

NOVA SCOTIA COURT *of* APPEAL

Appeal Book Preparation Guide for General Appeals from Supreme Court (including *Family Division*) (see other Guides for criminal and WCAT/tribunal appeals)



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Introduction

This information guide is intended to help appellants understand what an Appeal Book is, what documents must be included in an Appeal Book, and how to prepare an Appeal Book for an appeal. This guide will also explain the formatting requirements for both the paper copies of the Appeal Book, as well as the electronic copy of either the transcript or the complete Appeal Book, as set out in the Court's [Practice Directive: Electronic Filing of Documents in Appeal Proceedings](#).

An Appeal Book is the complete record of all documents filed in the lower court or tribunal appealed from, as well as transcripts of all relevant appearances before that court or tribunal. Generally speaking, an appeal cannot be heard without it.

The Court encourages individuals to reach out with any questions or concerns about their Appeal Book. Inquiries may be directed to appealcourt@courts.ns.ca or by phoning 902-424-3550. For a more complete overview of the appeal process, please review the '[How-To Manual for Civil Appeals](#)'.

Contents of Appeal Book

An Appeal Book is divided into two parts – Part I: Pleadings and Related Documents and Part II: Evidence and Related Materials. *Keep in mind that every file is different and will contain different documents.*

[Civil Procedure Rule 90.30](#) requires that all documents in the lower court /tribunal file that are described in Part I or II be included in the Appeal Book. However, **if the parties agree** that certain parts of the transcript or other documents are not relevant to the appeal, they may be excluded on consent from the Appeal Book ([Civil Procedure Rule 90.30\(4\)](#)). **If the parties do not agree**, the Appellant may make a motion to a judge for permission to exclude certain records or documents from the Appeal Book ([Civil Procedure Rule 90.30\(5\)](#)).

You may need to contact the court you are appealing from to make photocopies of the documents you will need for your Appeal Book. Contact information for Nova Scotia Courts may be found [here](#). **Do not submit documents that you have marked on or otherwise altered.**

Part I – Pleadings and Related Documents

[Civil Procedure Rule 90.30\(2\)\(a\)](#)

Part I includes all pleadings filed in the lower court as well as any material filed to date in the Nova Scotia Court of Appeal. Here are examples of what documents these *may* include based on the particular court or tribunal appealed from. These lists are not meant to describe every possible document your appeal book might include, and your matter may not have all of these documents – they are just samples:

Supreme Court (*General Division*):

- Notice of Action or Notice of Application;
- Notice of Defence or Notice of Contest;
- Notice of Respondent's Claim;
- Notice of Third Party Claim;
- Notice of Motion (if relevant to the appeal)
- the Court's written decision, or oral decision signed by judge (**NOTE:** If the judge did not provide written reasons, a copy of the transcript of the oral decision must be provided to the lower court judge for review ([Civil Procedure Rule 90.26\(3\)](#)); and
- the Order being appealed from.

Supreme Court (*Family Division*):

- Petition for Divorce;
- Answer to Petition for Divorce;
- Notice of (Variation) Application;
- Response to (Variation) Application;

- the Court's written decision, or oral decision signed by judge (**NOTE:** If the judge did not provide written reasons, a copy of the transcript of the oral decision must be provided to the lower court judge for review ([Civil Procedure Rule 90.26\(3\)](#)); and
- the Order being appealed from.

Part I will also include all pleadings filed to date in the Nova Scotia Court of Appeal. Examples include, but are not limited to:

- Notice of Appeal;
- Notice of Contention or Notice of Cross-Appeal filed (if any)
- Amended Notice of Appeal (if any); and
- any Orders issued by the Court of Appeal.

Finally, Part I must contain a Reference Sheet which refers to all of the following:

- The lower court file name and number that you are appealing;
- Name of the lower court Judge or decision-maker;
- The date(s) your matter was heard in the lower court; and
- The date of the Decision and Order.

An example Reference Sheet can be seen at page 13 of this document.

Part II – Evidence and Related Material

[Civil Procedure Rule 90.30\(2\)\(b\)](#)

Part II will include:

- Transcript of the trial or hearing under appeal in the lower court or tribunal, including any pre-trial or pre-hearing motions relevant to the decision under appeal;
 - o If your trial was heard by a judge and jury, the transcript of the Charge to the Jury must be certified by the trial judge to be accurate ([Civil Procedure Rule 90.30\(2\)\(b\)\(vi\)](#)).
- Written arguments, submissions or briefs;
- Evidence filed for the trial or hearing. Examples of evidence that *may* have been filed in your case include:

- Affidavits or any other sworn document;
- Statement of Facts, written admission, or discovery transcript (if not reproduced in the transcript of evidence);
- Parenting Statements and Financial Statements in Family Division matters;
- Copies of all documentary and electronic exhibits entered in the trial or hearing, indexed and numbered as at the trial or hearing [note: physical exhibits do not need to be reproduced for appeal book, but they should still be listed in the index of exhibits]

The table of contents for Part II must break down the transcripts as follows:

- Index of dates of proceedings in lower court
- Index of witnesses called during the hearing, including the following:
 - Name of the witness
 - Party who called the witness (e.g. Plaintiff/Applicant/Defendant/Respondent)
 - Page reference in Appeal Book to:
 - Direct examination
 - Cross examination
 - Re-direct examination
- Index of all exhibits entered during the trial or hearing

***NOTE:** *these indices of the transcript are usually created by the transcriptionist at the beginning of the transcript and can be copied into your table of contents*

Format of Paper Copy

[Civil Procedure Rule 90.30\(3\)](#)

An Appeal Book must be in a format that conforms with all of the following:

- Separate Part I and Part II into separate volumes, unless Part II is not lengthy. Part II may be more than one volume.
- Each volume has gray cardstock covers on both the front and back
- Proper heading on each volume, including volume number and page numbers in that volume
- Each volume is bound separately with plastic coil bindings

- Complete table of contents contained in each volume
- Pages are printed doubled sided on letter size paper
- Page numbering in the upper right corner of odd numbered pages and with page numbering in the upper left corner of even numbered pages
- Ensure certified court reporter has signed the transcript (a Certificate of Court Reporter should be located at the end of your transcript)
- Documentary exhibits should be numbered and tabbed in the same manner as at the trial (if not possible, a table of concurrence is required)

Although not mandatory under the *Rules*, using tabs to separate each document can make finding material easier.

Format of Electronic Copy

[Practice Directive: Electronic Filing of Documents](#)

- An electronic version of transcript is required per [Civil Procedure Rule 90.30\(6\)](#). Electronic copies of the complete Appeal Book are encouraged but not required.
- Each volume of the Appeal Book must be filed as a separate electronic document.
- Must be in word-processing format and/or text searchable PDF format. For scanned PDF documents, an Optical Character Recognition (OCR) format must be used to make the document text searchable.
- The bookmark for each tab, exhibit or attachment to a document must include the letter or number of the tab, exhibit or attachment and a description of the tab, exhibit or attachment.
- Transcripts and Appeal Books filed electronically **must include** electronic bookmarks to the first page of each item listed in the Table of Contents, including bookmarks for testimony of each witness (ie a bookmark to each court appearance, and to the testimony of each witness called).
- Formatted in such a way that, if printed, they print on letter size (8.5 x 11) paper.
- The page numbers of the document filed electronically **must** match the page numbers of the paper copy.
- Filed by email to appealcourt@courts.ns.ca or provided on USB, together with the paper copies of your Appeal Book.

Appeal Book Preparation Checklist

Please ensure the following formatting steps have been taken before filing your Appeal Book ([Civil Procedure Rule 90.30\(3\)](#)):

- ☐ Separate Part I and Part II into separate volumes, unless Part II is not lengthy
- ☐ Cover page printed on gray cardstock, to include the following:
 - CA number
 - Proper style of cause (name of case) as filed on your Notice of Appeal
 - Name of each party, or their counsel, and their title, ie Appellant or Respondent
 - Volume number and page numbers contained within the volume
- ☐ Complete table of contents in each volume¹. Documentary and electronic exhibits should be numbered and tabbed in the same manner as at the trial (if not possible, a table of concurrence is to be provided). Physical exhibits should be listed but do not need to be reproduced.
- ☐ Each volume bound with plastic coil bindings
- ☐ Pages are printed **doubled sided** on letter size paper
- ☐ Page numbering in the upper right corner of odd numbered pages and with page numbering in the upper left corner of even numbered pages [note: if transcript is in its own volume or tab you may use page numbering provided on the document]
- ☐ Transcript must be signed by a Certified Court transcriptionist
- ☐ If no written reasons were provided by the lower court judge, ensure the transcript of the oral decision is provided to the judge for review as soon as it is received from the Court Reporter ([Civil Procedure Rule 90.26\(3\)](#))
- ☐ If matter was heard before a judge and jury, transcript of Charge to the Jury is signed by the judge as accurate ([Civil Procedure Rule 90.30\(2\)\(b\)\(vi\)](#))
- ☐ Five hard copies prepared for the Court, plus a hard copy for each opposing party (unless the other party agrees to accept electronic version of Appeal Book)
- ☐ Electronic copy of the transcript (or Appeal Book), compliant with the Court's [Practice Directive: Electronic Filing of Documents in Appeal Proceedings](#), is to be sent with the hard copies either on a USB stick or by emailing a copy to appealcourt@courts.ns.ca

¹ Although not mandatory under the *Rules*, using tabs to separate each document can make finding material easier.

Example Cover Page

year appeal was started

2024

****PRINTED ON GRAY PAPER****

your court file number

C.A. No. 123456

Nova Scotia Court of Appeal

Between:

JOHN DOE

[name of Appellant]

Appellant

- and -

ADAM SMITH

[name of Respondent]

Respondent

Appeal Book is broken into Part I and Part II as described above. Ensure each volume (not part) is also labelled. It is helpful to also include the page numbers contained within the volume

**APPEAL BOOK
PART 1, VOLUME 1
PAGES 1-45**

OR

**APPEAL BOOK
PART 2, VOLUME 2 [3, 4, 5, etc.]
PAGES 46-300**

John Doe
123 School Street
Halifax, Nova Scotia

Appellant
[insert Appellant or Appellant lawyer
contact information here]

Terry Lane
Law Firm Name
456 Any Street
Dartmouth, Nova Scotia

Counsel for the Respondent
[insert Respondent or Respondent
lawyer's contact information here]

****PLASTIC COIL BINDING****

**Example Table of Contents –
Appeal from Nova Scotia Supreme Court (*General Division*)**

TABLE OF CONTENTS		
PART I, VOLUME 1		
TAB	DESCRIPTION	PG.
A	Originating Notice of Action dated April 15, 2020	6
B	Notice of Defence dated June 22, 2020	9
C	Notice of Motion dated May 13, 2023	12
D	Written Decision of Justice [name] dated November 10, 2023	14
E	Order of Justice [name] dated November 23, 2023	20
F	Notice of Appeal dated December 5, 2023	
G	Reference Sheet	32
PART II, VOLUME 2		
H	Transcript of August 28, 2023, hearing	1
	Index of Witnesses	2
	Index of Exhibits	2
	John Doe, direct examination by Ted Smith	19
	John Doe, cross-examination by Jane Langille	22
	John Doe, re-direct examination by Ted Smith	42
	Discussion	48
I	Transcript of September 22, 2023, hearing	1
	Submissions by Ted Smith	7
	Submissions by Jane Langille	22
	Discussion	34
PART II, VOLUME 3		
J	Trial Exhibit 1 – Booklet of photographs	33
K	Trial Exhibit 2 – Audio Statement of John Doe	48
L	Plaintiff Brief dated August 4, 2023	56
M	Affidavit of Jane Doe sworn August 16, 2023	62
N	Defendant Brief dated August 16, 2023	71

**Example Table of Contents –
Appeal from Nova Scotia Supreme Court (*Family Division*)**

TABLE OF CONTENTS		
PART I, VOLUME 1		
TAB	DESCRIPTION	PG.
A	Notice of Application <i>or</i> Petition for Divorce	6
B	Response to Application <i>or</i> Answer to Petition	9
C	Notice of Motion dated May 13, 2023	12
D	Written Decision of Justice [name] dated November 10, 2023	14
E	Order of Justice [name] dated November 23, 2023	20
F	Notice of Appeal dated December 5, 2023	28
G	Reference Sheet	32
PART II, VOLUME 2		
H	Transcript of August 28, 2023, hearing	1
	Index of Witnesses	2
	Index of Exhibits	2
	John Doe, direct examination by Ted Smith	19
	John Doe, cross-examination by Jane Langille	22
	John Doe, re-direct examination by Ted Smith	42
	Discussion	48
I	Transcript of September 22, 2023, hearing	1
	Submissions by Ted Smith	7
	Submissions by Jane Langille	22
	Discussion	34
PART II, VOLUME 3		
J	Trial Exhibit 1 – Email exchange between parties	33
K	Applicant / Petitioner Brief dated August 4, 2023	56
L	Respondent Reply Brief dated August 16, 2023	59
M	Affidavit of Jane Doe sworn August 16, 2023	62
N	Statement of Expenses filed on behalf of the Applicant / Petitioner	70

O	Statement of Expenses filed on behalf of Respondent	76
P	Parenting Statement filed on behalf of the Applicant / Petitioner	84
Q	Statement of Property filed on behalf of the Applicant / Petitioner	92
R	Statement of Property filed on behalf of the Respondent	104

Example Reference Sheet

REFERENCE SHEET

2020

Hfx No. 509177

use the lower court information here
(file number, Plaintiff/Defendant, Supreme Court, etc.)

Supreme Court of Nova Scotia

Between:

ADAM SMITH

Applicant /Petitioner

-and-

JANE DOE

Respondent

Justice: The Honourable Justice _____

Heard: Date and location matter was heard

Date of Decision: Date of judge's decision

Date of Order: Date order was issued

Enter in the appropriate information as it relates to your case