

## Step 2: Designate the Record

- 1. Purpose of the Record:** The Court of Appeals is a reviewing court and does not accept new evidence. Therefore, the District Court must send the documents, exhibits, transcripts of the hearing or trial, and orders to the Court of Appeals. These things create the Record on Appeal.
- 2. Purpose of the Designation:** It is important that you file a Designation, with the District Court and the Court of Appeals, so that the District Court will send the Record on Appeal to the Court of Appeals. The Designation of Record is a list of the documents that you want included in the Record on Appeal.
- 3. Deadline:** Within 14 Days after filing the Notice of Appeal.
- 4. Response Designation:** If you are responding to an appeal, and there are additional items you would like included in the Record on Appeal that the appellant has not designated, you may file your own “Designation of Record” within 14 days after the Appellant’s designation.
- 5. The Form:** use JDF 648 (Domestic or Civil) or JDF 655 (Probate).

### Case Caption (Boxes on the 1<sup>st</sup> 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 “Designation of Record.”

### Body of the Designation of Record

Include the following sections in your Designation of Record:

- a. Documents:** You may either list the specific documents from the District Court’s case file (Title & Date Filed), and the specific exhibits submitted at the hearing or trial (Title & Exhibit Number) you would like sent,

or, if you would like the entire case file and every exhibit sent, write:

- i. All documents and any attachments filed in the case.
- ii. All hearing or trial exhibits.
- iii. All judgments and Orders of the court, including minute orders.
- iv. All jury materials including the instructions, verdict, and answers to any special interrogatories, if any.

b. Transcripts: List the transcripts you purchased to be a part of the Record on Appeal. For each transcript include:

- i. The name of the District Court event that was transcribed.
- ii. The date and time of the event.
- iii. The name of the court reporter who transcribed the event. Or, if the event was recorded, write “Electronically Recorded.” You may need to contact the District Court to get the reporter’s name or find out if the event was electronically recorded instead.

Example:

1. Trial Day 1 - July 1, 2017 beginning at 9:30 am. Electronically Recorded.
2. Trial Day 2 - July 2, 2017 beginning at 10 am. Reporter: Ms. I. Typefyst.

c. Sign and Date the Designation of Record.

### Certificate of Service

You must send a copy of the Designation of Record to each party’s attorney or directly to the party if they do not have an attorney. Provide a copy to each court reporter you listed as well. Certify the date that you sent the Designation of Record and how service was made (by mail or in-person). List the addresses you used for each party, include the **District Court’s address and list the court reporter(s) name and address(es)**.

**6. Filing:** You must file the Designation of Record in your Court of Appeals case **and** in your District Court case.

You may file your Designation of Record with those courts in-person or by mail. If you file by mail, know that post-marked dates do NOT count toward filing deadlines.

The address for the Court of Appeals is:

2 East 14th Avenue  
Denver, CO 80203

7. **Transcripts:** If you haven't already, you will need to order and pay in advance for any transcripts that you listed in your Designation of Record. Fill out [JDF 4 – Transcript Request Form](#) and submit it to the District Court. The transcriptionist should then be in contact with you within a few weeks to tell you the price for the transcript and your payment options. The costs of transcripts may not be waived in civil cases.
8. **Be Sure to Read:** Colorado Appellate Rule (C.A.R.) 10 and 11. You may view this and other court 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 3: Record on Appeal – District Court sends within 13 weeks of the Notice.