



Overview of the Appeal Record & Transcripts

Civil Rules 14.15 – 14.21
Criminal Rules 16.12 – 16.15

Electronic Filing

On March 1, 2021, e-filing became mandatory. All documents must be formatted in accordance with the [Practice Direction on Electronic Filing](#) and filed via the Court of Appeal Management System ([CAMS](#)). Unless an exemption from e-filing is granted, paper documents at the counter and documents via email will not be accepted.

For more information about CAMS, including how to register for an account and how to format and file documents, view the [CAMS Manual](#) and [FAQs](#). To visit the CAMS e-filing website, click [here](#).

General

The Appeal Record is a document that must be filed by the appellant. It has three parts: Part 1 (Pleadings), Part 2 (Final Documents) and Part 3 (Transcripts). Part 1 and Part 2 are commonly filed together in a “red book” (as it must have a red cover), while Part 3 is filed as a stand-alone document.

Sample tables of contents for various types of appeal records are posted on the Court’s [website](#) under Court of Appeal > Registry > Filing Information > Appeal Record Requirements.

See also the Mandatory Requirements & Check/Return Form for an Appeal Record for a list of the minimum requirements that Registry staff will watch for when documents are filed. This form is located on the CAMS e-filing [website](#) under Manual/Tip Sheets > Mandatory Requirements & Check Return Forms.

Appellant Deadlines – Ordering Transcripts

Appeal Record (including transcripts)	Must be ordered, or preparation commenced, by the appellant within 10 days after filing a Notice of Appeal
Copy of Order Form	Must be filed and served by the appellant on the respondent(s) within 5 days of placing the order

Transcripts can be ordered from Transcript Management Services (TMS) by clicking [here](#).

If the appellant prefers not to compile the Appeal Record itself, the entire Appeal Record may also be ordered from TMS by clicking [here](#).



TMS’s contact information is as follows:

Transcript Management Services
Calgary Courts Centre
Suite 1901-N, 601-5th Street SW
Calgary, AB T2P 5P7

Phone: 403-297-7392

Fax: 403-297-7034

Email: tms.calgary@gov.ab.ca

Hours: 8:15 am - 4:30 pm (Monday to Friday, closed statutory holidays)

Appellant Deadlines - Filing

Standard Appeal	4 months from the date that the Notice of Appeal was filed	
Fast Track Appeal	1 month from the date that the Notice of Appeal was filed	
Conviction Appeal (includes acquittal and decision appeals)	4 months from the date that the Notice of Appeal was filed	
Sentence Appeal	<i>Where the appeal is as to Sentence only and the net Sentence is</i>	
	6 months or less	2 months after the date on which the Notice of Appeal was filed
	More than 6 months	3 months after the date on which the Notice of Appeal was filed
	<i>Where the appeal is as to Conviction and Sentence</i>	
	2 months after the date on which the conviction appeal was dismissed, struck or abandoned	



IMPORTANT NOTE ABOUT TRANSCRIPTS

All transcripts must be filed as a separate PDF, even if the transcript is short. The only transcript that should be included in the "red book" portion of the Appeal Record is any transcript of an oral decision. In that case, the oral reasons for decision will appear in two places: in Part 2 (Final Documents) and in Part 3 (Transcripts). If there were no oral reasons (i.e., the decision under appeal was given in writing), then there should be no transcript included in the “red book”.

Part 3, Transcripts, must be uploaded to the Court’s [website](#) (located under Court of Appeal > Electronic Filing or click [here](#)) and approved BEFORE the rest of the Appeal Record (Parts 1 and 2) is filed. Allow at least 3 business days for this step. That means that you must upload the transcript at least 3 business days before your deadline for filing the appeal record. If you attempt to file Part 1 and Part 2 of the Appeal Record before the transcript is uploaded, approved and filed, it will be returned to you, unfiled.

If TMS has prepared the Appeal Record, they will complete this step. If TMS has prepared only the Transcripts, it is the appellant’s responsibility to complete this step in which case you will need to ensure that the transcript complies with the [Electronic Transcript Checklist](#).

If there is no oral record that can be transcribed for Part 3 (i.e., there was no oral evidence, no oral argument as set out below and no oral decision), then a notation to that effect must appear in the table of contents for Part 1 and Part 2.

Missed Deadlines

If the deadline for filing the Appeal Record is missed by the appellant:

Standard or Fast Track Appeal	The appeal will be struck	
Conviction Appeal or Sentence Appeal (includes acquittal and decision appeals)	<i>If the appellant is represented by counsel or is self-represented and not in custody</i>	The appeal will be struck
	<i>If the appellant is self-represented and in custody</i>	The Registrar may refer the appeal to a single appeal judge for directions



Transcripts Required

The following transcripts must be ordered for a civil appeal:

<p>Civil Appeal (includes Standard and Fast Track Appeals)</p>	<ul style="list-style-type: none">• all oral evidence (what the witnesses said)• all oral argument (what the self-represented parties or lawyers said) from a chambers application, if that application did not exceed one-half day (if it exceeded one-half day, transcripts of oral argument are optional)• only such part of the oral argument (what the self-represented parties or lawyers said) from a trial as is necessary to decide the appeal• any oral reasons for the decision under appeal (what the judge said) and for any other ruling that will be an issue in the appeal
<p>Conviction Appeal (includes Acquittal and Decision Appeals)</p>	<ul style="list-style-type: none">• all oral evidence (what the witnesses said)• only that part of the oral argument (what the self-represented parties or lawyers said) that is necessary to determine the appeal• any oral reasons for the decision under appeal (what the judge said)• in the case of an appeal from a judgment in a jury trial, the address to the jury of each party, the judge’s charge to the jury and the answers given to any questions from the jury
<p>Sentence Appeal</p>	<ul style="list-style-type: none">• the plea and particulars• all oral evidence (what the witnesses said)• speaking to sentence (by self-represented parties or lawyers):<ul style="list-style-type: none">○ in the case of a guilty plea, from the time of the plea,○ and in all other cases, from the time of conviction• any oral reasons for the decision under appeal (what the judge said)



Content

Every appeal record must have a Table of Contents listing each document separately and showing the page number where the document can be found.

Every appeal record consists of three parts. The following charts set out the relevant rule which sets out the required contents of each part.

A complete list of the contents for each part depending on the type of appeal can be found at the end of this document.

	Civil Appeals (includes Fast Track and Standard Appeals)	Conviction Appeals (includes Acquittal and Decision Appeals)	Sentence Appeals
Part 1 (Pleadings)	Rule 14.18(1)(b)	Rule 16.13(1)(b)	Rule 16.14(1)(b)
Part 2 (Final Documents)	Rule 14.18(1)(c)	Rule 16.13(1)(c)	Rule 16.14(1)(c)
Part 3 (Transcripts)	Rule 14.18(1)(d)	Rule 16.13(1)(d)	Rule 16.14(1)(d)

Missing Documents

If any document that should have gone into the Appeal Record is not available at the time of preparation (e.g., the order under appeal), a note to that effect must be inserted in the Appeal Record. A preparer’s note in the Table of Contents will suffice. The missing materials can then be included in the Extracts of Key Evidence or as an appendix to the Factum.

Documents that Cannot Be Included in an Appeal Record

The Appeal Record must **NOT** contain any comment, argument, trial (written) briefs, legal authorities, evidence, affidavits, exhibits or new evidence: Rule 14.18(2.1) and Rule 16.13(2).

- **Written briefs** filed in the court below **CANNOT** be provided without permission. Permission must be obtained by applying to a Case Management Officer.
- **Evidence** (affidavits, exhibits, agreed statements of fact, expert reports, correspondence, transcripts of questioning, etc.) all belong in the Extracts of Key Evidence.
- **New evidence** cannot be provided unless an order is granted under Rule 14.45, which requires the filing of an application to admit new evidence in proper format prior to or at the same time as the applicant’s factum. See the separate Information Sheet on New Evidence Applications [here](#).



Format

The Appeal Record has a prescribed cover page (Form AP-5 for **civil** appeals and Form CRA-K for **criminal** appeals). These forms are available on the Court's [website](#) under Court of Appeal > Registry > Filing Information > Filing, Fee and Forms. The forms for civil matters and criminal matters are grouped separately on the website. Ensure that you use the correct one.

An Appeal Record must be formatted in accordance with the [Practice Direction on Electronic Filing](#). This includes such things as coloured covers, bookmarks, pagination, hyperlinking and so on. For complete information, see the Formatting section of the [CAMS Manual](#) and the section entitled Electronic Filing Formatting Requirements Overview.

Parts 1 and 2 of the Appeal Record must have red covers. Part 3 does not require a cover page.

Part 3, Transcripts, must be uploaded to the Court's [website](#) (located under Court of Appeal > Electronic Filing or click [here](#)) and approved before the rest of the Appeal Record (Parts 1 and 2) is filed. Allow at least 3 business days for this step. Transcripts must comply with the [Electronic Transcript Checklist](#). If TMS has prepared the Appeal Record, they will complete this step. If TMS has prepared only the Transcripts, it is the appellant's responsibility to complete this step.

A sample formatted Appeal Record is available on the on the CAMS e-filing [website](#) under Manual/Tip Sheets > Sample Formatted Documents.

NOTE

If an exemption from the requirement to file documents electronically is granted, the content, format, filing and other requirements of the [Alberta Rules of Court](#) apply except that only one paper copy is required to be filed, and it must be an unbound copy containing no staples or binding other than easily removable clips or rubber bands.

Questions

For inquiries about formatting or uploading documents or questions about the payment of filing fees, contact the applicable Registry as follows:

Calgary Registry – Calgary.Registry@albertacourts.ca or 403-297-2206

Edmonton Registry – Edmonton.Registry@albertacourts.ca or 780-422-2416

For inquiries about accounts, access to appeals or technical assistance, email CAMSInquiries@albertacourts.ca.

For inquiries about transcripts, email tms.calgary@gov.ab.ca.



Every appeal record consists of three parts. The following charts set out the relevant rule and a complete list of the contents for each part depending on the type of appeal.

Civil Appeals (Includes Fast Track and Standard Appeals)	
Part 1 (Pleadings)	<p style="text-align: center;">Rule 14.18(1)(b)</p> <p>Part 1 – Pleadings, which must contain the relevant pleadings in the action in chronological order, including</p> <ul style="list-style-type: none"> (i) the relevant pleadings, but the last version only of any pleading that was amended before trial, (ii) any amendments to pleadings made at trial, and (iii) if the appeal concerns a decision arising from an application, a copy of the application
Part 2 (Final Documents)	<p style="text-align: center;">Rule 14.18(1)(c)</p> <p>Part 2 – Final Documents, which must include</p> <ul style="list-style-type: none"> (i) the written or transcribed reasons <ul style="list-style-type: none"> (A) that led to the decision being appealed, including the reasons for any decision rendered during the trial that is relevant to the disposition of the appeal, and (B) of any prior decision of a judge, applications judge or tribunal that led to the decision now appealed, (ii) the formal judgment, order or decision appealed, (iii) any restricted access order, (iv) any prior order, reference to which is required to resolve the appeal, (v) the order granting permission to appeal, if any, (vi) the notice of appeal, (vii) the notice of cross appeal, if any, (viii) when an enactment or these rules requires service on the Minister or the Minister of Justice and Attorney General for Canada, or both, proof of that service, and (ix) if there is no oral record that can be transcribed for Part 3, a notation to that effect in the Table of Contents.
Part 3 (Transcripts)	<p style="text-align: center;">Rule 14.18(1)(d)</p> <p>Part 3 – Transcripts which must contain the following information</p> <ul style="list-style-type: none"> (i) a table of contents, listing separately each part of the transcript, the name of each witness and questioner and showing the page number where the part or the testimony of the witness or questioner begins; (ii) all transcripts required by rule 14.15(1)(b); (iii) in the case of an appeal from a judgment in a jury trial, the answers given to any questions from the jury, the judge’s charge to the jury and the address to the jury of each party; (iv) a list and description of all the exhibits entered in the trial court and the page in the transcripts where the entry of the exhibit is shown.



Conviction Appeals (including Acquittal and Decision Appeals)	
Part 1 (Pleadings)	<p style="text-align: center;">Rule 16.13(1)(b)</p> <p>Part 1 – Pleadings consisting of</p> <ul style="list-style-type: none"> (i) the Information, Indictment or other originating document, and endorsements, and (ii) for a further appeal in a summary conviction matter, <ul style="list-style-type: none"> (A) the written or transcribed reasons of the Alberta Court of Justice, and (B) the notice of appeal to the Court of King’s Bench of Alberta.
Part 2 (Final Documents)	<p style="text-align: center;">Rule 16.13(1)(c)</p> <p>Part 2 – Final Documents, which must include</p> <ul style="list-style-type: none"> (i) the written or transcribed reasons <ul style="list-style-type: none"> (A) that led to the decision being appealed, and (B) for any decision rendered during the trial that is relevant to the disposition of the appeal, (ii) the charge to the jury, and the verdict of the jury, (iii) any formal record of the decision, including any certificate of conviction, order of acquittal, report of criminal trial, or report of criminal appeal, (iv) any restricted court access order, (v) for appeals referred to in subrule 16.4(1), the order granting permission to appeal, (vi) the notice of appeal, (vii) when an enactment requires service on the Attorney General for Alberta or the Attorney General for Canada, or both, proof of that service, and (viii) if there is no oral record that can be transcribed for Part 3, a notation to that effect in the table of contents.
Part 3 (Transcripts)	<p style="text-align: center;">Rule 16.13(1)(d)</p> <p>Part 3 – Transcripts, which must contain the following information</p> <ul style="list-style-type: none"> (i) a table of contents listing separately each part of the transcript, the name of each witness and questioner and showing the page number where the part or the testimony of the witness or questioner begins, (ii) all oral evidence, but only such part of the argument that is necessary to determine the appeal, (iii) in the case of an appeal from a judgment in a jury trial, the address to the jury of each party, the judge’s charge to the jury and the answers given to any questions from the jury, and (iv) a list and description of all the exhibits entered in the trial court and the page in the transcripts where the entry of the exhibits is shown.



Sentence Appeals	
Part 1 (Pleadings)	<p style="text-align: center;">Rule 16.14(1)(b)</p> <p>Part 1 – Pleadings, consisting of the Information, Indictment or other originating document, and endorsements</p>
Part 2 (Final Documents)	<p style="text-align: center;">Rule 16.14(1)(c)</p> <p>Part 2 – Final Documents, which must include</p> <ul style="list-style-type: none"> (i) any written or transcribed reasons for conviction, and the reasons for the sentence, (ii) any formal record of the decision, including the certificate of conviction, report of criminal trial, or report of criminal appeal, and any resulting orders, prohibitions, authorizations or warrants arising from the sentencing, (iii) the notice of appeal, (iv) any Notice of Variation of Sentence in Form CRA-D, and (v) any restricted court access order.
Part 3 (Transcripts)	<p style="text-align: center;">Rule 16.14(1)(d)</p> <p>Part 3 – Transcripts which must include</p> <ul style="list-style-type: none"> (i) a table of contents as required by subparagraph 16.13(1)(d)(i), (ii) the plea and particulars, and any oral evidence given at the sentencing speaking to sentence, <ul style="list-style-type: none"> (A) in the case of a guilty plea, from the time of the plea, and (B) in other cases, from the time of conviction, and (iv) a list and description of all the exhibits entered in the trial court and the page in the transcripts where the entry of the exhibits is shown.