

Appeals Quick Guide

District Civil, Probate, and Family Cases (Magistrate 7(b))

Duration

About a
Year

Costs

Filing Fee - \$223 to CoA
Appeal Cost Bond - \$250 to DC
Transcripts - Varies. About \$150/hr. in court
Other Parties' Costs - If you lose
Others' Attorney's Fees - Possibly if you lose

Work Load

30 Page Research
Paper

Step by Step

Step 0 – Decide & Prepare

Order and Pay for Transcripts (JDF 4) - in DC & Identify Issues to Appeal

Optional Preparations

File a Motion to Waive Fees (JDF 205 and 206) and/or a Motion to Stay in DC

Step 1 – Give Notice

Let the Court of Appeals know what you are appealing and who is involved.

Notice of Appeal filed in the CoA and with the DC within 49 days of:

1. Final Order (from Judge or Magistrate under 7(b) procedures), or
2. Order denying a Timely Filed Motion for Post-Trial Relief, or
3. Order denying a Petition for Magistrate Review.

Step 2 – Designate the Record

Let the DC know what documents, exhibits and transcripts to certify to the CoA.

File w/in two weeks of the Notice of Appeal in DC and CoA.

Step 3 – Record on Appeal

Sent by the District Court within 13 weeks of the Notice of Appeal.

Not sent if transcripts or appeal cost bond have not been paid.

Steps 4 through 6 – Written Arguments

Your arguments over the issues filed in the CoA.

- 4 - Appellant files Opening Brief (max 9500 words) - w/in 6 weeks of Record.
- 5 - Appellee files Answer Brief (max 9500 words) - w/in 5 weeks of Open. Brief.
- 6 - Appellant files Reply Brief (max 5700 words) - w/in 3 weeks of Answer brief.

Opinion Issued by a 3 Judge Panel

Issued about 3-4 months after final brief is filed.

May then ask if the Colorado Supreme Court will review the case. (Certiorari)

Quick Facts

1. Not a New Trial: you will not be allowed to present new evidence or call witnesses on appeal.
2. An Appeal is a review of the Judge's decisions in your case. Not the conduct of attorneys or witnesses.
3. Issues: the alleged mistakes the District Court made in managing or deciding the case.
4. The Court of appeals will look at the issues to see if there were any errors in the law, or to see if the court's findings were clearly wrong, or if the court abused their discretion.
5. Roles: The appellant is the person who brings the appeal, the appellee is the person who responds to the appeal.
6. Key:

DC – District Court

**CoA – Court of
Appeals**

For more information, contact an attorney or self-help staff at Appeals.SelfHelp@judicial.state.co.us