

E-FILING PROCEDURES EFFECTIVE 01/01/09

The Seventh Judicial District hereby implements mandatory e-filing effective JANUARY 1, 2009. This order shall apply to filings by attorneys in all District Court Civil (CV) and County Court Civil (C) on JANUARY 1, 2009; for Domestic Relations (DR) on MARCH 1, 2009; and for Probate (PR) and Water (CW) cases MAY 1, 2009. It applies to filings in new cases as well as existing cases. Upon the effective date list above in this order, the Clerk of Court will only accept documents filed by attorneys in these case types that are filed electronically. All counsel shall electronically file all pleadings, motions, briefs, exhibits and other documents using LexisNexis. The following are the procedures to be followed:

COUNTER RESPONSIBILITIES:

Court staff will *NOT* turn away any filing by an attorney over the counter. When an attorney attempts to file paper District Court Civil (CV) or County Court Civil (C) documents (or at the other dates noted for DR, PR or CW case types) at the counter they should be told that as of January 1, 2009, all District Court Civil (CV) documents shall be e-filed. If the attorney says he/she did not know about the rule, accept the document, date stamp, and we will upload the document into Lexis/Nexis free of charge. Give the attorney(s) a copy of Administrative Order 2008-05 and these procedures. The clerk accepting the filing will mark in the upper right hand corner 1st time free. You will also inform the attorney that as per Rule 121, they will be charged \$50.00 per document for future requests for the Court to e-file for them. A list will be kept containing the names of attorneys that have been informed of the order at the court if this becomes an issue. If the attorney indicates that they knew of the new directive for mandatory e-filing, or if the attorney above returns another time and wants to file by paper, they must pay \$50.00 per document along with any other filings fees. **THE RECEIPT CODE IS SCAN-INDICATE THAT THE FEE HAS BEEN PAID AT THE TOP OF THE FILING.** The filings will be placed in the appropriate file or upload for POD purposes and processed according to the appropriate procedure.

MAIL PROCESSING:

Until further notice, all envelopes for used in mandatory e-filing cases only will be attached to the document for record of when the document was mailed. All mailed filings will be put in the appropriate mail basket including any with money or uploaded for POD purposes.

PROCESSING CLERK RESPONSIBILITIES:

The clerk will review the filing and determine if it has been filed by an attorney or pro se party. If the filing was mailed prior to January 1, 2009, the pleading will be accepted, docketed and uploaded if appropriate.

If the pleading is filed by a pro se party, then the processing clerk will scan upload and docket it onto ECLIPSE.

If the pleading is filed by an attorney over the counter and the \$50.00 was paid or the attorney did not know about the new order and gets the free one-time upload, the document will be uploaded into Lexis/Nexis.

If the filing is by an attorney and came in the mail, the processing clerk will complete the Notice of Return Filing form (this has been revised to include not e-filed as one of the options) and return the filing along with a copy of the e-filing order to the attorney. Keep a copy of the Notice in the file (or upload in Gunnison and Ouray as they will be POD for CV cases.)

PROCESSING OF E-FILED DOCUMENTS TIME FRAME:

The goal of the clerk's office will be to process all documents that need e-filed on the day the document is filed but no later than the next business day.

SCHEDULE FOR PROCESSING OF FILINGS:

The Clerks will process all CV paper filed pleadings following the above procedures.

Special instructions are being prepared regarding how to handle certain documents with e-filing.

We will follow this procedure for approximately 4-6 weeks so that we can determine the workload on all case types and positions.

DAILY CLERK REVIEW:

Beginning January 1, 2009, a clerk review **must** be done everyday. The Clerk of Court will do the review or assign staff to review all case types. All e-filed documents must have an action taken on them each day. Nothing is to be left pending at the end of the day in the clerk review screen. **This is a priority.**

7th Judicial District
State of Colorado
Delta, Gunnison, Hinsdale, Montrose, Ouray and San Miguel Counties

**ADMINISTRATIVE ORDER 2008-05 - CONCERNING MANDATORY
ELECTRONIC FILING IN ALL DISTRICT COURT CIVIL (CV); DOMESTIC RELATIONS
(DR), PROBATE (PR) CASES and COUNTY COURT CIVIL (C) IN THE SEVENTH
JUDICIAL DISTRICT AND PROVIDING CASE TYPE IMPLEMENTATION DATES.**

The Seventh Judicial District hereby implements mandatory e-filing effective JANUARY 1, 2009. This order shall apply to filings by attorneys in all District Court Civil (CV) and County Court Civil (C) on January 1, 2009; for Domestic Relations (DR) on March 1, 2009; and for Probate (PR) and Water (CW) cases May 1, 2009. It applies to filings in new cases as well as existing cases. Upon the effective date list above in this order, the Clerk of Court will only accept documents filed by attorneys in these case types that are filed electronically. All counsel shall electronically file all pleadings, motions, briefs, exhibits and other documents using LexisNexis.

If any person believes that they have good cause for not e-filing documents as required by this Directive, they may petition the Chief Judge for relief.

This order does not apply to any filings by special districts or Dstraint Warrants.

Sealed and suppressed cases shall be exempt from the mandatory filing requirement for District Court Civil cases. 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.

All counsel should refer to C.R.C.P. Rule 121 § 1-26 and Chief Justice Directive 06-01 II. c. iv. 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.

All documents relating to a single pleading or paper may be filed electronically as a single transaction. For example, a motion, exhibits and related affidavits may be filed under a single transaction. However, all related pleadings (motion, proposed order, response and reply) shall be linked when electronically filed. Failure to link related pleadings will result in significant delays in processing orders.

All proposed orders shall be submitted separately from the pleading and shall be submitted in Word format (not scanned or otherwise filed in PDF format). All returns of service shall be electronically filed with the Court.

In all District Court Civil cases, all judicial rulings, opinions, orders and other communications from the Court shall be electronically filed to counsel, and LexisNexis will mail these communications to parties without an attorney.

Parties Representing Themselves:

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. Counsel shall transmit documents to pro se parties or personally serve the parties as required by the Colorado Rules of Civil Procedure.

Additional Information:

During the initial phase of implementation (six months maximum) of electronic filing, the Clerk of the Court, except in Gunnison Combined and Ouray Combined Courts which will go to POD on January 1, 2009, will continue to maintain a complete paper file on all cases. The LexisNexis web site, www.lexisnexis.com/fileandserve, provides additional information regarding electronic filing computer requirements, fees, service of documents and training opportunities. LexisNexis customer service representatives may be contacted at (888) 529-7587 for technical assistance and to schedule free training.

Done this 22nd day of October 2008.

/s/ Original on file

J. Steven Patrick
Chief Judge

XC: 7TH JD Attorneys
7th JD Judges
7th JD Clerks of Court