

Court of Appeal - Document Requirements (Motion Brief/Factum)

CPD = Consolidated Practice Directions

MBCAR = Manitoba Criminal Appeal Rules

COAR = Court of Appeal Rules (Civil)

Technical & Content Requirements	Court Preferences & Other Guidance										
<p><u>Factum and Motion Brief</u></p> <p>CPD 2(c)(i), CPD 2(d)(i)</p> <ul style="list-style-type: none">- Font size 14 [unless footnotes – font size 10]- Double spaced, maximum 26 lines per page- Quotes indented and single spaced (may increase lines per page)- Margins no less than 1”(2.54 cm) <p>CPD 2(c)(vi)</p> <ul style="list-style-type: none">- Cover colours: <table><tr><td>Factum of the Appellant</td><td>Blue</td></tr><tr><td>Factum of the Respondent</td><td>Beige</td></tr><tr><td>Book of Authorities/Casebook</td><td>White</td></tr><tr><td>Motion/application briefs/affidavits and other</td><td>White</td></tr><tr><td>Appeal Book</td><td>Grey</td></tr></table> <p>CPD 2(c)(ii)</p> <ul style="list-style-type: none">- Numbered pages <p><u>Motion Brief</u></p> <p>CPD2 (d)(i)-(ii) page limit: 15 [a party may seek to increase up to 30 <i>if</i> application for leave to appeal]</p> <p><u>Factum</u></p> <p>CPD 2(c)(v) page limit: 30</p> <p>MBCAR 22 – factum shall be prepared in accordance with COAR</p> <p>COAR 29(1) factum sections:</p> <ul style="list-style-type: none">- Part 1 – Introduction setting out concise overview of appeal- Part 2 – Statement setting out concise summary of facts material to appeal- Part 3 – List of Issues<ul style="list-style-type: none">- Appellant:<ul style="list-style-type: none">- concise statement identifying the issues and the Appellant’s position on each.- Jurisdiction- Standard of review of each issue- Respondent:<ul style="list-style-type: none">- concise statement indicating agreement or disagreement with the issues and the Respondent’s position on the issues.- Jurisdiction- Standard of review of each issue- Part 4 – Argument<ul style="list-style-type: none">- Concise statement of the argument with appropriate headings setting out the law and facts.- Where legislation is relied on, relevant portions shall be provided in the factum or the book of authorities- Estimated time for oral argument <p>COAR 29(2) name and signature of counsel shall be included at the end of the factum</p>	Factum of the Appellant	Blue	Factum of the Respondent	Beige	Book of Authorities/Casebook	White	Motion/application briefs/affidavits and other	White	Appeal Book	Grey	<p><u>Factum and Motion Brief</u></p> <p><i>Referring to transcripts and evidence in the factum or motion brief:</i></p> <p>CPD 2(c)(iii) in the statement of facts, reference to the volume, page and line number of the transcript or the Appeal Book contents.</p> <p><i>Referring to cases in the factum or motion brief:</i></p> <p>CPD 2(c)(iv) when referring to a case, should note the tab of your casebook/book of authorities.</p> <p>CPD 2(c)(vii)-(viii)</p> <ul style="list-style-type: none">- When referring to a case as Respondent which the Appellant has already provided, refer to the Appellant’s Book of Authorities and do not include the case in your materials.- When referring to a case as an intervener, same as above regarding cases the Appellant <i>or</i> Respondent have already provided. <p>CPD 2(c)(ix)</p> <ul style="list-style-type: none">- When referring to decision use the neutral citation, if available. Where a neutral citation is unavailable, provide the CanLII citation. If neither are available, provide other sources (e.g. Westlaw ...Supreme Court Reports)
Factum of the Appellant	Blue										
Factum of the Respondent	Beige										
Book of Authorities/Casebook	White										
Motion/application briefs/affidavits and other	White										
Appeal Book	Grey										

Court of Appeal - Document Requirements (Book of Authorities/Casebook)

CPD = Consolidated Practice Directions

MBCAR = Manitoba Criminal Appeal Rules

COAR = Court of Appeal Rules (Civil)

Technical & Content Requirements	Court Preferences & Other Guidance										
<div>CPD 2(c)(x)<ul style="list-style-type: none">- include an index of the authorities- each case should be marked with a tab (either numbered or lettered). Pages of the book of authorities do not have to be numbered if the page or paragraph numbers of each authority are clearly shown.</div> <div>CPD 2(xi)<ul style="list-style-type: none">- The specific passages relied on should be highlighted or the passage marked along the margin of the text.</div> <div>CPD 2(c)(vi)<ul style="list-style-type: none">- Cover colours:<table><tr><td>Factum of the Appellant</td><td>Blue</td></tr><tr><td>Factum of the Respondent</td><td>Beige</td></tr><tr><td>Book of Authorities/Casebook</td><td>White</td></tr><tr><td>Motion/application briefs/affidavits and other</td><td>White</td></tr><tr><td>Appeal Book</td><td>Grey</td></tr></table></div>	Factum of the Appellant	Blue	Factum of the Respondent	Beige	Book of Authorities/Casebook	White	Motion/application briefs/affidavits and other	White	Appeal Book	Grey	<div>CPD(xiii)<ul style="list-style-type: none">- In a book of authorities, it is generally not necessary to include more than one case for any proposition in law.- If it is sought to cite more than one authority in support of a given proposition, lawyers should state the reason for taking that course.</div>
Factum of the Appellant	Blue										
Factum of the Respondent	Beige										
Book of Authorities/Casebook	White										
Motion/application briefs/affidavits and other	White										
Appeal Book	Grey										

Court of Appeal - Style of Cause

General Information		
<p>General information: A style of cause needs to accurately depict the party names and their status in the appeal proceedings. When writing the Accused’s name, it should always match exactly with the name they were convicted with. Ex: If the Indictment reads John George Paul Smith, all appeal material needs to match exactly – it cannot be shortened or otherwise changed. As an Appellant, requesting an Information or Indictment prior to initiating appeal proceedings will ensure any amendments are captured from the beginning.</p> <p>A party is only noted as an Applicant for a motion/application when they have not been granted Appellant status. Example: the initiating party in an application for an extension of time to file an appeal will be an Applicant, but after the application for an extension of time has been granted, the same party in a subsequent motion would be noted as the Appellant.</p>		
Party Designations - Appeals		
Description	Accused	Crown
Accused initiated appeal against: Conviction/sentence/order	Adult: (Accused) Appellant Youth: (Young Person) Appellant	Respondent
Crown initiated appeal against: Acquittal/sentence/order	Adult: (Accused) Respondent Youth: (Young Person) Respondent	Appellant
Party Designations - Appeal Application/Motions **does NOT include 2nd level appeals**		
Description	Accused	Crown
Accused initiated application where they are <i>not</i> yet an Appellant such as an extension of time to file a notice of appeal If application is successful, see “Accused initiated appeal against: Conviction/sentence/order”	Adult: (Accused) Applicant Youth: (Young Person) Applicant	Respondent
Crown initiated application where they are <i>not</i> yet an Appellant such as an extension of time to file a notice of appeal If application is successful, see “Crown initiated appeal against: Acquittal/sentence/order”	Adult: (Accused) Respondent Youth: (Young Person) Respondent	Applicant
Accused initiated application/motion where they <i>are</i> an Appellant such as an extension of time to file a factum	See “Accused initiated appeal against: Conviction/sentence/order”	
Crown initiated application/motion where they <i>are</i> an Appellant such as an extension of time to file a factum	See “Crown initiated appeal against: Acquittal/sentence/order”	
Party Designations - 2nd Level Appeals (BEFORE Leave Granted)		
Description	Accused	Crown
Accused initiated application for a 2 nd level appeal where the Accused was the Appellant in King’s Bench	Adult: (Accused) (Appellant) Applicant Youth:	(Respondent) Respondent

This is an unofficial guide compiled in good faith. The author assumes no responsibility or liability for any errors or omissions encountered therein.

	(Young Person) (Appellant) Applicant	
Accused initiated application for a 2 nd level appeal where the Crown was the Appellant in King’s Bench	Adult: (Accused) (Respondent) Applicant Youth: (Young Person) (Respondent) Applicant	(Appellant) Respondent
Crown initiated application for a 2 nd level appeal where the Accused was the Appellant in King’s Bench	Adult: (Accused) (Appellant) Respondent Youth: (Young Person) (Appellant) Respondent	(Respondent) Applicant
Crown initiated application for a 2 nd level appeal where the Crown was the Appellant in King’s Bench	Adult: (Accused) (Respondent) Respondent Youth: (Young Person) (Respondent) Respondent	(Appellant) Applicant
Party Designations - 2nd Level Appeals (AFTER Leave Granted)		
Description	Accused	Crown
Accused initiated 2 nd level appeal where the Accused was the Appellant in King’s Bench	Adult: (Accused) (Appellant) Appellant Youth: (Young Person) (Appellant) Appellant	(Respondent) Respondent
Accused initiated 2 nd level appeal where the Crown was the Appellant in King’s Bench	Adult: (Accused) (Respondent) Appellant Youth: (Young Person) (Respondent) Appellant	(Appellant) Respondent
Crown initiated 2 nd level appeal where the Accused was the Appellant in King’s Bench	Adult: (Accused) (Appellant) Respondent Youth: (Young Person) (Appellant) Respondent	(Respondent) Appellant
Crown initiated 2 nd level appeal where the Crown was the Appellant in King’s Bench	Adult: (Accused) (Respondent) Respondent Youth: (Young Person) (Respondent) Respondent	(Appellant) Appellant

Court of Appeal - Digital Copy Requirements

CPD = Consolidated Practice Directions

MBCAR = Manitoba Criminal Appeal Rules

COAR = Court of Appeal Rules (Civil)

Technical & Content Requirements	Court Preferences & Other Guidance
<div><p><u>CPD 12</u></p><p><i>Electronic copies to be submitted</i></p><ul style="list-style-type: none">- Electronic copies of all paper documents to be submitted with all paper documents- Can be on CD/DVD or USB<p><i>Electronic file requirements</i></p><ul style="list-style-type: none">- PDF – every document as a separate file- searchable<ul style="list-style-type: none">- if converting a Word type document to pdf, this should already be true. Press Ctrl F and attempt to search to confirm.- if scanning a document in, scan without selecting grayscale at 300 dpi and use Optical Character Recognition (text recognition) either from the scanner, or in a pdf program.</div>	<div><p><u>CPD 12</u></p><p><i>Hyperlinks</i></p><ul style="list-style-type: none">- not required, but encouraged- should be used wherever possible ex:<ul style="list-style-type: none">- links to publicly available case law, acts and regulations- links in a table of contents- links to exhibits in an affidavit</div>

Court of Appeal - Appeal Books - ** Crown prepares**

CPD = Consolidated Practice Directions MBCAR = Manitoba Criminal Appeal Rules COAR = Court of Appeal Rules (Civil)

General Information	Requirements & Deadlines	Rules
<p>Crown is responsible to prepare Appeal Book whether they are the Appellant or Respondent</p> <p>If there is material you feel is relevant to the appeal that was in front of the lower court judge and omitted in the Appeal Book – any party can file a Supplementary Appeal Book. The page numbers need to continue from the initial Appeal Book and the cover colours are grey</p>	<p>Required contents:</p> <ul style="list-style-type: none">- Notice of Appeal or Application for Leave to Appeal & Notice of Appeal- written exhibits relevant to the appeal- reasons for decision- other materials necessary to adjudicate the appeal <p>Deadline: as soon as practicable</p>	<p>Crown to prepare: MBCAR 18(1)</p> <p>Supplementary Appeal Book: MBCAR 18(7), CPD 2(c)(vi)</p> <p>Required contents: MBCAR 18(5)</p> <p>Deadline: MBCAR 18(1); 18(1.1)</p>