virtual hearings, see the *Civil Applications Guide*.

Part 9



Part 9 | After an appeal hearing

This part covers how parties receive a decision, judgments and orders.

9.1 Getting a decision

Once the hearing is complete, the Court may:

- Dismiss the appeal (confirm the previous decision).
- Allow the appeal and order a new trial or hearing.
- Allow the appeal (in full or in part) and change the previous decision.

- As noted above, judges occasionally give their decision orally at a hearing.
- At other times, they will reserve their decision and provide a written decision later.
- If the decision is reserved, the Registry will send you notice the day before the decision is filed. A copy of the decision will be emailed to you the day the decision is filed.

9.2 Judgments and orders

After a decision is issued, a formal judgment or order is filed to record the outcome of the appeal or application. Judgments generally record the result of an appeal. Orders generally record the result of an application.

Under rule 9.2, the Court may direct which party will prepare a draft of the judgment or order given by the Court. Typically, if the Court does not provide direction, the successful party is responsible for preparing the draft and sending it to the other party for review. Note the exception below for appeals involving at least one self-represented litigant.

A. Prepared by the Court

In civil matters involving at least one self-represented litigant, Court of Appeal staff will prepare the judgment or order on the parties' behalf. It will be filed and sent to the parties.

Read the overview of **Judgments, orders and costs** for more information.

B. Prepared by counsel

When both parties are represented by counsel, the party preparing a draft of the judgment or order must serve it on every party who attended the application or appeal **within 10 days** of the date of decision.

This part **does not apply** to appeals involving **self-represented litigants**. Continue reading below at **Part 9.3**, Costs.

(a) Format

Use the relevant judgment or order template on the website.

Refer to the Judgment/Order mandatory requirements checklist form for a list of the minimum requirements.

(b) Content

The purpose of the judgment is to record the ultimate result of the appeal—not to summarize the written reasons, restate the law or the standard of review.

- Appropriate examples are:
  - "The appeal is dismissed."
  - "The appeal is allowed, the judgment is set aside, and a new trial is ordered."
  - "The appeal is allowed in part, the judgment for general damages is reduced to $20,000, but the appeal is otherwise dismissed."

(c) Approvals

See page 2 of the Judgments, orders and costs overview, an information sheet, regarding approvals required of the parties.

(d) Time limit for filing

The judgment must be filed within **three months** of the date of the decision, otherwise you will need to apply to the Case Management Officer (CMO) for a fiat permitting the filing of the judgment.

9.3 Costs

By default, the successful party to an appeal is entitled to a costs award against the unsuccessful party subject to any order of the Court (rule 14.88(1)).

- Parties should settle the amount of costs between themselves. If the parties cannot agree on the amount of costs that flows from rule 14.88, including which column of Schedule C applies, they must seek an appointment with an assessment officer at the Court of King's Bench (*Alberta Rules of Court*, Part 10). Form 44 and Form 45 will be required.
- A party should only seek a specific costs direction from a single appeal judge or panel if the party wants to argue the default rule should not apply (rule 14.88(1)). For example, a party may wish to argue that the default rule should not apply because some grounds of appeal were accepted, and others were dismissed. A party may ask for an enhanced or lower amount of costs.
- For information on how to proceed, contact the CMO.
- Upload written submissions on costs, if required, in CAMS. The deadline for submissions on costs is **two months** after a decision is issued. The judge or panel will consider and decide the issue on the written materials. There is no oral hearing.

9.4 Further appeals

Appeals from decisions made by a Court of Appeal panel are made to the **Supreme Court of Canada** (SCC). For information on seeking leave to appeal to the SCC, visit their **website**.

Part 10



Part 10 | Miscellaneous matters

This part covers change of counsel and discontinuing an appeal.

A. Change of counsel

If a self-represented litigant retains a lawyer or a litigant changes legal representation or decides to self-represent, upload in CAMS:

- Form 3: Notice of Change of Representation, and
- An affidavit of service (see forms on the Court website).

- If counsel withdraws in a civil matter before the appeal has been set for hearing, they must (rule 2.29(1)):
  - Serve Form 4 (Notice of Withdrawal of Lawyer of Record) on the client and each of the other parties, and
  - Upload an affidavit of service in CAMS showing service on the client and other parties.
- Withdrawal by the lawyer of record takes effect **10 days after** the affidavit of service is stamped "filed" by the Registry.
- If the appeal has been set for hearing, counsel cannot simply withdraw. Instead, counsel must make an application to a single judge to withdraw. See applications to a single judge in the *Civil Applications Guide*.
- To upload these documents in CAMS, locate the appeal under the My Appeals tab and **Select Action** > **File Document** and Document Type > **OTHER – Other Materials**.

B. Discontinuing an appeal

The appellant can discontinue an appeal at any time by filing and serving a discontinuance of appeal (rule 14.66) in Form AP-4. The respondent is entitled to a costs award for having responded to the appeal unless they consent to a discontinuance without costs. If the respondent consents to a discontinuance without costs, they should sign the discontinuance before it is submitted.

If a cross appeal has been filed, the discontinuance of an appeal does not discontinue a cross appeal.

Appendices

Appendix 1 | Key resources for the parties

Key resources for litigants and counsel before the Court of Appeal include:

- Court of Appeal of Alberta website
- Alberta Rules of Court
  - Civil Appeal Rules: Part 14 of the Alberta Rules of Court
- CAMS Manual and videos
- Frequently Asked Questions—Court of Appeal of Alberta
- Consolidated Practice Directions
- Practice Direction—Electronic Filing

Appendix 2 | Glossary of terms

The descriptions in this glossary are a plain language explanation of terms used in the guide. They apply specifically to the Court of Appeal context. They are not legal definitions. For legal definitions review the *Alberta Rules of Court*, the *Court of Appeal of Alberta Practice Directions* and Court of Appeal policies. *Rules* is used as an abbreviation for *Alberta Rules of Court*.

- **Adjourned**: When a court proceeding is postponed for a later date. If a matter is Adjourned *sine die*, it is postponed, and no specific date is given to return.
- **Administrative Direction:** At the Court of Appeal, this is an administrative decision made by the Case Management Officer (CMO).
- **Affidavit**: A written statement of facts that is sworn or affirmed to be true before a person who has authority to administer the oath or affirmation.
- **Affirm or affirmation:** To affirm is one of two ways parties promise to tell the truth when testifying in court or completing an affidavit. It does not involve a religious commitment. See also: Swear or sworn.
- **Appeal**: A request to a higher court to vary or reverse the judgment of a lower court, board, or tribunal. See rule 14.1(1)(a).
- **Appeal Conferences (ACs)**: A mandatory alternative dispute resolution method for fast-track family law appeals. ACs are conducted informally by a single appeal judge in a manner similar to mediation or judicial dispute resolution.
- **Appellant**: The party who commences an appeal with the filing of a Notice of Appeal.
- **Applicant**: The party who files an application at the Court of Appeal.
- **Application**: Applications are made to the Court to resolve issues that arise in relation to an appeal. Examples include an application to extend time or for security for costs. Either party can file an application.
- **Applications Judge**: In the Court of King's Bench, an Applications Judge is an officer of the Court who has some of the same powers as a judge. See Section 9 of the *Court of King's Bench Act*.

- **Application to preserve a time limitation:** If it is necessary to meet the filing deadline, an application for permission to appeal may be filed without the supporting documents. This exception applies in limited situations, and supporting materials must be filed at least 10 days before the application is scheduled to be heard.
- **(An) Authority**: An authority is an existing law. It includes legislation, rules, regulations and decisions of courts and tribunals. Parties use authorities to support their legal arguments on an application or appeal.
- **Binding**: See **precedent**, or **judicial dispute resolution**.
- **Case Management Officer**: The (CMO) is a senior staff lawyer who manages the progress of all matters before the Court and decides various applications. The CMO is appointed under the *Court of Appeal Act*. See rule 14.36.
- **CAMS**: The Court of Appeal Management System (CAMS) is the secure document management and electronic filing system where litigants and lawyers start appeals, upload materials and access their case information. See rule 14.1(1)(e.1).
- **Case authorities, case law:** Decisions of courts or tribunals are sometimes called cases, case authorities or case law.
- **Chambers:** At the Court of Appeal, chambers is a type of hearing where applications to a single judge are heard, typically to resolve issues that come up in an appeal.
- **Check/return forms:** Check/return forms set out the requirements for documents submitted for filing. If a document does not meet the requirements or is otherwise deficient, the Registry will note the deficiency in a check/return form. Review the form and correct your document before resubmitting it.
- **Civil appeal:** Civil appeals include all appeals except criminal appeals. See Part 14 of the *Rules*.
- **Commencement Document**: In the Court of Appeal, a commencement document is the document that starts an appeal. It includes a notice of appeal and an application for permission to appeal.
- **Counsel:** The lawyer for a party before a court is typically referred to as counsel.
- **Court order:** An order issued by a court. It is a formal direction that must be complied with.
- **Cross Appeal** (incl. **cross appellant, cross respondent**): A cross appeal occurs when a respondent to an appeal wants to raise issues about the decision under appeal that have not been raised by the appellant. See rule 14.6(1).

- The **cross appellant** is the party who files the cross appeal (and the respondent in the original appeal).
- The **cross respondent** is the party who responds to the cross appeal (and the appellant in the original appeal).

- **Decision**: A judge or panel's decision includes both the outcome of an appeal, application or trial and the reasons they came to that conclusion.
- **Discontinuance/Notice of Discontinuance**: The appellant may end their appeal by filing and serving a notice of discontinuance to end an appeal.
- **Electronic filing exemption (e-filing exemption)**: A person may apply to the CMO and be granted an exemption from the requirement to file documents electronically in exceptional cases.
- **Error of fact**: An error of fact is an error that concerns the relevant events between the parties that affected the decision.
- **Error of law**: An error of law is an error regarding the law or legal test that should be applied in a given situation.
- **Error of mixed fact and law**: An error of mixed fact and law is an error in the application of a legal standard or principle to the specific facts of a case.
- **Evidence**: Proof of facts presented at a court proceeding.
- **Exhibit**: A document or object entered as evidence on the court record or appended to an affidavit.
- **Factum**: The written argument filed by a party in support of or in response to an appeal. It is provided to a panel of judges in advance of a hearing.
- **Fast-track appeal:** Fast-track appeals are appeals that are dealt with on shorter deadlines. Specific categories of appeals are dealt with as fast-track appeals, for example, appeals from interim decisions or decisions involving children. See rules 14.14 and 14.1(1)(n). Appeals that are not fast-track appeals are standard appeals.
- **Fee waiver**: A party may apply for a fee waiver to cover the cost of filing fees, including filing a commencement document and applications. This fee waiver does not apply to photocopying or search fees, fees to restore an appeal or transcripts.
- **Fiat**: A fiat is a permission from the Court that allows a document to be filed even if it does not meet all the requirements. At the Court of Appeal, fiats are granted by the CMO.
- **File (filing, filed)**: Filing means that a document submitted to the Court—typically by uploading through CAMS or otherwise as permitted by the *Court of Appeal of Alberta*

Practice Direction-Electronic Filing—has been reviewed by the Registry and accepted for filing. This is evidenced by the "Filed" stamp on the front of the document. To be filed on time, documents must be stamped "Filed" by the date of the deadline. See rule 14.1(1)(h).

- **Hearing**: At the Court of Appeal, a hearing is an application or an appeal that involves the presentation of oral argument in court.
- **Hybrid hearing**: Proceedings where some participants appear in person and others participate virtually.
- **In-person hearing**: All parties, counsel, the clerk and judge(s) are physically in the courtroom for the hearing.
- **Intervenor**: While not a party, an intervenor is a person or organization who has been granted permission to make oral and/or written submissions in the appeal. This permission is subject to any terms and conditions and with the rights and privileges specified by the Court. See rule 2.10.
- **Judicial Dispute Resolution**: Judicial Dispute Resolution (JDR) is an alternative method of settling issues on appeal where the parties work with a judge to resolve as many issues as possible. A party can request a JDR at any time during an appeal by contacting the CMO. All parties must consent. The parties can choose between a binding and non-binding JDR. See Part D of *Consolidated Practice Directions*.
    - Binding JDR: If the parties cannot reach an agreement, the judge will make a decision and grant an order that the parties must abide by.
    - Non-binding JDR: The judge assists the parties with the goal of reaching a resolution, which may include giving recommendations. The parties are not required to accept recommendations.
- **Lectern**: In a courtroom, the lectern is located between the appellant's table (to the left when facing the judges) and the respondent's table (to the right). When it is your turn to speak, move to the lectern to speak.
- **Legislation:** Legislation is written law passed by the provincial legislature or Parliament.
- **Litigant**: A litigant is a person who is a party to a court case.
- **McKenzie Friend**: A McKenzie Friend is a support person who may sit beside a self-represented litigant during an application or appeal hearing if permission is given. A McKenzie Friend cannot represent the self-represented litigant or speak in court, but they may take notes.

- **Memorandum of argument**: A memorandum of argument is a written argument for an application to a judge or panel. An application cannot proceed if the appellant does not file a memorandum of argument. See rules 14.40 to 14.43.
- **Neutral citation**: A neutral citation is the citation given to the authority by the court or tribunal that decided it, for example, *Sherman Estate v. Donovan, 2021 SCC 25*. The neutral citation indicates this case was decided by the Supreme Court of Canada and was the 25th case decided by the court in the year 2021.
- **New evidence**: New evidence includes any facts, evidence or other information that was not before or considered by the lower court or tribunal, including information that was created or discovered after the decision of the lower court or tribunal. See rule 14.45.
- **Non-commencement document**: A non-commencement document is any document that is not a commencement document. See **commencement document**.
- **Notice of appeal**: The document that starts an appeal. If permission to appeal is required, then typically the notice of appeal is filed after permission to appeal is granted by the Court. See rule 14.7.
- **Oral argument**: Oral argument refers to the spoken presentations by each party in front of a single judge or panel during a hearing. During oral argument a single judge or panel of judges can ask the parties questions.
- **Oral evidence:** See **evidence**
- **Oral reasons:** See **reasons**
- **Order:** See **court order**
- **Panel**: A panel refers to the group of Court of Appeal judges who sit to hear a particular appeal or application. Panels are typically composed of three judges. See rule 14.1(1)(j).
- **Party**: The parties to a proceeding or action. See rule 14.1(1)(k).
- **Permission to appeal**: If an enactment or the *Rules* requires a party to obtain permission to appeal from a Court of Appeal judge, the party must file an application for permission to appeal. The party can then appeal to the Court of Appeal if permission is granted. See rules 14.3, 14.5 and 14.7.
- **Pleadings**: Pleadings from the lower court include filed documents such as a statement of claim, a statement of defence, a counterclaim, a defence to a counterclaim, a reply to a statement of counterclaim, a third-party claim and more. See *Rules,* Appendix Definitions.

- **Precedent, precedential decision**: A precedent is a principle or rule established in a legal case that becomes authoritative to courts or tribunals in its jurisdiction when deciding subsequent cases.
    - A persuasive source of law can influence a court's decision, but the court is not required to follow it. This includes decisions of courts of other provinces.
    - Binding law must be followed by a court in their decision-making process. This includes the decisions of a higher court.
- **Print citation**: A print citation is the way you write the name of a case found in a printed legal reporter. Example: *Sherman Estate v. Donovan* [2021] 2 S.C.R. 75. This case is found at the 75th page of the 2nd volume of the Supreme Court Reports issued in 2021.
- **Pro bono:** Pro bono work is legal services provided at no cost.
- **Proceeding**: See **hearing**.
- **Publication ban**: A law or judge's order that prohibits publishing any information that is protected by the ban. A publication ban does not limit viewing of information or receiving copies of court documents. It only affects publishing, broadcasting or transmitting the protected information. See the Court Information Access Guide for Alberta. See also **sealing order** and **restricted court access order**.
- **Reasons**: Reasons are the judge's reasoning/explanation for the outcome of an appeal. Reasons are provided in an oral or written decision.
- **Reply:** In an appeal hearing, the appellant may be allowed to speak in reply after the respondent has spoken but should only address new issues raised by the respondent.
- **Reply factum:** If the respondent to the appeal files a cross appeal, the factum that is filed by the original appellant in response is called a reply factum.
- **Reserved decision**: When a judge or panel of judges does not give a decision immediately at the end of a hearing, they "reserve" the decision. The judge or panel will further consider their decision and provide it at a later date, usually in the form of written reasons.
- **Respondent**: A respondent is a person who is named as a respondent in a notice of appeal, an application for permission to appeal or in any application. See rule 14.1(1)(m).

  Note: Because an application may be started by either party, the respondent to an application may not be the same party as the respondent in the appeal. See **Part 1** of the *Civil Applications Guide* for more information.
- **Restricted court access order:** The public has a presumed right to access the entire court record unless access is restricted or prohibited by a provincial or federal law or by court

order. See Policy for Public Access to the Court Record. See also **publication ban** and **sealing order**.

- **Right to appeal**: A party can only appeal to the Court of Appeal if an enactment or the *Alberta Rules of Court* provide a right to appeal. Legislation may provide an automatic right to appeal or require permission to appeal. See rules 14.3 and 14.4.
- **Sealing orders, sealed**: This is a judge's order directing that a document, exhibit, or file be sealed from public access. A statute may also require a document, exhibit, or file to be sealed. See the Court Information Access Guide for Alberta, p.21 and 131. See also **publication ban** and **restricted court access order**.
- **Self-represented litigant (SRL):** A party to a case who represents themselves on an appeal and is not represented by a lawyer.
- **Serving, service**: Serving documents means providing filed documents to the other parties in a way that meets the legal requirements and can be proven to the Court. Filing in CAMS is not service.
- **Standard appeal**: Every civil appeal that is not a fast-track appeal is a standard appeal.
- **Standard of Review**: Appellants must show that the error alleged in the lower court, board or tribunal meets the minimum threshold standard or level required before it can be reviewed on appeal. The standard of review varies depending on the type of error alleged—for example, an error of fact, an error of law or an error of mixed fact and law.
- **Stay**: A stay is a court order directing that a court order or proceeding in a lower court, which is subject to an appeal, not be enforced or continued until a future time. See rule 14.48.
- **Struck**: When an appeal is struck, the appeal is stopped, and the case is closed. A party can apply to restore the appeal.
- **Style of cause**: A complete listing of the full name of each party to a case and that party's role in the case. It includes a letter v between the names of the appellant(s) and the respondent(s) and must match the names of the parties in the lower court or tribunal. See rule 14.12(2) and Form AP-6.
- **Swear, sworn:** Swearing an oath is one of two ways parties promise to tell the truth when testifying in court or completing an affidavit. It is a religious commitment. See also **affirm**.
- **Testimony**: The oral evidence of a witness in a court proceeding, such as a trial. Testimony does not typically occur in a hearing at the Court of Appeal.
- **Transcripts:** A certified written record of what was said in a trial, hearing or questioning.

- **Trial brief:** A trial brief is a legal document that contains written facts, arguments and evidence presented to the lower court. It includes written briefs filed for applications.
- **Vexatious litigant**: A vexatious litigant is a litigant who is subject to a vexatious litigant order. See **vexatious litigant order**.
- **Vexatious litigant order**: A court order that prevents a litigant from commencing or continuing proceedings in court unless the litigant obtains permission from the Court.
- **Virtual hearing**: All parties, counsel, the clerk and judge(s) connect for the hearing through audio and visual means using a platform such as Webex.

Appendix 3 | Appeals heard by Court of Appeal and Court of King's Bench

Appeals to the Court of Appeal

Below are examples of appeals that can be heard by the Court of Appeal:

- Civil decisions from a judge (not an Applications Judge) of the Court of King's Bench.
- *Family Law Act* decisions from a judge of the Court of King's Bench. Note: permission to appeal is required if the matter was initially appealed from the Court of Justice.
- *Divorce Act* decisions from a judge of the Court of King's Bench.
- Decisions from administrative boards or tribunals may go directly to the Court of Appeal if applicable legislation allows. Permission to appeal may be required. Review the legislation that governs the board or tribunal. Administrative boards and tribunals are governed by legislation. Sometimes legislation requires that appeals from a board or tribunal be made first to another board or tribunal, or to the Court of King's Bench.
    - For example: Under the *Workers' Compensation Act*, a decision made by a claims adjudicator can be appealed to a review body. The decision of the review body can be appealed to the Appeals Commission, and the decision of the Appeals Commission can be appealed to the Court of King's Bench. Only after the King's Bench decision is made can a further appeal be brought to the Court of Appeal.

Appeals to the Court of King's Bench

Below are examples of initial appeals that are heard by the Court of King's Bench. In some instances, a further appeal may lie to the Court of Appeal:

- Small claims court and other civil decisions from the Alberta Court of Justice.
    - Note that the Court of King's Bench decision is final, and there is no further right of appeal to the Court of Appeal.
- *Residential Tenancies Act* decisions from the Alberta Court of Justice.
- *Family Law Act* decisions from the Alberta Court of Justice.
- *Child, Youth and Family Enhancement Act* from the Alberta Court of Justice.
- Civil decisions from an Applications Judge of the Court of King's Bench.
- Decisions from administrative boards or tribunals may go to the Court of King's Bench if applicable legislation allows.

- Sometimes legislation may require appeals from a board or tribunal to go to another board or tribunal first or proceed directly to the Court of King's Bench. Review the applicable legislation.

Appendix 4 | Alberta boards and tribunals

The following is a list of some of the more common boards and tribunals in Alberta.

Boards and Tribunals
Alberta Employment Standards Appeals
Environmental Appeals Board
Alberta Human Rights Commission
Alberta Labour Relations Board
Land and Property Rights Tribunal
Law Enforcement Review Board
Public Lands Appeal Board
Residential Tenancy Dispute Resolution Service
Alberta Securities Commission
Appeals Commission for Alberta Workers' Compensation
Calgary Assessment Review Board
Calgary Subdivision and Development Appeal Board
Chartered Professional Accountants Alberta
College of Physicians and Surgeons of Alberta
College of Physiotherapists of Alberta
Edmonton Composite Assessment Review Board
Edmonton Assessment Review Board
Edmonton Subdivision and Development Appeal Board
Law Society of Alberta
Office of the Information and Privacy Commissioner of Alberta
Real Estate Council of Alberta
SafeRoads Alberta

Appendix 5 | Legal information and resources

Organizations listed below provide help—from legal advice or legal representation to legal information only. Some offer free or discounted legal services.

Contact the appropriate resource for more information and eligibility criteria.

These organizations are independent of the Alberta Court of Appeal. Information is provided as a starting point to assist litigants. Court staff cannot provide additional information.

A. Alberta-wide resources

- **Alberta Law Libraries:** Provides library tours, 30-minute legal research instruction sessions and access to legal research materials both online and in-person in 10 locations throughout Alberta. Computers and free Wi-Fi are available at the libraries.

  www.lawlibrary.ab.ca

- **Alberta Legal Coaches & Limited Services:** Provides a directory to connect people with lawyers who offer a range of services.

  www.albertalegal.org

- **Alberta Legal Information Centre:** With offices in Calgary and Edmonton, ALIC, provides free legal information services in French.

  www.infojuri.ca/en/

- **Centre for Public Legal Education Alberta:** Provides legal information resources on a wide variety of topics including abuse, condominium law, family, and wills and estates.

  www.cplea.ca

- **Dial-a-Law:** Provides basic information about the law and the legal system. Topics covered include criminal law, employment law, real estate law, wills and estates law, youth and the law, consumer law and family law.

  1-800-332-1091

- **LawCentral Alberta resources page:** Provides resources for specific groups of litigants including immigrants, lower income Albertans and youth.

  www.lawcentralalberta.ca/en/resources

- **Law Society of Alberta Membership Directory:** Search for a lawyer using specific criteria including location, practice area, languages spoken and more.

www.lawsociety.ab.ca/public/findalawyer

- **Legal Aid Alberta:** Provides some legal services subject to income thresholds. Practice areas include family law, domestic violence, child welfare, immigration, youth and adult criminal defence.

  1-866-845-3425 or www.legalaidab.ca

B. Canada-wide resources

- **National Self-Represented Litigants Project (NSRLP) Resources:** Provides information, multiple guides and checklists for self-represented litigants.

  https://representingyourselfcanada.com/our-srl-resources/

- **Canadian Judicial Council**: Provides handbooks to assist self-represented litigants across Canada. Three handbooks are available: civil law, criminal law and family law.

  https://cjc-ccm.ca/en/what-we-do/initiatives/representing-yourself-court

C. Edmonton-specific resources

- **Edmonton Community Legal Centre:** Provides free legal services for vulnerable people.

  1-780-702-1725

D. Calgary-specific resources

- **Calgary Legal Guidance:** Provides free legal guidance for vulnerable people.

  1-403-234-9266 or clg.ab.ca

- **Women's Centre of Calgary**: Volunteer lawyers offer 30 minutes' free legal support. Issues may range from family law to civil litigation and immigration. This service is available to women and gender diverse litigants in Calgary.

  www.womenscentrecalgary.org

E. Regional Alberta-specific resources

- **Community Legal Clinic:** Offers free legal advice and services to individuals who qualify in Central Alberta, Lloydminster, Medicine Hat and Fort McMurray and their surrounding areas.

  https://communitylegalclinic.net/

Appendix 6 | Civil appeal fees

Civil matter	Fee
Notice of Appeal	$600
Application for Permission to Appeal-Commencement Document	$600
Application for Permission to Appeal: Non-Commencement Document	$100
Application to Restore an Appeal (including consent orders/letters)	$200-first restoration
	$500-second restoration
	$1000-third and subsequent restorations
All other applications	$100

The relevant fee must be paid before a document can be processed for filing.

- There are two ways to pay fees:
  - (i) **Electronically via eServices Alberta:** https://eservices.alberta.ca/courtofappeal-filing-fees-civil.html. This is the most common method.
  - (ii) **In-person at the Registry counter**: Payments can be made by cash, Visa, MasterCard, American Express, Interac Debit, certified cheque or money order. Certified cheques and money orders are payable to the Government of Alberta. In compliance with Credit Card Industry Standards, credit card payments over the phone or via fax or email cannot be accepted.
- In case of a discrepancy between the fee information in this guide and Schedule B, Division 6 in the *Alberta Rules of Court*, the information in the *Rules* applies.

Appendix 7 | Civil appeal forms

Civil Forms
Affidavit (Generic)-Form 49
Affidavit (in Support of an Application)-Form 49
Affidavit of Service
Application-Form AP-3
Application for Exemption from Electronic Filing
Application to Change Hearing Method
Appointment for Assessment of Costs-Form 45
Bill of Costs-Form 44
Civil Notice of Appeal-Form AP-1
Civil Notice of Cross Appeal-Form AP-2
Cover Page (For Use with an Appeal Record, Factum, Extracts of Key Evidence)-Form AP-5
Discontinuance of Appeal-Form AP-4
Electronic Hearings Confidentiality or Privacy Concerns Form
Extracts of Key Evidence-Table of contents
Factum
Form of Address for Parties or Counsel at Hearings
Judgment (Civil)
Memorandum of Argument
Notice of Change of Representation-Form 3
Notice of Withdrawal of Lawyer of Record-Form 4
Order (Single Judge Chambers) (Civil)
Order (Three Judges-Panel Applications) (Civil)
Order for Restoration of Appeal (Civil)
Search Request (Civil)
Style of Cause (Civil)-Form AP-6
Terms and Conditions for Access to the Court Record or Case File

Appendix 8 | Introduction to service

It is each party's responsibility to serve documents on all the other parties:

- As required by the *Alberta Rules of Court*, and
- Using the correct method. (Review the relevant legislation. This is often Part 14 of the *Alberta Rules of Court* or a separate Act.)

- Note the following:
  - The Court of Appeal Registry and the Case Management Officer (CMO) do not facilitate service between the parties.
  - Filing a document in CAMS is not service.
  - This appendix is a starting point to help you find the information you need. Court of Appeal staff cannot assist parties with information on service.

Commencement documents

Service requirements are different for commencement versus non-commencement documents.

- **Commencement documents**—a notice of appeal, an application for permission to appeal and a notice of cross appeal.
- **Non-commencement documents**—all documents filed after the commencement document.

A. What to serve

The parties must serve a copy of every filed document. A filed document bears the Registry's "Filed" stamp. You can locate the filed document under Documents in CAMS.

B. Who to serve

Serve every other party to the appeal.

C. How to serve

Read the *Alberta Rules of Court* or relevant legislation carefully!

- Every party can validly serve documents on the other parties by following the steps outlined in the relevant legislation.

- This is often rules 14.81 and 14.82 and, to a lesser extent Part 11, including 11.17 and 11.20(a) of the *Alberta Rules of Court*.
    - The appellant can serve commencement documents on the address for service used in the trial court (rule 14.81). Subsequent documents can be served on that address until the respondent changes the address.
    - The lawyer of record in the trial court will remain the lawyer of record until a change is made. The lawyer of record can also be served (rule 14.82).
- However, if a separate enactment outlines the steps required for valid service in your matter, follow those rules.
- If an existing valid agreement outlines service between the parties, documents can also be served according to this agreement (rule 11.3). For example, a contract may set out the place of service, mode of service and person on whom service may be affected (rule 11.3(1)).

General information: Parts 11 and 14

If service is governed by the *Rules*, rules 14.81 and 14.82 prevail. What is considered valid service will vary according to the type of party to be served. For information see, for example, individuals (rule 11.5), lawyers (rule 11.16), lawyers of record (rule 11.17), self-represented litigants (rule 11.18), trustees or personal representatives (rule 11.6) and elsewhere in Part 11 for parties such as corporations.

- If the *Alberta Rules of Court* apply, two additional methods of service are permitted for **non-commencement** documents:
    - Electronic Method (email) according to rule 11.21 and definitions, and
    - Recorded Mail Service according to rule 11.22 and definitions.

Affidavit of service typically not required

The Court does not typically require an affidavit of service, but there are exceptions.

- **Exception: In Alberta Rules of Court**
    - Read the rules carefully to determine when an affidavit of service is required.
    - e.g., A Notice of Withdrawal of Lawyer of Record requires an affidavit of service.
- **Exception: At the Court's direction**
    - At times, the Court may direct a party to file an affidavit of service.

Appendix 9 | Filing a cross appeal

(*Alberta Rules of Court*, rules 14.6 to 14.12.)

(a) Introduction to cross appeals

A respondent who believes the decision being appealed at the Court of Appeal should be varied in a different way than the appellant, may file a cross appeal.

- A cross appeal is only required when the respondent wants the decision under appeal varied. It is not necessary if the respondent supports the decision under appeal for different reasons.
- An appeal and cross appeal are heard together.
- The appeal and cross appeal, form AP-2, are filed using the same appeal number.
- A respondent who files a notice of cross appeal is also known as the **cross appellant,** and the appellant in the existing appeal is also known as the **cross respondent**.
- If a respondent accepts the lower court or tribunal decision, there is no need to file a cross appeal.

(b) Deadline for filing a cross appeal

The deadline to cross appeal is either:

  - the appeal filing deadline (**Part 1.2** above), or
  - **10 days after** the notice of appeal has been served,

  whichever happens **later** (rule 14.11).
- This timeline applies both when there is an automatic right to appeal a lower court or tribunal decision or when permission to appeal is required.
- A cross appeal is started in one of two ways:
  - By filing a notice of cross appeal under rule 14.11, or
  - By filing an application for permission to cross appeal.
- For information on which option applies, see rules 14.5 and 14.6.

(c) Filing a factum on a cross appeal

With both standard and fast-track appeals, when a cross appeal is filed the respondent (cross appellant) will prepare their factum in two sections:

- The respondent's general factum (responding to the appeal), and
- The respondent's factum as cross-appellant (on the cross appeal).

- Each section will follow the format required for factums outlined in **Part 3.2** above.

(d) Special factum requirements on a standard cross appeal

The respondent

The deadline for the respondent's factum for both the appeal and cross appeal is **within two months** of service of the appellant's factum (rule 14.23(2)).

The page limit for the respondent's factum, which includes the factum sections for both the appeal and cross appeal, is 40 pages (rule 14.26(2)(b)).

The appellant

If the respondent files a **cross appeal on a standard appeal**, then the appellant can file a second factum which responds to the cross appeal.

This is called a **reply factum**. The appellant must file and serve the reply factum or a letter of intention not to file a reply factum **within 10 days** of being served with the respondent's factum (rule 14.23(4)). It cannot exceed 10 pages.

(e) Special factum requirements on a fast-track cross appeal

The respondent

For a fast-track cross appeal, the respondent's factum must be filed and served:

- **One month** after service of the appellant's factum, or
- **10 days before opening day** of the sittings where the appeal is scheduled to be heard,

whichever happens **earlier** (rule 14.24(1)(b)).

- Contact the Case Management Officer (CMO) **within five days** of filing a cross appeal regarding a timetable and other requirements (rule 14.24(2)).
- The CMO will set the page limit for the respondent's factum.

The appellant

When the respondent files a cross appeal on a fast-track appeal, the appellant is entitled to file a second factum which responds to the cross appeal.

This is called a **reply factum**. The appellant's reply factum (or a letter of intention not to file a reply factum) must be filed and served no later than **10 days** after being served with the respondent's factum. See rules 14.23(4) and 14.24(1). The CMO will set page limits for the reply factum.

Appendix 10 | Learn about legal research with Alberta Law Libraries

Information in this Appendix can be found on the Alberta Law Libraries' website.

Researching the law is an important aspect of your appeal and Alberta Law Libraries is an excellent resource for self-represented litigants and lawyers who need help.

How Alberta Law Libraries can help

Alberta Law Libraries provides research support and information services to self-represented litigants, the legal community and the public.

> *"We are actively engaged in* **educating** *clients to identify and use authoritative legal* **sources**." – *Alberta Law Libraries*

- The libraries are open to all Albertans. They are located in courthouses and other buildings across Alberta—in Calgary, Edmonton, Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat, Peace River, Red Deer, St Paul and Wetaskiwin.
- Alberta Law Libraries centres in Calgary and Edmonton offer a vast print collection. A wide selection of electronic legal research tools is also available online.
- Although staff are not lawyers and cannot provide legal advice, they are experts in teaching people how to find appropriate sources.
- Computers are available to use and there is free Wi-Fi.
- Services are available in person and online.

Training and tours

Visit the Alberta Law Libraries' website for information on available training and library orientation tours.

The three main options are:

- **Library Tours**

  30 to 60-minute sessions to learn where information is located in the library and about the resources and services available.

- **Legal Research Instruction**

  30-minute sessions learning how to find, manage and research legal information.

- **Book a Librarian**

  Hands-on legal research learning sessions by appointment. These lessons can be tailored to learn how to research a specific legal topic.

General legal research skills

Authorities are used to support legal arguments. As noted above in **Part 4**, authorities include legislation, statutes, rules, regulations and decisions of courts or tribunals. Decisions of courts or tribunals are sometimes called cases, case authorities or case law. Decisions often provide interpretation and application of legislation. They may be published online and in print.

Under Navigating Legal Information, the Alberta Law Libraries' website offers information on topics such as **legal research basics**, **finding and researching case law** and **finding legislation**. Look for pointers such as "tips when looking at cases."

Researching by legal topic

Alberta Law Libraries provides resources and guides to help you research specific legal topics and points you to other reputable sources.

Legal Resource	Topics
Alberta Law Libraries' Research Guides	Bankruptcy; Business; Civil Procedure; Constitutional Law & Charter of Rights & Freedoms; Dispute Resolution and Mediation; Droit de la famille: Ressources en français; Employment; Family Law; Immigration; Indigenous Law; Intellectual Property; Labour; Landlord and Tenant; Personal Injury; Privacy and Access to Information; Wills, Estates and Trusts
Canadian Legal FAQs	Adult Interdependent Relationships (Alberta); Ban on Conversion Therapy in Canada; Charter of Rights and Freedoms; Constitution of Canada; Cryptocurrency; Divorce (national); E-scooters (Alberta); Employment Standards (Alberta); Families and Relationships (Alberta); Gambling; Travel
Center for Public Legal Education (CPLEA)	Browse various topics including: Abuse & Protection; Consumer, Money & Debt; Family & Relationships; Housing; Non-Profit; Planning for Future Care; Recreation; Resolving Disputes; Wills & Estates; Work; Ressources en français

Legal Resource	Topics
Student Legal Services of Edmonton (SLS)	Civil law topics including small claims, wills, permanent residency, citizenship and more Family law topics Human rights law topics

Contact Alberta Law Libraries

Visit the Alberta Law Libraries' **website** for the address, opening hours and contact phone number of each location in Calgary, Edmonton, Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat, Peace River, Red Deer, St Paul and Wetaskiwin.

The two largest libraries are:

Calgary	Edmonton
Hours: 8:15 a.m. to 4 p.m. (Closed statutory holidays.)	Hours: 8:15 a.m. to 4 p.m. (Closed statutory holidays.)
Phone: 403-297-2206; Toll free: 866-448-6148	Phone: 780-422-2342; Toll free: 866-230-8068
E-mail: LawLibrary@just.gov.ab.ca	E-mail: LawLibrary@just.gov.ab.ca
Address: Calgary Courts Centre Suite 501-N 601 – 5 Street SW Calgary, AB	Address: 2nd Floor, Law Courts Building 1A Sir Winston Churchill Square NW Edmonton, AB

Appendix 11 | Researching with CanLII

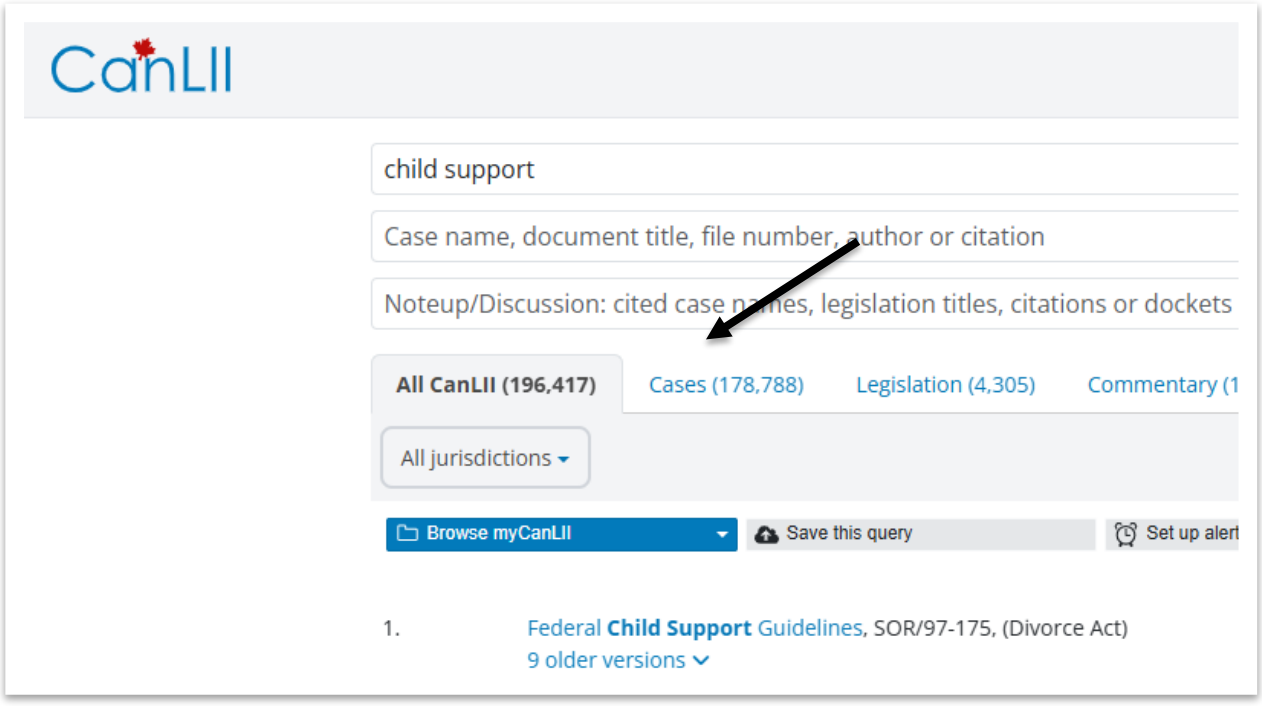
CanLII (www.canLII.org) is a free platform that offers access to legislation and court decisions from across Canada. It is commonly used by the legal community to research case law and legislation.

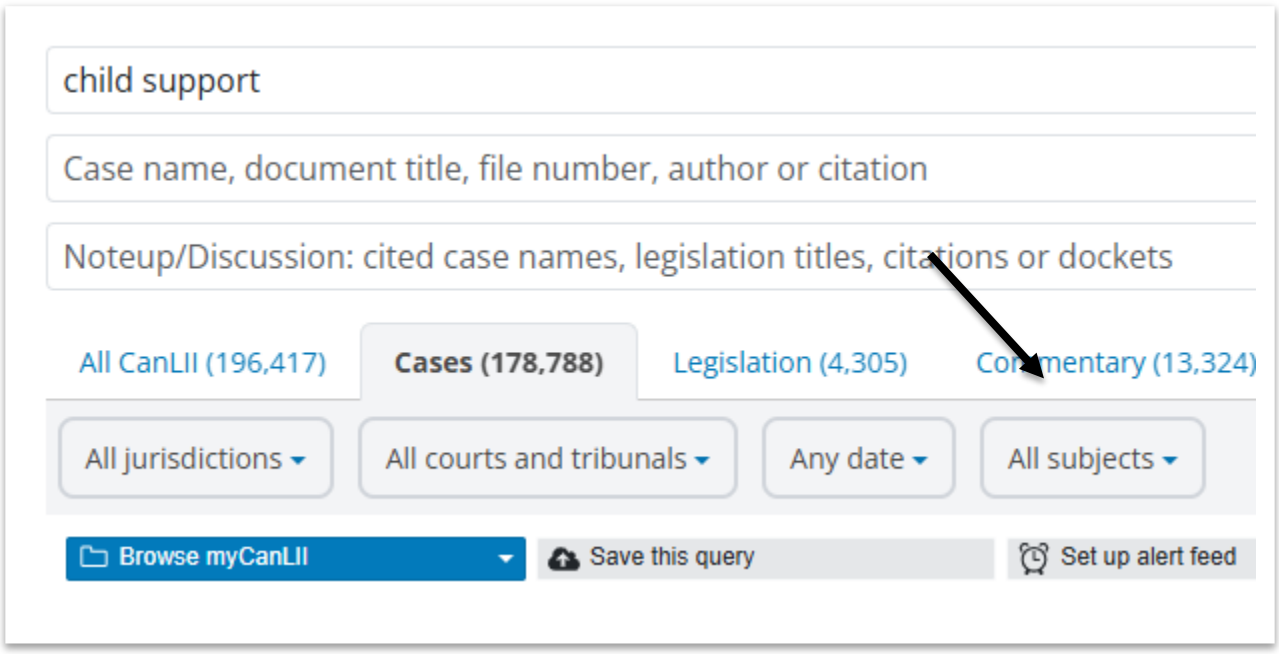
This appendix explains how to use CanLII for legal research. The CanLII Primer by the National Self-Represented Litigants' Project provides additional information on navigating CanLII and explains legal research principles for self-represented litigants.

A. Using CanLII to research case law

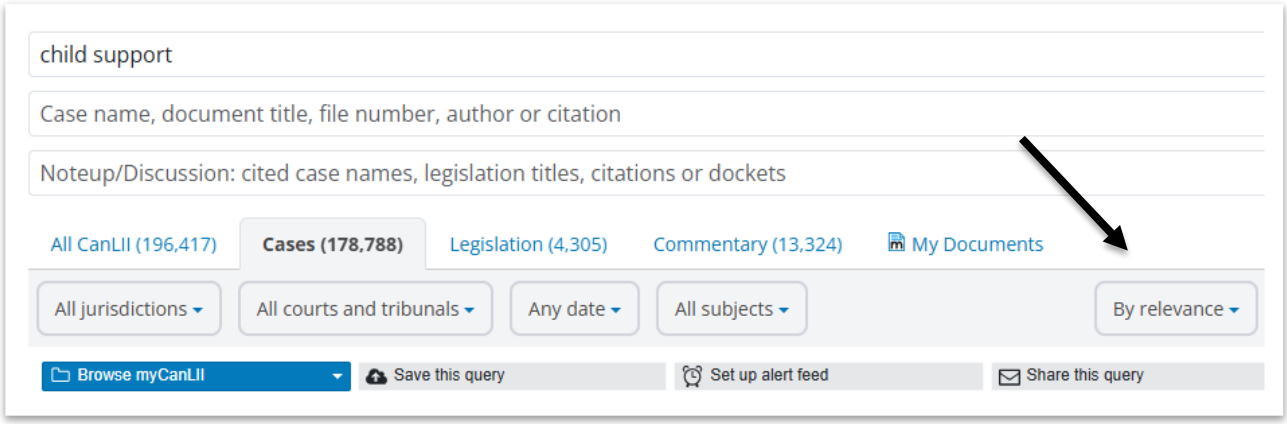
Case law is important in preparing your legal arguments on an appeal. Cases can provide interpretation and application of legislation and show how cases similar to yours were decided in the past.

- Search for case law on CanLII under Cases as seen below. There is a drop-down list titled "All subjects". Select from the list of topics.





- You can apply filters to help narrow your search. These include:
  - Jurisdiction—for example, if you only want to see cases from Alberta or specific courts, or
  - Relevance, Decision date, Citations, Court level or "Has the most pages". See the image below.



- When reading a case, look for the judges' reasoning and note any tests applied.

B. Evaluating whether the case law applies

With the amount of case law available on CanLII, it can be difficult to know where to start. Consider these factors:

- **Relevance**: Are the facts of the case similar? What are the differences?
- **Date**: When was this case decided?
  - Older cases may have been overturned or modified.
- **Jurisdiction**: What court was the case decided in?
  - The Supreme Court of Canada (SCC) is the highest court in the country. SCC decisions are binding. All other courts must follow them.
  - The highest court in Alberta is the Court of Appeal of Alberta (ABCA). The decisions of this court are binding on the Court of King's Bench of Alberta (ABKB) and the Alberta Court of Justice (ABCJ). The Court of Appeal of Alberta is typically bound by its previous decisions (rule 14.72).
  - The decisions of courts in other provinces or territories may be persuasive. Alberta courts can consider them, but they are not binding.

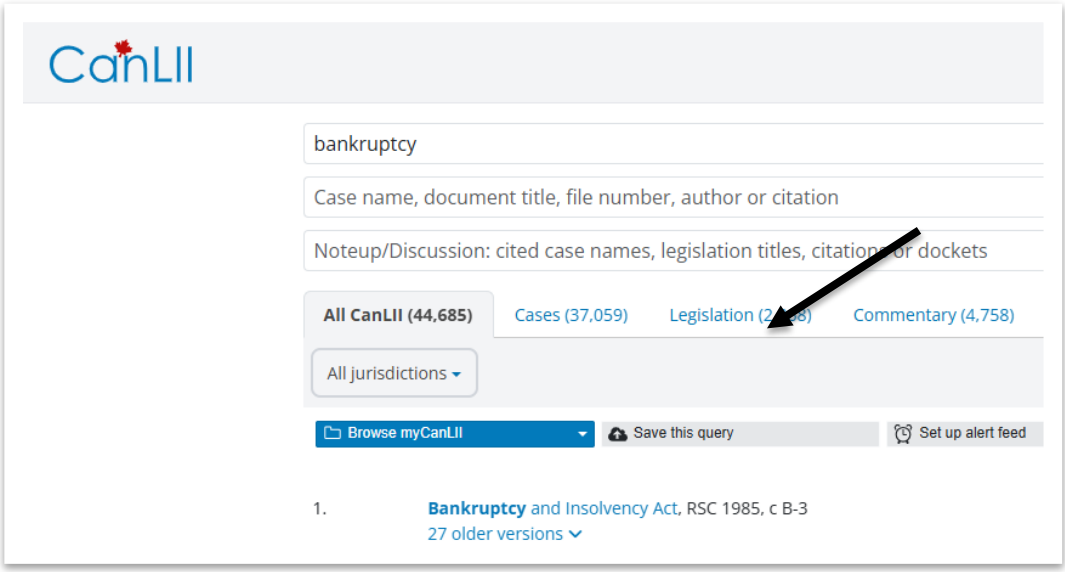
Court abbreviations

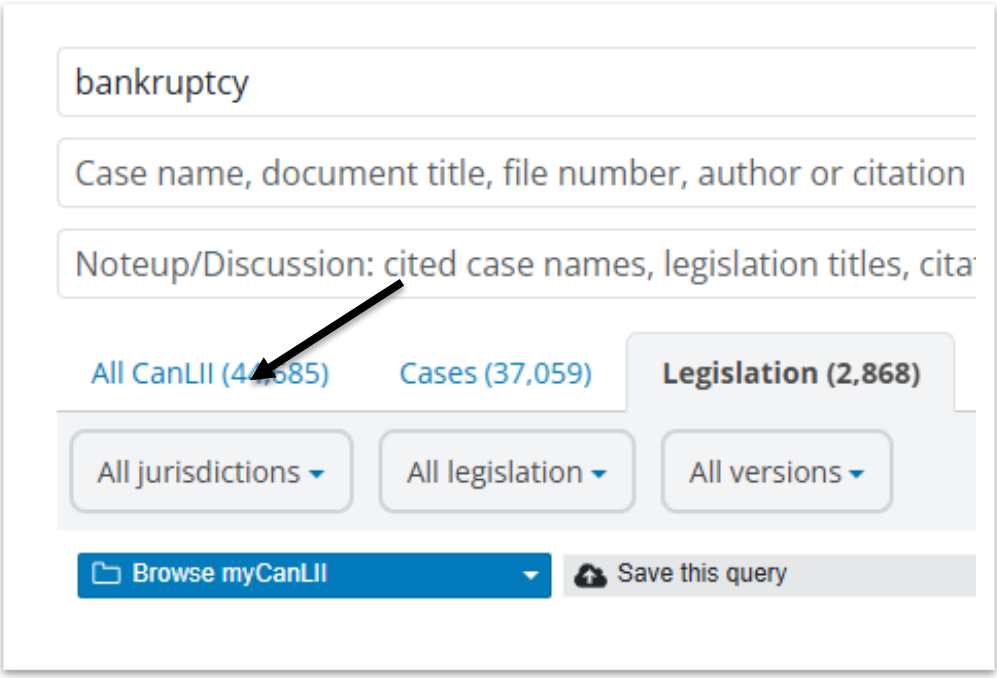
This table lists the abbreviations for courts you may find during your research.

Court Abbreviation	Court Name
ABCJ	Alberta Court of Justice
ABKB	Court of King's Bench of Alberta
ABCA	Court of Appeal of Alberta
SCC	Supreme Court of Canada
ONSC	Superior Court of Justice (Ontario)
ONCA	Court of Appeal for Ontario
BCSC	Supreme Court of British Columbia
BCCA	Court of Appeal for British Columbia

C. Using CanLII to research legislation

CanLII also provides access to legislation across Canada. If you know which legislation applies to your appeal, it can help to start there. Under the Legislation tab (see below), narrow down the jurisdiction and sort by relevance or citations. Federal and provincial legislation apply in Alberta.





Appendix 12 | Preparing memorandums and affidavits for applications

Memorandums are required to support applications at the Court of Appeal. An affidavit is strongly encouraged for certain applications. This appendix is included to assist with applications for permission to appeal. The information is also in the *Civil Applications Guide*.

A. Memorandum of argument

A memorandum of argument is the written argument for an application. Parties must file and serve a memorandum of argument.

- If an applicant does not file a memorandum of argument, their application cannot proceed.
- If a respondent does not file a memorandum of argument, they cannot make oral argument at the hearing of an application (unless they obtain permission from an appeal judge or panel of judges).
- Do not include evidence in a memorandum. Use an affidavit instead.

I. MEMORANDUM OF ARGUMENT CONTENT

The memorandum of argument must include an overview, a description of the relevant facts, the points at issue, the parties' submissions (including addressing any applicable legal tests), the order you are asking the court to make and a list of authorities relied on.

- A list of authorities must be included in a table of authorities at the end of the memorandum of argument with hyperlinks. If an authority is not available online, provide a copy attached to the memorandum.
- A memorandum of argument for a permission to appeal application must (rule 14.54):
    - Include a copy of the reasons for the decision being appealed, and
    - State the exact questions of law that form the basis for the application.

II. MEMORANDUM OF ARGUMENT FORMAT

A memorandum of argument must be formatted in the same way as a factum (rule 14.54 and 14.26(1)):

- Submit as a PDF with optical character recognition (OCR), which makes the PDF searchable.
- Use the sample memorandum of argument form.
- Use an 8.5" x 11" document size with 1-inch margins.
- Use at least 12-point font with 1.5 line spacing, except for quotations. Quotations may use single line spacing.
- Number pages continuously starting at the first page.
- Include paragraphs numbered continuously in a single series from beginning to end. Do not restart numbering for each section.
- If the memorandum exceeds five pages, include electronic bookmarks for:
    - The cover page.
    - Each heading and subheading.
    - The first page of each document that is attached to the memorandum of argument, along with a description of that document.
        - The file must not be larger than 100MB.
- The page limits for a memorandum of argument apply to the argument portion of the document, not to the cover page, the table of contents, etc. The page limits are:
    - For an application for permission to appeal: 10 pages.
    - For all other applications: Five pages.

III. MEMORANDUM OF ARGUMENT RESOURCES

- Sample formatted memorandum of argument (to come)
- Form: Memorandum of argument
- Checklist: Memorandum of argument—mandatory requirements and check/return form.
- Manual: PDF skills detailed (CAMS Manual pp. 79-129)

B. Affidavit

An affidavit is a written statement of facts that you voluntarily swear or affirm to be true.

- The facts must be based on:

    - personal knowledge and you must explain how you have this personal knowledge, or
    - information and belief, where the source of the information is given.
- An affidavit is evidence in court and can be used by the judges or CMO to decide the issues.
- Do not include argument in an affidavit.
- If you are providing evidence to the Court—for example, a document or material object—attach it to the affidavit as an exhibit.
- Sign the affidavit and any exhibits attached before a Commissioner for Oaths or Notary Public.
- Write in first person, for example, use "I", "me," "my."

I. AFFIDAVIT CONTENT

An affidavit includes statements about the facts in the case. It can also include exhibits to support your case.

- Exhibits are records that can be personally identified by the person swearing the affidavit and are attached to it. For example, exhibits can be documents, photos or emails. If an appellant chooses to attach exhibits, those exhibits must be labelled consecutively as either letters or numbers, for example, "Exhibit A," "Exhibit B," and so on.
- Describe how the exhibits support the statements contained in the affidavit.
- Each exhibit must be sworn correctly and signed before a Commissioner for Oaths or Notary Public.

II. ITEMS NOT TO INCLUDE IN AN AFFIDAVIT

Do not include the following in an affidavit:

- Opinions or assumptions
- Accusations
- Inflammatory or offensive language
- Irrelevant information
- Legal argument (include in the memorandum)

III. AFFIDAVIT FORMAT

There are three affidavit templates on the Court of Appeal website:

- An affidavit in support of an application, Form 49, which includes a statement: "I make this affidavit in support of an application for…",
- A generic affidavit, also Form 49, and
- An affidavit of service.

- If you are filing an affidavit for an application, use Form 49—affidavit in support of an application.
- An affidavit must be formatted in the same way as other documents:
  - Submit as a PDF with optical character recognition (OCR), which makes the PDF searchable.
  - Use an 8.5" x 11" document size with 1-inch margins.
  - Use at least 12-point font with at least 1.5 line spacing.
  - Include paragraphs numbered continously in a single series from beginning to end. (If the affidavit is divided into sections, do not restart numbering at the start of each section.)
  - Number pages continuously starting from the first page.
  - If the affidavit exceeds five pages, include electronic bookmarks to the first page of each exhibit, along with a description of that exhibit rather than naming them "Exhibit A," etc.
  - The file must not be larger than 100MB.

IV. AFFIDAVIT RESOURCES

- Sample formatted affidavit (to come)
- Form: Generic affidavit, Form 49
- Checklist: Affidavit—mandatory requirements and check/return form
- Manual: PDF skills detailed (CAMS Manual pp. 79-129)