

11<sup>th</sup> Judicial District, Colorado  
C. M. Barton, Chief Judge  
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December 1, 2008

All Counsel, 11<sup>th</sup> Judicial District  
Judicial Officers, 11<sup>th</sup> Judicial District  
All Court Staff, 11<sup>th</sup> Judicial District  
All Probation Staff, 11<sup>th</sup> Judicial District

Re: Mandatory E-Filing, 11<sup>th</sup> Judicial District

Dear Constituents:

The use of electronic technology was developed in the private sector many years ago. The Colorado courts have led the way in advancing this technology and are considered by some to be on the cutting edge. In January 2001, the State Court Administrators Office teamed with LEXIS/NEXIS to launch a statewide electronic filing system. Since then, many of the judicial districts in Colorado have implemented mandatory e-filing for various types of cases.

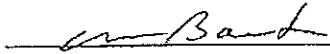
One of the ultimate goals of the electronic filing technology is to implement a "Paper on Demand" system that will maintain court records in electronic form with the ability to create any portion in paper form as needed. The ultimate goal is to improve efficiency, speed, record maintenance and security for the ever increasing paper flow in the legal system.

The time has come for the 11<sup>th</sup> District to move forward with this technology. We have solicited input from members of the bar and our court staff. The feedback has been positive with a few negative comments. Effective January 1, 2009, we will move forward with the implementation of mandatory e-filing in civil, domestic relations and probate matters in all of the district courts for the 11<sup>th</sup> Judicial District. We realize there will be some growing pains during the transition period, but we look forward to successful implementation of a system that offers better service for our customers, that creates an improved filing system with improved access to and sharing of information, and that is more efficient for attorneys, litigants and the courts.

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Attached is Chief Judge Directive 08-02 that provides the guidelines and information necessary for the implementation of this policy. I would especially call your attention to the second paragraph, Filing Requirements, *and to section 1-26 of Rule 121, C.R.C.P., Electronic Filing and Service System.* I appreciate your cooperation as we move forward and want to assure you our staff will assist with the implementation. Please feel free to offer feedback as we move through our transition from our current paper system to the electronic system.

Sincerely,

  
\_\_\_\_\_  
C. M. Barton  
Chief Judge

Chief Judge Directive 08-03  
11th Judicial District  
Chaffee, Custer, Fremont, and Park Counties, Colorado

Policy Regarding Mandatory E-Filing For the District Courts

The following guidelines shall apply to all district court civil cases, domestic relations cases, and probate cases filed in 11<sup>th</sup> Judicial District Courts effective January 1, 2009. After this date, the Clerk of Court will only accept district court civil (CV), domestic relations (DR) and probate (PR) pleadings filed electronically. All counsel shall electronically file all pleadings, motions, briefs, affidavits, exhibits and other documents using LexisNexis File & Serve (LNFS). In cases filed prior to the commencement date, counsel shall begin to file all new documents in these cases electronically as of January 1, 2009.

Filing Requirements:

All counsel should refer to C.R.C.P. Rule 121, section 1-26, for the complete electronic filing requirements. The rule outlines how pleadings shall be electronically filed and served, and how original documents are maintained by counsel. Pleadings with electronic signatures must indicate which original attorney signature is on file and verified as the attorney responsible for the pleading. Any pleading or document containing confidential information shall be submitted electronically using the "sealed-electronically" option. See Chief Justice Directive 05-01, especially § 4.60(d) & (e) for more information, including a list of such documents.

Documents filed under seal (i.e., for *in camera* review,) exhibits for inclusion in juror notebooks, petitions to seal criminal records, and municipal court appeals shall be exempt from this order. Counsel may by motion request that other documents be exempt from this order. Attorneys representing parties *pro bono* may apply for an exemption from this order on an individual case basis. This requirement to file documents electronically shall not apply to any attorney who files a Certificate of Determination of Indigency (JDF 203) indicating that the attorney represents a party through a Legal Services Provider. Documents and exhibits submitted to the Court under seal must be filed in paper format, in a sealed envelope marked "Sealed" with the case caption and the title of the enclosed documents on the outside of the envelope. These documents will not be scanned and uploaded into LexisNexis File and Serve.

All documents relating to a single pleading or paper should be filed electronically as separate documents, but within a single transaction. For example, a motion shall be filed as a main document, while exhibits and other related documents shall be filed as supporting documents within the same transaction. Responses and replies shall be linked to the original motion at the time of filing. See Chief Justice Directive 05-02 for size and graphics standards.

All proposed findings, conclusions, orders and jury instructions shall be submitted as documents separately (although they may be submitted as part of a relevant transaction) and shall be submitted in editable Word or WordPerfect format (not scanned). Attorneys are encouraged to file motions and briefs in editable format. All returns of service shall be electronically filed with the court. Most documents related to discovery should not be filed with the court, and may be rejected. *See* Rule 121, § 1-12, C.R.C.P.

In all district court civil cases, all judicial rulings, opinions, orders and other communications from the court shall be electronically filed and served to counsel, and LexisNexis File and Serve will mail these communications to *pro se* parties, or the court may direct counsel to mail these communications to unrepresented parties.

#### Domestic Relations (DR) Cases:

Pursuant to C.R.C.P. 121, Section 1-26(8), for domestic relations decrees, separation agreements and parenting plans, original signature pages bearing the attorneys', parties', and notaries' signatures must be scanned and filed electronically. For all other documents, signatures of attorneys, parties, witnesses, notaries and notary stamps may be in S/Name typed form to satisfy signature requirements, once the necessary signatures have been obtained on a paper form of the document.

Special advocates and mediators need not electronically file documents even if they are licensed attorneys.

#### Probate (PR) Cases:

In probate cases, a scanned copy of the will shall be filed with the Application or Petition for Probate, which shall be the originating document. The original will, if not already in possession of the court, and if not lost, destroyed, or otherwise unavailable, or if no authenticated copy of the will probated in another jurisdiction accompanies the petition, shall be filed with the Court in a conventional paper manner.

Pleadings and exhibits can be submitted electronically by using the "sealed-electronically" option.

#### Pro Se Parties:

Parties who are not represented by an attorney shall continue to file documents in the traditional paper format, and the Clerk of Court shall scan and upload certain paper filed documents to LexisNexis File and Serve.


Counsel shall transmit documents to *pro se* parties or personally serve the parties as required by the Colorado Rules of Civil Procedure. Service by mail through LexisNexis File and Serve is an acceptable substitute for service by direct mail.

Additional Information:

During this transition phase of implementation of electronic filing, the Clerk of the Court will continue to maintain a complete paper file on all cases. This transition phase will not exceed one year, after which all files subject to mandatory electronic filing will become "paper-on-demand", i.e., the court files will be maintained in electronic format.

The LexisNexis File & Serve web site, [www.lexisnexis.com/fileandserve](http://www.lexisnexis.com/fileandserve), provides additional information regarding electronic filing computer requirements, fees, service of documents and training opportunities. LexisNexis File and Serve Denver customer service representatives may be contacted at (888) 529-7587 or (720) 904-3340 for technical assistance and to schedule free training.

It is so ordered by the court, this 1<sup>st</sup> day of December, 2008.



C. M. Barton  
Chief Judge