

NORTHWEST TERRITORIES COURT OF APPEAL

PRACTICE DIRECTION - FILING DEADLINES

January 15, 2006

Explanatory Note:

The Court has been concerned about the delay in the prosecution of criminal and civil appeals. The existing filing deadlines contribute to this delay.

Much time is lost due to the transmission of filed materials to the assigned panel members. The present filing deadlines do not take into account this lost time. Panel members are consequently not given an adequate opportunity to read and prepare for upcoming appeals.

This practice direction changes the deadlines to make the time run forward from an earlier filing event. Filing deadlines will no longer run backward from the assigned hearing date.

1. APPLICATION

Unless otherwise stated, the rules set out in this practice direction apply to all criminal and civil appeals.

2. APPEAL BOOKS

- i) Appeal books must be prepared promptly and served forthwith after they are prepared, and in any event, unless otherwise ordered by a judge of the Court, be filed no later than 12 weeks from the date on which the notice of appeal was filed, or the appeal will be struck by the Registrar.
- ii) An appeal that has been struck and has not been restored within 6 months from the date the appeal was struck is deemed to be abandoned.

3. FACTUMS

- i) Subject to paragraph 5, the appellant shall file six (6) copies of the appellant's factum with the Registrar and shall serve an additional copy of the filed

factum on each respondent:

- (a) on or within 60 days of the date that the appeal book was filed; or
- (b) on or within 7 months of the date the notice of appeal was first filed;

whichever date is earliest.

- ii) Unless otherwise ordered by a judge of the Court, the respondent shall file the respondent's factum (six copies) with the Registrar within 30 days of being served with the appellant's factum. The appellant shall then be served forthwith with an additional filed copy of the respondent's factum.
- iii) Where a notice of intention to vary has been given, the appellant may within 10 days after service of the respondent's factum file and serve a further factum in reply.
- iv) Where a factum has not been filed in accordance with the deadlines fixed by this practice direction, the defaulting party shall not be entitled to costs for the preparation of the factum unless the Court orders otherwise.

4. SETTING THE LIST

- i) The Registrar will set a date to speak to the General Appeal list approximately six weeks in advance of a scheduled sitting of the Court.
- ii) Unless otherwise ordered by a judge of the Court, only those appeals that have been perfected will be set for hearing at the next sitting of the court (i.e. the respondent's factum has either been filed or the deadline for filing the respondent's factum has elapsed).

5. IN-CUSTODY SENTENCE APPEALS

- i) A judge of the Court may, on his/her own motion, or on the application of one of the parties, give directions for expediting the hearing of an in-custody sentence appeal.

6. TRANSITIONAL PROVISIONS

- i) This practice direction supersedes the filing deadlines set out in civil rule 35 and criminal appeal rules 13,15 and 17.
- ii) This practice direction applies to all appeals filed on or after March 1, 2006.



The Honourable Catherine A. Fraser
Chief Justice, Northwest Territories Court of Appeal