

# APPEAL BOOKS

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## A GUIDE FOR SELF-REPRESENTED LITIGANTS

### (FOR CIVIL APPEALS)

September 2025

This document explains what to do to prepare and file an appeal book in civil appeal matters. It describes what should be in an appeal book and how an appeal book should be presented. PLEASE NOTE that in criminal appeal matters involving a self-represented litigant, the Crown prepares the appeal book.

This is a GUIDE only. Anything in this Guide may be varied by a judge's directions in a particular case.

This Guide is based the *Court of Appeal Civil Rules, 2025*.

## **What is the purpose of an appeal book?**

The appeal book contains the relevant background documents related to your appeal. This includes documents such as a copy of the notice of appeal and relevant copies of documents filed or submitted in evidence in the court appealed from, and a copy of the trial judge's decision and/or order. It is sometimes called "the record". The appeal book is the "go-to" document after your factum. It gives the Court a full look at the background of your appeal.

## **Do I have to file an appeal book?**

If you are the appellant, yes, you must prepare and file an appeal book.

If you are a respondent and want to file an appeal book, you do not have an automatic right to file an appeal book. You must first seek permission from the Court to do so. This request can be made using a Form 20 Request Form and will be considered by the Court before a decision is made whether to allow you to do so.

## **How do I file an appeal book?**

The appellant must file four (4) copies of the appeal book with the Court, as well as an electronic copy (in a searchable format) provided by CD or flash drive and, and you must deliver an extra printed copy of the appeal book to each other party or to each other party's lawyer. Keep a copy for yourself.

Documents, like an appeal book, can be "filed" with the Court by delivering them to the Court of Appeal Registry office.

The appellant has 60 days from the date of completion marked on the transcript to file an appeal book or, if no transcript is prepared, 120 days from the date the notice of appeal is filed.

The appeal book, appellant's factum and parts of the transcript of the evidence necessary for the determination of issues on appeal must be filed at the same time. You can file your transcript as part of your appeal book or as a separate document.

## What does an appeal book look like?

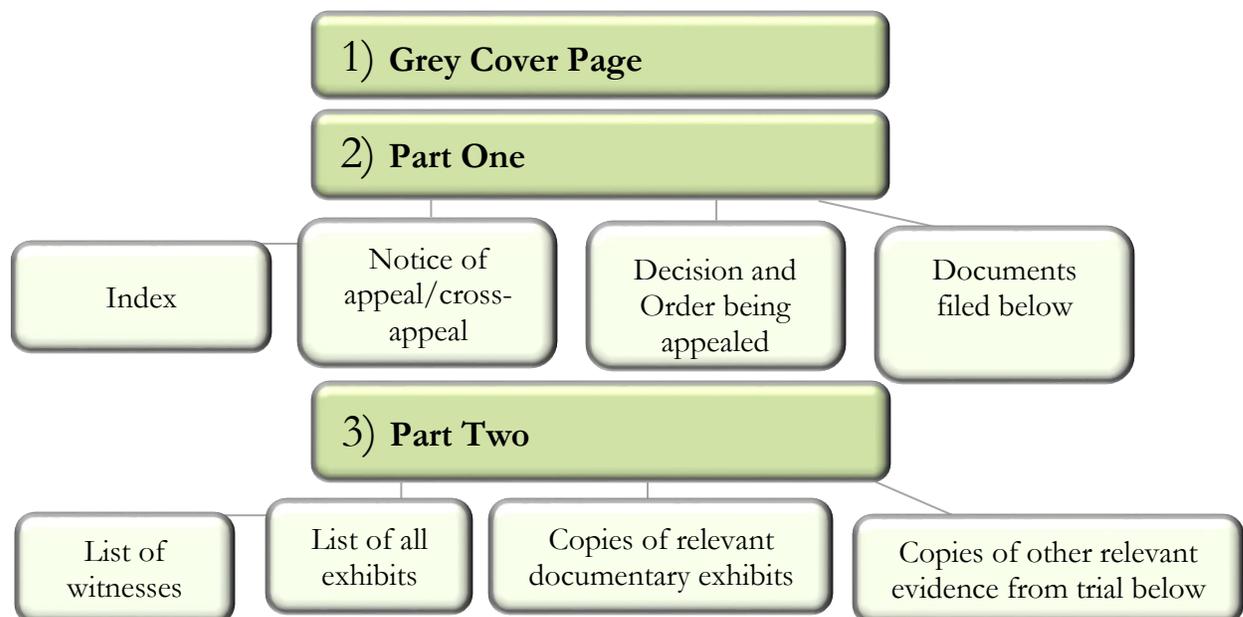
When preparing your appeal book, please remember that all appeal books should:

- Have a grey cover that must include the Court of Appeal file number and names of parties
- Be bound
  - The Court prefers plastic comb bindings.
  - You can use more than one volume if you need to (e.g., if you have so many documents that it is too big to fit in one bound appeal book, you could have volume 1 of your appeal containing documents 1-15, with a second book labelled volume 2, containing documents 16-30).
- Must include an index after the cover page. If there are multiple volumes of appeal book, the index must be repeated for each volume.
- Where there is more than one volume of the appeal book, there must be a label on the spine of each volume indicating “Appeal Book, Volume..., Tabs ... to ...”
- Use page numbers for every page except for the cover page
  - The pages should be numbered consecutively in the upper right corner of each page. Page numbers can be handwritten.
- May be printed single or double-sided
- Be printed on 8.5x11 paper (letter-sized)
- Use tabs to separate and mark each individual document, as well as to separate and mark Part One and Part Two (different “Parts” explained below).

## What goes into an appeal book?

An appeal book has three parts and various sub-parts:

- 1) A grey cover page (see example further in this booklet).
- 2) Part One – this should include documents that relate to your appeal that are not evidence, including:
  - (1) an index of all of the documents in your appeal book;
  - (2) a copy of the notice of appeal or cross-appeal and other documents filed at the Court of Appeal;
  - (3) a copy of the written decision being appealed, or where there is no written decision, you must include a transcript of the oral decision;
  - (4) a copy of the formal order being appealed;
  - (5) documents from the lower court necessary for appeal (excluding Part Two documents);
- 3) Part Two – this is for evidence that was entered at trial. It has four parts:
  - (1) an index of all witnesses who testified at trial,
  - (2) a list of all exhibits entered at trial,
  - (3) copies of relevant exhibits; and
  - (4) copies of any other evidence entered at trial, such as affidavits or written admissions, that are necessary for the determination of the issues on appeal.



## Cover Page

Your cover page should be printed on grey cardstock. Please make sure to indicate: the docket number, full names of the appellant and the respondent, that this is an appeal book, the Court's address, the recipient's address, and your address. It should look the same as the heading on your notice of appeal.

### *Example Cover Page*

2017 01H 400

← The docket number

COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN: LUPIN WOLFE

← Appellant's full name

APPELLANT\*

AND: THE THREE LITTLE PIGS INC.

← Respondent's full name

RESPONDENT\*

Use a volume number if you have more than one appeal book

APPEAL BOOK

← This will be the same

Lupin Wolfe  
1 Windy Road  
Codroy, NL  
A2C 5T3

← Your full name must be included. The practice is to also include your address.

TO: The Three Little Pigs Inc.  
2 Windy Road  
Codroy, NL  
A1B 2B2

→ The recipient's full name must be included. The practice is to also include the address.

\* If there is more than one appellant or respondent, list the parties' names and list "First Appellant", "Second Appellant", "First Respondent", "Second Respondent", etc., as needed. Join the parties using "AND".

# Index

Your index should appear after your cover page. It should tell your reader at what tab each document in your appeal book is located. If you decide to bind your appeal book into two or more books, your index should be repeated after the cover page of each volume, as well as a label must be added to the spine for multiple volumes.

## Example Index

	Index	← Title
		Tab
Use a heading to show part one	<hr/> <b>Part One – Documents</b> <hr/>	
First group of documents in part one	1. Notice of appeal or cross-appeal and documents filed in the Court of Appeal	
List individual documents	Copy of notice of appeal	1
	Copy of Mr. Wolfe’s leave to appeal application	2
	Copy of the Court of Appeal’s leave to appeal decision – <i>Wolfe v. The Three Little Pigs Inc.</i> , 2016 NLCA 1001, filed July 29, 2016	3 ← List tab numbers here
	2. Decision being appealed	
	Copy of the decision by Justice J. Smith filed on July 15, 2017	4
	3. Formal order being appealed	
	Copy of the order by Justice J. Smith filed on July 18, 2017	5
	4. Documents filed in the Court appealed from (excluding evidence listed in Part Two, Evidence)	

Copy of the Three Little Pigs Inc.'s originating application for an interlocutory injunction 6

Applicant's memorandum of fact and law, [if necessary, (do not include authorities)] 7

Respondent's memorandum of fact and law, [if necessary, (do not include authorities)] 8

Use a heading to show part two

**Part Two – Evidence**

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1. List of all witnesses at trial

List of all witnesses at trial 9

2. List of all exhibits at trial

List of all exhibits at trial 10

3. Exhibits from trial [only to the extent necessary for the issues on appeal to be determined]

Copy of the expert report prepared by Mr. Johnson, P.Eng., on June 2, 2014 11

4. Other evidence from trial [only to the extent necessary for the issues on appeal to be determined]

Copy of an affidavit prepared by Mr. Swine, President and C.E.O. of the Three Little Pigs Inc. 12

Copy of Mr. Wolfe's affidavit in response 13

List appropriate tab numbers here