

Step 1: Notice of Appeal

1. **Purpose:** This is the document that starts your appeal. It gives notice that you intend to appeal and allows the Colorado Court of Appeals to determine if it has the legal authority to review your case.
2. **Deadline:** The Notice of Appeal is generally due 49 days after a final written and signed order by the District Court. When an appeal is due may vary. Please read Colorado Appellate Rule (C.A.R.) 4 to determine the due date in your type of case.
3. **Notice of Cross-Appeal:** If you would like to appeal, and an appeal has already been filed, you may file a “Notice of Cross Appeal” within the time provided in paragraph 2 above or 14 days after the Notice of Appeal was filed, whichever is later.
4. **Formatting:** The Court of Appeals is particular with how documents are formatted. Please adhere to guidelines in C.A.R. 32, including:
 - a. Use Bookman, Garamond, or Times New Roman as your font.
 - b. Use 14-point font size, double line spacing, and include page numbers.
 - c. Do not print/write on both sides of a sheet of paper.
5. **The Form:** use JDF 647 (Domestic or Civil) or JDF 654 (Probate).

Case Caption (Boxes on the 1st Page)

Fill in the parties’ names in the order they appeared in the District Court. The Appellant is the person bringing the appeal. The Appellee is the person responding to the appeal. Title the document “Notice of Appeal”.

Body of the Notice of Appeal

Include the following sections in your Notice of Appeal:

- a. **Nature of the Case:** In **one page or less**, give a brief summary of your case.

b. Jurisdiction:

- i. **Final Order:** List the final Order(s) that you want to appeal and the date(s) the Order(s) was issued.
- ii. **Motion for Post-Trial Relief:** A Motion for Post-Trial Relief under Colorado Rules of Civil Procedure (C.R.C.P.) 59 asks the District Court for a new trial or hearing, to amend its determination of the facts, or to amend its decision. The Motion must be filed within 14 days of the final Order or Judgment.

If a Motion for Post-Trial Relief was filed:

1. State whether there was an extension of time to file the Motion. A Motion for Extension must be filed within 14 days after a Final Order.
2. Write the title of the Motion and the date it was filed.
3. Write the date the Motion was decided.

iii. **Extensions of Time to File the Notice:** State whether the Court of Appeals gave you more time to file the Notice of Appeal.

iv. **Magistrate Review:** State whether the Final Order you are appealing was issued by a Magistrate.

c. Issues on Appeal: List the legal questions you want the Court of Appeals to answer. These are the errors you believe the District Court made in deciding your case. For example:

1. Did the District Court make an error in deciding child support?
2. Did the District Court err in finding that I was underemployed?
3. Did the District Court err in applying section 14-10-124, C.R.S. to determine parental responsibilities?

You will have the opportunity to fully explain and argue all issues in your Opening Brief (see Appeal Steps 5 - 7).

- d. Necessity of Transcripts: State whether you will be purchasing a transcript of a hearing or trial for the appeal. Without an official transcript, the Court of Appeals will have to assume the testimony given at the hearing or trial supported the District Court's findings. If there was no trial or hearing, a transcript will not be necessary. For more information read C.A.R. 10.
- e. Contact Information: List out each party in the case and give their contact information (address, phone, and e-mail address):
 - i. Also state whether the party has an attorney.
 - ii. If the party has an attorney, list the attorney's name, bar registration number, address, phone number, and e-mail address.
- f. Appendix: List the documents you are attaching to the Notice of Appeal. **You must attach:**
 - i. A copy of the Final District Court Order you are appealing.
 - ii. A copy of any timely Motions for Post-Trial Relief.
 - iii. A copy of the District Court's order waiving the filing fee, if any.
- g. Sign and date the Notice of Appeal.

Certificate of Service

You must send a copy of the Notice of Appeal to each party's attorney or directly to the party if they do have an attorney. Certify the date that you sent the Notice of Appeal and how service was made (by mail or in-person). List the addresses you used for each party or attorney in the case, and **include your District Court's address as well**. Be sure to sign the Certificate of Service.

- 6. **Attachments**: Attach a copy of the Final Order you are appealing, any Motions for Post-Trial Relief, and any orders waiving the filing fee. Do not attach exhibits, transcripts, or other documents from your case file.

7. **Filing:** You must file the Notice of Appeal in the Court of Appeals **and** in your District Court case. You may file in-person or by mail. If you file by mail, be aware that post-marked dates do not count toward the filing deadline. Rather, the courts must receive the Notice of Appeal by the filing deadline.

- a. Filing with the Court of Appeals: Include your filing fee of \$223 or an Order from the District Court waving the fee. The address is:

Clerk of the Court of Appeals
2 East 14th Avenue
Denver, CO 80203

- b. Filing with the District Court: Include the Appeal Cost Bond of \$250, unless the District Court doesn't require a bond or the bond was waived.

8. **Be Sure to Read:** Colorado Appellate Rules (C.A.R.) 3, 4, and 32. Colorado Rules of Civil Procedure (C.R.C.P.) 59. You may view these rules at:

<http://www.lexisnexis.com/hottopics/colorado/>

Appeal Steps:

- Step 1: Notice of Appeal - Start of the appeal.**
- Step 2: Designation of Record - Packing list of documents.
- Step 3: Record on Appeal - Case file, exhibits and transcripts.
- Step 4: Opening Brief - Written arguments for the appeal.
- Step 5: Answer Brief - Written response to the appeal.
- Step 6: Reply Brief - Written response to the Answer Brief.
- Step 7: Opinion - The Court of Appeals' decision.

Next Step:

Step 2: Designation of Record - Due 14 days after the Notice of Appeal