*Factums contain the written argument for an appeal.*

# Factums and Replies

These completion instruction checklists apply to the following court records listed below. There are corresponding word templates available for each type of factum or reply at (link to templates):

|  |  |  |
| --- | --- | --- |
| **Title** | **Rule** | **Page Maximums** |
| Appellant’s Factum | 25(1) | 30 pages |
| Respondent’s Factum | 25(2) | 30 pages |
| Appellant’s Reply | 25(3) | 5 pages |
| Intervener’s Factum | 61(4) | 10 pages |
| **CROSS APPEALS** |  |  |
| Respondent’s Cross Appeal Factum | 29(1) | 45 pages |
| Appellant’s Cross Appeal Response Factum | 29(2) | 15 pages |
| Respondent’s Cross Appeal Reply | 29(3) | 5 pages |

# 2.0 Factum General Content Requirements

All factums require the below parts.

Factum templates have specific content requirements for each type of factum.

|  |  |  |
| --- | --- | --- |
| Content | Requirements | Completed |
| Cover Page | Required |  |
| Table of Contents | Required |  |
| Chronology | Enter brief, point form list or table of only critical events and dates (relevant to an issue on appeal). |  |
| Opening Statement | Enter concise statement of the nature of the appeal. |  |
| Part 1: Statement of Facts | See Factum templates |  |
| Part 2: Errors in Judgment or Issues on Appeal | See Factum templates |  |
| Part 3: Argument | See Factum templates |  |
| Part 4: Nature of Order Sought | Enter a concise statement of the nature of the order that is sought by the party preparing the factum. |  |
| Appendices: Table of Authorities | Authorities (case law, legal textbooks etc.) referred to in the factum must be listed in alphabetical order. |  |
| Appendices: Enactments | The appendix is used for enactments (i.e., acts or regulations) only. No other documents may be added. |  |

## 2.1 How to Use Word Templates

Content instructions with examples and document format requirements are pre-set in the factum and reply templates available here (link to templates).

|  |  |  |
| --- | --- | --- |
| Step | Action | Completed |
| Step 1:  Saving Template | To retain pre-set document formatting “Save as” factum Word templates to your computer and enter content to your factum. |  |
| Step 2:  File Name | Save as: case#\_factum\_party’s role\_name.pdf  example: CA12435\_factum\_appellant\_BC-Organization.docx  CA12345\_factum\_respondent\_Smith-John.docx |  |
| Step 3:  Deleting Tables | Delete template instruction tables when your document is complete. |  |
| Step 4:  Save As – PDF | When complete and final: “Save As” in portable document format (PDF). |  |
| Step 5:  Table of Contents Bookmarks | To retain table of contents bookmarks in navigation pane:   |  |  | | --- | --- | | **Step** | **Action** | | **1** | Select “File” tab and then “Save As” (change filename) | | **2** | Select PDF from “Save as” type drop down list. | | **3** | Click Options. | | **4** | Click Create Bookmarks Using: “ensure headings” is checked | | **5** | Click OK. | | **6** | Click Save. | |  |

# 3.0 Format Requirements

## 3.1 Document Format Requirements

These format requirements are pre-set in factum templates.

|  |  |  |
| --- | --- | --- |
| Format | Requirements | Completed |
| True Copies | Must be an identical or true copy of the original document, whether that original is scanned from paper or saved into PDF from another program, such as Microsoft Word. |  |
| Format | **Requirements** | **Completed** |
| Font | Arial 12 (including citations) *(pre-set in template)* |  |
| Line Spacing | Lines spaced 1.5 lines apart *(pre-set in template)* |  |
| Footnotes | Footnotes are not explicitly subject to the above rules; however, a factum might be rejected if footnotes present a significant advantage (*e.g*., they take up half the page) or are in a font which make them difficult to read.   * Footnotes can be single spaced. |  |
| Authorities | How to cite authorities: [Practice Directive](https://www.bccourts.ca/Court_of_Appeal/practice_and_procedure/civil_and_criminal_practice_directives/PDF/(CandC)Citation_of_Authorities.pdf) |  |
| Excerpts of Authorities | Excerpts from an authority (case law, legal textbooks etc.) or a reproduction of an enactment (i.e., acts or regulations) indented and single spaced |  |
| Margins | No less than 2.5 cm. (1 in) *(pre-set in template)* |  |
| Page Numbering | Pages numbered consecutively starting at Part 1 Statement of Facts in factums (or after table of contents in replies) *(pre-set in template)* |  |
| Paragraph numbering | Paragraphs numbered consecutively starting at Part 1 Statement of Facts in factums (or after table of contents in replies) *(pre-set in template)* |  |
| Table of Contents | Required and must be updated (see instructions in template)  *(pre-set in template)* |  |

## 3.2 Paper Factum Requirements

The below procedures must be followed when submitting three (3) paper factums or replies for the Court.

|  |  |  |
| --- | --- | --- |
| Format | Requirements | Completed |
| Cover and Back Page Colours | |  |  | | --- | --- | | **Factum Type** | **Colour** | | **Appellant’s** Factum, Reply, Cross Appeal Response | Buff | | **Respondent’s** Factum, Cross Appeal Factum, Cross Appeal Reply | Green | | **Intervener’s** Factum | Yellow | |  |

|  |  |  |
| --- | --- | --- |
| Format | Requirements | Completed |
| Binding  Cerlox | The factum or reply will open like a book to a duplicate of the printed colour cover page then followed by the table of contents.  Remaining pages with text will be on the left side of the binding with blank pages on the right side for judges to make notes.   |  |  | | --- | --- | | **Step** | **Action** | | 1 | Print cover page only on to colour paper and set aside with same colour back page. | | 2 | Print entire factum single-sided. | | 3 | Remove the white cover page and table of contents then set aside (you will need these later.) | |  | **To Bind Booklet:** | | 4 | Remaining pages must be re-organized in a way that will set out the content of the factum on the page to the left of the binding and a blank page to the right of the binding (to allow judges to write notes on the blank page to the right). | | 5 | Place colour cover page, white cover page and table of contents face up on top of the re-organized factum pages. (2 blank pages will follow the table of contents) | | 6 | Bind factum on the left side including colour cover page and back page. | |  |

# 4**.0 Copies for Filing and Service**

## 4.1 Filing Paper Court Records

In civil appeals, e-filing is mandatory for lawyers and encouraged for self-represented parties.

Registry staff will approve all paper copies by applying a filing stamp at the Registry.

|  |  |  |
| --- | --- | --- |
| Filing/Service | Requirements | Completed |
| Paper Copies  Minimum Total  Electronic copy | You will be required to file 1 copy for each judge and 1 copy for the court, 1 copy for your records, 1 copy to be serve on each party  6 copies  The court requires an electronic factum with filing stamp submitted to the Registry (see instructions below) |  |

## 4.2 Submission of Electronic Factum or Reply

The below procedures must be followed when submitting electronic factums and replies for the Court.

|  |  |  |
| --- | --- | --- |
| *Requir*ement | Description | Completed |
| Submitting Electronic Factums with Filing Stamp | A paper factum or reply with registry filing stamp must be:   * scanned in **PDF** format and [optical character recognized](http://thelawdictionary.org/optical-character-recognition-ocr/) (OCR) to make the factum text searchable and to enable coping and pasting from the electronic factum or reply. * e-mailed to [appealrecords@bccourts.ca](mailto:appealrecords@bccourts.ca) with subject line example: **CA12345 Smith v. Jones – appellant’s factum** |  |
| Deadline | The Court requires the electronic factum no more than **2 weeks** after filing the paper factums. |  |
| Factum = 1 electronic file | Factums must be saved as one PDF electronic file/document including cover page, table of contents and appendices*.* |  |

History:

Replaces Completion instructions in previous Rules and Forms and Practice Directives

Last Updated: July 18, 2022