

Rule Change 2003(23)

COLORADO APPELLATE RULES

CHAPTER 32

Rule 39.5. (New) Attorney Fees on Appeal

If attorney fees are otherwise recoverable for the particular appeal, the party claiming attorney fees shall specifically request them, and state the legal basis therefore, in the party's principal brief in the appellate court. Any opposition to a request for attorney fees shall be set forth, as pertinent, in either the answer or reply brief. The appellate court may determine entitlement to and the amount of any attorney fees for the appeal. In its discretion, the appellate court may remand to the trial court or tribunal below the determination of entitlement to or the amount of any attorney fees.

Adopted by the Court, En Banc, December 4, 2003, effective January 1, 2004.

BY THE COURT:

**Nancy E. Rice
Justice, Colorado Supreme Court**