

# Colorado Supreme Court

## Office of the Chief Justice Chief Justice Directives

### CJD 06-01: Assessment of Court Fees and Costs

CJD 06-01, Assessment of Court Fees and Costs, has been amended effective February 6, 2018 and is located at: [www.courts.state.co.us/Courts/Supreme\\_Court/Directives/signed%20web%20copy%2006-01%20February,%202018%20.pdf](http://www.courts.state.co.us/Courts/Supreme_Court/Directives/signed%20web%20copy%2006-01%20February,%202018%20.pdf).

#### What Do I Need to Know?

The amendments to CJD 06-01 clarify the entities to whom waiver of docketing fees, additional fees of clerks of court, and copying fees applies. The CJD requires the individual seeking the waiver to identify himself or herself as an attorney or other representative of the entity at the time of the request. The rate charged for document research and redaction was raised by \$5 to \$30 per hour with no charge for the first hour. A fee of \$.25 per page was added for printed copies made from the Judicial case management system.

Questions regarding this CJD may be directed to [terri.morrison@judicial.state.co.us](mailto:terri.morrison@judicial.state.co.us)

Chief Justice Directives (CJDs) are available online at [www.courts.state.co.us/Courts/Supreme\\_Court/cjds/index.cfm](http://www.courts.state.co.us/Courts/Supreme_Court/cjds/index.cfm). The website lists CJDs by date and allows users to search by topic. *Colorado Lawyer* publishes CJD summaries only.

## Rules Committees

### Correction to Rule Change 2017(10) Colorado Appellate Rules

Rule Change 2017(10) has been corrected. The corrected text is highlighted.

#### Rules 10 and 11

#### Form 8, Designation of Transcripts (New) Form 9, Motion to Supplement the Record (New)

Effective for appeals filed on or after  
January 1, 2018.

Rules 3.4, 4.1, 5, and 12  
Effective January 1, 2018.

#### Rule 30

Effective immediately.

### Rule 10. Record on Appeal

#### (a) Composition of the Record on Appeal.

The record on appeal in all cases consists of:

- (1) All documents filed in the trial court case as of the date of filing of a notice of appeal or any amended notice of appeal; and
  - (A) Transcripts designated by counsel as set forth in section (d); or
  - (B) In limited circumstances, such as when the transcript is unavailable, a statement of the evidence or proceedings certified by the trial court as set forth in section (e).
- (2) If a timely filed motion pursuant to C.R.C.P. 59 has been filed, the record must also include that motion, any responses, and any order on the C.R.C.P. 59 motion.

#### (b) Format of the Record

- (1) **Electronic Record.** If all or part of the record is maintained in electronic format by

the trial court, the clerk of the trial court is authorized to transmit the record electronically in accordance with procedures established by the appellate court.

(2) **Paper Record.** If all or part of the record is transmitted in paper format, the original papers in the record must be submitted. The paper-filed portion of the record must be properly paginated and fully indexed and must be prepared and bound in accordance with procedures established by the appellate court.

#### (c) Transmission

(1) **Complete Record.** The clerk of the trial court must transmit the record to the clerk of the appellate court when it is complete. If the record includes any transcripts, the clerk of the trial court will not transmit the record to the clerk of the appellate court until transcripts are available.

(2) **Time.** The record on appeal must be transmitted to the appellate court within 63 days (9 weeks) after the date of filing of the notice of appeal unless the time is shortened or extended by an order of the appellate court.

(A) For good cause shown, the appellate court may extend the time for transmitting the record. A request for extension must be made by the clerk of the trial court or the clerk of the trial court's designee within the time originally prescribed or as previously extended.

(B) Any request for extension of the period of time based upon a court reporter's inability to complete the transcript must be supported by an affidavit of the reporter specifying why the transcript has not yet been prepared and the date by which the transcript will be completed. If the reason stated in a court reporter's affidavit for the reporter's inability to complete the record is the failure of the designating party to make adequate arrangement for payment of the transcripts, the designating party must file a response to the affidavit with the appellate court within 7 days.

(C) The appellate court may direct the trial court to expedite the preparation and transmittal of the record on appeal and, upon motion or of its own initiative, take other appropriate action regarding

preparation and completion of the record.  
(3) **Oversized Exhibits.** Documents of unusual bulk or weight and physical exhibits will not be transmitted by the clerk of the trial court unless directed to do so by the appellate court.  
(4) **Sexually Exploitative Material.** Transmission of sexually exploitative material will be in accordance with Chief Justice Directive 16-03.

**(d) Designation of Transcripts.**

(1) If appellant intends to include transcripts of any hearings or trial included in the record on appeal, the appellant must file a designation of transcripts with the trial court and an advisory copy with the appellate court within 7 days of the date of filing the appellant's notice of appeal.  
(2) Form 8 must be used to file any designation of transcripts. Any party designating transcripts must comply with the policies adopted by the appellate and trial courts for designating transcripts.  
(3) The appellant must include in the record transcripts of all proceedings necessary for considering and deciding the issues on appeal. Unless the entire transcript is to be included, the appellant must include in the designation of transcript a description of the part of the transcript that the appellant intends to include in the record and a statement of the issues to be presented on appeal. The appellee may, within 14 days after the notice of appeal is filed, file with the trial court and an advisory copy with the appellate court its own designation of transcripts if the appellee deems additional transcripts or parts thereof necessary.

**(e) Statement of the Evidence or Proceedings.** Upon the agreement of the parties, or in cases where a transcript of the evidence or proceedings at a hearing or trial is unavailable, the parties may file a statement of the evidence or proceedings in lieu of designating transcripts with the trial court, and the trial court must certify a statement of the evidence or proceedings in lieu of a transcript.

**(f) Supplementing the Record on Appeal.**

(1) **Before Record is Transmitted.** If any material part of the trial court record is omitted or missing from the trial court's record or is misstated therein by error or accident before the record is transmitted to the appellate court, the parties, by stipulation, or the trial court

may direct that the omission or misstatement be corrected.

(2) **After Record is Transmitted.** If any material part of the trial court record is omitted or missing from the record by error or accident or is misstated therein after the record is transmitted to the appellate court, the appellate court, on motion or of its own initiative, may order that the supplemental record be certified and transmitted. Form 9 must be used by any party requesting to supplement the record after the record has been filed in the appellate court.

**(g) Settling the Record on Appeal.**

(1) If any difference arises as to whether the record truly discloses what occurred in the trial court or a portion of the record is not in the possession of the trial court, the difference must be submitted to and settled by the trial court. The party moving to settle the record must file a motion to stay the appellate court proceedings in the appellate court while the trial court considers the motion to settle the record.  
(2) All other questions as to the form and content of the record must be presented to the appellate court.

**COMMENTS  
2018**

[1] The rule contains the substance of former C.A.R. 11, Transmission of Record. With the adoption of the 2018 revisions, C.A.R. 11 has been deleted from the Colorado Appellate Rules.

[2] The amendments are designed to provide better organization and to create a more comprehensive records rule. With the 2018 revisions, designation of the record, found in prior versions of C.A.R. 10, has been deleted from the rule.

[3] Two new forms, Designation of Transcripts (Form 8) and Motion to Supplement the Record (Form 9) were adopted with the rule 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) [NO CHANGE]  
(f)–(o) [NO CHANGE]

**Rule 4.1. Interlocutory Appeals in Criminal Cases**

(a)–(c) [NO CHANGE]  
(d) Record. The record for an interlocutory appeal shall consist of the information or indictment, the plea of the defendant or the defendants, the motions filed by the defendant or defendants on the grounds stated in section (a) above, the reporter's transcript of all testimony taken at the hearing on said motions and such exhibits or reasonable copies, facsimiles, or photographs thereof as the parties may designate (subject to the provisions in C.A.R. 10(c)(3) pertaining to exhibits of bulk), the order of court ruling on said motions together with the date, if one has been fixed, that the case is set for trial or a certificate by the clerk that the case has not been set for trial. After the filing of the record, such other exhibits or reasonable copies, facsimiles, or photographs thereof shall be transmitted by the clerk of the trial court to the appellate court as the appellate court may order. The record shall be filed within 14 days of the date of filing the notice of appeal.

(e)–(h) [NO CHANGE]

**Rule 5. Entry of Appearance and Withdrawal**  
(a)–(d) [NO CHANGE]

**(e) Notice of Limited Representation Entry of Appearance and Withdrawal.** An attorney may undertake to provide limited representation to a pro se party involved in a civil appellate proceeding. Upon the request and with the consent of a pro se party, an attorney may make a limited appearance for the pro se party to file a notice of appeal and designation of transcripts in the court of appeals or the supreme court, to file or oppose a petition or cross-petition for a writ of certiorari in the supreme court, to respond to an order to show cause issued by the supreme court or the court of appeals, or to participate in one or more specified motion 19 proceedings in either court, if the attorney files

and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the proceeding(s) for which the attorney appears. At the conclusion of such proceeding(s), the attorney's appearance terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance in the appellate court in which the attorney appeared, a copy of which may be filed in any other court, except that an attorney filing a notice of appeal or petition or cross-petition for writ of certiorari is obligated, absent leave of court, to respond to any issues regarding the appellate court's jurisdiction. Service on an attorney who makes a limited appearance for a party shall be valid only in connection with the specific proceedings(s) for which the attorney appears. The provisions of this C.A.R. 5(e) shall not apply to an attorney who has filed an opening or answer brief pursuant to C.A.R. 31.

(f) [NO CHANGE]  
COMMENT [NO CHANGE]

**Rule 12. Docketing the Appeal and Fees; Proceedings In Forma Pauperis; Filing of the Record**

(a)-(d) [NO CHANGE]  
(e) Filing of the Record. Upon receipt of the record, the clerk shall file the record. The clerk shall immediately give notice to all parties of the date on which the record was filed.  
(f) [NO CHANGE]

**Rule 30. E-Filing**

(a)-(l) [NO CHANGE]  
(m) Form of Electronic Documents.  
(1)-(2) [NO CHANGE]  
(3) The Court authorized service provider for the program is Colorado Courts E-Filing ([www.courts.state.co.us](http://www.courts.state.co.us)).

Amended and Adopted by the Court, En Banc, October 26, 2017, effective as stated.

**By the Court:**  
*Allison H. Eid*  
*Justice, Colorado Supreme Court*

**Rule Change 2018(02) Rules Governing the Commissions on Judicial Performance**

Rule change 2018(02) strikes Chapter 37, Rules Governing the Commissions on Judicial Performance, and is effective immediately.

Amended and Adopted by the Court, En Banc, February 15, 2018, effective as stated.

**By the Court:**  
*Nancy E. Rice*  
*Chief Justice, Colorado Supreme Court*

**Rule Change 2018(03) Colorado Rules of Professional Conduct**

**Rule 5.4. Professional Independence of a Lawyer**


(a)-(c) [NO CHANGE]  
(d) A lawyer shall not practice with or in the form of a professional company that is authorized to practice law for a profit, if:  
(1)-(2) [NO CHANGE]  
(e) A lawyer shall not practice with or in the form of a professional company that is authorized to practice law for a profit except in compliance with C.R.C.P. 265.  
(f) [NO CHANGE]  
COMMENT [NO CHANGE]

**Rule 7.3. Solicitation of Clients**

(a)-(b) [NO CHANGE]  
(c) [NO CHANGE]  
(1) no such communication may be made if the lawyer knows or reasonably should know that the person to whom the communication is directed is represented by a lawyer in the matter; and  
(2) [NO CHANGE]  
(d)-(e) [NO CHANGE]  
COMMENT [NO CHANGE]

Amended and Adopted by the Court, En Banc, February 22, 2018, effective immediately.

**By the Court:**  
*Nathan B. Coats*  
*Justice, Colorado Supreme Court*

*Monica M. Márquez*  
*Justice, Colorado Supreme Court* 

Visit the Supreme Court's website for complete text of rule changes, including corresponding forms and versions with highlights of revisions (deletions and additions), which are not printed in Court Business. Material printed in Court Business appears as submitted by the Court and has not been edited by *Colorado Lawyer* staff.

**Legal Services Corporation (LSC) Notice of Availability of Grant Funds for Calendar Year 2019**

LSC announces the availability of grant funds to provide civil legal services to eligible clients during calendar year 2019. The Request for Proposals (RFP), which includes instructions for preparing the grant proposal, will be available from [www.grants.lsc.gov/grants-grantee-resources](http://www.grants.lsc.gov/grants-grantee-resources) during the week of April 9, 2018. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. On or around the week of March 12, 2018, LSC will publish the list of service areas for which grants are available and the service area descriptions at [www.lsc.gov/grants-grantee-resources/ourgrant-programs/basic-field-grant/lsc-service-areas](http://www.lsc.gov/grants-grantee-resources/ourgrant-programs/basic-field-grant/lsc-service-areas).

Applicants must file a Notice of Intent to Compete (NIC) and the grant proposal through LSC's online application system to participate in the grants process. The online application system will be available at <https://lscgrants.lsc.gov/EasyGrantsWebLSC/Implementation/Modules/Login/LoginModuleContent.aspx?Config=LoginModuleConfig&Page=Login> during the week of April 9, 2018.

Please visit [www.grants.lsc.gov/grants-grantee-resources](http://www.grants.lsc.gov/grants-grantee-resources) for filing dates, applicant eligibility, submission requirements, and updates regarding the LSC grants process. Please email inquiries pertaining to the LSC grants process to [LSCGrants@lsc.gov](mailto:LSCGrants@lsc.gov).