



Appeal Conferences Pilot Project Guide

For Parties

December 10, 2020



Overview

The Appeal Conference (AC) Pilot Project for Family Law Fast Track Appeals was announced in the [August 14, 2020 Notice to the Profession](#).

The purpose of the AC Pilot Project is to increase access to justice and encourage resolution between parties of outstanding appeals in an effort to reduce family conflicts and expenses.

This Guide

The procedures and required documents set out in this Guide are designed to encourage resolution, minimize conflict and reduce costs for the parties.

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Deadlines, Attendance and Confidentiality

Once an AC is scheduled, **all filing deadlines for the appeal will be suspended.**

Attendance at an AC is mandatory. Thus, once an AC is scheduled, all parties and counsel must attend.

ACs are a completely confidential process similar to Judicial Dispute Resolutions (JDRs). The Appeal Conference Summary Form (AC Summary Form) and any supporting documentation submitted are confidential and without prejudice and cannot be used for any purpose or in any proceeding other than the AC. Those materials will not form part of the public court record for the appeal and will be destroyed following the conclusion of the Pilot Project.

Documents Required to be Submitted

To facilitate meaningful discussion at the AC, each party **must** complete an Appeal Conference Summary Form and submit it **no later than 1 week prior** to the scheduled AC date.

*Note that the AC Summary Form asks for parties to provide a without prejudice offer to settle (section 21 of the Form). It is expected that a good faith offer be made, one that provides some degree of compromise. For example, offering to have the appellant follow the order appealed from and accepting a discontinuance of the appeal is not a good faith offer.

The appellant should also submit a copy of the written or transcribed Reasons for Decision appealed from. AC Summary Forms and any copy of the written or transcribed Reasons for Decision should be electronically submitted either through CAMS (preferred) or by email to the appropriate Registry.

A PDF fillable version of the AC Summary Form is available on the Court's website at <https://www.albertacourts.ca/ca/publications/jdr> or by clicking [here](#).

If you are unable to access the AC Summary Form from the Court's website, please contact the Registry for assistance either by email (see below) or at 403-297-2206 in Calgary or at 780-422-2416.

Calgary.Registry@albertacourts.ca

Edmonton.Registry@albertacourts.ca

*Note: The AC Summary Form, along with any supporting documentation, is confidential and without prejudice and cannot be used for any purpose or in any proceeding other than the AC. The materials will not form part of the public court record and will be destroyed following conclusion of the Pilot Project.



Description of the Process

ACs will be run by a single appeal judge in an informal process similar to a mediation or JDR. ACs will include two components: a settlement discussion component, which is led by the judge and held without prejudice and a procedural component, which could result in an order if both parties agree. It is important to note that an AC appearance is not procedural or cursory in nature. Substantive issues will be discussed. The discussion is not limited to the issues that are under appeal; additional issues in the underlying action may also be addressed.

The following is a more detailed description of the process:

1. Starting October 1, 2020, when a Family Law Fast Track Appeal is filed, the relevant city (Edmonton/Calgary) Case Management Officer (CMO) will automatically schedule the appeal for an AC on a date that is at least 2 weeks after the Notice of Appeal is filed.
2. ACs will be scheduled on the 2nd and 4th Tuesdays of each month.
3. ACs will be scheduled for 2 hours in length and will take place in a Courtroom¹.
4. Attendance at the scheduled AC is mandatory.
5. No later than 1 week prior to the AC, both parties must submit the required AC Summary Form, and the appellant should also submit a copy of the written or transcribed Reasons for Decision appealed from, if possible.
6. The AC will be recorded but conducted confidentially *in camera*.
7. During the AC, the judge's role is to explore resolution of the appeal and other issues in the action. The AC judge will not sit on the appeal hearing if the appeal proceeds.
8. No orders will be issued by the AC judge without consent of both parties.
9. The parties or counsel will be contacted after the AC with a survey which the Court encourages all parties and counsel to complete. This will provide helpful information for evaluation of the Pilot Project.
10. There will be further contact from the CMO, as required, to schedule another AC or JDR or to reinstate the deadlines for the appeal.

¹ At the time of publishing this Guide, all Court of Appeal proceedings are being conducted electronically. See the portion of this Guide on Electronic Proceedings for more information.



Resources on Electronic Filing and Electronic Proceedings

Electronic Filing

AC Summary Forms and any supporting documents will be handled confidentially and will not form part of the public court record. However, you should be aware of the following information as documents submitted for ACs may be submitted electronically and will be accessible electronically, but only to the parties to each appeal and/or their counsel.

On August 31, 2020, the Court of Appeal implemented Court of Appeal Management System (CAMS), a case management, document management and electronic filing system designed to better serve the administration of justice, litigants, the Bar and the public at large. It automates many of the Court's procedures and permits lawyers and litigants to initiate an appeal, file materials and pay applicable fees electronically. In addition, once registered, users can access the electronic court file for their own cases and view other information about their appeals including the full text of all filed documents, deadlines, hearing dates, results and more.

Electronic documents have different formatting requirements than paper documents. All documents filed electronically must adhere to the formatting requirements set out in the [Practice Direction on Electronic Filing](#). If a document is filed electronically, a paper copy need not be filed.

For more information about CAMS, including how to register for an account and how to format and file documents, view the CAMS Frequently Asked Questions (FAQs). To visit the CAMS e-filing website, navigate to <https://cams.albertacourts.ca/public-portal>.

Please note that the use of CAMS is optional until February 28, 2021. On March 1, 2021, electronic filing will become mandatory unless an exemption is granted by a Case Management Officer.

Electronic Proceedings

ACs will be scheduled for 2 hours in length and will generally take place in a courtroom. However, as of the date of publishing this Guide, all Court of Appeal proceedings are being conducted electronically including ACs.

Electronic proceedings are held in a virtual courtroom with the parties to an appeal and the judge(s) able to connect remotely via videoconference or audioconference using a unique link or access code.

The Registry will provide details on how to connect to, and other information about, the electronic AC proceeding prior to the date set for the AC.

Please see the [Guide for Connecting and Attending Electronic Hearings for Counsel and SRL](#) available on the Court's website, which you may find helpful.



Who to Contact with Questions

Any questions about the Court's AC Pilot Project can be directed to the relevant Case Management Officer:

Laurie Baptiste
Case Management Officer
Court of Appeal of Alberta, Calgary
Laurie.Baptiste@albertacourts.ca
Fax: 403-297-5294

Bobbi Jo McDevitt
Case Management Officer
Court of Appeal of Alberta, Edmonton
Bobbi.McDevitt@albertacourts.ca
Fax: 780-422-4127