

**CONSOLIDATED PRACTICE DIRECTIONS
OF THE COURT OF APPEAL OF ALBERTA**

MAY 2009

A. General

1. Previous practice directions are hereby replaced by those set out here.

2. Do not reverse the names of the parties in the style of cause; leave them as in Queen's Bench or Provincial Court. The Plaintiff or the Queen's name comes first even if he or she won in Queen's Bench and is Respondent in the Court of Appeal. But it is useful to distinguish which persons are not parties to the appeal.

3. Previously-Decided Cases

- (a) From time to time the Court is asked to reconsider a case decided by it at some time in the past which is a precedent in a case now before the Court.

- (b) The Court has, generally, expressed the position that such a precedent may only be reconsidered in very limited circumstances. The policy of the Court will henceforth be that it will only entertain argument directed to the reconsideration of the precedent case if leave to seek reconsideration has been given by it.

- (c) Counsel must, then, apply by motion for leave and the Court, if granting leave, must specify the issues that may be argued. This application need not await the filing of appeal records but may be made on motion to the Court any time after the filing of the notice of appeal. The motion must be heard prior to the time fixed for the hearing of the actual appeal unless the Court or a judge otherwise directs.

[June, 2008]

- (d) The motion should set out precisely the grounds on which the case ought to be reconsidered and should be accompanied by a memorandum identifying the authority or authorities to be reconsidered, any authorities to be relied upon, together with suitable extracts.

(e) this note does not apply to any application to re-hear or re-open any appeal.
[October 11, 1985]

4. **Precedent**

Previous memoranda of the Court in sentencing cases have little weight as precedent: see *R. v. Johnas* (CA 1982) 41AR 183, 196, and *R. v. Beaver* (CA 1984) 51 AR 159, 160.

5. **Conflict of Dates**

Paragraphs (a) to (e) inclusive, are repealed.

[June 2004]

(f) Counsel who have a busy Court of Appeal practice should keep some days open for appearances before the Court of Appeal at its regular sittings.

(g) Sentence appeals are usually brief and often should not be delayed. Moreover, they are now heard on a special list each month on dates published by the Court a year in advance. The above paragraphs do not apply to them. Defence counsel shall be expected to keep at least one day free each month for sentence appeals.

[April 26, 1983]

6. The names of the panel assigned to hear appeals set to the Civil, Conviction or Sentence Lists will be included as part of the lists and posted at the Registry counters in each city on the Wednesday before the opening of the sittings.

Counsel and litigants are advised, however, that the panel may change, without notice, at any time before the hearing.

Further, the registry offices have been instructed not to release this information over the telephone as they do not have the personnel to handle calls on this issue. It is incumbent on those who are interested in the information to attend at the counter personally.

[September 2, 1999]

7. **Speaking to the Civil and Maintenance Appeal Lists**

The Maintenance Appeals List and the Civil Appeals List will be called by a Judge in Chambers, the Case Management Officer, the Registrar, or the Deputy Registrar at a date to be specified by the Chief Justice. The calling of the Civil Appeals List will commence at 1:30 p.m. in both cities. **This change is effective May 1, 2003.**

[October 2009]

8. Parties filing a civil appeal are directed to use Form N for the Notice of Appeal.

[June 2004]

9. **Time Limits on Oral Arguments of Appeals**

- (a) In keeping with current practice, the parties will estimate in their facta the time required for oral argument even if the maximum time of 45 minutes is the estimate, subject always to the following conditions;
- (b) Unless otherwise ordered by the panel hearing the appeal at the hearing, the maximum time for oral argument (including reply) will be 45 minutes per separately-represented party;
- (c) Consolidated appeals will be treated as one appeal for purposes of time limits; and
- (d) When conviction and sentence are appealed and heard separately, the time limits will apply to each appeal.

[June 2008]

10. **Time Limits on Oral Argument of Motions**

- (a) In keeping with current practice, the parties will estimate the time required for oral argument if under 15 minutes for a motion or 30 minutes for an application for leave to appeal, subject always to the following conditions;

- (b) Unless otherwise ordered at the hearing, the maximum time for oral argument (including reply) will be 15 minutes per separately-represented party; except for applications for leave to appeal where the maximum time allowed will be 30 minutes per separately-represented party, unless otherwise ordered at the hearing; and
- (c) Consolidated motions will be treated as one motion for purposes of time limits.

[November 2010]