



COURT OF APPEAL OF QUEBEC

Date: October 3, 2022

CLERK'S PRACTICE DIRECTION NO. 5

DOCUMENTS ATTACHED TO APPLICATIONS AND NECESSARY FOR THEIR ADJUDICATION IN CRIMINAL MATTERS (APPLICATIONS PRESENTED BEFORE A JUDGE ALONE)

The Court reminds parties of the importance of attaching to every application all the documents, including those already in the Court record, necessary for the adjudication of the application, as provided for in ss. 47 and 52 of the *Rules of the Court of Appeal of Quebec in Criminal matters (R.C.A.Q.C.M.)*:

47. Presentation and content. Motions shall not exceed 10 pages, excluding the designation of the parties and the conclusions sought, and shall be accompanied by all documents necessary for their adjudication (pleadings, judgments including reasons, exhibits, depositions, minutes, laws and regulations, or extracts of these documents, etc.). Motions presented to the Court shall be filed in four copies; motions presented to a judge or to the clerk shall be filed in two copies.

A party may apply to be excused from filing paper copies of the documents that accompany the motion, or certain of those documents, if all the parties to the motion consent to their being filed as a technological version on a USB key. The request shall be made in writing and addressed to the Office of the Court, with a copy to the other parties, and decided upon by a judge in the case of a motion presented to the Court or to a judge, or by the clerk in the case of a motion presented to the clerk.

52. Incomplete or irregular motion. The clerk shall notify the applicant if a motion is incomplete. If the applicant does not remedy the default within the prescribed time limit prior to its presentation, namely five days or two working days, as the case may be, the clerk shall postpone the motion to a later date and so advise the parties.

Before the hearing, a judge may strike a motion from the roll if it is irregular on its face. The clerk shall so inform the parties.

For an application to be placed on the roll by the clerk, it must be accompanied by the following documents:

- The notice of appeal or the application for leave to appeal;
- The judgment under appeal or the judgment that is the object of the application for leave to appeal (including the reasons or the transcript of reasons delivered orally);
- The judgments of other lower decision-makers or courts, if any;
- Pleadings filed at trial that are necessary for the adjudication of the application;
- Any other relevant documents.

Moreover:

- Parties must use tabs to properly separate each document attached to their application;
- A list of the schedules, referring to the relevant tabs, must be provided;
- The documents (application and schedules) must be stapled or bound together;
- Parties are encouraged to submit a PDF version of their application and schedules using the Digital Office of the Court of Appeal (DOCA).

In accordance with s. 50 para. 1 *R.C.A.Q.C.M.*, applications presentable before a judge of the Court must be notified and filed at least two working days before their presentation date. Therefore, if the required schedules are not attached to an application presentable before a judge of the Court two working days before the presentation date, the application will be removed from the roll without further notice and postponed to a date determined by the clerk. The parties will be informed by email of the new presentation date. If the date thus chosen is not suitable, the applicant will have to notify and file a new notice of presentation of the application, failing which the application will be heard on the date determined by the clerk.

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