Court of Appeal
for British Columbia

REQUIREMENTS CHECKLIST FOR APPEAL BOOKS

Last Updated: July 28, 2016

- ***Electronic Materials in Appeal Books*** **(Civil and Criminal Practice Directive, 1 May 2016)**

- **Form 12 - Appeal Book**

Court of Appeal Rules and Practice Directive Requirements for filing Appeal Books including Multi-Media Exhibits:

Requirements	Description	Completed
Exhibits permitted in appeal book	**FORM 12 (RULE 26 (1) (a), (2) (a) AND (4) (a))** • must contain only so much of the evidence, including exhibits, affidavits and other documents, as is necessary to resolve the issues raised on appeal. • only filed copies of the exhibits or affidavits referred to at the hearing should be included. • only filed copies of those affidavits and exhibits that are necessary to resolve the issues raised on the appeal. • If practicable, a party's Appeal Book must not include any documents included in another party's Appeal Book.	☐ ☐ ☐
Format **Order of Exhibits** **Volumes**	**FORM 12 (RULE 26 (1) (a), (2) (a) AND (4) (a))** If the appeal is from a hearing at which some or all of the evidence was adduced by oral testimony or from a hearing at which all the evidence as adduced by affidavit: • order in which they were sworn or affirmed. • affidavits must be included in the Appeal Books in the order in which they were filed. • 1 volume = 300 pages or less (based on physical pages i.e. 400 pages printed double sided = 200 physical pages) • 2 or more volumes = maximum 200 pages each • Sequentially numbered volumes • Index for each volume	☐ ☐

Page numbering **Cover** **Printing**	• More than one volume of the Appeal Book, be labelled with the volume number on its spine. • beginning after the index • numbered consecutively, • at the centre of the top portion of the page • bound with a blue cover • Print on both Sides of the page - **Rule 54(4)**	☐ ☐ ☐ ☐
Exhibits Reproduction Quality **Photographs**	**FORM 12 (RULE 26 (1) (a), (2) (a) AND (4) (a))** • A document must not form part of the Appeal Books unless it has been legibly reproduced. (For example, a document with small print or is a faded copy of a document should not be included in the appeal book) • If an exhibit cannot be legibly reproduced, the original exhibit may be ordered from the trial court registry to be available to the court at the hearing of the appeal. • **Photographs:** must be legibly reproduced on a colour photocopier or by other current technology that can accurately reproduce photographs.	☐ ☐ ☐

Index and cross referencing exhibit disc(s) to Appeal Book	**Form 12 (Rule 26(1)(a) and 4(a)**
	
	• The index must describe each exhibit:
	  ○ by exhibit number,
	  ○ a full description of the document,
	  ○ and its date.
	
	• The index must describe each affidavit by including
	  ○ the name of the deponent,
	  ○ the date the affidavit was filed and
	  ○ a description of any attached exhibits.
	
	***Electronic Materials in Appeal Books* (Civil and Criminal Practice Directive, 13 May 2016)**
	
	In Appeal book:
	
	• photocopy the labelled disc and insert this page in the appeal book where the exhibits would be located
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Filing Appeal Books	**RULE 26 (1), (2),(3) AND (4)** • file 4 copies of that Appeal Book for use by the court plus such additional copies as are required for the purposes of paragraph (c), and	☐

	• serve one filed copy of the appellant's Appeal Book on each of the other parties.
	
	Respondent
	• If a respondent who has been served with the appellant's Appeal Book considers that that Appeal Book is incomplete, the respondent may, within 30 days after service,
	
	• prepare and Appeal Book in Form 12,
	
	• file 4 copies of that respondent's Appeal Book for use by the court plus such additional copies as are required for the purposes of paragraph (c), and
	
	• serve one filed copy of the respondent's Appeal Book on each of the other parties.
	
	Joint Appeal Book
	• The parties may file a joint Appeal Book if all parties agree
	
	• Despite subrules (1) and (2), if the parties agree to file a joint Appeal Book under subrule (3),
	
	• the parties must, within 30 days after the filing of the respondent's factum, prepare a joint Appeal Book in Form 12, and
	
	• one of the parties must, within that 30 day period
	  ○ file 4 copies of that joint Appeal Book for use by the court plus such additional copies as are required for the purposes of subparagraph (ii),
	  ○ serve one filed copy of the joint Appeal Book on each of the other parties.
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Filing Appeal Books with Multi-media Exhibit(s) disc(s) (electronic storage)	***Electronic Materials in Appeal Books* (Civil and Criminal Practice Directive, 13 May 2016)**
	
	The Court is required to preserve the appeal book permanently according to retention and disposition schedules under the Document Disposal Act (new retention and disposition schedules may be developed under the Information Management Act)
	
	• *Only discs (CDs or DVDSs) in jewel cases may be used
	  ○ Discs cannot be enclosed in paper sleeves in an appeal book (photocopy labelled disc and include this page in appeal book)
	  ○ Registry will <u>not</u> accept USB sticks with electronic exhibits
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	*Storage of discs for preservation in plastic sleeves is not recommended by the Canadian Conservation Institute as they provide little physical protection, may interact chemically with the disc, and/or can scratch the disc surfaces. Canadian Conservation Institute, CC1 Notes 19/1 • Must only be multi-media that <u>cannot</u> be legibly reproduced in paper (such as video and audio). • Where possible, only one disc should be filed per set of paper appeal books.	☐
Naming Exhibit Files on Discs **Example**	***Electronic Materials in Appeal Books*** **(Civil and Criminal Practice Directive, 13 May 2016)** • Files on the disc(s) should be named with the file number, book, exhibit numbers, and a short description: CA12345 - Appellant's Appeal Book - Exhibit 12 - video of interview with appellant.avi	☐
Labelling Disc(s) and Jewel Cases **Examples**	***Electronic Materials in Appeal Books*** **(Civil and Criminal Practice Directive, 13 May 2016)** • Use **<u>water</u>** based CD/DVD permanent marker on discs • 1 disc per jewel case • Do not apply adhesive labels of any type to discs (unless archival quality) • Write on disc and jewel case label: case number, name of book, exhibit numbers (must correspond with index) and number of discs. **Disc 1:** CA12345 - Appellant's Appeal Book - Exhibits 2, 3, 12, 28 - DVD 1 of 3 **Disc 2:** CA12345 - Appellant's Appeal Book - Exhibits 35, 36 - DVD 2 of 3 **Disc 3:** CA12345 - Appellant's Appeal Book - Exhibit 55 - DVD 3 of 3	☐ ☐ ☐ ☐