



COURT OF APPEAL

**British Columbia Court of Appeal
Practice Directive (Civil and Criminal)
Title: Appearing before the Court**

Issued: 18 November 2021

Effective: Immediately

Cite as: *Appearing before the Court* (Civil & Criminal Practice Directive, 18 November 2021)

This practice directive deals with introducing and addressing either a division of the Court of Appeal, a Justice in chambers, or a Registrar. It is primarily for the benefit of more recently called members of the legal profession who are, or will be, making their first appearances before the Court, but may also be of use to those who are self-represented.

The practice before the Court is as follows:

- Counsel are required to gown for all hearings before a division of justices. Counsel are not required to gown for hearings before a single justice. Counsel who are pregnant or have a disability or other reason affecting the ability to fully gown may appear in alternate gowning attire as appropriate to their circumstances;
- The appellant(s) or their counsel sit on the left side of the courtroom (facing the bench) and the respondent(s) or their counsel sit on the right;
- Before the judges enter the courtroom, the appellant(s) or their counsel and the respondent(s) or their counsel advise the court clerk their names, their preferred manner of address (e.g. "Mr./Ms./Mx./Counsel Jones") and the party they represent;
- Parties rise when the Court is called to order and the judges enter the courtroom. Parties bow when the judges bow and then resume sitting;
- After a case is called, the appellant(s) or their counsel stand and make introductions, indicating for whom they act, and then resume sitting;
- If the appellant is represented by more than one counsel, senior/lead counsel introduces themselves and then introduces other counsel, who stand while being introduced; senior/lead counsel resume sitting after introductions have been completed;

- If there are separately represented appellants, then the introductions of counsel for each appellant should, in turn, follow, in accordance with the practice set out above;
- The introductions of the respondent(s) or their counsel follow those of the appellant(s), in accordance with the above practice;
- The introductions of the intervenor(s) or their counsel follow those of the respondent(s), in accordance with the above practice;
- After introductions have been completed, the presiding judge will indicate how the Court wishes to proceed; when called upon, parties should move to the podium to address the Court;
- Only one person should be standing and addressing the Court at any given time.

On motions or applications before the Court or on chambers matters, the foregoing should be read with “applicant” replacing “appellant”, and “respondent” being the respondent on the motion or application.

Justices of the Court of Appeal are to be referred to as “Chief Justice”, “Justice”, “Madam Justice”, “Mr. Justice” or, collectively, as “Justices”, according to the context. Counsel and parties are asked to refrain from addressing justices as “my lady”, “my lord”, “your ladyship” or “your lordship”. In a Registrar’s hearing, the Registrar is to be addressed as “your honour”.

Chief Justice R.J. Bauman
for the Court of Appeal of British Columbia

History:

Replaces the Civil and Criminal Practice Note titled *Appearing before the Court* dated 11 October 2019.