



**British Columbia Court of Appeal
Practice Directive (Civil and Criminal)
Title: Appearing before the Court**

Issued: 14 March 2023

Effective: 14 March 2023

Cite as: *Appearing before the Court* (Civil & Criminal Practice Directive, 14 March 2023)

This practice directive deals with introducing and addressing either a division of the Court of Appeal, a Justice in chambers, or a Registrar. It is primarily for the benefit of more recently called members of the legal profession who are, or will be, making their first appearances before the Court, but may also be of use to those who are self-represented.

The practice before the Court is as follows:

- Counsel are required to gown for all hearings before a division of justices. Counsel are not required to gown for hearings before a single justice. Counsel who are pregnant or have a disability or other reason affecting the ability to fully gown may appear in alternate gowning attire as appropriate to their circumstances;
- The appellant(s) or their counsel sit on the left side of the courtroom (facing the bench) and the respondent(s) or their counsel sit on the right;
- Before the judges enter the courtroom, the appellant(s) or their counsel and the respondent(s) or their counsel advise the court clerk their names, their preferred manner of address (e.g. “Mr./Ms./Mx./Counsel Jones”), their pronouns (optional), and the party they represent;
- Parties rise if they are able to when the Court is called to order and the judges enter the courtroom. Parties bow when the judges bow and then resume sitting;
- After a case is called, the appellant(s) or their counsel stand if they are able to and make introductions, giving their name, their pronouns (optional), and indicating for whom they act, and then resume sitting;
- If the appellant is represented by more than one counsel, senior/lead counsel introduces themselves and then introduces other counsel, who stand if they are

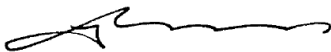
able to while being introduced; senior/lead counsel resume sitting after introductions have been completed;

- If there are separately represented appellants, then the introductions of counsel for each appellant should, in turn, follow, in accordance with the practice set out above;
- The introductions of the respondent(s) or their counsel follow those of the appellant(s), in accordance with the above practice;
- The introductions of the intervener(s) or their counsel follow those of the respondent(s), in accordance with the above practice;
- After introductions have been completed, the presiding judge will indicate how the Court wishes to proceed; when called upon, parties should move to the podium to address the Court;
- Only one person should be addressing the Court at any given time.

On motions or applications before the Court or on chambers matters, the foregoing should be read with “applicant” replacing “appellant”, and “respondent” being the respondent on the motion or application.

Justices of the Court of Appeal are to be referred to as “Chief Justice”, “Justice”, “Madam Justice”, “Mr. Justice” or, collectively, as “Justices”, according to the context. Counsel and parties are asked to refrain from addressing justices as “my lady”, “my lord”, “your ladyship” or “your lordship”. In a Registrar’s hearing, the Registrar is to be addressed as “your honour”.

The Civil and Criminal Practice Directive titled [Remote Appearances](#) provides additional information related to rules and decorum when appearing before the Court by videoconference.



Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History:

Replaces the Civil and Criminal Practice Directive titled *Appearing before the Court* dated 20 October 2022, previously amended 11 July 2022 and 11 November, 2021, which replaced the Civil and Criminal Practice Note titled *Appearing before the Court* dated 11 October 2019.



**British Columbia Court of Appeal
Practice Directive (Civil & Criminal)**

Title: Case Compilation & Presentation Software

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Case Compilation & Presentation Software (Civil & Criminal Practice Directive, 18 July 2022)*

The Court has, in the last several years, continued experimenting with case compilation and presentation software. As well, the Court notes the frequent use of case compilation and presentation software in other jurisdictions, such as CaseLines in Ontario.

The Court would like to continue to experiment and evaluate options for compiling and presenting appeals electronically.

Those who are interested in using such software should submit a proposal to the Registrar, who will authorize and provide directions on its use.

The Honourable Chief Justice Bauman
for the Court of Appeal of British Columbia

History:

This is a new practice directive.



**British Columbia Court of Appeal
Practice Directive (Civil)**

Title: Case Management of Family Law Appeals

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Case Management of Family Law Appeals* (Civil Practice Directive, 18 July 2022)

Family law appeals may be referred to case management where deadlines are missed or where the Court is of the view the appeal would benefit from case management. Parties may also write to the Registrar to request case management.

Parties are also reminded of the availability of the settlement conference process, outlined in *Judicial Settlement Conferences* (Civil Practice Directive, 18 July 2022).

Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History:

Replaces the Civil Practice Directive titled *Case Management of Family Law Appeals*, dated 28 February 2018, which replaced the Civil Practice Directive titled *Family Law Appeals*, dated 19 September 2011, which replaced the untitled Notice to the Profession concerning family law appeals, dated 12 January 2004.



**British Columbia Court of Appeal
Practice Directive (Civil & Criminal)**

Title: Chambers Applications

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Chambers Applications* (Civil & Criminal Practice Directive, 18 July 2022)

When bringing or responding to an application before a single judge in chambers, parties should observe the following:

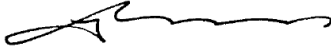
1. Person(s) bringing the application should consult the list of available dates on the Court website and choose any available date from an open list;
2. Wherever possible, obtain other parties' agreement to the date you have selected;
3. Prepare, file, and serve materials in accordance with the *Rules* and filing directives;
4. Person(s) responding should also file responding materials in accordance with the *Rules* and filing directives.
5. Any person who wishes to appear by Zoom must file a Request to Appear Remotely with their materials on the timelines in the *Rules*: see [Remote Appearances \(Civil & Criminal Practice Directive, 18 July 2022\)](#)

Once material is filed, the Deputy Registrar may request a time estimate from the parties and will advise them of the time at which they must appear. If no such time is given, parties must appear at **9:30am** by default. Decisions made by the Deputy Registrar at the time of scheduling about the timing and length of hearings are final.

When bringing or responding to applications before the Registrar, parties should follow the process above, but must contact the Registrar's scheduler directly to obtain available times and dates for the application.

Urgent applications brought under Rule 57 must be scheduled by telephoning the chambers scheduler to obtain a date.

If appearing by Zoom, parties must observe the requirements in the [Remote Appearances](#) practice directive.



Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History:

Replaces the Civil and Criminal Practice Directive titled *Chambers Applications by Telephone or Videoconference* dated 18 September 2011.



**British Columbia Court of Appeal
Practice Directive (Civil & Criminal)
Title: Citation of Authorities**

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Citation of Authorities* (Civil & Criminal Practice Directive, 18 July 2022)

Parties preparing factums or submissions to the Court of Appeal are asked to observe the following practices:

General Citation Practices

1. When relying on an authority cited by a different party, always cite to the version within that party's factum or book of authorities and omit the authority from your book of authorities. The Court strongly prefers joint books of authorities and/or joint appeal books where possible.
2. Ensure the version of an authority included in your book of authorities matches the format of the version cited in the parties' factums, particularly with respect to pagination and paragraph numbers.
3. Do not hyperlink authorities cited within factums.

Specific Citation Practices

4. Follow the citation standards in the most recently published edition of the *Canadian Guide to Uniform Legal Citation*, (the *McGill Guide*), unless directed otherwise in this practice directive.
5. Always use periods within citations where omitted by the *McGill Guide*.
6. Cite as precisely as possible to all authorities, for example, to paragraph or section numbers, rather than to pages or chapters.
7. Do not cite to case summaries or headnotes (they are not part of the judgment).
8. Cite Canadian cases to their neutral citation. Additional (parallel) citations are not required.

9. Where a neutral citation is not available for a Canadian case, cite to a freely accessible electronic service (e.g. CanLII) or a printed reporter first. If the first citation is to a printed reporter, include one additional (parallel) citation.
 - ✓ *Green v. Red*, 2013 BCCA 212 at para. 10
 - ✓ *Green v. Red*, 2021 BCCA 333 (CanLII) at para. 10
 - ✓ *Green v. Red* (1977), 3 B.C.L.R. 20 at 21 (Co. Ct.); [2011] 2 W.W.R. 212
 - x *Green v. Red*, [2001] S.C.R. 3, 2001 SCC 1

10. If a case is from outside of Canada, provide the neutral citation if available and one parallel citation.
 - ✓ *Green v. Red*, [1996] SGCA 78, 1 S.L.R.(R) 212 at 213
 - ✓ *Green v. Red*, [1925] 4 D.L.R. 212, 31 W.L.R. 212 at 213 (B.C.C.A.)

11. Use this format for unreported judgments:
 - ✓ *Green v. Red* (30 April 1981), Victoria 79/0123 (B.C.S.C.)

12. When citing a case decided in chambers, include the term "Chambers" or "in Chambers" at the end of the citation within any bracketed information.
 - ✓ *Green v. Red* (1986), 1 B.C.L.R. (2d) 190 (C.A. Chambers)
 - ✓ *Green v. Red*, 2010 BCCA 212 (in Chambers)

13. Only add the name of the judge at the end of the citation when relevant.
 - ✓ *Green v. Red* (1986), 1 B.C.L.R. (2d) 212 (C.A.), Purple J.A., dissenting

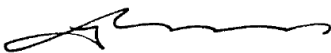
14. Do not give the full citation to the rules of the various courts in British Columbia.
 - ✓ *Supreme Court Civil Rules*, R. 15-1
 - ✓ *Supreme Court Family Rules*, R. 15-1
 - ✓ *Court of Appeal Rules*, R. 5
 - ✓ *British Columbia Court of Appeal Criminal Appeal Rules*, 1986, R. 5
 - x *Supreme Court Civil Rules*, B.C. Reg. 168/2009, R. 15-1

15. For books that are continually updated, such as loose-leaf services, include the last revision update. Do not include the "date of consultation".
 - ✓ J.D. Green, *The Law of Tort* (Toronto: Thomson Reuters, 2011) (loose-leaf updated 2013, release 20), ch. 5 at 71.

16. When referring to a practice directive or note, follow the citation style prescribed in that particular directive or note.

Style Practices

17. Review and follow the [completion instructions](#) for all application materials and appeal books before filing. Whenever possible, use the pre-set word templates for factums and written arguments.
18. Do not capitalize the names of documents, the titles of pleadings, or the status of litigation parties unless required in a [Form](#).
 - ✓ “The appellant’s notice of civil claim states a power of attorney...”
 - x “The Appellant’s Notice of Civil Claim states a Power of Attorney...”
19. Capitalize “court” only when referring to a specific court.
 - ✓ “The British Columbia Supreme Court held in *Green* that ...”
 - ✓ “The Court in *Green* ...”
 - ✓ “The case before this Court is about ...”
 - x “There is no Court in Canada except the supreme court of Canada...”
 - x “No Courts have yet adopted...”
20. Capitalize “judge” or “justice” only when naming a particular judge or justice.
 - ✓ “Justice Smith wrote in *Green v. Red* that...”
 - ✓ “The trial judge...”
 - x “The Chambers Judge ...”
21. When referring to an authority several times that must be distinguished from other similarly named authorities, use a short form in brackets. Otherwise, just use a shortened form in subsequent references. Do not use *supra*, *ibid.*, or hereinafter.
 - ✓ *The Red Act of British Columbia*, R.S.B.C. 1995, c. 22, is referred to in both *Green v. Red*, 2007 BCSC 543 (“*Green #1*”) and *Green v. Red*, 2007 BCSC 212 (“*Green #2*”). In both *Green #1* and *Green #2*, *the Red Act* was upheld as constitutional.
22. Avoid overly formalistic language, such as “this Honourable Court,” “heretofore,” “aforesaid,” or “learned”. Only use Latin phrases if necessary.



Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History

Replaces the Civil and Criminal Practice Directive titled *Citation of Authorities* dated 30 May 2013, which replaced previous versions dated 19 September, 2011, and 18 June 2007.



British Columbia Court of Appeal
Practice Directive (Civil)
Title: Costs

Re-Issued: 11 July 2022

Effective: 18 July 2022

Cite as: Costs (Civil Practice Directive, 18 July 2022)

The purpose of this practice directive is to explain the Court of Appeal's practice and the parties' responsibilities with respect to awards of costs. An award of costs in the Court of Appeal is governed by ss. 44-46 of the *Court of Appeal Act* and Rules 39 – 40 of the *Court of Appeal Rules*.

The Court does not usually refer to costs in reasons for judgment. When preparing a court order arising from an appeal, the successful party must insert a term for costs in the final order. [Form 11](#) provides the language for this direction. Disputes on the issue of costs are dealt with by Rule 40 in writing only, unless the Court otherwise directs.

If a costs dispute is raised before the Registrar when settling an order, the Registrar may settle the dispute or refer the dispute to the division that heard the appeal. The Registrar will not assess a bill of costs in the absence of a costs term included in the order.

If a party has mistakenly entered an order without a direction for costs, they may apply pursuant to section 43 of the *Act* to amend the order to provide for costs.

Counsel are reminded of the particular provisions for costs in s. 37 of the *Class Proceedings Act*.

Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History:

Replaces the Civil and Criminal Practice Directive titled *Costs*, dated 30 May 2013.



**British Columbia Court of Appeal
Practice Directive (Civil & Criminal)**

Title: Court Sittings in Kamloops and Kelowna

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Court Sittings in Kamloops and Kelowna (Civil & Criminal Practice Directive, 18 July 2022)*

The Court of Appeal has for some years scheduled sittings in Kamloops and Kelowna. For the last two years, hearings were scheduled in these communities when requested by counsel.

Because appeals are frequently of significance to the local community, the Court is of the view that appeals originating from Kamloops, Kelowna, Vernon, Penticton, and Salmon Arm will be heard at either Kamloops or Kelowna, unless the Registrar directs the appeal to be heard in Vancouver.

Parties requesting a Vancouver hearing should do so by letter to the Registrar outlining reasons that outweigh the interest of the local community in hearing the appeal. If other parties disagree, they should provide a brief letter outlining their position.

When an appeal originating in one of these locations is ready for hearing, the appellant should contact the Court Scheduler (604-660-2865) to schedule the appeal. If the parties wish to adjourn or reschedule a hearing, they should immediately notify the Court Scheduler with at least one week's notice.

Parties in other locations in British Columbia may also request a local hearing following the procedures listed above. Those hearings shall be conducted in Kamloops, Kelowna, or Prince George.

Any comments on the procedure should be addressed to the Registrar.

Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History:

Replaces the Civil and Criminal Practice Note titled *Court Sittings in Kamloops and Kelowna*, dated 27 June 2014, which replaced the Civil and Criminal Practice Note titled *Court Sittings in Kamloops, Kelowna and Prince George*, dated 17 April 2012, which replaced the practice note titled *Court Sittings in Kamloops, Kelowna and Prince George* dated 8 September 2010.



**British Columbia Court of Appeal
Practice Directive (Civil & Criminal)
Title: Declarations of Invalidity in Court Orders**

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Declarations of Invalidity in Court Orders* (Civil & Criminal Practice Directive, 18 July 2022)

When the Court of Appeal pronounces a judgment addressing the validity of an enactment and upholds a declaration of invalidity made by the court below, makes a declaration of invalidity in the first instance, or sets aside a declaration of invalidity made by the court below, the party drafting the Court of Appeal's order must include a term dealing with the declaration. That term may be styled in a form analogous to the examples below.

THIS COURT DECLARES that section X of *Y Act* is of no force or effect.

THIS COURT ORDERS that the declaration made on [set out date] that section X of *Y Act* is of no force and effect is hereby set aside.

Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History:

Replaces the Civil and Criminal Practice Directive titled *Declarations in Court Orders*, dated 5 March 2020, which replaced the Civil and Criminal Practice Directive titled *Declarations in Court Orders*, dated 11 October 2019.



**British Columbia Court of Appeal
Practice Directive (Civil)
Title: Hague Convention Appeals**

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Hague Convention Appeals* (Civil Practice Directive, 18 July 2022)

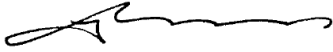
In recognition of the importance of fast-tracking appeals involving the inter-jurisdictional abduction of children, including international abductions which engage the *Hague Convention on the Civil Aspects of International Child Abduction*, 25 October 1980, Hague XXVIII (entered into force 1 December 1983), this Court has adopted the following protocol for expediting appeals raising this issue.

Any appellant who proposes to raise an issue regarding the inter-jurisdictional abduction of children, including international abductions engaging the *Hague Convention*, must immediately provide a letter to the registry when filing the Notice of Appeal, advising the Registrar that the appeal raises this issue and seeking directions.

If an appellant does not raise the issue and the respondent is of the view that the issue should be raised, then, on receiving the Notice of Appeal/Application for Leave to Appeal, the respondent is requested to file a letter with an appearance, advising of the issue, and asking for an expedited appeal.

Upon receiving such letter, the Registrar shall refer the matter to a justice for a pre-hearing conference. A pre-hearing conference with counsel (or with the parties, if unrepresented) will be scheduled without delay. The goals of the pre-hearing conference will be: to ensure an early hearing date; to arrange for the orderly filing and format of materials; and to make any ancillary orders required.

Every effort will be made to provide a hearing date not more than 3 weeks following the receipt of the letter requesting an expedited hearing.



Chief Justice R.J. Bauman
for the Court of Appeal of British Columbia

History:

Replaces the Civil Practice Directive titled *Hague Convention Appeals*, dated 19 September 2011, which replaced the Civil Practice Directive titled *Protocol for Appeals Regarding the Interjurisdictional Abduction of Children, including international abductions engaging The 1980 Hague Convention on the Civil Aspects of International Child Abduction (the "Hague Convention")*, dated 21 July 2009.



**British Columbia Court of Appeal
Practice Directive (Civil)**

Title: Judicial Settlement Conferences

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Judicial Settlement Conferences (Civil Practice Directive, 18 July 2022)*

1. PURPOSE

[1] The purpose of a judicial settlement conference is to assist parties to resolve certain appeals at an early stage, to save the expense of an appeal, and to expedite the final resolution of the dispute.

2. HOW DO I APPLY FOR A SETTLEMENT CONFERENCE?

A. File Form A and Form B at the Court Registry (forms are below)

[2] A settlement conference is available to parties involved in all civil appeals in one of two ways: a judge or a division may refer the parties to the settlement conference program or the parties may apply to participate in the process.

[3] Regardless of whether a party is referred to a settlement conference or wishes to apply themselves, they must file two forms with the Court of Appeal Registry:

a) **Form A:** A “Joint Request for Settlement Conference” form, signed by all parties to the appeal; and,

b) **Form B:** A consent order, also signed by all parties to the appeal.

[4] These forms may be found at the bottom of this practice directive. When Form B is filed, the timelines under the *Court of Appeal Act* and *Court of Appeal Rules* are suspended and not reinstated until the conclusion of the settlement conference or when one or more parties withdraws.

[5] A party may withdraw from a settlement conference at any time, at which time the conference shall terminate. If the parties do not resolve the dispute through the settlement conference, the matter will proceed in accordance with the *Court of Appeal Act* and *Court of Appeal Rules*.

3. BEFORE THE SETTLEMENT CONFERENCE

[6] After Form A and Form B have been filed, the parties will receive an acknowledgement letter from the Court, asking for available dates for an initial teleconference with the participating judge.

[7] At the initial teleconference, the parties and the participating judge will establish the date of the settlement conference and determine the relevant materials to be exchanged at or before the settlement conference. The initial teleconference will take place within 10 days of the date of the acknowledgement. The settlement conference will typically occur within 30 days of the receipt of Form A and Form B.

[8] On occasion and depending on the nature of the case, the judge conducting the settlement conference may ask that expert witness(es) attend the settlement conference.

[9] The Court or a judge may reject the request on the basis that the matter is not suitable for a settlement conference. The types of cases that may be unsuitable for a settlement conference include those where the issues are too complex, the case raises a significant issue of law, or there are allegations of domestic violence or abuse.

4. AT THE SETTLEMENT CONFERENCE

A. Who Attends?

[10] In an appeal involving an individual appellant and an individual respondent (for example, a family matter), both parties will attend the settlement conference, together with their respective legal counsel.

[11] Where a party to an appeal is a corporation, a representative of the corporation will attend the settlement conference with counsel. The person attending the settlement conference on behalf of the corporation must have the authority to bind the corporation to the terms of the settlement agreement.

B. What if I am Self-Represented?

[12] Where one or more of the parties who has consented to a settlement conference is self-represented and the judge conducting the settlement conference is of the opinion that the matter is suitable for settlement conference, the judge conducting the settlement conference may suggest or request the assistance of *pro bono* legal counsel for the self-represented party during the settlement conference process.

C. What Happens at the Settlement Conference?

[13] A judge of the Court of Appeal will conduct the settlement conference. At the outset, the parties must agree the settlement conference, and the fact that the parties participated in the settlement conference, will remain confidential, and are without prejudice to the parties' legal positions on the appeal.

[14] The settlement conference process is meant to be as flexible as possible and is not governed by any procedural rules. The parties, together with the judge conducting the settlement conference, are free to determine the manner in which the settlement conference proceeds.

[15] During the settlement conference, the judge may conduct a meeting with legal counsel representing the parties, without the parties present, to discuss the process to be followed during the settlement conference. The settlement conference judge may also conduct private meetings or caucuses with the individual parties and their legal counsel, except in cases where all parties are self-represented.

D. Is the Settlement Conference Confidential?

[16] The substance of all communications by the parties during the settlement conference process are statements made off the record, are confidential, and shall not be disclosed in the appeal or in any other proceedings. The judge who conducts the settlement conference will not sit on the division presiding at the appeal and on any subsequent pre-hearing chambers proceedings. The fact a settlement conference has occurred will not be disclosed to the judges hearing the appeal.

[17] The judge who conducts the settlement conference acts as a mediator performing a judicial function. The parties agree that they will not call the judge as a witness in any proceeding relating to the subject matter of the appeal or to the settlement conference. The settlement conference judge maintains his or her judicial capacity and its accompanying immunity and cannot be compelled to testify in later court proceedings, should they arise.

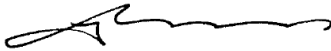
[18] No record of the settlement conference will be filed in the Registry file. Records of the settlement conference process will be maintained by the Pre-Hearing Judicial Settlement Conference Officer, who is the Legal Counsel to the Court of Appeal, in a location separate and apart from the Court of Appeal Registry and its files. Information about the settlement conference will not be maintained in the Court of Appeal's electronic information system and will not be available to other judges of the Court.

5. AFTER THE SETTLEMENT CONFERENCE

[19] If the parties are successful in resolving the case through the settlement conference, the parties or their legal counsel will jointly draft an agreement which will be signed by all the parties. If an order is required, the parties must also agree to the form of order to be sought. In that event, the parties will apply to a division of

judges in the Court of Appeal for an order in those terms. Otherwise, the parties will file a Notice of Abandonment of the appeal.

[20] If the parties do not resolve the dispute through the settlement conference, the matter will proceed in accordance with the *Court of Appeal Act* and *Court of Appeal Rules*. If an appeal is “allowed” by consent, it is not an expression of opinion by the Court on the correctness or otherwise of the Reasons for Judgment in the Court or Tribunal appealed from.



The Honourable Chief Justice Bauman
for the Court of Appeal of British Columbia

History:

Replaces the Civil Practice Directive titled *Judicial Settlement Conferences*, dated 27 June 2014, which replaced versions dated 19 September 2011, and 12 December 2005.

Form A

(Joint Request for Settlement Conference)

Court of Appeal File No. _____

Supreme Court File No. _____

COURT OF APPEAL

BETWEEN:

Appellant/Respondent
(Plaintiff)

AND:

Appellant/Respondent
(Defendant)

JOINT REQUEST FOR SETTLEMENT CONFERENCE

We, the undersigned, jointly request a pre-hearing judicial settlement conference in order to attempt to conclude the present litigation by way of settlement agreement.

We will jointly prepare and file a copy of all records requested by the Justice conducting the settlement conference within the time frame established at the initial teleconference.

This joint request is an application to the Settlement Conference Judge for an order suspending the applicable time limits set out in the Court of Appeal Act and Rules.

We promise to respect the confidential nature of all matters discussed throughout the pre-hearing judicial settlement conference and subject to their willingness and availability, the parties hereby request the following Justice(s) to conduct the settlement conference: *(insert up to 3 name(s) of justices)*

Date: _____

<i>(Name and address of appellant's law firm or of appellant if self-represented)</i>	<i>(Name of counsel/appellant if self-represented)</i> <i>(Name of appellant(s) being represented)</i>
<i>(Name and address of respondent's law firm or of respondent if self-represented)</i>	<i>(Name of counsel/respondent if self-represented)</i> <i>(Name of respondent(s) being represented)</i>

Form B
(Consent Order)

Court of Appeal File
No

BETWEEN:

Appellant(s)
(role in proceeding appealed from)

AND:

Respondent(s)
*(role in proceeding
appealed from)*

BEFORE THE HONOURABLE
[registrar will insert name of justice]

[registrar will insert date of order]

IN CHAMBERS

ON application of *[appellant/respondent]* herein; AND BY CONSENT;

IT IS ORDERED that *[specify]*

IT IS FURTHER ORDERED that *[specify]*

APPROVED AS TO FORM:

.....
Appellant/Appellant's Lawyer

.....
Respondent/Respondent's Lawyer



British Columbia Court of Appeal
Practice Directive (Civil)
Title: Publication Bans and Sealing Orders

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Publication Bans and Sealing Orders* (Civil Practice Directive, 18 July 2022)

The Notice of Appeal (Form 1) requires parties to advise the Court of Appeal of any publication bans or sealing orders in place in the court or tribunal below. As soon as a Notice of Appeal is filed, the appellant should write to the Registrar and provide copies of those orders and/or an explanation of their effect.

If a publication ban or sealing order applies in the Court of Appeal, the parties must indicate the existence of those orders on the cover of their appeal record, factum, appeal books, and other books filed for the purpose of the appeal.

Publication bans ordered by the court or tribunal below typically endure in the Court of Appeal. This means there is usually no need to seek a new publication ban specifically for appeal proceedings.

Sealing orders only apply to the records of the court or tribunal that issues the sealing order. If a party wishes to have materials filed in the Court of Appeal sealed, they must immediately apply to a justice in chambers for a sealing order when the materials are filed. On request or where appropriate, the Registrar may temporarily seal the file pending the outcome of the application for a sealing order.

Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History:

Replaces the Civil Practice Directive titled *Publication Bans and Sealing Orders*, dated 4 June 2018.



British Columbia Court of Appeal Practice Directive (Civil & Criminal)

Title: Remote Appearances

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Remote Appearances* (Civil & Criminal Practice Directive, 18 July 2022)

Part 1: Requesting to Appear by Zoom

Persons who wish to appear by video using the Zoom platform must:

1. For Appeals: File a [Request to Appear Remotely](#) no later than ten (10) business days prior to the hearing of the appeal.
2. For Chambers: File a [Request to Appear Remotely](#) with their application materials or responding materials in accordance with the *Chambers Applications* practice directive.

Part 2: Preparing for a Zoom Hearing

For both appeal hearings and chambers proceedings, only the party who appears by Zoom will appear virtually on a television screen in the courtroom. Other parties will be present in the courtroom unless they are also attending remotely.

Parties must conduct a Zoom test call to ensure a stable connection and functioning microphone and video and become familiar with the mute/unmute and start/stop video functions. Zoom usernames must precisely match the name(s) of parties provided on the [Request to Appear Remotely](#).

All Zoom links support H.323/SIP systems.

Part 3: Joining a Zoom Hearing

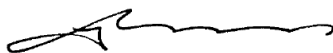
1. For Appeals: For an appeal, parties should join at least ten (10) minutes before the hearing is set to begin. Parties to an appeal proceeding will join the Zoom hearing by clicking the public Zoom link published on the Court's [Weekly Hearing List](#). Parties will be promoted into the hearing by the Court clerk.

2. For Chambers: For chambers, because the list may run more quickly than expected, parties should join the hearing (20) twenty minutes before it is scheduled. The day before the hearing, parties will receive the Zoom link at the email address provided on the [Request to Appear Remotely](#). If you do not receive it before 6:00pm, check your spam/filter, confirm that your email address is correct on the [Request to Appear Remotely](#), and contact the chambers scheduler at 604.660.2859 the following morning at 9:00am when the registry opens.

Part 4: Rules and Decorum

Parties attending proceedings by Zoom should observe the following:

1. **Attire:** Lawyers should gown for appeal hearings whether they are appearing in-person or by video. Do not gown for chambers.
2. **Sitting and Standing:** Parties appearing by video are not required to stand when the hearing commences or ends, or when they are addressing the Court.
3. **Bowing:** Parties appearing by video are not required to bow at any time.
4. **Decorum:** Parties should make reasonable efforts to find a quiet, private space with a neutral background to make their submissions and should avoid using casual language.
5. **Mute microphone:** To minimize background noise, all participants must mute their microphones when they are not speaking.
6. **Pause for questions/avoid speaking over others during the hearing:** Pause frequently during your submissions to allow the Court to ask questions and avoid speaking over the Court or other hearing participants.
7. **Choose a neutral background:** You may choose a neutral virtual background in Zoom or you may choose to position yourself in front of a neutral physical background. Avoid physical backgrounds that are distracting or which could detract from the decorum of the Court.



Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History:

This is a new practice directive.



**British Columbia Court of Appeal
Practice Directive (Civil and Criminal)**

Title: Style of Proceedings

Issued: 12 September 2022

Effective: 12 September 2022

Cite as: *Style of Proceedings* (Civil and Criminal Practice Directive, 09 September 2022)

1. *References to the Sovereign*

Effective immediately references to the Sovereign in the style of proceedings for any civil or criminal matter should use “Rex” or “His Majesty the King” in place of “Regina” or “Her Majesty the Queen”.

2. *Order of parties in the style of proceedings for civil appeals*

Effective 18 July 2022 the style of proceedings for civil matters on all forms, orders, and reasons for judgment will list appellants first and respondents second.

The roles of the parties to the appeal in the court below should still be identified in brackets (e.g. John Doe, Appellant (Defendant)).

The new format applies to all documents filed in civil matters on or after July 18, 2022 (including Forms, orders, appeal books etc. and amended documents).

Examples of the new format for styles of proceedings in civil matters are attached as an Appendix.

Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History:

Replaces the Civil Practice Directive titled *Style of Proceedings*, dated 18 July 2022.

APPENDIX

Guide to formatting styles of proceedings under the new *Court of Appeal Rules*

Beginning on July 18, 2022, when the new *Court of Appeal Act and Rules* come into force, the style of proceedings for civil matters on all Forms, orders, and reasons for judgment will list appellants first and respondents second.

- The roles of the parties to the appeal in the court below should still be identified in brackets (e.g., John Doe, Appellant (Defendant)).
- The new format applies to all documents filed on or after July 18, 2022 (including Forms, orders, appeal books etc. and amended documents).
- Steps taken to change the format of the style of proceedings in four different examples are provided below.
 - Example 1 – one appellant and one respondent
 - Example 2 – more than one appellant or respondent
 - Example 3 – cross appeal and multiple dockets
 - Example 4 – non-adversarial proceeding in the court below

Example 1: One appellant and one respondent

To set up the new style of proceedings:

1. Reverse the order of the parties so that the appellant is listed first and the respondent is listed second.
2. Ensure that the roles of the parties in the court below are still identified in brackets

Former style of proceedings

Between:

Red Purple

Respondent
(Claimant)

And

Pink Yellow

Appellant
(Respondent)

New style of proceedings

Between:

Pink Yellow

Appellant
(Respondent)

And

Red Purple

Respondent
(Claimant)

Example 2: More than one respondent or appellant

To set up the new style of proceedings:

1. Reverse the order of the parties so that the appellants are listed first and the respondents are listed second.
2. Group multiple appellants and respondents by their role in the court below (e.g. in the example Blue Green and Black Grey are grouped together as appellants who were claimants in the court below, but Pink Yellow is listed separately as an appellant who was a respondent in the court below).
3. Do not change the order of appellants or respondents who had different roles in the court below (e.g. in the example, Pink Yellow is still the first named appellant, followed by Blue Green and Black Grey).
4. Ensure that the roles of the parties in the court below are still identified in brackets (e.g. Pink Yellow, Appellant (**Respondent**)).

Former style of proceedings

Between:

	Red Purple and Orange Brown	Respondents (Claimants)
And		
	Pink Yellow	Appellant (Respondent)
And		
	Blue Green and Black Grey	Appellants (Claimants)

New style of proceedings

Between:

	Pink Yellow	Appellant (Respondent)
And		
	Blue Green and Black Grey	Appellants (Claimants)
And		
	Red Purple and Orange Brown	Respondents (Claimants)

Example 3: Cross appeal and multiple dockets

To set up the new style of proceedings:

1. List the style of proceedings for each docket in order of the appeal docket number (*no change*)
2. For each appeal docket
 - a. List the appellant(s) first and the respondent(s) second.
 - b. Group the appellant(s) and respondent(s) by their role in the court below (e.g. in the example, *Shape* and *Circle* are grouped together as respondents who were plaintiffs in the court below, followed by the HMQ group who were defendants in the court below).
 - c. If there is more than one appellant or more than one respondent grouped together, do not change the order that they are listed (e.g. in the example below, *Shape* and *Circle* are still listed in the same order and are still the first named group of respondents in the new style of proceedings).
3. Identify the roles of the parties on the cross appeal (e.g. Respondents/**Appellants on Cross Appeal** (Plaintiffs)) (*no change*).
4. Identify the roles of the parties in the court below in brackets e.g. Respondents/Appellants on Cross Appeal (**Plaintiffs**) (*no change*).

Former Style of Proceedings

Docket: CA47123

Between:

Purple Shape and Magenta Circle

Respondents/
Appellants on Cross Appeal
(Plaintiffs)

And

Workers' Compensation Board

Appellant/
Respondent on Cross Appeal
(Defendant)

And

**Her Majesty the Queen in Right of the Province of British Columbia
(Ministry of Children and Family Development), Her Majesty the
Queen in Right of the Province of British Columbia
(Ministry of Justice), and the Public Guardian and Trustee**

Respondents
(Defendants)

- and -

Docket: CA47124

Between:

Purple Shape and Magenta Circle

Respondents/
Appellants on Cross Appeal
(Plaintiffs)

And

Public Guardian and Trustee

Appellant/
Respondent on Cross Appeal
(Defendant)

And

**Her Majesty the Queen in Right of the Province of British Columbia
(Ministry of Children and Family Development), Her Majesty the
Queen in Right of the Province of British Columbia
(Ministry of Justice), and the Workers' Compensation Board**

Respondents
(Defendants)

- and -

Docket: CA47125

Between:

Purple Shape and Magenta Circle

Respondents
(Plaintiffs)

And

Public Guardian and Trustee

Respondent
(Defendant)

And

Workers' Compensation Board

Respondent
(Defendant)

And

**Her Majesty the Queen in Right of the Province of British Columbia
(Ministry of Children and Family Development) and Her Majesty the Queen
in Right of the Province of British Columbia (Ministry of Justice)**

Appellants
(Defendants)

New Style of Proceedings

Docket: CA47123

Between:

Workers' Compensation Board

Appellant/
Respondent on Cross Appeal
(Defendant)

And

Purple Shape and Magenta Circle

Respondents/
Appellants on Cross Appeal
(Plaintiffs)

And

**His Majesty the King in Right of the Province of British Columbia
(Ministry of Children and Family Development), His Majesty the
King in Right of the Province of British Columbia
(Ministry of Justice), and the Public Guardian and Trustee**

Respondents

(Defendants)

- and -

Docket: CA47124

Between:

Public Guardian and Trustee

Appellant/
Respondent on Cross Appeal
(Defendant)

And

Purple Shape and Magenta Circle

Respondents/
Appellants on Cross Appeal
(Plaintiffs)

And

**His Majesty the King in Right of the Province of British Columbia
(Ministry of Children and Family Development), His Majesty the
King in Right of the Province of British Columbia
(Ministry of Justice), and the Workers' Compensation Board**

Respondents
(Defendants)

- and -

Docket: CA47125

Between:

**His Majesty the King in Right of the Province of British Columbia
(Ministry of Children and Family Development) and His Majesty the King
in Right of the Province of British Columbia (Ministry of Justice)**

Appellants/
Respondents on Cross Appeal
(Defendants)

And

Public Guardian and Trustee

Respondent
(Defendant)

And

Workers' Compensation Board

Respondent
(Defendant)

And

Purple Shape and Magenta Circle

Respondents/
Appellants on Cross Appeal
(Plaintiffs)

Example 4: Non-adversarial proceedings in the court below (most often arises in bankruptcy, estate and adoption proceedings)

To set up the new style of proceedings:

- Where the proceedings in the court below are non-adversarial and include preliminary text (e.g. “In the Matter of the Estate of X” or “In the Matter of the Bankruptcy of Y”), preserve the preliminary text, but format the style of proceedings to list the appellant(s) first and respondent(s) second.
- Follow the principles in the above examples as applicable.

Former Style of Proceedings

Docket: CA47123

**In the Matter of Teal Triangle and
the Patients Property Act, R.S.B.C. 1996, c. 349,
and amendments thereto**

Between: Respondent
(Petitioner)

Blue Buttons

And Appellant
(Respondent)

Green Rectangle

And Respondents
(Respondents)

**Teal Triangle and
the Orange Square**

New style of proceedings

Docket: CA47123

**In the Matter of Teal Triangle and
the Patients Property Act, R.S.B.C. 1996, c. 349,
and amendments thereto**

Between: Appellant
(Respondent)

Green Rectangle

And Respondent
(Petitioner)

Blue Buttons

And Respondents
(Respondents)

**Teal Triangle and
the Orange Square**



**British Columbia Court of Appeal
Practice Directive (Civil & Criminal)
Title: Supplementary Arguments**

Issued: 11 July 2022

Effective: 18 July 2022

Cite as: *Supplementary Arguments* (Civil & Criminal Practice Directive, 18 July 2022)

After an appeal has been argued and judgment is reserved, the Court will not receive any further unsolicited material without the consent of all counsel. If there is no consent, an application may be made by writing a letter to the Registrar, requesting that the further material be received by the division which heard the appeal. Opposing counsel may respond to the request, also in writing addressed to the Registrar, within three days of the request being made. The matter will be referred to the division which heard the appeal, for consideration.

Chief Justice R.J. Bauman
Court of Appeal for British Columbia

History:

Replaces the Civil and Criminal Practice Directive titled *Supplementary Arguments*, dated 19 September 2011, which replaced the Civil Practice Directive titled *Supplementary Arguments*, dated 12 December 2005.