

CRIMINAL PRACTICE DIRECTIVE NO. 5
BOOKS OF AUTHORITIES

Effective November 1, 2009 (Amended October 1, 2014)

General

1(1) The *Court of Appeal Criminal Proceedings Rules* do not require that copies of authorities be filed. However, the Court encourages the practice of filing a book of authorities.

(2) If only a few authorities are relied on, they may be included as an appendix to the factum provided that they are listed in the “index” at the beginning of the factum as described in Rule 29(4) of *The Court of Appeal Rules (Civil)* and marked with tabs.

Authorities to be Included

2(1) Subject to subsections (2) and (3), the authorities filed should ideally include all of those referred to in the factum, including cases, legislation and academic or other writings. However, filing key authorities is preferable to filing none.

(2) The book of authorities shall not include cases found in the “*Book of Authorities Criminal Exclusion List*” which appears as Appendix A of this Directive.

(3) Counsel are encouraged to co-operate in the production of a common book of authorities containing the authorities relied on by all parties. If a common book is not produced, the respondent’s book of authorities should contain only those authorities not found in the appellant’s book. An intervener’s book should contain only those authorities not found in either the appellant’s or the respondent’s books.

Form

3(1) The colour of an appellant’s book of authorities and a common book of authorities shall be buff, a respondent’s green and an intervener’s red.

(2) Each volume should contain an index which lists the authorities included in all volumes and indicates the volume and the tab where each authority is to be found.

(3) The index should list cases in alphabetical order and include citations which comply with Criminal Practice Directive No. 7.

(4) Each authority should be marked with a separate tab.

(5) Where a book of authorities exceeds 300 pages, it should be bound in volumes of not more than 200 pages each.

(6) Where a book of authorities is printed in more than one volume, the cover and the spine of each volume should clearly indicate the volume number.

(7) Authorities should be printed on both sides of the page.

(8) Cases included in the book of authorities should always include a copy of the head note. The case should contain only as much of the text as is necessary to provide a full understanding of the passage or passages relied on. This might require that the entire decision be reproduced but often it will be possible to include only excerpts.

Marking of Passages

4 The passages in the authorities which are relied on by counsel should be marked either by way of coloured highlighting, underlining, marginal bars or similar technique.

Number of Copies

5 Unless otherwise directed by the Registrar, three copies of the book of authorities shall be filed with the Registrar.

Service and Filing

6 Books of authorities shall be served on all participants in the appeal before they are filed. Proof of service should be provided at the time of filing.

NOTE: This Practice Directive is issued by the Court under the authority of *The Court of Appeal Act, 2000*.

Lian Schwann, Q.C., Registrar,
Court of Appeal for Saskatchewan.

APPENDIX A

Book of Authorities Criminal Exclusion List

1. **R. v. Biniaris**, [2000] 1 S.C.R. 381; 2000 SCC 15.
2. **R. v. M. (C.A.)**, [1996] 1 S.C.R. 500.
3. **R. v. Proulx**, [2000] 1 S.C.R. 61; 2000 SCC 5
4. **R. v. Sheppard**, [2002] 1 S.C.R. 869; 2002 SCC 26.
5. **R. v. Shropshire**, [1995] 4 S.C.R. 227.
6. **R. v. Stinchcombe**, [1991] 3 S.C.R. 326.
7. **R. v. Yebes**, [1987] 2 S.C.R. 168.
8. **R. v. Oakes**, [1986] 1 S.C.R. 103.