

PRACTICE DIRECTIVE

Mental Disorder Appeals

This directive applies to all appeals filed pursuant to s. 672.72 of the **Criminal Code**. The intent of this Directive is to expedite appeals and to identify any unusual circumstances that require special attention from the Court of Appeal. It is intended that appeals under this section of the **Criminal Code** shall be concluded within 5 months of the decision made by the Review Board. This Directive is to serve as a guideline only. Individual matters shall be dealt with by a pre-hearing justice.

1. An appellant shall file at least five copies of a Notice of Appeal in Form 1 within 15 days of receiving a copy of the reasons for disposition from the Review Board or the Court (s. 672.72(2) of the **Criminal Code**.)
2. The appellant shall serve the Notice of Appeal on all respondent(s).
3. Unless otherwise noted, the appellant shall file four copies of all material for the court and one copy for each counsel. The appellant is responsible for delivering a copy of the filed material to the respondent(s).
4. An appellant shall file in the Court of Appeal a skeleton Appeal Book and any transcript of evidence of proceedings before the Court or Review Board. This material shall be filed within 30 days of the filing of the Notice of Appeal.
5. A skeleton Appeal Book shall contain the disposition of the Court or Review Board, any reasons for disposition and the Notice of Appeal.
6. A transcript may be filed in electronic format. If this is done, the appellant shall file only one paper copy of the transcript with the Court. The appellant shall also provide the respondent(s) with an electronic copy of the transcript, or a paper copy on request.
7. Pursuant to s. 672.74 of the **Criminal Code**, the Supreme Court or Review Board will transmit the entire file to the Court of Appeal, including exhibits and disposition or placement decision.
8. The appellant shall file a factum 30 days after the skeleton Appeal Books and Transcript have been filed with the Court of Appeal. In the factum, references to the exhibits shall be to the Review Board Exhibit numbers, which shall be

sequentially tabbed according to their order of reference in the factum. On delivering the factum to the respondent(s), the appellant shall include a list of exhibits, including the tab or page number of the exhibits in the supplementary appeal book, which are referred to in the factum.

9. On the filing of the appellant's factum, the appellant may obtain a date for the hearing of the appeal.
10. The respondent(s) may request a full set of exhibits from the appellant and the appellant shall supply the exhibits within a week of the request.
11. The respondent(s) shall file a factum 30 days after the appellant's factum is filed. The respondent(s) shall deliver to the appellant the factum and a list of any additional exhibits, which were referred to in the factum and which need to be added to the supplementary appeal book.
12. The appellant shall then prepare a supplementary appeal book consisting of all the exhibits referred to in the factums filed by the appellant and respondent(s).
13. Within two weeks of the respondent's factum being filed, the appellant shall file a reply factum and the supplementary appeal book. This should be done at least two weeks before the hearing of the appeal.
14. A judge in chambers or a pre-hearing justice may abridge the times set out in this directive.

In Person Appellants

15. Where the appellant is unrepresented by counsel, a pre-hearing justice shall be appointed by the Chief Justice. A pre-hearing conference should be arranged as soon as possible. The Crown will prepare a list of issues, which should be canvassed at the time of the pre-hearing conference.

The Honourable Chief Justice Finch
On behalf of the Court of Appeal for British Columbia

Form 1 – Notice of (Cross) Appeal
(Rule 2 (1))

Court of Appeal File No. _____
Court of Appeal Registry _____
Previous File No. _____
Previous Registry _____

COURT OF APPEAL

IN THE MATTER OF (NAMED PATIENT)

Appellant/Respondent

AND:

THE DIRECTOR OF ADULT FORENSIC
SERVICES

Appellant/Respondent

AND:

THE ATTORNEY GENERAL OF BRITISH COLUMBIA

Appellant/Respondent

NOTICE OF APPEAL

Take notice that _____, (patient/appellant), hereby appeals to the Court of Appeal for British Columbia from the order of the Review Board/Provincial Court/Supreme Court pronounced the _____ day of _____, 20____, at _____ and entered the _____ day of _____, 20_____.

And Further Take Notice that the Court of Appeal will be moved at the hearing of this appeal for an order that

(Here set out the order that the Appellant desires the Court to make)

The hearing before the Review Board/Provincial Court/Supreme Court took _____ days.

(Solicitor for the Appellant) type name

To the Respondent(s):

And to its solicitor:

This Notice of Appeal is given by _____, solicitors for the
appellant whose address for service is
