



Overview of Extracts of Key Evidence

Civil Rules 14.27 – 14.29
Criminal Rule 16.19

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

A sample Table of Contents for the Extracts is available on the Court's [website](#) under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms.

See also the Mandatory Requirements & Check/Return Form for Extracts of Key Evidence 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.

Deadlines

The deadline for filing the Extracts of Key Evidence is either before or at the same time that a party files its Factum.

Content

Extracts:

- should contain extracts of the transcripts, exhibits or other material on the record needed to resolve the issues in the appeal
- must exclude any evidence, exhibits and other materials unlikely to be needed
- must not contain any comment, argument, trial briefs, legal authorities or new evidence
- can contain any document that should have been included in the Appeal Record but was not

Records that are subject to a restricted court access order must be filed as a separate Extracts of Key Evidence and identified as such.



If an exhibit cannot be readily reproduced and will be referred to in argument, the Extracts of Key Evidence must be accompanied by a letter requesting that the original exhibit be made available at the hearing of the appeal.

Important reminder about content

Parties are reminded of the requirement in rule 14.27(1) that Extracts of Key Evidence should contain only the material needed to resolve the issues on appeal. An exhaustive electronic data dump of everything on the trial court file is inappropriate.

The appellant should attempt to include in its Extracts of Key Evidence all documents that will likely be required by any party, so as to minimize the need of any subsequent party to file further Extracts of Key Evidence.

Note that there is no reason to file materials in an “abundance of caution”, because rule 14.28(1) provides that all documents on the trial court’s record are a part of the Court of Appeal record, even if copies are not filed with the Court. Where appropriate, documents can be referred to in the factums, even if copies are not filed.

Where only a portion of a document (for example a transcript) is necessary to resolve the appeals, only the extract should be reproduced.

No comment, argument, trial briefs, authorities or new evidence to be included

Rule 14.27(1)(c) provides that Extracts of Key Evidence are not to include any comment, argument, trial briefs, legal authorities or new evidence. Trial briefs are not permitted, even where there was no oral argument in the court below, because an appeal is not a re-trial of the action. The factums will focus on the alleged reviewable errors in the trial decision, something the trial briefs do not do. All evidence or exhibits received by the lower court (or tribunal) are considered part of the Appeal Record even if they are not included in any document filed with the Court of Appeal.

Requests/applications for permission to include written briefs or argument filed in the court below within Extracts should be made to the relevant Case Management Officer in advance.

Format

Extracts of Key Evidence have 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, Fees and Forms. The forms for civil matters and criminal matters are grouped separately on the website. Ensure that you use the correct one.

Rule 14.29(a) requires that the table of contents of the Extracts of Key Evidence describe each document sufficiently to enable a user to quickly identify and locate a relevant document. For example, describing a document as “Exhibit A” is unhelpful.



Extracts of Key Evidence 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.

Key passages in the Extracts of Key Evidence may be highlighted.

Extracts of Key Evidence must have coloured covers as follows:

- Appellant (including appellants who are cross respondents): yellow
- Respondent (including respondents who are cross appellants): pink
- Intervenors: blue

A sample formatted Extracts of Key Evidence 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.