

Court of Appeal for Saskatchewan Appellant's Checklist for Civil and Family Matters

Step 1 Determine if you have an automatic right to appeal

- There is no right to appeal a lower court or tribunal decision to the Court of Appeal unless a statute gives you that right. You must read the applicable statute to understand whether you have a right to appeal a decision and, if so, how to appeal and the procedural timelines that you must follow. In some situations, there may be no right to appeal, with or without leave, to the Court of Appeal.

For more information see [Section 1.2 of the Guidebook for Appellants \(Civil & Family Matters\)](#).

Step 2 Determine if you need leave to appeal

- If you do not have an automatic right to appeal, you must make an application to the court to obtain leave (permission) to appeal your case. A discussion of whether you need leave to appeal or not can be found in [Section 2.1 of the Guidebook for Appellants \(Civil & Family Matters\)](#).

Step 3 Start your Appeal

Within 30 days (unless the statute that applies to the judgment or order says otherwise) after the date of the judgment or order you are appealing or within 10 days after the date of the order granting you leave to appeal:

- Prepare a Notice of Appeal in Form 1a.
- Serve the notice of appeal on the other party or parties.
- File the notice of appeal, along with proof that you have served it on the other party or parties, at the Court of Appeal's registry office within ten days after you serve it on the other party or parties.
- File a copy of the lower court or tribunal's formal judgment or order or decision that you are appealing.
- Pay a filing fee of \$200.

Step 4 Determine if there is a transcript

- The first thing that you will have to do is figure out whether there is a transcript available from the court or tribunal hearing that your appeal relates to. There is usually only a transcript where witnesses testified in the proceedings. For most appeals from decisions in Court of King's Bench Chambers, a transcript will not be available. You can find this out for sure by asking the court or tribunal you are appealing from.

If there is a transcript available, proceed to **Step 5**.

If there is no transcript available, proceed to **Step 7**.

Step 5 Obtain and file the transcript

Within 30 days after the last party was served with the notice of appeal:

- reach an agreement with the other parties about which parts of the transcript are required for the appeal.

Within 14 days after you reach an agreement, or within 14 days after the expiry of the 30 days for reaching an agreement if you do not reach an agreement:

- contact Transcript Services or a commercial court reporting service to order the transcript and make arrangements to pay for it.

Once the transcript is completed in the format for transcripts approved by the court:

- file an electronic copy of the transcript in the court's registry office or have Transcript Services or the commercial court reporting service do so on your behalf.

Step 6 Agree on the contents of the appeal book

Within 10 days after the electronic copy of the transcript is filed:

- serve the other parties with a list of what you think should be in the appeal book and when you think the appeal book should be filed (look at Rule 23 for help in preparing this list).

Within 30 days after you serve the list on the other party or parties:

- if there is an agreement on the contents of the appeal book and the timeline for filing the appeal book, proceed to Step 7.
- if there is no agreement on the contents of the appeal book and the timeline for filing the appeal book, apply to the registrar or to a judge to have the contents of the appeal book set (contact the registry office to find out how to do this) and then proceed to Step 7.

Step 7 Have the lower court file transmitted (sent) to the Court's registry office

Before you file your appeal book:

- send a written request to the lower court or tribunal asking for its file to be transmitted (sent) to the Court of Appeal.
- pay the fee, if any, for this.

Step 8 Put together, serve and file the appeal book

If your appeal is an expedited appeal (when there is no transcript), within 30 days after you filed your notice of appeal or, if there is a transcript, by the date agreed upon or fixed under Step 6:

- prepare your appeal book - Rule 24 tells you what your appeal book should look like.
- serve your appeal book on the other parties to the appeal.
- file three copies of your appeal book with proof that you have served it on the other party or parties in the court's registry office.
- pay the \$100 filing fee.

Step 9 Write, serve and file your written argument or factum

If you are not represented by a lawyer, you must prepare a factum or written argument that is no longer than 40 pages and explains what your appeal is all about.

At the same time as you serve and file your appeal book:

- serve your factum or written argument on the other parties to the appeal.
- file three copies of your factum or written argument (one copy for each judge), with proof that you have served it on the other party or parties, in the court's registry office.

Step 10 Prepare for the appeal hearing

Once the registrar has received all of the parties' factums or written arguments, he or she will schedule your appeal for hearing. Hearing dates are usually about six to eight weeks after the last factum or written argument is filed.

Before the appeal hearing, you should consider:

- watching one or more other appeal hearings to learn about court procedure and how you should conduct your appeal.
- making notes about how you want to present the details of your case.
- talking with a lawyer about how to present and argue your appeal.

Step 11 Attend the appeal hearing

- dress in appropriate clothing (no hats).
- arrive early, introduce yourself to the clerk and turn your cellphone off.
- if you are appearing remotely, make sure your audio and video are tested in advance of the hearing and you join the hearing early to ensure there are no technical issues.
- make your presentation and answer any questions that the judges ask you.
- address the judges respectfully using "Justice," "Judge," "Sir," or "Madam."

For more detail see [Section 3.5 of the Guidebook for Appellants \(Civil & Family Matters\)](#).

Step 12 Draft or approve the formal judgment

- See [Section 4.3 of the Guidebook for Appellants \(Civil & Family Matters\)](#) for instructions.