

**COURT OF APPEAL RULES
PRACTICE NOTE – CIVIL PROCEEDINGS**

CAPN No. 2018-01

CONTENTS OF NOTICE OF APPEAL

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The following Practice Note was filed with the registrar of the Court of Appeal and is published under rule 4 of the *Court of Appeal Rules*.

Background

In the past, the notice of appeal included a requirement to list the “grounds” of the appeal. Over time, this has led to the submission of notices with extensive “boiler plate” grounds which are of limited use for purposes of understanding the nature of the appeal. As a result, the rule has been changed to require a summary of what the appeal is about and what the issues are.

This approach is intended to encourage meaningful notice to the other parties. This is necessary, among other reasons, to assist opposing parties in determining whether they wish to file a notice of cross-appeal.

As a result of this change in approach, with the focus on what the appeal is about and what the issues are, stating the basis for the appeal, that is, how the court appealed from erred, may be reserved until drafting of the factum. This eliminates the necessity of seeking to amend the notice of appeal to add or reword grounds of appeal as was the case under the former Rules.

Practice Note

1. The notice of appeal requires counsel to focus on what the appeal is about by summarizing the subject matter and setting out the issues which form the basis for

the appeal. Care should be taken to draft the document so as to give the opposing party as clear notice as possible early in the appeal process.

2. Section (4) of Form 1 provides a list of particulars which must be considered and, where appropriate, included in the notice of appeal.

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Court of Appeal of Newfoundland and Labrador

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