

Table of Contents

PART I. OVERVIEW

CHAPTER 1. OVERVIEW OF APPELLATE PRACTICE

§ 1:1 Overview

CHAPTER 2. OVERVIEW OF THE COLORADO COURT SYSTEM, THE SELECTION OF JUDGES, AND APPELLATE JURISDICTION

§ 2:1 The Colorado court system and lower courts

§ 2:3 Selection of judges

§ 2:4 Court of Appeals: overview of the court

§ 2:6 Supreme Court: overview of the court

§ 2:12 Map of Colorado counties and judicial districts

PART II. BEFORE APPEALING

CHAPTER 3. PRESERVING ISSUES FOR APPEAL

§ 3:1 Overview

§ 3:2 Preserving issues for appeal: claims, defenses, and legal theories

§ 3:19 Limitations on appellate jurisdiction: standing to appeal

§ 3:21 Preserving issues on appeal: trial court's *sua sponte* ruling
[New]

CHAPTER 4. FINAL JUDGMENTS

§ 4:1 Overview of finality

§ 4:3 Substantive requirements

§ 4:5 Appeals from administrative agencies

§ 4:6 Agency appeals direct to court of appeals

§ 4:9 Dissolution of marriage

§ 4:12 Dependency and neglect

§ 4:15 Magistrates' orders

§ 4:19 Criminal cases

§ 4:20 Examples of non-final orders

§ 4:22 Postjudgment orders

CHAPTER 5. EXCEPTIONS TO FINALITY BY STATUTE OR RULE

- § 5:4 Criteria for Colorado Rule of Civil Procedure: Rule 54(b)
certification
- § 5:5 Contempt
- § 5:10 Arbitration
- § 5:14 Case law exceptions
- § 5:17 Interlocutory appeals in criminal cases
- § 5:18 Appeal of grant or denial of class certification
- § 5:20 Appeal of Anti-SLAPP special motions to dismiss *[New]*
- § 5:21 Appeals of mental health order pursuant to § 27-65-114 *[New]*

CHAPTER 6. POST-TRIAL MOTIONS

- § 6:15 Motions for attorneys' fees and costs

CHAPTER 7. STAY OF JUDGMENT

- § 7:5 Supersedeas bond
- § 7:9 Stays in criminal cases

PART III. APPEALS TO THE DISTRICT COURTS

CHAPTER 8. APPEALS FROM COUNTY AND MUNICIPAL COURTS

- § 8:2 Civil appeals from county courts
- § 8:8 Colorado Rules of Civil Procedure: Rule 106

CHAPTER 9. APPEALS FROM ADMINISTRATIVE AGENCIES

- § 9:1 Overview
- § 9:2 Administrative Procedure Act

CHAPTER 10. PROCEDURE IN DISTRICT COURT APPEALS

- § 10:3 Briefing

PART IV. APPEALS TO THE COURT OF APPEALS

CHAPTER 12. NOTICE OF APPEAL

- § 12:1 Overview
- § 12:3 Extension for filing notice of appeal
- § 12:8 Criminal appeals
- § 12:11 Docket fee
- § 12:12 Contents of a notice of appeal
- § 12:14 Cost bond

TABLE OF CONTENTS

CHAPTER 13. RECORD ON APPEAL

- § 13:2 Designation of transcripts
- § 13:8 Supplementing or completing the record
- § 13:15 Citing the record

CHAPTER 14. MOTIONS PRACTICE

- § 14:8 Motions concerning representation by counsel
- § 14:13 Withdrawal of counsel
- § 14:19 Requests for attorneys' fees
- § 14:23 Dismissal
- § 14:42 Oral argument

PART V. APPEALS TO THE SUPREME COURT

CHAPTER 15. SUPREME COURT ORIGINAL PROCEEDINGS

- § 15:4 Colorado Appellate Rule 21
- § 15:7 Initiating an original proceeding
- § 15:8 Form and content of the petition
- § 15:9 Furnishing the record
- § 15:10 Service upon the respondent and interested parties
- § 15:16 Amicus briefs *[New]*

CHAPTER 16. PETITIONS FOR CERTIORARI

- § 16:1 Jurisdiction
- § 16:2 Considerations regarding petition for rehearing before filing a petition for certiorari
- § 16:3 Timing
- § 16:5 Form of petition and cross-petition for writ of certiorari
- § 16:6 Criteria for granting or denying certiorari: writing a persuasive petition
- § 16:7 Briefs on petitions for certiorari
- § 16:8 The Supreme Court's consideration of petitions for certiorari
- § 16:9 Briefing and argument on the merits once the Supreme Court accepts a case

CHAPTER 17. POLICIES AND PRACTICES IN THE SUPREME COURT

- § 17:2 Initiating actions
- § 17:3 The record in the Supreme Court

PART VI. STANDARDS OF REVIEW, BRIEFS, AND ORAL ARGUMENT

CHAPTER 18. ERROR AND STANDARDS OF REVIEW

- § 18:4 Questions of fact: “clearly erroneous” standard of review
- § 18:9 Harmless error and structural error
- § 18:10 Plain error

CHAPTER 19. APPELLATE BRIEFS

- § 19:1 Role of appellate briefs
- § 19:3 Service and filing of briefs
- § 19:6 Technical and style requirements
- § 19:9 Certificate of compliance
- § 19:19 Argument section—Opening briefs
- § 19:26 Briefs in cases involving multiple appellants or appellees
- § 19:28 Amicus briefs

CHAPTER 20. ORAL ARGUMENT

- § 20:9 Remote arguments in Court of Appeals *[New]*

PART VII. OPINION AND MANDATE

CHAPTER 22. PETITION FOR REHEARING

- § 22:1 Overview

CHAPTER 23. MANDATE

- § 23:1 Effect of mandate

CHAPTER 24. COSTS, SANCTIONS, FEES AND INTEREST

- § 24:2 Costs in the appellate courts
- § 24:5 Interest
- § 24:6 Release of bonds

Table of Laws and Rules

Table of Cases

Index