

**Answers  
To Your Questions  
About**

**Filing an  
Appeal**



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## WHAT IS AN APPEAL?

An appeal is a legal proceeding that is brought by a party to a case, asking the court to review the final orders that were entered by the trial court or the final order of a state agency. If you plan to file an appeal, you must file it in the appropriate appellate court (as discussed below under “Where Should I Appeal?”).

An appeal is a formal review of the trial court record or the state agency proceedings. However, it is not a new trial before the appellate court. You may not present new evidence or witnesses.

After the record is prepared and transmitted to the appellate court, the parties will file legal briefs and the case will be submitted to the court for review. The court will then issue a written opinion either affirming or reversing the judgment of the trial court or the final order of the agency. The appellate court also may send the case back to the trial court or state agency for a new trial or additional proceedings.

You have the right to file an appeal *pro se* (without being represented by an attorney). However, appeals are complex and usually require the help of an attorney to present the appropriate legal arguments in the proper form. The arguments in your appeal must be based on the law as expressed in statutes and prior published opinions of the courts.

The procedures for filing an appeal are outlined in the Colorado Appellate Rules (C.A.R.), which are included in the Colorado Revised Statutes, Volume 12, Chapter 32. These rules should be the first source of reference for questions concerning your appeal. Printed versions of the Colorado Revised Statutes are available in the reference section of public libraries, and some state courts have law libraries that are open to the public. You can also access the statutes online through the Judicial Branch website: [www.courts.state.co.us](http://www.courts.state.co.us) (click on Legal Research, then on Colorado Statutes, then on Chapter 32).

## WHERE SHOULD I APPEAL?

If you are considering an appeal of your case, it is vital to determine the proper court in which to file your appeal. Here are some general rules that will help you decide whether your appeal is properly filed in the district court, the Colorado Court of Appeals, or the Colorado Supreme Court:

- **COUNTY OR MUNICIPAL COURT CASES:** To appeal a county or municipal court case, you must first appeal to the district court in your county and then to the supreme court.
- **DISTRICT COURT CASES:** Generally, the court of appeals is the proper court in which to file an appeal from final judgments of Colorado’s district courts, the probate court of the City & County of Denver, and the juvenile court of the City & County of Denver.

However, in the following types of cases, you may properly file an appeal from a district court directly in the supreme court:

- ▶ Cases in which a statute, municipal charter provision, or ordinance has been declared unconstitutional;
- ▶ Cases involving writs of habeas corpus;
- ▶ Cases concerning decisions or action of the Public Utilities Commission;
- ▶ Water cases involving priorities or adjudications; and
- ▶ Criminal cases involving the imposition of the death sentence.

- **STATE AGENCY CASES:** Following proceedings before a state agency, the district court is usually the proper court to review the agency action. However, the court of appeals does have initial judicial review of certain agencies, such as the Industrial Claim Appeals Office. A complete list of those agencies is included in Colorado Revised Statutes § 13-4-102(2).

## HOW MUCH TIME DO I HAVE TO FILE AN APPEAL?

The time limitations for filing an appeal vary by court and, in some instances, by the type of case you are appealing. For example:

- If you are appealing a county court decision to the district court, you must file your appeal within **15 days** after entry of judgment from the county court.
- If you are appealing a district court decision in a case involving a civil, criminal, domestic relations, juvenile, or probate matter, you must file your appeal in the Colorado Court of Appeals within **45 days** after entry of judgment from the district court.
- If you want to appeal a final order of the Industrial Claim Appeals Office, including workers' compensation and unemployment cases, you must file your appeal within **20 days** after the final order.

## WILL IT COST ME TO APPEAL?

There are fees that are required when you file an appeal at any level.

- The fees to appeal from county court to district court may vary. Current filing fees are published in a brochure entitled "Filing Fees and Costs in Colorado State Courts," available on the Judicial Branch website at [www.courts.state.co.us](http://www.courts.state.co.us) (scroll down the left-hand side to Forms & Self-Help, then click on Pamphlets), or by calling the Court Services Division of the State Court Administrator's Office at (303) 861-1111 or (800) 888-0001.
- The cost to file an appeal in either the court of appeals or the supreme court is \$150 for the petitioner (appellant) and \$75 for the respondent (appellee).
- The filing fees may be waived for indigent persons. See the Appellate Checklist, discussed below.

## WHAT OTHER HELP IS AVAILABLE IF I DECIDE TO FILE THE APPEAL MYSELF?

The Colorado Court of Appeals has compiled a thorough checklist of the appellate process for people who are planning to file an appeal. The Appellate Checklist is available on the Judicial Branch website: [www.courts.state.co.us](http://www.courts.state.co.us), click on Court of Appeals,

then on Articles and Publications. Printed copies also are available from the court of appeals in the Colorado Judicial Building, 2 East 14th Avenue, Denver.

The following list of questions and Appellate Rules references will also be helpful when you are ready to file your appeal. All of the steps below are essential in the appellate process:

1. Is the notice of appeal timely? C.A.R. 4(a).
2. Did you include a copy of the trial court judgment or order being appealed? C.A.R. 3(d)(7).
3. Is the judgment or order being appealed in writing, dated, and signed by the trial judge? C.R.C.P. 58(a).
4. Did you file the appropriate number of copies? C.A.R. 3(I).
5. Did you pay the docket fee? C.A.R. 12.
6. Did you prepare a designation of record? C.A.R. 10(b).
7. Did you make arrangements for payment for a transcript (if there was a hearing) with the court reporter based on your designation of record? C.A.R. 10(b).
8. Did you mail a copy of the designation of record to the trial court, court reporter, and the opposing party? C.A.R. 10(b).
9. Did you include all the information required to be contained in the notice of appeal? C.A.R. 3.
10. Did you mail a copy of the notice of appeal to all parties in the case, including the trial court? C.A.R. 25.

**This brochure is published as a customer service by the Colorado Judicial Branch. For more information about the appellate process, call the appropriate appellate court as described in this brochure: the district court in your county; the Colorado Court of Appeals at (303) 837-3785; or the Colorado Supreme Court at (303) 837-3790.**