

What's New in this Edition

Several years ago, the Rules of Appellate Procedure Committee began a complete review and revision of the appellate rules. That process is nearly complete now in 2018, and has resulted in a number of changes in appellate procedure. Those changes triggered the need to update this book to reflect the changes in the Rules.

Some of the changes are well-established now, such as the “rule of seven” for calculating deadlines. The rule of seven bases deadlines on one week, or seven days, making it easier to calculate deadlines based on 1, 2, or more weeks.

The process for appealing in dependency and neglect cases has been updated based on input from practitioners in that field. See revised C.A.R. 3.4.

Some rules have been revised to clarify procedures. There is now a separate rule on cross-appeal briefs, C.A.R. 28.1, so the practitioner doesn't have to wade through all the information in the rule on briefs to sort out what is applicable to a cross-appeal. There is also a separate rule for amicus briefs.

C.A.R. 10, record on appeal, has changed dramatically. It defines the record as everything filed in the trial court up to the date of filing the notice of appeal. The appellate doesn't have to designate the record, only the desired transcripts. There is a form for designation of transcripts to walk the practitioner through what is required. If the record isn't ready at the due date, the district court appeals clerk is required to seek an extension of time with the appellate court. The practitioner now needs to take care only of designating and paying for the transcripts.

A number of official forms have been adopted by the Judicial Branch, and are updated as needed to refine processes. The practitioner should always check www.courts.state.co.us to ensure use of the current forms.