

NOVA SCOTIA COURT *of* APPEAL

Appeal Book Preparation Guide

for Tribunal appeals or applications to leave to appeal WCAT decisions

(see other Guides for civil and criminal 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 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 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 tribunal you are appealing from to make photocopies of the documents you will need for your Appeal Book. **Do not submit documents that you have marked on or otherwise altered.**

WCAT Appeals

Part I – Pleadings and Related Documents

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

Part I includes all pleadings filed with the tribunal 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 an appeal from WCAT. These lists are not meant to describe every possible document your appeal book might include, and your matter may not have all these documents – they are just samples:

- ☐ Notice of Application for Leave to Appeal (Workers’ Compensation)
- ☐ A copy of the written Decision from the Tribunal;
- ☐ A Reference Sheet which contains the following:
 - The WCAT file name and number that you are appealing
 - Name of the WCAT appeal commissioner
 - The date(s) your matter was heard in the WCAT
 - The date of the WCAT appeal commissioner’s Decision

Part II – Evidence and Related Material

[*Civil Procedure Rule 90.32\(2\)\(b\)*](#)

Part II includes all transcripts, submissions, evidence, exhibits or other material relied upon by the tribunal. They can include, but are not limited to:

- ☐ Transcript of oral hearing before WCAT (prepared and signed by a certified transcriptionist). If matter proceeded by written submissions, only the submissions are required.
- ☐ Notice of Appeal to the Workers’ Compensation Appeals Tribunal
- ☐ WCB Hearing Officer Decision
- ☐ Summary reports or decisions of the WCB and WCAT

- ☐ Copies of all exhibits, including any electronic exhibits, from WCAT and WCB hearings
- ☐ Copies of all written submissions, affidavits, medical reports and documents filed with the WCB and WCAT
- ☐ Any other documents before WCAT for consideration during the hearing

Tribunal Appeals (other than WCAT)

Part I – Pleadings and Related Documents

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

Part I includes all pleadings filed with the tribunal 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 any other 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 these documents – they are just samples:

- ☐ Notice of Appeal (Tribunal)
- ☐ A copy of the written Decision from the tribunal;
- ☐ A Reference Sheet which contains the following:
 - The file name and number that you are appealing
 - Name of the tribunal decision maker(s)
 - The date(s) your matter was heard at the tribunal
 - The date of the tribunal’s decision

Part II – Evidence and Related Material

[Civil Procedure Rule 90.32\(2\)\(b\)](#)

Part II includes all transcripts, submissions, evidence, exhibits or other material relied upon by the tribunal. They can include, but are not limited to:

- ☐ Transcript of oral hearing before the tribunal (prepared and signed by a certified transcriptionist). If matter proceeded by written submissions, only the submissions are required.
- ☐ Documents initiating the hearing at the tribunal
- ☐ Copies of all exhibits, including any electronic exhibits, from the tribunal hearings

- Copies of all written submissions, affidavits, reports or documents filed with the tribunal

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 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 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)
- ☐ 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
- ☐ 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 -

**WORKERS' COMPENSATION BOARD OF NOVA SCOTIA,
WORKERS' COMPENSATION APPEALS TRIBUNAL, ATTORNEY GENERAL OF NOVA
SCOTIA, AND XYZ COMPANY LIMITED**

[name of Respondents]

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, Workers' Compensation Board of Nova Scotia

[insert Respondent or Respondent
lawyer's contact information here]

****PLASTIC COIL BINDING****

Example Table of Contents – WCAT

TABLE OF CONTENTS PART I		
TAB	DESCRIPTION	PG.
1	Notice of Application for Leave to Appeal (Workers' Compensation) dated July 12, 2022	
2	WCAT Appeal Decision _#_ dated November 20, 2021	
3	Reference Sheet	
4	Transcript of oral hearing before WCAT on October 22, 2021	
5	Notice of Appeal to the WCAT	
6	WCB Hearing Officer Decision dated ____	
7	Summary reports or decisions of the WCB and WCAT	
8	Exhibits, including any electronic exhibits, from WCAT and WCB hearings	
9	Written submissions, affidavits, medical reports and documents filed with the WCB and WCAT	

Example Table of Contents – Any other tribunal

TABLE OF CONTENTS PART I		
TAB	DESCRIPTION	PG.
1	Notice of Appeal (Tribunal) dated July 12, 2022	
2	Tribunal decision _#_ dated November 20, 2021	
3	Reference Sheet	
4	Transcript of oral hearing before the tribunall on October 22, 2021	
5	Document starting process at tribunal	
8	Exhibits, including any electronic exhibits, from the tribunal hearings	
9	Written submissions, affidavits, reports and documents filed with the tribunal	

Example Reference Sheet – WCAT

REFERENCE SHEET

NOVA SCOTIA WORKERS' COMPENSATION APPEALS TRIBUNAL

Appellant	[your name here]
Participants entitled to Respond to this appeal:	[Employer name here] Workers' Compensation Board of Nova Scotia

Form of Appeal: [Oral Hearing, Written Hearing]

WCB Claim No.: [insert your claim number here]

Appeal Commissioner: [insert name of Appeal Commissioner who wrote decision]

Date of Decision: [date on the decision]

Enter in the appropriate information as it relates to your case

Example Reference Sheet – Tribunal

REFERENCE SHEET

[Name of] TRIBUNAL

Appellant /Title of Party	[your name here]
Participants entitled to Respond to this appeal:	[Employer name here]

Form of Hearing: [Oral Hearing, Written Hearing]

Tribunal File No.: [insert your tribunal file number here]

Tribunal decision maker: [insert name of decision maker(s) who wrote decision]

Date of Decision: [date on the decision]

Enter in the appropriate information as it relates to your case