

## Overview of Extracts of Key Evidence

### Civil Rules 14.27 – 14.29 Criminal Rule 16.19

#### General

1. The court requires 5 copies of the Extracts of Key Evidence. This does not include any copies required for the filing party or for service.
2. A sample Table of Contents for the Extracts is available on the Court's website under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms.
3. See also the Mandatory Requirements & Check/Return Form for Extracts of Key Evidence for a list of the minimum requirements that Registry staff will watch for when documents are filed. This form is located on the Court's website under Court of Appeal > Registry > Filing Information > Mandatory Requirements & Check/Return Forms.

#### Deadlines

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

#### Content

5. Extracts:
  - contain extracts of the transcripts, exhibits or other material on the record needed to resolve the issues in the appeal
  - must exclude any evidence, exhibits and other materials unlikely to be needed
  - must not contain any comment, argument, trial briefs, legal authorities or new evidence
  - can contain any document that should have been included in the Appeal Record but was not
  - can contain Authorities, if the Authorities do not exceed approximately 30 pages.
6. All evidence or exhibits received by the lower court (or tribunal) are considered part of the Appeal Record even if they are not included in any document filed with the Court of Appeal. The purpose of this rule is to deter parties from including every document and every piece of evidence in the Extracts and to ensure parties that if a relevant document is missed, they will not be penalized.
7. If an exhibit cannot be readily reproduced and will be referred to in argument, the Extracts of Key Evidence must be accompanied by a letter requesting that the original exhibit be made available at the hearing of the appeal.

## **Format**

8. Extracts of Key Evidence have a prescribed cover page (Form AP-5 for **civil** appeals and Form CRA-K for **criminal** appeals). These forms are available on the Court's website under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms. The forms for civil matters and criminal matters are grouped separately on the website. Ensure that you use the correct one.
9. The table of contents in the Extracts of Key Evidence must list each document separately, including each exhibit to any affidavit, and show the page number where the document can be found. A sample Table of Contents meeting these requirements is available on the Court's website under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms.
10. Extracts of Key Evidence must have coloured cardstock covers, front and back, as follows:
  - Appellant (including appellants who are cross respondents): yellow
  - Respondent (including respondents who are cross appellants): pink
  - Intervenors: blue
11. Extracts of Key Evidence can be printed single-sided and bound so that the writing is on the right or they can be printed double-sided. The pages must be numbered sequentially commencing with:
  - page A1 for the Appellant's Extracts
  - page R1 for the Respondent's Extracts
  - page I1 for the Intervenor's Extracts.
12. Key passages in the Extracts of Key Evidence may be highlighted.
13. If the Extracts of Key Evidence are more than 200 pages, they must be separated into multiple volumes of approximately equal length. If there are multiple volumes, each volume must contain a complete table of contents showing the contents of all of the volumes.
14. Extracts of Key Evidence may be included as an Appendix to the Factum (or with the Authorities) if the Extracts do not exceed approximately 30 pages.