

COURT OF APPEAL FOR BRITISH COLUMBIA

Paper Filing

Completion Instructions:

Civil Factums and Replies

Factums contain the written argument for an appeal.

1.0 Factums and Replies

1.1 Types of Factums

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 [here](#).

Title	Civil Rule	Page Maximums: Part 1 to the end of Part 4
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

1.2 Factum General Content Requirements

All factums require the below parts.

[Factum templates](#) have specific content requirements for each type of factum.

Requirement	Instructions	Completed
Cover Page	<ul style="list-style-type: none">RequiredYou may use this Word template to create your cover pageInclude Sealing Order, Publication Ban or Anonymity Order (if any) referencing legislative provision (or inherent jurisdiction) that authorises the order or ban and precise terms.	<input type="checkbox"/>
Table of Contents	Required	<input type="checkbox"/>
Chronology	Enter brief, point form list or table of only critical events and dates (relevant to an issue on appeal).	<input type="checkbox"/>
Opening Statement	Enter concise statement of the nature of the appeal.	<input type="checkbox"/>
Part 1: Statement of Facts	See Factum templates	<input type="checkbox"/>

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Requirement	Instructions	Completed
Part 2: Errors in Judgment or Issues on Appeal	See Factum templates	<input type="checkbox"/>
Part 3: Argument	See Factum templates	<input type="checkbox"/>
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.	<input type="checkbox"/>
Appendices: Table of Authorities	Authorities (case law, legal textbooks etc.) referred to in the factum must be listed in alphabetical order.	<input type="checkbox"/>
Appendices: Enactments	The appendix is used for enactments (i.e., acts or regulations) only. No other documents may be added.	<input type="checkbox"/>

1.3 Document Format Requirements

These format requirements are pre-set in [factum templates](#).

Requirement	Instructions	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.	<input type="checkbox"/>
Font	Arial 12 (including citations) (<i>pre-set in template</i>)	<input type="checkbox"/>
Spacing	Lines spaced 1.5 lines apart with a single space between paragraphs (<i>pre-set in template</i>)	<input type="checkbox"/>
Footnotes	Arial 12 (<i>pre-set in template</i>) Footnotes can be single spaced	<input type="checkbox"/>
Authorities	How to cite authorities: Practice Directive	<input type="checkbox"/>
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	<input type="checkbox"/>
Margins	No less than 2.5 cm. (1 in) (<i>pre-set in template</i>)	<input type="checkbox"/>
Page Numbering	Pages numbered consecutively starting on cover page (<i>pre-set in template</i>) <i>Page maximums are based on the page count from Part 1 to the end of Part 4. (does not include cover page, table of contents, chronology, opening statement or appendices)</i>	<input type="checkbox"/>

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Requirement	Instructions	Completed																
Paragraph numbering	Paragraphs numbered consecutively starting at Part 1 Statement of Facts in factums (or after table of contents in replies) (<i>pre-set in template</i>)	<input type="checkbox"/>																
Table of Contents	Required and must be updated (see instructions in template) (<i>pre-set in template</i>)	<input type="checkbox"/>																
Cover and Back Page Colours (clear plastic covers not required)	Factum Type	Colour	<input type="checkbox"/>															
	Appellant's Factum, Reply, Cross Appeal Response	Buff																
	Respondent's Factum, Cross Appeal Factum, Cross Appeal Reply	Green																
	Intervener's Factum	Yellow																
Binding Cerlox	<p>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.</p> <table border="1"> <thead> <tr> <th>Step</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Print cover page only on to colour paper and set aside with same colour back page.</td> </tr> <tr> <td>2</td> <td>Print entire factum single-sided.</td> </tr> <tr> <td>3</td> <td>Remove the white cover page and table of contents then set aside (you will need these later.)</td> </tr> <tr> <td colspan="2">To Bind Booklet:</td> </tr> <tr> <td>4</td> <td>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).</td> </tr> <tr> <td>5</td> <td>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)</td> </tr> <tr> <td>6</td> <td>Bind factum on the left side including colour cover page and back page.</td> </tr> </tbody> </table>	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.	<input type="checkbox"/>
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2.0 How to Use Word Templates

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

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.	<input type="checkbox"/>														
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	<input type="checkbox"/>														
Step 3: Deleting Tables	Delete template instruction tables when your document is complete.	<input type="checkbox"/>														
Step 4: Save As – PDF	When complete and final: “Save As” in portable document format (PDF).	<input type="checkbox"/>														
Step 5: Table of Contents Bookmarks	To retain table of contents bookmarks in navigation pane: <table border="1"><thead><tr><th>Step</th><th>Action</th></tr></thead><tbody><tr><td>1</td><td>Select “File” tab and then “Save As” (change filename)</td></tr><tr><td>2</td><td>Select PDF from “Save as” type drop down list.</td></tr><tr><td>3</td><td>Click Options.</td></tr><tr><td>4</td><td>Click Create Bookmarks Using: “ensure headings” is checked</td></tr><tr><td>5</td><td>Click OK.</td></tr><tr><td>6</td><td>Click Save.</td></tr></tbody></table>	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.	<input type="checkbox"/>
Step	Action															
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3.0 Copies for Filing and Service

3.1 Filing Paper Court Records

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

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

Filing/Service	Requirements	Completed
Paper Copies	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	<input type="checkbox"/>
Minimum Total	6 copies	
Electronic copy	The court requires an electronic factum with filing stamp submitted to the Registry (see instructions below)	

3.2 Submission of Electronic Factum or Reply

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

Requirement	Instructions	Completed
Submitting (e-mailing) Electronic Factums with Filing Stamp	A paper factum or reply with registry filing stamp must be: <ul style="list-style-type: none">scanned in PDF format and optical character recognized (OCR) to make the factum text searchable and to enable copying and pasting from the electronic factum or reply.*e-mailed to appealrecords@bccourts.ca with subject line example: CA12345 Smith v. Jones – appellant’s factum *Please note in body of e-mail paper copies have been filed	<input type="checkbox"/>
Deadline	The Court requires the electronic factum no more than 2 weeks after filing the paper factums.	<input type="checkbox"/>
Factum = 1 electronic file	Factums must be saved as <u>one PDF electronic file/document</u> including cover page, table of contents and appendices.	<input type="checkbox"/>

History:

Replaces Completion instructions in previous Rules and Forms and Practice Directives

Last Updated: December 20, 2023