



COURT OF APPEAL

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

**Title: Applications for a Court-Appointed Lawyer
Under Section 684 of the *Criminal Code***

Issued: 19 September 2011

Effective: Immediately

Cite as: *Applications for a Court-Appointed Lawyer Under Section 684 of the Criminal Code* (Criminal Practice Directive, 19 September 2011)

Application is made by notice of motion and affidavit, according to the forms attached.

Applicants should generally be able to show that:

- They cannot afford to retain counsel for the appeal;
- They applied to the Legal Services Society for legal aid and were refused.

Fill out the [Letter of Authority \(Appendix A\)](#) and make three copies. Mail the original to the Legal Services Society.

Applicants must show the Court there is a reasonable possibility the appeal will succeed. To assist the Court in assessing the application, applicants must authorize the Legal Services Society to give the Court all the materials they have on the case, excluding any confidential letters of counsel assessing the merit of the appeal.

Fill out the [Notice of Motion for Appointment of Counsel \(Appendix B\)](#). File the original and two copies with the Registry.

Fill out the [Affidavit for Appointment of Counsel \(Appendix C\)](#). File the original and two copies with the Registry.

Applicants should include the following details in their affidavit:

1. Why they cannot afford a lawyer.
2. Their education level and their ability to defend themselves.
3. That they applied for legal aid and were refused.
4. Proof that they authorized Legal Services Society to send the materials on the case to the Registry (copies of the Letter of Authority).
5. The main points to be argued.

6. Why the case is complex.
7. Why the case may succeed.
8. Why they need a lawyer to organize the case and present it.
9. Whether they have already had one level of appeal.

See ***Re Baig and the Queen*** (1990), 58 C.C.C. (3d) 156 (B.C.C.A.) and ***R. v. Redlick*** (1996), 75 B.C.A.C. 241.



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

History:

Replaces the criminal Practice Directive titled *Applications for a Court-Appointed Lawyer Under Section 684 of the Criminal Code* dated 12 December 2005 and amended 8 November 2010.