

NOVA SCOTIA COURT OF APPEAL
APPEAL BOOK PREPARATION "PRIMER"

September 2007

A. Practical tips

- ☞ Each volume must contain an INDEX - not only of the contents of the particular volume but of all the volumes - the index must reflect the volume # and the page # (*Dec. 13, 2002 Hints and Tips*).
- ☞ All pages are to be numbered consecutively starting with Volume # 1 and carrying through for all the volumes (if there are 200 pages in Volume # 1, then the first page in Volume #2 is page 201) (*Dec. 13, 2002 Hints and Tips*).
- ☞ Printing on all pages generated by the person preparing the Appeal Book is to be in 12 point font (*Dec. 13, 2002 Hints and Tips*).
- ☞ Documentary exhibits reproduced in the Appeal Book are to be numbered and tabbed in the same manner as at the trial (if this is not possible, a table of concurrence is required) (*Dec. 13, 2002 Hints and Tips*).
- ☞ Each Volume is to be numbered I, II, III, etc. (*Feb. 14, 2003 Hints and Tips*).
- ☞ An electronic copy of the portions of the Appeal Book you have prepared must be sent to the court along with the hard copies (*Feb. 4, 2004 Hints and Tips*) in an envelope addressed to Cindy Collicutt (*Dec. 2, 2005 Hints and Tips*) OR it can be sent to the Registrar by e-mail at boucheam@gov.ns.ca (*Nov. 5, 2004 Hints and Tips*). Electronic copy is to

be in Word or Word Perfect format - scanned documents are not acceptable - the format must be searchable and can be cut and paste into the court's decision as required (*Sept. 25, 2006 Hints and Tips*).

- ☞ Transcripts need to be certified by a certified court reporter and the certificate at the end of the transcript must be signed by the court reporter (*Dec. 2, 2005 Hints and Tips*).
- ☞ If a dispute arises between counsel or the parties regarding the content of the Appeal Book, the matter must be placed on the Chambers docket to seek directions from the presiding judge (*May 7, 2004 Hints and Tips*).
- ☞ On filing a Notice of Appeal, the Registrar requests the lower court file, documentary exhibits and a list of exhibits which are not documents (CPR 62.12) - when copying these exhibits remember to copy the "exhibit stamp".

B. Appeal Book CPR 62.14

Five copies required for the use of the court. Deliver to each respondent a copy. Cover must be grey.

Review sample cover and sample index.

An appeal book shall be printed double spaced on letter size paper with printing on both sides of the paper and with page numbering in the upper right corner of odd numbered pages and the upper left corner of even numbered pages.

Bound in plastic coil binding.

Certified court reporters who prepare transcripts have been trained

in the manner that transcripts are required for the Court of Appeal - this includes the margins to be used.

C. Civil Appeal Book

- ☞ PART 1 Pleadings & Related Documents
 - ☞ (i) index of documents
 - ☞ (ii) the notice of appeal, any notice of cross-appeal or respondent's notice of contention
 - ☞ (iii) the pleadings, including particulars
 - ☞ (iv) the decision and order appealed from
 - ☞ (v) a reference sheet containing the heading and file number of the matter appealed, the name of the judge, the dates of the hearing and the date of the decision in the court below

- ☞ PART 2 Evidence
 - ☞ (i) index of witnesses; the index of witnesses shall state the name of the witness, the party who called the witness and shall indicate the pages in the appeal book at which examination in chief, cross examination, or re-examination begin
 - ☞ (ii) list of all exhibits
 - ☞ (iii) transcript of the evidence at the trial; every page of the transcript of evidence shall have a headline which shall state the name of the witness and whether the page contains the transcript of the examination in chief, cross-examination or re-examination. The questions shall be numbered consecutively for each witness. Questions shall be preceded by the letter "Q" and the answers by the letter "A"
 - ☞ (iv) copies of affidavits, written admissions and discovery evidence if, and to the degree, that they have been admitted in evidence at the trial and are not reproduced un the

- transcript of evidence
- ☞ (v) photocopies of documentary exhibits, if not reproduced in the transcript, but no exhibits or parts of exhibits not germane to the issues on appeal or which may more conveniently be summarized or described
- ☞ (vi) a statement of facts agreed to by the parties in lieu of any or all of (iii), (iv) and (v)

Interlocutory appeals and cost appeals

- ☞ CPR 62.05
- ☞ judgment appealed from
- ☞ pleadings
- ☞ evidence material to the appeal or summary thereof
- ☞ directions regarding further content on the setting down of the appeal

Tribunal appeals

- ☞ CPR 62.14 (4)
- ☞ prepared so far as possible as prescribed by CPR 62.14(3)
- ☞ tribunal normally send the "record" to the Court of Appeal

D. Criminal Appeal Book

Conviction appeals

- ☞ CPR 65.12
- ☞ (i) an index
- ☞ (ii) the notice of appeal
- ☞ (iii) the information or indictment
- ☞ (iv) the reasons for judgment, if not included in the transcript of the proceedings
- ☞ (v) list of all exhibits
- ☞ (vi) photocopies of all documentary exhibits if not reproduced in the

transcript

Sentence appeals

- ☞ CPR 65.13
- ☞ (i) an index
- ☞ (ii) the notice of appeal
- ☞ (iii) the information or indictment
- ☞ (iv) an agreed statement of facts in lieu of a transcript of the trial evidence
- ☞ (v) a transcript of the evidence (if any) given on the issue of sentence
- ☞ (vi) the reasons (if any) for the sentence given by the trial judge
- ☞ (vii) any presentence reports
- ☞ (viii) the criminal record, if any, of the accused
- ☞ (ix) a reference sheet containing the heading and file number of the matter appealed, the name of the judge, the dates of the hearing and the date of the decision in the court below
- ☞ (x) the probation order (if any)
- ☞ (xi) any warrant of committal

Prisoner appeals

- ☞ CPR 65.14
- ☞ The Crown is responsible for preparing the Appeal Book on a prisoner appeal.