

RULE CHANGE 2025(02)

THE COLORADO APPELLATE RULES

Rules 3.1, 3.4, 8.1, 9, 25, 27, 30, 39.1, 52, 53

Rule 3.1. Appeals from Industrial Claim Appeals Office

(a) Notice of Appeal. Appeals from orders and awards of the Industrial Claim Appeals Office will be in the manner and within the time prescribed by statute. Self-represented litigants in unemployment cases may use JDF 664 to file a combined notice of appeal and opening brief.

~~(ab) How Taken Record.~~ Appeals from orders and awards of the Industrial Claim Appeals Office shall be in the manner and within the time prescribed by statute. On appeal from orders and awards entered upon review of cases determined by the Industrial Claim Appeals Office, the record of the proceedings will ~~shall~~ be arranged in chronological order, ~~with all duplicates omitted~~. The record shall be properly paginated and fully indexed ~~and bound~~ by the agency.

(bc) Briefing. 14 days after ~~return~~ filing of the record, the appellant ~~must shall~~ file an opening brief. Within 14 days after service of the opening brief, the appellee ~~may shall~~ file an answer brief. Within 7 days after service of the answer brief, the appellant may file a reply brief. ~~Briefs may be printed, typewritten, mimeographed, or otherwise reproduced in conformity with the provisions of C.A.R. 28. If a self-represented litigant files a combined notice of appeal and opening brief, then the answer brief is due 14 days after filing of the record. Briefs must comply with the provisions of C.A.R. 28 and C.A.R. 32.~~

(ed) Priority of Industrial Claim Appeals Office Cases. All appeals from the Industrial Claim Appeals Office ~~will shall~~ have precedence over any civil cause of a different nature pending in said court, and the ~~C~~ourt of Appeals ~~will shall~~ always be deemed open for the determination thereof, and ~~will shall~~ be determined by the ~~C~~ourt of Appeals in the manner as provided for other appeals.

(de) Contents of Notice of Appeal from the Industrial Claim Appeals Office Directly to the Court of Appeals. The notice of appeal ~~must shall~~ set forth:

(1) - (6) [NO CHANGE]

Rule 3.4. Appeals From Proceedings in Dependency or Neglect

(a) – (d) [NO CHANGE]

(e) Transmission of Record.

(1) Within 42 days after the filing of JDF 545, the record, composed as set forth in subsection (d), must be transmitted to the court of appeals in accordance with C.A.R. 10(c).

(2) The ~~appellant~~ trial court may request an extension of time of no more than 14 days in which to file the record, which will be granted only upon a showing of good cause. If a request of more than 14 days is based on a court reporter's or transcriber's inability to complete the transcript, it must be supported by an affidavit of the reporter, transcriber, managing court reporter, or clerk of the trial court.

(f) - (o) [NO CHANGE]

Rule 8.1. Stays of Execution in Criminal Cases

(a) Stay of Execution.

(1) **Death.** A sentence of death ~~shall~~will be stayed upon the filing of a notice of appeal.

(2) **Imprisonment.** A sentence of imprisonment ~~shall~~will be stayed if a notice of appeal is filed and a defendant elects, through written notice, not to commence service of the sentence or is admitted to bail. Any stay of a sentence of imprisonment will be for not ~~The sentencing court shall, upon written notice of the defendant for a stay and stating that he intends to seek review, stay a sentence of imprisonment but for not~~ more than sixty-three days unless if the defendant is ~~not~~ admitted to bail.

(3) **Fine.** A sentence to pay a fine or a fine and costs may be stayed by the trial court upon such terms as the trial court deems proper if a notice of appeal is filed. The trial court may require the defendant to deposit the whole or any part of the fine and costs in the registry of the trial court or to give bond for the payment thereof, or to submit to an examination of assets, and it may make an appropriate order to restrain the defendant from dissipating ~~his~~ assets.

(4) **Probation.** An order placing the defendant on probation shall remain in effect pending review by an appellate court unless the trial court grants a stay of probation under section 16-4-201, C.R.S.

~~(b) **Bail.** Admission to bail pending the determination of review as provided in Rule 46, Crim. P.~~

~~(c) **Application for Relief Pending Review.** If an application is made to an appellate court, or justice or judge thereof, for bail pending review or for an extension of time for filing the record or for any other relief which might have been granted by the trial court, the application shall be upon notice and shall show that application to the court below or a judge thereof is not practicable or that application has been made and denied, with the reasons given for the denial, or that the lower court action on the application did not afford the relief to which the applicant considers himself entitled.~~

Rule 9. Bail or Appeal Bond ~~Release~~ in Criminal Cases

~~(a) Appeals from Orders Respecting Release Entered Prior to a Judgment of Conviction. An appeal authorized by law from an order refusing or imposing conditions of release shall be determined promptly. Upon entry of an order refusing or imposing conditions of release, the trial court shall state in writing the reasons for the action taken. The appeal shall be heard without the necessity of briefs after reasonable notice to the appellee upon such papers, affidavits, and portions of the record as the parties shall present. An appellate court, or justice or judge thereof, may order the release of the appellant pending the appeal.~~

~~(b) Release Pending Appeal from a Judgment of Conviction. Application for release after a judgment of conviction shall be made in the first instance in the trial court. If the trial court refuses release pending appeal, or imposes conditions of release, the court shall state in writing the reasons for the action taken. Thereafter, if an appeal is pending, a motion for release, or for modification of the conditions of release, pending review may be made to an appellate court, or justice or judge thereof. The motion shall be determined promptly upon such papers, affidavits, and portions of the record as the parties shall present and after reasonable notice to the appellee. An appellate court, or justice or judge thereof, may order the release of the appellant pending disposition of the motion.~~

(a) Appellate review of terms and conditions of bail or appeal bond are allowed pursuant to the procedures set forth in section 16-4-204, C.R.S.

(b) Section 16-4-205, C.R.S. provides when the appellate court may fix the appeal bond.

Rule 25. Filing and Service

(a) **Filing.** Documents required or permitted to be filed in the appellate court must be filed with the clerk. Filing may be accomplished by ~~E-~~Filing pursuant to C.A.R. 30, by mail addressed to the clerk, or by hand delivery to the clerk's office. Pursuant to C.A.R. 30(c)(1), attorneys licensed to practice law in Colorado must use the E-System when filing in the appellate courts. The date of filing of documents is the date they are received by the clerk regardless of method of filing.

(b) - (d) [NO CHANGE]

(e) **Certificate Proof of Service.** Documents presented for filing must include ~~contain an acknowledgment of service by the person served or proof a certificate of service, which in the form of is~~ a statement certified by the person who made the service containing the following information: ~~of the date and manner of service and of the names of the persons served, certified by the person who made service.~~ Regardless of the manner of service, a postal address for self-represented parties must be included in the certificate of service. ~~Proof~~ The certificate of service may must appear on or be affixed part of or attached to the documents filed. The clerk may permit documents to be conditionally filed without ~~acknowledgment or proof a certificate of service~~ but will require ~~such a certificate of service~~ to be filed promptly thereafter.

COMMENTS

2024

E-Filing policies of the supreme court and the court of appeals are available on the appellate courts' website.

Rule 27. Motions

(a) In General.

(1) Application for Relief. An application for an order or other relief must be made by filing a motion, unless these rules prescribe another form.

(2) Content and Service of Motion.

(A) - (C) [NO CHANGE]

(i) - (iii) [NO CHANGE]

(D) Service. The motion must be served on all other parties pursuant to Rule 25. A motion to consolidate an appeal with another appeal must be served on all parties in both appeals.

(3) Response to Motion.

(A) Time to File. Any party may file a response in opposition to a motion, other than a motion for a procedural order pursuant to section (b) of this rule. The response must be filed within 7 days after service of the motion unless the court shortens or extends the time. In its discretion, the court may act on a motion authorized by Rule 8, 8.1, 9, or 41 before the 7 day period runs.

[No reply to the response is authorized without order of the court.](#)

(B) [NO CHANGE]

(b) - (e) [NO CHANGE]

Rule 30. E-Filing

(a) - (b) [NO CHANGE]

(c) **To Whom Applicable.**

(1) Attorneys licensed to practice law in Colorado may register to use the E-System and must use the E-System when filing in the appellate courts.

(2) Where the system and necessary equipment are in place to permit it, pro se parties and government entities and agencies may register to use the E-System.

(d) E-Filing-Date and Time of Filing. A document transmitted to the E-System Provider by 11:59 p.m. Colorado time is shall be deemed to have been filed with the clerk of the court on that date.

(e) E-Service--When Required--Date and Time of Service. Documents submitted to the court through E-Filing are shall be served under C.A.R. 25 by E-Service. A document transmitted to the E-System Provider for service by 11:59 p.m. Colorado time is shall be deemed to have been served on that the date transmitted.

(f) Filing Party to Maintain the Signed Copy-Paper Document Not to Be Filed-Duration of Maintaining of Document. A printed or printable copy of an E-Filed or E-Served document with original or scanned signatures must shall be maintained by the filing party and made available for inspection by other parties or the court upon request, but shall will not be filed with the court. When these rules require a party to maintain a document, the filer is required to maintain the document for a period of two years after the final resolution of the action, including the final resolution of all appeals.

(g) – (h) [NO CHANGE]

(i) Transmitting of Orders, Notices, Opinions and Other Court Entries. Appellate courts wi shall distribute orders, notices, opinions, and other court entries using the E-System in cases where E-Fileings were received from any party.

(j) Form of E-Filed Documents. All E-Filed documents must shall comply with all the form requirements as to form contained within these rules.

(k) E-Filing ~~May be Mandated for Attorneys.~~ The All attorneys licensed to practice law in Colorado must use the E-System when filing in the appellate courts. ~~Chief Justice may mandate, or, with the permission of the Chief Justice, the Chief Judge of the court of appeals may mandate E-Filing for specific case classes or types of cases. An appellate justice or judge may mandate E-Filing and E-Service for a specific case for submitting documents to the court and serving documents on case parties. Where E-Filing is mandatory, the court may thereafter accept a document in paper form, scan it, and the court shall scan the document and upload it to the E-Service Provider. After notice notifying to an attorney that all future documents are to must be E-Filed, the court may charge a fee of \$50 per document for scanning and uploading services. for the service, of scanning and uploading a document filed in paper form. Where E-Filing and E-Service are mandatory an appellate justice or judge may~~

~~exclude pro se Self-represented parties~~ represented parties are excluded from mandatory E-Filing and E-Service requirements.

(l) [NO CHANGE]

(m) Form of Electronic Documents.

(1) *Electronic Document Format, Size and Density.* Electronic document format, size, and density ~~shall~~ will be as specified by Chief Justice Directive # 11-01, as amended.

(2) - (3) [NO CHANGE]

COMMENTS

2024

E-Filing policies of the supreme court and the court of appeals are available on the appellate courts' website.

Rule 39.1. Attorney Fees on Appeal

If attorney fees are recoverable for the appeal, the principal brief of the party claiming attorney fees must include a specific request, under a separate heading, and must explain the legal and factual basis for an award of attorney fees. Mere citation to this rule or to a statute, without more, does not satisfy the legal basis requirement. Any opposition to a request for attorney fees, and the legal and factual basis for the opposition, must be set forth in either the answer or reply brief, as appropriate. In its discretion, the appellate court may determine entitlement to and the amount of an award of attorney fees for the appeal, or may remand those determinations to the lower court or tribunal.

Rule 52. Review on Certiorari--Time for Petitioning

(a) [NO CHANGE]

(b) **Time to File.**

(1) In General. Except as provided in subsections (2) and (3) of this rule, a petition for writ of certiorari must be filed within 42 days after entry of the judgment on appeal if no petition for rehearing is filed. If a petition for rehearing is filed, the petition for writ of certiorari must be filed within 28 days after the intermediate appellate court's denial of the petition for rehearing. No certiorari proceeding may be initiated in the supreme court until the time for filing a petition for rehearing in the intermediate appellate court has expired. [A timely filed petition for writ of certiorari or a timely filed motion for extension of time to file a petition for writ of certiorari transfers jurisdiction from the court of appeals to the supreme court.](#)

(2) - (3) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 53. Petition for Writ of Certiorari and Cross-Petition for Writ of Certiorari

(a) – (g) NO CHANGE

(h) Filing and Service. Filing and service must be in the same manner as provided in C.A.R. 25 and must be made in the supreme court. Any party initiating a certiorari proceeding must serve every party that participated in the underlying proceeding.

Rule 3.1. Appeals from Industrial Claim Appeals Office

(a) Notice of Appeal. Appeals from orders and awards of the Industrial Claim Appeals Office will be in the manner and within the time prescribed by statute. Self-represented litigants in unemployment cases may use JDF 664 to file a combined notice of appeal and opening brief.

(b) Record. On appeal from orders and awards entered upon review of cases determined by the Industrial Claim Appeals Office, the record of the proceedings will be arranged in chronological order. The record shall be properly paginated and fully indexed by the agency.

(c) Briefing. 14 days after filing of the record, the appellant must file an opening brief. Within 14 days after service of the opening brief, the appellee may file an answer brief. Within 7 days after service of the answer brief, the appellant may file a reply brief. If a self-represented litigant files a combined notice of appeal and opening brief, then the answer brief is due 14 days after filing of the record. Briefs must comply with the provisions of C.A.R. 28 and C.A.R. 32.

(d) Priority of Industrial Claim Appeals Office Cases. All appeals from the Industrial Claim Appeals Office will have precedence over any civil cause of a different nature pending in said court, and the court of appeals will always be deemed open for the determination thereof, and will be determined by the court of appeals in the manner as provided for other appeals.

(e) Contents of Notice of Appeal from the Industrial Claim Appeals Office Directly to the Court of Appeals. The notice of appeal must set forth:

(1) - (6) [NO CHANGE]

Rule 3.4. Appeals From Proceedings in Dependency or Neglect

(a) – (d) [NO CHANGE]

(e) Transmission of Record.

(1) Within 42 days after the filing of JDF 545, the record, composed as set forth in subsection (d), must be transmitted to the court of appeals in accordance with C.A.R. 10(c).

(2) The trial court may request an extension of time of no more than 14 days in which to file the record, which will be granted only upon a showing of good cause. If a request of more than 14 days is based on a court reporter's or transcriber's inability to complete the transcript, it must be supported by an affidavit of the reporter, transcriber, managing court reporter, or clerk of the trial court.

(f) - (o) [NO CHANGE]

Rule 8.1. Stay of Execution in Criminal Cases

(a) Stay of Execution.

(1) **Death.** A sentence of death will be stayed upon the filing of a notice of appeal.

(2) **Imprisonment.** A sentence of imprisonment will be stayed if a notice of appeal is filed and a defendant elects, through written notice, not to commence service of the sentence or is admitted to bail. Any stay of a sentence of imprisonment will be for not more than sixty-three days unless the defendant is admitted to bail.

(3) **Fine.** A sentence to pay a fine or a fine and costs may be stayed by the trial court upon such terms as the trial court deems proper if a notice of appeal is filed. The trial court may require the defendant to deposit the whole or any part of the fine and costs in the registry of the trial court or to give bond for the payment thereof, or to submit to an examination of assets, and it may make an appropriate order to restrain the defendant from dissipating assets.

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- (a) Appellate review of terms and conditions of bail or appeal bond are allowed pursuant to the procedures set forth in section 16-4-204, C.R.S.
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(b) - (d) [NO CHANGE]

(e) Certificate of Service. Documents presented for filing must include a certificate of service, which is a statement certified by the person who made the service containing the following information: the date and manner of service and the names of the persons served. Regardless of the manner of service, a postal address for self-represented parties must be included in the certificate of service. The certificate of service must be part of or attached to the documents filed. The clerk may permit documents to be conditionally filed without a certificate of service but will require a certificate of service to be filed promptly thereafter.

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(2) Content and Service of Motion.

(A) - (C) [NO CHANGE]

(i) - (iii) [NO CHANGE]

(D) Service. The motion must be served on all other parties pursuant to Rule 25. A motion to consolidate an appeal with another appeal must be served on all parties in both appeals.

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(A) Time to File. Any party may file a response in opposition to a motion, other than a motion for a procedural order pursuant to section (b) of this rule. The response must be filed within 7 days after service of the motion unless the court shortens or extends the time. In its discretion, the court may act on a motion authorized by Rule 8, 8.1, 9, or 41 before the 7 day period runs. No reply to the response is authorized without order of the court.

(B) [NO CHANGE]

(b) - (e) [NO CHANGE]

Rule 30. E-Filing

(a) - (b) [NO CHANGE]

(c) To Whom Applicable.

(1) Attorneys licensed to practice law in Colorado may register to use the E-System and must use the E-System when filing in the appellate courts.

(2) Where the system and necessary equipment are in place to permit it, pro se parties and government entities and agencies may register to use the E-System.

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(e) E-Service--When Required--Date and Time of Service. Documents submitted to the court through E-Filing are served under C.A.R. 25 by E-Service. A document transmitted to the E-System Provider for service by 11:59 p.m. Colorado time is deemed to have been served on the date transmitted.

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(g) – (h) [NO CHANGE]

(i) Transmitting of Orders, Notices, Opinions and Other Court Entries. Appellate courts will distribute orders, notices, opinions, and other court entries using the E-System in cases where E-Filings were received from any party.

(j) Form of E-Filed Documents. All E-Filed documents must comply with all the form requirements contained within these rules.

(k) E-Filing Mandated for Attorneys. All attorneys licensed to practice law in Colorado must use the E-System when filing in the appellate courts. Where E-Filing is mandatory, the court may accept a document in paper form, scan it, and upload it to the E-Service Provider. After notifying an attorney that all future documents must be E-Filed, the court may charge a fee of \$50 per document for scanning and uploading services.. Self-represented parties are excluded from mandatory E-Filing and E-Service requirements.

(l) [NO CHANGE]

(m) Form of Electronic Documents.

(1) *Electronic Document Format, Size and Density.* Electronic document format, size, and density will be as specified by Chief Justice Directive # 11-01, as amended.

(2) - (3) [NO CHANGE]

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E-Filing policies of the supreme court and the court of appeals are available on the appellate courts' website.

Rule 39.1. Attorney Fees on Appeal

If attorney fees are recoverable for the appeal, the principal brief of the party claiming attorney fees must include a specific request, under a separate heading, and must explain the legal and factual basis for an award of attorney fees. Mere citation to this rule or to a statute, without more, does not satisfy the legal basis requirement. Any opposition to a request for attorney fees, and the legal and factual basis for the opposition, must be set forth in either the answer or reply brief, as appropriate. In its discretion, the appellate court may determine entitlement to and the amount of an award of attorney fees for the appeal or may remand those determinations to the lower court or tribunal.

Rule 52. Review on Certiorari--Time for Petitioning

(a) [NO CHANGE]

(b) Time to File.

(1) In General. Except as provided in subsections (2) and (3) of this rule, a petition for writ of certiorari must be filed within 42 days after entry of the judgment on appeal if no petition for rehearing is filed. If a petition for rehearing is filed, the petition for writ of certiorari must be filed within 28 days after the intermediate appellate court's denial of the petition for rehearing. No certiorari proceeding may be initiated in the supreme court until the time for filing a petition for rehearing in the intermediate appellate court has expired. A timely filed petition for writ of certiorari or a timely filed motion for extension of time to file a petition for writ of certiorari transfers jurisdiction from the court of appeals to the supreme court.

(2) - (3) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 53. Petition for Writ of Certiorari and Cross-Petition for Writ of Certiorari

(a) – (g) NO CHANGE

(h) Filing and Service. Filing and service must be in the same manner as provided in C.A.R. 25 and must be made in the supreme court. Any party initiating a certiorari proceeding must serve every party that participated in the underlying proceeding.

Amended and Adopted by the Court, En Banc, January 9, 2025, effective immediately.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**