

Rule Change #2005(6)

CHAPTER 32

COLORADO APPELLATE RULES

Rule 27. Rule 28. Rule 32. Rule 40. Rule 53.

Rule 27. Motions

(a)-(c) No Change

(d) Form of Papers - Number of Copies. All papers relating to motions ~~may be typewritten shall comply with C.A.R. 32.~~ The original and ten copies shall be filed in the supreme court and the original and five copies in the court of appeals. Only the original of a motion for enlargement of time need be filed. The courts may require that additional copies be furnished.

(e) No Change.

Rule 28. Briefs

(a)-(f) No Change.

(g) Length of Briefs. ~~Except by permission of the court, principal briefs, which are opening brief, answer brief, opening-answer brief, and answer-reply brief, shall not exceed thirty pages, exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations, etc. Except by permission of the court, reply briefs shall not exceed eighteen pages. Except by permission of the court, principal briefs shall not exceed thirty pages, and reply briefs shall not exceed eighteen pages, unless they comply with the word limits set forth below. Principal briefs are opening brief, answer brief, opening-answer brief, and answer-reply brief. A principal brief is acceptable if it contains no more than 9,500 words. A reply brief is acceptable if it contains no more than 5,700 words. Headings, footnotes, and quotations count toward the word limitations. The caption, table of contents, table of authorities, certificate of compliance with the word limit, certificate of service, and any addendum containing statutes, rules, regulations, etc. do not count toward the page limits or word limits.~~

(h)-(i) No Change.

Rule 32. Form of Briefs and Appellate Documents

(a) ~~Typographical Standards for Briefs and Other Appellate Papers.~~ Briefs and other appellate papers through the use of a

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~~typewriter shall be in pica type at no more than 10 characters per inch, and the type shall be no smaller than 12 points. All briefs and other appellate papers shall comply with the following standards:~~

~~(1) Only 8 1/2 by 11 inch paper shall be used.~~

~~(2) Text shall be double-spaced, except that quotations more than two lines long may be indented and single-spaced.~~

~~(3) The typeface of text and footnotes shall be no smaller than 12 points. Script and condensed typefaces are not permitted. No attempt should be made to reduce or condense the normal appearance of the typeface.~~

~~(4) Margins shall be no less than 1 1/2 inches at the top and 1 inch at the left, right, and bottom, excluding page numbering, which shall be required.~~

~~(5) There shall be no more than 26 lines of text, including footnotes and quotations, per page. Text shall appear only on the face side of each page.~~
Standards for Non-Typewriter-Produced Briefs and Other Appellate Papers. Briefs and other appellate papers, except for those produced through the use of a typewriter, must comply with the following standards:

(1) The typeface must be 14-point or larger, except that the caption may be in 12-point if necessary to fit on one page.

(2) The typeface must be a plain, roman style, although italics or boldface may be used for emphasis.

(3) If a brief or other appellate paper is subject to a word limit, it must include a certificate by the attorney, or by an unrepresented party, that the paper complies with the applicable word limit. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the paper. The certificate must state the number of words in the paper.

(b) Standards for All Briefs and Other Appellate Papers.

All briefs and other appellate papers, including those produced through the use of a typewriter, must comply with the following standards.

(1) Only 8½ by 11 inch paper shall be used.

(2) Text shall be double-spaced, except that quotations more than two lines long may be indented and single-spaced, and headings and footnotes may be single-spaced.

(3) Margins shall be no less than 1½ inches at the top and 1 inch at the left, right, and bottom, excluding page numbering, which shall be required.

(4) Text shall appear only on the face side of each page.

~~(b)~~ **(c) Binding and Duplication.** Briefs and other appellate papers shall be produced by any duplicating or copying process which produces a clear black image on white paper. Carbon copies may not be submitted without permission of the court, except by

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parties allowed to proceed in forma pauperis. Consecutive sheets shall be attached at the top left margin.

~~(e)~~ **(d) Basic Document Information.** Each brief or other appellate document shall contain basic document information on the first page of the document. The information in the case caption shall be arranged in the following order and shall be in the forms illustrated in subsection (1) or (2) below, except that documents issued by the court or clerk of court should omit the attorney section as illustrated in subsection (1)(II) and (2)(II):

On the left side:

Court name and mailing address.

Name of lower court(s), lower court judge(s), and case number(s).

Names of parties.

Name, address, and telephone number of attorney or pro se party filing the document. Fax number and e-mail address are optional.

Attorney registration number.

Document title.

On the right side:

An area for "Court Use Only" that is at least 2 1/2 inches in width and 1 3/4 inches in length (located opposite the court information).

Case number.

(1) Illustration of Preferred Case Caption Format:

(I) Preferred Caption for documents initiated by a party:

<p>[Designation of Court]</p> <p>Court Address:</p> <hr/> <p>[Name of Lower Court(s), Lower Court Judge(s), and Case Number(s)]</p> <hr/> <p>Appellant(s):</p> <p>[Substitute appropriate party designations & names]</p> <p>v.</p> <p>Appellee(s):</p> <hr/> <p>Attorney or Party Without Attorney: Name Address</p> <p>Phone Number: FAX Number: E-mail: Atty. Reg. #:</p>	<p>COURT USE ONLY</p> <hr/> <p>Case Number:</p>
<p>NAME OF DOCUMENT</p>	

(II) Preferred Caption for documents issued by the court or clerk of court:

<div>[Designation of Court]</div> <div>Court Address:</div> <div></div> <div>[Name of Lower Court(s), Lower Court Judge(s), and Case Number(s)]</div> <div></div> <div>Appellant(s):</div> <div></div> <div>[Substitute appropriate party designations & names]</div> <div>v.</div> <div>Appellee(s):</div>	<div></div> <div></div> <div></div> <div></div> <div>COURT USE ONLY</div> <div>Case Number:</div> <div></div>
<div>NAME OF DOCUMENT</div>	

(2) Illustration of Optional Case Caption:

(I) Optional Caption for documents initiated by a party:

[Designation of Court]

Court Address:

[Name of Lower Court(s), Lower Court Judge(s), and Case
Number(s)]

Appellant(s):

[Substitute appropriate party designations & names]

v.

Appellee(s):

COURT USE ONLY

Case Number:

Attorney or Party Without Attorney:

Name

Address

Phone Number:

FAX Number:

E-mail:

Atty. Reg. #:

NAME OF DOCUMENT

(II) Optional Caption for documents issued by the court or clerk of court:

[Designation of Court]

Court Address:

[Name of Lower Court(s), Lower Court Judge(s), and Case Number(s)]

Appellant(s):

[Substitute appropriate party designations & names]

v.

Appellee(s):

COURT USE ONLY

Case Number:

NAME OF DOCUMENT

~~(d)~~ **(e) Improper Form of Briefs and Other Papers.** In the event the clerk determines that a brief or other paper does not comply with the Colorado Appellate Rules or is not sufficiently legible, the clerk shall accept the document for filing but may require that a conforming document be filed.

Rule 40. Petition for Rehearing

(a) -No Change.

(b) Form of Petition; Length. The petition ~~may be typewritten as prescribed in~~ shall comply with C.A.R. 32, and on the front cover there shall be the number and title of the case, the court from which the appeal was taken, the name of the trial judge, the name of the justice or judge who wrote the opinion, and, if in the Supreme Court, shall state whether the decision was en banc; and, if a departmental decision of the Supreme Court, or of a division of the Court of Appeals, the names of the justices or judges participating. Copies of the petition shall be served and filed as prescribed by C.A.R. 31 for the service and filing of briefs. Except by permission of court a petition for rehearing shall not exceed six ~~typewritten~~ pages, unless it contains no more than 1,900 words.

**Rule 53. Petition for Certiorari and Cross-Petition for
Certiorari**

(a) **The Petition.** The petition for certiorari shall be succinct and shall not exceed twelve pages, unless it contains no more than 3,800 words, exclusive of appendix. The petition ~~may be typewritten as prescribed in~~ shall comply with C.A.R. 32. The petition shall contain in the order here indicated:

(1) – (7) No Change.

(b) **The Cross-Petition.** Within ten days after service of the petition for certiorari, a respondent may file and serve a cross-petition. A cross-petition shall be succinct and shall not exceed twelve pages, unless it contains no more than 3,800 words, exclusive of appendix. The cross-petition ~~may be typewritten as prescribed in~~ shall comply with C.A.R. 32. A cross-petition shall have the same contents, in the same order, as the petition.

(c) **Opposition Brief.** Within ten days after service of the petition, respondent may file and serve an opposition brief, a cross-petition or both. The petitioner may file an opposition brief within ten days after service of a cross-petition. An opposition brief shall be succinct and shall not exceed twelve pages, unless it contains no more than 3,800 words. The opposition brief ~~may be typewritten as prescribed in~~ shall comply with C.A.R. 32.

(d) **Reply Brief.** Within five days after service of an opposition brief, a petitioner or cross-petitioner may file and serve a reply brief. A reply brief shall be succinct and shall not exceed ten pages, unless it contains no more than 3,150 words. The reply brief ~~may be typewritten as prescribed in~~ shall comply with C.A.R. 32.

(e) – (f) No Change.

Amended and adopted by the Court, En Banc, February 24, 2005, effective July 1, 2005.

BY THE COURT:

Justice Nancy E. Rice