

OPENING BRIEFS & ANSWER BRIEFS

A discussion of Opening Briefs & Answer Briefs, as well as the contents & formats of such Briefs may be found at Rules 28 and 32 of the Colorado Appellate Rules at:

www.checkerboard.co

"Find Colorado Statutes & Court Rules"

References:

CRS 13-6-310 *Appeals from County Court*

CRS 13-6-311 *Appeals from County Court - simplified procedure*

County Court Rules - Rule 411 Appeals

Appeal Bond: The amount of the Appeal Bond is set by the Court, but is often equal to the amount of money in dispute.

Record: At a minimum, the Record includes the original request, subsequent documentation, a transcript of any proceedings, plus other records as the parties may designate or stipulate. (*from Rule 411*)

Appellant – person appealing the open records denial

COMPONENTS OF BRIEFS FOR THE DISTRICT COURT

Cover

Title Page

Table of Contents - identifies each section of the Brief & its page number

Table of Authorities - lists the cases & statutes relied on in the Brief, with page citations

STATEMENT OF JURISDICTION - a concise statement of the basis for jurisdiction in the District Court, including the statutory provisions and time factors on which jurisdiction rests.

STATUTES INVOLVED - Generally, this means listing the portions of the constitution, statute or regulations that will be discussed in the brief.

STATEMENT OF THE ISSUES FOR REVIEW A statement of the issues presented for review by the District Court.

STATEMENT OF THE CASE briefly explain what the case is about, how it got here, and what already happened in the trial court below.

STATEMENT OF THE FACTS statement of the facts relevant to the issues presented for review, with appropriate references to the record

STANDARD OF REVIEW The standard of review applied by the District Court determines the amount of deference given to the decision of the trial court. The usual standards of review are: "de novo", "clearly erroneous", "abuse of discretion, and "substantial evidence".

SUMMARY OF ARGUMENT A succinct, clear, and accurate statement of the arguments made. It should not be a repetition of the argument headings.

ARGUMENT The argument should include the contentions of the appellant on the issues presented, and the reasons therefor, with citations to the authorities, statutes, and parts of the record relied on. The argument should also include for each issue a concise statement of the applicable standard of review; this statement may appear in the discussion of each issue or under a separate heading placed before the discussion of the issues.

CONCLUSION A short conclusion stating the precise relief sought from the District Court.

Signature Block