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# **Court of Appeal Procedures: Overview of Applications Before a Single Appeal Judge or Panel, Filing Deadlines, and Case Management**

*Appellate Advocacy*

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For presentation in:  
Calgary, Alberta – October 12, 2018  
Edmonton, Alberta – November 2, 2018



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# Overview of Applications Before a Single Appeal Judge

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**OVERVIEW OF APPLICATIONS BEFORE A SINGLE APPEAL JUDGE**

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CMO Summary

Overview of Applications Before a Court of Appeal Panel

Who Will Hear My Application

PowerPoint – Chambers Practice: Introduction, Basics and Role of CMOs

## GENERAL

1. A single appeal judge may hear any application incidental to an appeal (including those that could have been decided by a CMO) and may:
  - grant permission to appeal (formerly “leave to appeal”)
  - declare an appeal to be struck, dismissed or abandoned for failure to comply with a mandatory rule, prior order or direction of the Court
  - when a Notice of Appeal or application for permission to appeal has been filed out of time, strike the appeal or application or extend the time to appeal or to seek permission to appeal
  - dismiss an appeal if it has not been significantly advanced in over 6 months and significant prejudice has resulted to a party
  - grant leave to intervene
  - order a party to provide security for costs
  - refer any application to a panel of the Court of Appeal.
2. The Court requires 3 copies of the Application, Memorandum of Argument, and any Affidavit and other supporting materials. This does not include any copies required for the filing party or for service.
3. There is a prescribed form for the Application:
  - Form AP-3 for in **civil** matters,
  - Form CRA-C for an application for permission to appeal in **criminal** matters, and
  - Form CRA-F for all other types of applications in **criminal** matters.

These forms, along with a sample Memorandum of Argument and Affidavit (in Support of an Application) (Form 49), 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.

4. See also the Mandatory Requirements & Check/Return Form for an Application, Memorandum of Argument and Affidavit for a list of the minimum requirements that Registry staff will watch for when documents are filed. These forms are located on the Court’s website