



## COURT OF APPEAL OF NEW ZEALAND

### **Practice Note for Civil Appeals**

1. A synopsis of argument must inform the Court and the other party of the party's case. It must be filed within time.
2. A synopsis should not be written as if it will be read aloud. The Court rarely if ever permits counsel to use hearing time in that way.
3. A synopsis should be written in the expectation that:
  - (a) the Court will read it before the hearing;
  - (b) it may be used as a point of reference during the hearing, but will not usually be traversed in full there;
  - (c) the Court will not permit counsel to take a point at the hearing, or in a roadmap, that was not taken in the synopsis;
  - (d) the Court will use it after the hearing when reviewing the evidence and authorities;
  - (e) accordingly, it should be a complete and self-contained account of the party's submissions.
4. These requirements point to the structure and style of a good synopsis. It should:
  - (a) be as concise as the issues permit. Its objective is to assist the Court, and brevity and clarity aid understanding;
  - (b) define and confine the issues for decision;
  - (c) adopt a structure that is best suited to deciding those issues economically, using headings and numbered paragraphs for clarity;
  - (d) aim to tell the Court everything the Judges must know about those issues to decide the case, and no more;
  - (e) address the issues in a clear and economical way, eschewing rhetoric in favour of concise, clear and neutral prose;

- (f) identify the central facts, usually in chronological sequence. Where a separate chronology of key dates is provided, the appellant's should rarely exceed two pages and the respondent should normally confine itself to noting any disagreement;
  - (g) supply a glossary of technical terms or people involved where the Court may need it;
  - (h) use footnotes identifying, with pinpoint footnoted references, the salient references to evidence and authorities so the Court may use them for pre-reading and for subsequent judgment-writing;
  - (i) avoid extensive quotations from documents or evidence;
  - (j) avoid block quotations from authority. Block quotations often detract from an argument. They should be used only where the point cannot be better or more clearly stated. A synopsis must in any event state the specific proposition of law for which the authority stands and identify in a footnote the passages in the authority where it appears;
  - (k) eschew needless citation of authorities – one usually suffices - and evidence. Where there must be more than one footnoted reference to a point, the best reference should be highlighted or hyperlinked.
5. The Court permits counsel to hand up an outline of oral argument at the hearing. That outline is:
- (a) a useful means of structuring argument and referring the Court to salient parts of the synopsis or judgment below or record;
  - (b) not a substitute for the synopsis. It may not introduce any point not taken in the synopsis unless the Court grants leave to do so.

**Stephen Kós P**  
1 February 2019