

Preface

Probably the biggest change to appellate practice this year has been the adoption of completely new magistrate rules, effective January 2, 2026

The new magistrate rules affect appellate practice by addressing the path of review of magistrate orders. The definition of what magistrate rules are final remain unchanged, which continues the challenge to determining when to seek review. If the order decides an issue or claim, it is subject to appeal via a petition for magistrate review. However, for the first time, now motions for reconsideration are authorized. The authority to reconsider is limited to C.R.C.P. 121, § 1-5(11) and C.R.C.P. 60(a) motions, and does not include C.R.C.P. 59. Now the deadline for a petition for review has been extended to 28 days, with little possibility for extensions of time. Further details are in § 4:15.

The Court of Appeals adopted its new policy for record and authority citations to address the problem of “squishing” citations to get within the word count in briefs. That new policy is reproduced in § 13:15.

As I have spent time reviewing appellate practice over the last year, I have been reminded of how often we get involved in the minutiae of legal practice. It has made me reflect on the ideals that caused me to pursue a career in law and how society is currently debating application of the rule of law, what is justice, and how to implement fairness in applying the rule of law. I see society struggling to reconcile conflicting views on how to achieve these principles and see a need for us all to step back long enough to ensure that we have thought through how our small actions influence the advancement of those principles of fairness, the rule of law, and justice.

Twenty-six years ago, I opened a solo practice devoted to appellate practice. In these twenty-six years, I have won some and lost some cases. It's been a roller coaster, with periods of thinking important issues have been brought forward and other times addressing more routine matters. In the past year, a handful of my clients have reminded me that the appellate work matters deeply and shapes their lives. As a result, I am recommitted to striving to pursue justice and fairness in litigation.