The MESSENGER

Larimer County Bar Association

February 2015

PRESIDENT'S MESSAGE

I want to thank all of you for electing me as the Larimer County Bar Association President. I have been honored to serve as your President and to help guide this organization towards the future. Within my role I have also had the benefit to witness how special this bar is. I have been impressed with the level of professionalism and congeniality that this bar provides. In every area of our organization someone has always stepped forward to give of themselves in order to accomplish the task. From the Pro-Bono Program, to the Veteran's Program, to each committee – every organization within the Bar has had a number of people give of their time and talent in order to make this organization succeed. I am truly blessed to have witnessed such generosity of spirit. Thank you to all who have volunteered their time and their talent. It is truly appreciated.

Jennifer Stewart 2014-2015 LCBA President

NEW LAWYERS

If you are a new lawyer or know of a new lawyer, please remember to contact Roger Clark, at (970) 669-8668, no later than March 4, 2015, and provide him with your background information for your introduction at Term Day.

SPRING TERM DAY MARCH 6, 2015 Agenda

8:00 a.m. Coffee, juice, donuts and bagels at the Justice Center -Jury Assembly Room

9:00 a.m. Business Meeting - Jury Assembly Room

Special Guests - CBA President Charles Garcia and Colorado Supreme Court Justice William W. Hood, III



12:00 p.m. Luncheon at Ace Gillett's (underneath the Armstrong Hotel) - 239 S. College Avenue, Fort Collins. President Charles Garcia will lead a Bench/Bar meeting.

One CLE credit.

Cost is \$15.00 per person. Send check payable to LCBA and send reservations form to Lisa Ritter, 419 Canyon Avenue, Suite 226, Fort Collins, CO 80521; 970-482-9770.



2:00 p.m. Come join us for an afternoon of fun and prizes. No bowling skills required! Bowling will start at 2:00 p.m. at Chipper's Lanes at 217 W. Horsetooth Road. Cost is \$15.00 for 2 games and shoes. To register, please send a check made payable to LCBA to Kim Schutt, Wick & Trautwein, LLC, P.O. Box 2166, Fort Collins, CO 80521. You may register as a team or as an individual, and we will assign you to a team if you don't have one. Contact Kim at kschutt@wicklaw.com or at 482-4011 with questions.

We've had a great turn-out the last few years and we hope to see some more new faces again this year. Come join the fun!

SPRING TERM DAY MARCH 6, 2015 LUNCHEON



12:00 p.m.

Luncheon at Ace Gillett's, 239 S. College Avenue.

Cost is \$15.00 per person.

Enclosed is my Luncheon Reservation for March 6, 2015, at Ace Gillett's
Name(s):
Address:
Phone No:
Check(s) in the amount of \$15.00 per person made payable to Larimer County Bar Association
X \$15.00 = \$ (amount enclosed)

Return To: Lisa Ritter, 419 Canyon Avenue, Suite 226, Fort Collins, CO 80521, 970-482-9770

Deadline to register February 23, 2015

LCBA CALENDAR OF EVENTS

FEBRUARY 2015

Wednesday, February 18, 2015 Crimin

Criminal E-Filing Brown Bag from 12:00 p.m. to 1:00 p.m.

Justice Center Jury Assembly Room Side B

201 LaPorte Avenue, Fort Collins

(more information in this edition of the

Messenger)

Friday, February 27, 2015 and Saturday, February 28, 2015

The Northern Colorado Regional High School Mock Trial competition

Larimer County Justice Center
201 LaPorte Avenue, Fort Collins
February 27 (rounds at 1:00 p.m. and
4:00 p.m.) and February 28, 2015 (rounds

at 10:00 a.m. and 2:00 p.m.).

MARCH 2015

Tuesday, March 3, 2015

Selling Your Practice? Buying a Law

Practice Brown Bag - CLE pending

from 12:00 p.m. to 1:30 p.m. Justice Center Jury Assembly Room 201 LaPorte Avenue, Fort Collins

(see flyer in this edition of the Messenger)

Monday, February 23, 2015

Last Day to RSVP for Term Day Luncheon (see flyer in this edition of the Messenger)

Friday, March 6, 2015

Term Day

(more information on business meeting, bowling and lunch in this edition of the

Messenger)

Thursday, March 12, 2015

Bench/Bar Happy Hour

5:00 p.m. - 6:30 p.m.

TBA

(Watch for email)

Friday, March 13, 2015

Last day for Nominations for

Professionalism Award

(see flyer in this edition of the Messenger)

APRIL 2015

Monday, April 6, 2015

Last Day to Register for Ethics Seminar at the discount rate of \$60.00 (see flyer in this edition of the Messenger)

Tuesday, April 21, 2015

25th Annual Ethics Seminar and Professionalism Award Presentation 1:00 p.m. to 5:00 p.m.

MUNICIPAL COURT NEWS

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Fort Collins Municipal Court Offers Special Agency Sessions to Qualifying Defendants

The Fort Collins Municipal Court would like to announce a new program. In partnership with Fort Collins Police Services, the City Attorney's Office, Homeward 2020, Touchstone, and the Murphy Center, the Fort Collins Municipal Court is offering monthly Special Agency Sessions (SAS) which provide opportunities for motivated defendants to participate in services and programs designed to help them break a cycle of dependency and homelessness.

Modeled after the Larimer County Wellness Court, Denver's Homeless Court, and other homeless court's around the nation, SAS helps to address public concerns with quality of life violations for those without housing in a compassionate, resourceful manner, while also reducing recidivism.

Defendants can be referred to the program by police officers, the Municipal Judge, or prosecutors. Typical violations that may be referred to SAS include camping, panhandling, open container, trespass, or any combination thereof.

To receive the alternative sentencing, the defendant must plead guilty or no contest to the charges, agree to report to the Municipal Judge for monthly progress updates, and agree to participate in an assessment with the Murphy Center and follow through with their recommendations. Other sentencing conditions may include but are not limited to: obtaining a state ID, signing up for services at the Murphy Center, housing opportunities, drug/alcohol counseling sessions, mental health counseling sessions, and/or signing up for social services benefits.

If you would like further information or if you are interested in being added to the Fort Collins Municipal Court's court-appointed counsel list please contact Patty Netherton, Court Administrator, at 970-221-6800.

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COURT NEWS

CRIMINAL E-FILING FAQ and TIPS FOR THE 8TH JUDICIAL DISTRICT

The 8th Judicial District went live with criminal e-filing on January 20, 2015 and Larimer County went paperless on January 26, 2015. This includes CR, JD, M and T case types.

ICCES is an electronic filing system that the Public Defender and private attorneys use to file their documents to the court. District Attorneys use their case management system, ACTION, to electronically file to the court. JPOD is a case management system that the courts use to review electronic filings and issue orders. Pro se defendants and non-parties such as Probation and RMOMS cannot currently e-file documents.

On Wednesday, February 18th from 12-1 we are going to hold a Brown Bag in the Jury Assembly Room to discuss the items below and answer any other questions you may have. We hope to see you then.

Here are a few tips we thought might be helpful to you in the meantime.

HOW DO I REGISTER FOR AN ICCES ACCOUNT?

If you don't already have an account, please go to https://www.jbits.courts.state.co.us/icces and click the Create Account link to register for an ICCES account. You can also go to the Colorado courts home page www.courts.state.co.us and click on Information for Attorneys on the left. This will take you to an ICCES link that addresses fees, registration, training and other information that should answer most questions you may have.

IS THERE TRAINING AVAILABLE?

You may register for available training at: http://www.courts.state.co.us/iccestraining. Click on the register for training button to find available training sessions.

ARE THERE ANY RULES PERTAINING TO E-FILING?

Please refer to Colorado Rules of Criminal Procedure Rule 49.5 Electronic Filing and Service System and Administrative Order 2014-5 issued by Chief Judge Stephen Schapanski on 11-26-14. A copy of Administrative Order 2014-5 is attached.

EFILING DATE AND TIME OF FILING

Documents submitted through ICCES by 11:59 p.m. Colorado time shall be deemed to have been filed with the clerk of the court on that date.

However, just because they are filed in ICCES does not mean they will be reviewed right away. The clerks work jPOD clerks review as quickly as they can but it could be later the next day before that filing is accepted. If it needs to be an expedited filing, please provide a note to clerk.

Filing with the Court does not serve the opposing party. That must be done electronically pursuant to Rule 49.5.

NOTE TO CLERK

While we appreciate your notes of thanks and instructions to please file, the note to clerk is a tool that should be used for specific reasons to send a note to the clerk with special instructions, due in court soon, etc.

ELECTRONIC SERVICE

Section 3d of Rule 49.5 defines electronic service. Section 6 addresses when e-service is required. Administrative Order 2014-5 issued by Chief Judge Schapanski also refers to electronic service. Please review and follow these rules.

If service is for a pro se defendant, a copy should be printed and sent to them via mail. If a defense attorney does not have an e-service account, the documents should be sent to them via U.S. mail.

Court staff has the option to add recipients and will mail documents through JPOD to pro se defendants and other parties who are not able to e-file through ICCES.

ENTERING CASE NUMBERS ON DOCUMENTS

Please make sure to put the F or L in front of the docket number. We use the same numbering system in Fort Collins and Loveland. We often have to double check case numbers with names to make sure we are entering documents into the right case.

ELECTRONIC NOTARY SIGNATURES

Please go to the Secretary of State's website at <u>www.sos.state.co.us</u> for information on electronic notary signatures.

DOCUMENT TITLES

Please enter a descriptive title for a motion in ICCES rather than just calling it "Motion". The document title should be exactly what the actual document name is of the document being filed.

RELATING EXHIBITS TO MAIN DOCUMENT - RULE 49.5 SECTION M (2B)

Multiple documents (including proposed orders) may be filed as a single electronic filing transaction. Each document (including proposed order) in that filing must bear a separate document title. Additional documents should be related to the main document such as Motion and Proposed Order. Proposed Order should be related to the motion. Exhibits will be called exhibits and not Filing Other. You may relate two documents through ICCES by clicking the "Options" menu on the Manage Filing screen.

WITHDRAWING ATTORNEYS

We are trying to go into closed cases and withdraw attorneys that are still shown as active. If you are still on a case you will receive electronic service instead of the defendant. If you receive electronic service that you should not be receiving, please contact Sherlyn Sampson, Stacy Pacheco or Lisa Graham in the Clerk of Court office.

DOCUMENTS FILED IN COURT

Documents that were filed in court and dealt with that day will be kept and scanned and uploaded by the division clerk.

Documents that will not be dealt with that day should be filed prior to court or after, not in the court room.

CONFORMED COPIES

You do not need to submit extra copies to be conformed. We will electronically serve you a copy of any notices or orders issued by the court. You can make any additional copies you require.

CAN A TRANSCRIPT REQUEST BE E-FILED IN A CASE ALONG WITH THE OTHER OFFICIAL COURT DOCUMENTS?

A: No. A transcript request is not an official court document but instead is a request and/or agreement between a party or attorney and a court reporter or transcriptionist. While all official court documents must be e-filed, the transcript request form must be submitted via email to o8transcripts@judicial.state.co.us, personally delivered to Judicial Administration located on the 2nd floor of the Larimer County Justice Center, mailed via U.S. Mail to Judicial Administration, 201 Laporte Avenue, Suite 100, Fort Collins, CO 80521 or sent via fax to (970) 494-3599, in order for the request to be processed. If you have questions, please contact Rachel Drechsler at (970) 494-3590.

WHY CAN'T I SEE THE 2014 FILINGS ON A CRIMINAL CASE IN ICCES WHEN IT IS ACTIVE IN 2015?

Documents filed prior to January 20, 2015 are not currently uploaded. A paper file still exists. We hope to upload all documents for cases filed since January 1, 2015 so the entire case is electronic from the beginning of the 2015 calendar year but that has not been completed yet. You will need to continue using the File Viewing Room to view documents filed prior to January 20, 2015 or contact our Records area to obtain copies at 970-494-3508 or 970-494-3509.

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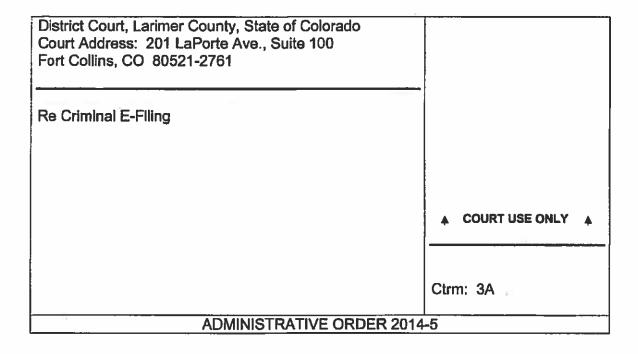
NOTICE

Courtroom 2A will be changing SETTING PROCEDURES beginning <u>February 25, 2015</u>.

Please take note of the following, as they are the new procedures:

Settings will be held through the Court's conference call provider. The telephone number to access the conference on the day of the setting is 970-494-3777, and the participant code is 5891270 #.

You can also find the new instructions on the Court's website.



Effective January 20, 2015, all new District and County Court criminal cases shall be subject to mandatory electronic filing using the State's E-Filing system. This includes the following case types: CR, M, T, and JD.

In cases filed prior to January 20, 2015, all documents filed after that date, shall be filed electronically.

Documents shall be electronically filed and served in accordance with Colorado Rules of Criminal Procedure 49.5 (a copy of which is attached) and Chief Justice Directive 11-01 as currently in effect, and as subsequently amended.

Documents must clearly identify which attorney(s) signed the document.

All documents relating to a single pleading or other filing may be filed electronically as a separate document but as a single filing submission. For example: a motion shall be filed as the principal document while exhibits to the motion shall be filed as attachments within the same submission. Parties shall not upload documents into the E-Filing system in any manner that prevents the Court from copying/pasting text or employing enhanced search functionality within the document. All proposed orders shall be submitted in editable format and will be rejected by the Clerk's office if they are not. The submission of documents for an *in camera* review will continue to be done in paper format until further notice.

All judicial rulings, opinions, orders and other written communications from the Court shall be electronically filed.

Parties not represented by counsel may file documents in paper format. Court staff shall scan and upload documents into the E-Filing system. No additional fees shall be charged to prose litigants for scanning and uploading.

The Clerk of the Court may accept paper filings from attorneys whose primary area of practice is outside the 8th Judicial District. After notice to an attorney that all future documents are to be e-filed, the Court will charge a fee of \$50.00 per document for the service of scanning and uploading a document filed in paper form, pursuant to Rue 49.5.

So Ordered in Fort Collins, Colorado this 26 day of November, 2014

Stephen J. Schapanski Chief Judge Colorado Eighth Judicial District

RULE CHANGE 2014(12)

COLORADO RULES OF CRIMINAL PROCEDURE (New) Rule 49.5 Electronic Filing and Service System

RULE 49.5 ELECTRONIC FILING AND SERVICE SYSTEM

- 1. Types of Cases Applicable: E-Filing and E-Service may be used for certain cases filed in the courts of Colorado as the service becomes available. The availability of the E-System for criminal cases will be determined by the Colorado Supreme Court and announced through its web site http://www.courts.state.co.us/supct/supct.htm and through published directives to the clerks of the affected court systems.
- 2. E-Filing May be Mandated: With the permission of the Chief Justice, a chief judge may mandate E-Filing within a county or judicial district for specific case classes or types of cases. A judicial officer may mandate E-Filing and E-Service in that judicial officer's division for specific cases, for submitting documents to the court and serving documents on case parties. Where E-Filing is mandatory, the court may thereafter accept a document in paper form and the court shall scan the document and upload it to the E-Service Provider. After notice to an attorney that all future documents are to be E-Filed, the court may charge a fee of \$50 per document for the service of scanning and uploading a document filed in paper form. Where E-Filing and E-Service are mandatory, the Chief Judge or appropriate judicial officer may exclude pro se parties from mandatory E-Filing requirements.

3. Definitions:

- (a) Document: A pleading, motion, writing or other paper filed or served under the E-System.
- (b) E-Filing/Service System: The E-Filing/Service System ("E-System") approved by the Colorado Supreme Court for filing and service of documents via the Internet through the Courtauthorized E-System provider.
- (c) Electronic Filing: Electronic filing ("E-Filing") is the transmission of documents to the clerk of the court, and from the court, via the E-System.
- (d) Electronic Service: Electronic service ("E-Service") is the transmission of documents to any party in a case via the E-System. Parties who have subscribed to the E-System have agreed to receive service of filings via the E-System, except when personal service is required.

- (e) E-System Provider: The E-Service/E-Filing System Provider authorized by the Colorado Supreme Court.
- (f) Signatures:
- (I) Electronic Signature: An electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by the person with the intent to sign the E-Filed or E-Served document.
- (II) Scanned Signature: A graphic image of a handwritten signature.

4. To Whom Applicable:

- (a) Attorneys licensed or certified to practice law in Colorado, or admitted pro hac vice under C.R.C.P. 205.3 or 205.5 may register to use the E-System. The E-System Provider will provide an attorney permitted to appear pursuant to C.R.C.P 205.3 or 205.5 with a special user account for purposes of e-filing and e-serving only in the case identified by a court order approving pro hac vice admission. In districts where E-Filing is mandated pursuant to Subsection 13 of this Rule 49.5, attorneys must register and use the E-System.
- (b) Where the system and necessary equipment are in place to permit it, pro se parties and government entities and agencies may register to use the E-System.
- 5. E-Filing-Date and Time of Filing: Documents filed in cases on the E-System may be filed under Crim. P. 49 through an E-Filing. A document transmitted to the E-System Provider by 11:59 p.m. Colorado time shall be deemed to have been filed with the clerk of the court on that date.
- 6. E-Service /- When Required /- Date and Time of Service: Documents submitted to the court through E-Filing shall be served in accordance with Crim. P. 49 by E-Service to parties who have subscribed to the E-System. A document transmitted to the E-System Provider for service by 11:59 p.m. Colorado time shall be deemed to have been served on that date.
- 7. Filing Party to Maintain the Signed Copy—Paper Document Not to Be Filed—Duration of Maintaining of Document: A printed or printable copy of an E-Filed or E-Served document with original, electronic, or scanned signatures shall be maintained by the filing party and made available for inspection by other parties or the court upon request, but shall not be filed with the court. Documents shall be maintained in accordance with the Rules of Professional Conduct.

- 8. Documents Requiring E-Filed Signatures: For E-Filed and E-Served documents, signatures of attorneys, parties, witnesses, notaries and notary stamps may be affixed electronically or handwritten and scanned.
- 9. Documents under Seal: A motion for leave to file documents under seal may be E-Filed. Documents to be filed under seal pursuant to an order of the court, if filed electronically must be submitted separately from the Motion to Seal.
- 10. Transmitting of Orders, Notices and Other Court Entries: Courts shall distribute orders, notices, and other court entries using the E-System in cases where E-Filings were received from any party.
- 11. Form of E-Filed Documents: C.R.C.P. 10 shall apply to E-Filed documents.
- 12. Relief in the Event of Technical Difficulties:
- (a) Upon satisfactory proof that E-Filing or E-Service of a document was not completed because of: (1) an error in the transmission of the document to the E-System Provider which was unknown to the sending party; (2) a failure of the E-System Provider to process the E-Filing when received, or (3) other technical problems experienced by the filer or E-System Provider, the court may enter an order permitting the document to be filed nunc pro tunc to the date it was first attempted to be sent electronically.
- (b) Upon satisfactory proof that an E-Served document was not received by or unavailable to a party served, the court may enter an order extending the time for responding to that document.
- 13. Form of Electronic Documents
- (a) Electronic document format, size and density: Electronic document format, size, and density shall be as specified by Chief Justice Directive # 11-01.
- (b) Multiple Documents: Multiple documents (including proposed orders) may be filed in a single electronic filing transaction. Each document (including proposed orders) in that filing must bear a separate document title.
- (c) Proposed Orders: Proposed orders shall be E-Filed in editable format. Proposed orders that are E-Filed in a non-editable format shall be rejected by the Court Clerk's office and must be resubmitted.

- 14. Document Security Level. Documents filed in a criminal case will not be electronically available to persons other than the parties until reviewed and provided by the clerk of court or his or her designee.
- 15. Protective Orders. Nothing in these rules shall prohibit a court from ordering the limitation or prohibition of a nonparty's remote electronic access to a document filed with the court.

COMMITTEE COMMENT

The Court authorized service provider for the program is the Integrated Colorado Courts E-Filing System (www.jbits.courts.state.co.us/icces).

"Editable Format" is one which is subject to modification by the court using standard means, such as Word or WordPerfect format.

C.R.C.P. 77 provides that courts are always open for business. This rule is intended to comport with that rule.

Adopted by the Court, En Banc, September 24, 2014 effective immediately.

By the Court:

Nathan B. Coats

Justice

SUPREME COURT OF COLORADO OFFICE OF THE CHIEF JUSTICE

Directive Concerning Statewide Electronic Filing Standards

The purposes of this CJD are (1) to make uniform the means by which documents are electronically transmitted and accepted through the State's E-Filing system, (2) to eliminate potentially conflicting local rules that attempt to define those standards, and (3) to increase access to the courts by reducing the number of reasons for rejecting an e-filing.

I. SCOPE

This CJD applies to all documents that are transmitted and accepted electronically using the E-Filing system. Where applicable, procedures specific to a case type will be distinguished below.

II. RELATING DOCUMENT(S)

All related documents (motion, proposed order, response and reply) shall be related to each other when electronically filed.

III. DOCUMENT FORMAT STANDARDS

- A. <u>Electronic Document Size</u>: The size limit for each document filed electronically shall be set forth on the Colorado Judicial Department's website located at:

 <u>www.courts.state.co.us/icces</u>. For the purpose of this procedure, each electronically filed pleading, motion, brief, or other filing is a separate document. The electronic filing system shall preclude a filer from submitting a document that exceeds the size limits.
- B. Oversize Documents: Any document that exceeds the file size limits shall be separated into smaller electronic files.
- C. <u>Color or Graphics</u>: Documents scanned in color, grey scale, or containing graphics result in larger file sizes and take longer to download. Therefore, it is recommended that filers configure scanners to scan documents at an optimal resolution to conform to filing size limits.

IV. DOCUMENT SUBMISSION

A filing submission is one or more documents filed collectively at the same time. Filing submissions are limited in size as set forth on the Colorado Judicial Department's website located at: www.courts.state.co.us/icces. If the total size of all documents, including exhibits, exceeds the size limits of a filing submission, an additional filing submission must be created. All documents relating to a single pleading or other filing may be filed electronically as a single filing submission—although they must remain as separate documents. For example, a motion, exhibits and related affidavits may be filed as a single filing submission. This will enable searching for specific documents.

All documents must be submitted by either (1) directly uploading the document from a word processing format (such as Word or Word Perfect) to the E-Filing system, or (2) electronically converting the document from a word processing format into a PDF format and then directly uploading the PDF document to the E-Filing system. Parties shall not upload documents into the E-Filing system in any manner that prevents the Court from copying/pasting text or employing enhanced search functionality within the document. Except as specifically provided in this directive, parties shall not upload documents into the E-Filing system as scanned or graphic images.

V. SUBMISSION OF EXHIBITS, FORM/PREPRINTED DOCUMENTS AND RETURNS OF SERVICE

All exhibits, form/preprinted documents, and returns of service must be submitted through the E-Filing system in civil cases. However, they may be submitted as scanned or graphic images but shall be uploaded in their original format. For example, color documents shall be uploaded in color and not as black and white scanned copies.

If exhibits are filed prior to trial in criminal cases, the following procedures also apply.

- A. Exhibits. Exhibits shall be filed as one filing submission, when possible. Exhibits shall be titled according to the party's designation in the case, such as *Plaintiff's (Petitioner's)* or Defendant's (Respondent's) Proposed Exhibits. Each exhibit shall be a separate file (for example, PDF file, Excel Spreadsheet) within the filing submission. The exhibit designation shall be legible when electronically filed.
- B. <u>Documentary Exhibits that Exceed E-Filing Size Restrictions.</u> A party intending to submit any documentary exhibit that exceeds the megabyte file size limit set forth in section III above, shall separate the exhibit into electronic files as provided in this Directive. If the document cannot be separated, then the party shall place it on a CD or DVD for filing with the court.
- C. Exhibits of Large Physical Size and Non-Documentary Exhibits. If a party intends to submit an exhibit or document that cannot be submitted through the E-Filing system because of its physical size or because it is non-documentary in nature, an image of the exhibit or document shall be electronically filed for purposes of the record.
- D. <u>Audio and Video Exhibits</u>. Audio or video exhibits cannot be submitted through the E-Filing system at this time. Those exhibits shall be placed on a CD or DVD.

VI. TIMELINES FOR SUBMISSION OF EXHIBITS IN CIVIL CASES FOR TRIAL AND HEARINGS

A. Exhibits for Parties with an Attorney. The trial court may enter case management orders governing specifics of requirements for e-filing exhibits. Unless the court orders otherwise, on or before the hearing or trial date, the parties shall submit all of their exhibits, or images as permitted in section III above, through the E-Filing system. Exhibits for expedited hearings shall be submitted as the court directs.

Parties should anticipate that there are exhibits such as negotiable instruments where the original paper document may need to be tendered to the court. Images of these exhibits shall also be filed through the E-Filing system.

B. Exhibits for Pro Se Parties. Provisions for tender and uploading of exhibits from pro se parties will be addressed at a pretrial or prehearing conference.

VII. JURY INSTRUCTIONS

- A. <u>Civil Cases</u>. Proposed jury instructions shall be submitted through the E-Filing system in editable format. The set of instructions provided to the jury as well as a party's tendered instructions that have been rejected by the court shall be uploaded into the E-Filing system as the court directs.
- B. <u>Criminal Cases.</u> Proposed jury instructions from the prosecuting attorney shall be submitted through the E-Filing system in editable format. Proposed jury instructions from the Defendant shall be submitted through the E-Filing system in editable format and shall be sealed. The set of instructions provided to the jury as well as a party's tendered instructions that have been rejected by the court shall be uploaded into the E-Filing system as the court directs.

VIII. DOCUMENT EVENTS

When submitting documents using the E-Filing system, the parties shall select a Document Event category that matches the identifiable and specific category of the actual document being submitted. For example, a party filing a Motion to Withdraw selects "Motion to Withdraw" for electronic filing purposes, as that document event presently exists as an "Event" field. Submitting the document in the category "Filing Other" is not appropriate.

IX. TITLE OF DOCUMENTS

Any document submitted through the E-Filing system must bear a Document Title that is descriptive of the contents of that document. For example, a document titled "XYZ Plaintiff's Motion for Summary Judgment on Claims 1 and 2 Against Third Party Defendant ABC Corporation" or "Motion to Suppress Statements" is appropriate. That same document simply bearing the title "Motion" is not appropriate.

X. SIGNATURE REQUIREMENTS

Documents must clearly identify which attorney(s) signed the document.

XI. REJECTION OF E-FILED DOCUMENTS

Attachments A and B establish reasons for rejection of electronically filed documents in civil and criminal cases respectively. Rejection reasons shall be set by case class, as civil and criminal cases differ substantially in both substance and procedure. Therefore, the rejection reasons for each case type will also differ.

- A. <u>Civil Cases.</u> Attachment A sets forth specific reasons for rejection of electronically filed documents in civil cases. No electronically filed document in civil cases shall be rejected unless it is for one or more of the reasons specified in Attachment A.
- B. <u>Criminal Cases</u>. Attachment B sets forth specific reasons for rejection of electronically filed documents in criminal cases. No electronically filed document in criminal cases shall be rejected unless it is for one or more of the reasons specified in Attachment B.

Attachments A and B may be amended by the State Court Administrator or that Administrator's designee either to remove or to add reasons for rejection. Courts are not required to reject documents that are identified in Attachments A and B. However, no electronically filed document shall be rejected unless it is for one or more of the reasons specified in these Attachments.

The information contained in CJD 05-02 is incorporated herein; therefore, CJD 05-02 is repealed effective May 17, 2011.

This CJD is amended August, 2011.

This CJD is amended October, 2012.

This CJD is amended, effective October, 2014

Done at Denver this 30th day of September, 2014.

/s/
Nancy E. Rice, Chief Justice

Attachment A: Rejection List for E-Filed Documents in Civil Cases

	CATEGORIES	REJECTION LIST	EXPLANATORY NOTES
(1)	(1) INCORRECT CAPTION	 Wrong court address Wrong parties Wrong case number Wrong court name Incorrect caption on proposed orders Attorney name and contact information included in the caption of a proposed order 	
(2)	DOCUMENT FILED IN THE WRONG COURT OR WRONG CASE	 Filed in the wrong court location Document filed into a closed and consolidated case 	
(3)	PROPOSED ORDER OR RELATED DOCUMENTS NOT IN EDITABLE FORMAT		This is required in C.R.C.P. 121, § 1-26 (15)(c); C.R.C.P. 305.5 (q)(3); and CJD 11-01
(4)	(4) DOCUMENTS THAT SHOULD NOT BE FILED WITH THE COURT	 Discovery matters filed under CRCP 121, 1-12(3) Offers of settlement In-camera review documents (should be filed as sealed) 	
(5)	AT FILING ATTORNEY'S REQUEST	 Filing attorney calls the court and requests filing be rejected 	

	CATEGORIES	REJECTION LIST EXPLANATORY NOTES
(9)	INCORRECT SCANNING OR DOCUMENT SUBMISSION	 Proposed order not filed separate from the motion Multiple documents filed as one single document Separately filing single pages of a multiple page document, except as required because of the size of the document. A document cannot be opened by the court because of an apparent corruption A document quarantined by the system
3	(7) POOR DOCUMENT QUALITY	Document is illegible Document scanned inappropriately
(8)	FILINGS WHERE THE FILING PARTIES ARE INCONSISTENT WITH THE PARTIES LISTED IN THE BODY OF THE PLEADING	 Filer represents one party, but incorrectly selects another party to file on behalf of in the Filing Party tab Filer does not represent any party but selects a party to file on behalf to get a pleading filed

CATEGORIES	REJECTION LIST	EXPLANATORY NOTES	一 日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日
(9) INCOMPLETE OR INAPPROPRIATE DOCUMENTS	 Certificate of mailing is missing or incomplete Notary signature/seal is not included on a document that requires it Missing date or time on pleadings PR Cases: missing date of appointment and case number on Information of Appointment sheet Documents with tracked changes showing Duplicate Conformed Order Filed: Attorney electronically filing original of an order provided to the attorney in court and order already appears electronically Duplicate documents filed 		
(10) PLEADINGS NOT IN COMPLIANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE, THE COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE, AND THE COLORADO RULES OF PROCEDURE, PROCEDURE	 Missing caption Wrong font size, within reason Wrong margins for appellate court filings Documents filed fewer than five (5) business days before the set return date, CRCP 305.5(d) 		
(11) WRONG DATES ON A NOTICE OF HEARING, NOTICE OF SETTING, OR SUMMONS	 A wrong date or time in a notice of hearing, a notice of setting, a summons, a Rule 120 notice 		

CATEGORIES	REJECTION LIST	EXPLANATORY NOTES
(12) FILING FOR EXECUTION OF A JUDGMENT THAT HAS BEEN STAYED, VACATED, OR SET ASIDE	 Filing a proposed Writ of Garnishment or Writ of Execution with respect to a named defendant when a stay of execution has been placed on the judgment or the judgment was vacated or set aside Filing a proposed Writ of Restitution in a case with a stay of execution or the judgment was vacated or set aside 	
(13) DEFECTIVE WRITS OF GARNISHMENT	 All pages of a garnishment are not submitted Incorrect form of garnishment used Garnishee is not identified Creditor and/or debtor names on garnishment do not match the creditor and/or debtor names on the judgment Filing a garnishment where the judgment has been satisfied, set aside, or stayed Incorrect judgment amounts listed in the garnishment Attorney signature or creditor signature is not notarized or signed before a court clerk 	
(14) PLEADING FILED BY AN ATTORNEY WHO SIMPLY HELPED PREPARE DOCUMENTS BUT DOES NOT INTEND TO APPEAR ON BEHALF OF THE PARTY		The certificate required by C.R.C.P. 11(b) will be accepted in ICCES.

EXPLANATORY NOTES		
		C.R.C.P. 121, § 1-15(10)
REJECTION LIST		Proposed order. Except for orders containing signatures of the parties or attorneys as required by statute or rule, each motion shall be accompanied by a proposed order submitted in editable format. The proposed order complies with this provision if it states that the requested relief be granted or denied.
CATEGORIES	(15) A CHANGE IN STATUS OF THE ATTORNEY WITHIN THE ATTY REGISTRATION SYSTEM.	(16) DISTRICT COURT: EACH MOTION SHALL BE ACCOMPANIED BY A PROPOSED ORDER

Attachment B: Rejection List for E-Filed Documents in Criminal Cases

100	CATEGORIES	REIECTION LIST	EXPLANATORY NOTES
	В.	Land desired a sile of the second state of the second seco	
3	REQUEST	requests filing be rejected	
L		Wrong court address	
_		 Wrong parties 	
		 Wrong case number 	
2	NOTE OF THE PROPERTY OF THE PR	 Wrong court name 	
7		 Incorrect caption on proposed orders 	
		 Attorney name and contact information 	
		included in the caption of a proposed	
_		order	
(3)	DOCUMENT FILED IN THE	 Filed in the wrong court location 	
	WRONG COURT OR	 Document filed into a closed and 	
	WRONG CASE	consolidated case	
4	PROPOSED ORDER OR	120	
	RELATED DOCUMENTS NOT		This is required in Crim. P. 49.5 (13)(c) and by CJD 11-01
	IN EDITABLE FORMAT		
(5)	POOR DOCUMENT QUALITY	Document is illegibleDocument scanned inappropriately	
(9)	CHARGE MISMATCH	 Charges displayed on document do not match charges filed electronically. 	
2			
	THE ATTORNEY WITHIN THE ATTY REGISTRATION		
	SYSTEM.		

ES EXPLANATORY NOTES	 Proposed order not filed separate from the motion Multiple documents filed as one single document Separately filing single pages of a multiple page document, except as required bage document, except as required because of the size of the document. A document cannot be opened by the court because of an apparent corruption A document quarantined by the system for having a virus. 		
CATEGORIES	• • • • • • • • • • • • • • • • • • •		



ICCES Pricing Model – as of 9/20/14

Civil E-Filing Fees ¹		
County Court	\$6.85	Charged once per case.
District Court Civil	\$6.00	Charged once per filing.
Court of Appeals/	\$6.00	Charged once per filing.
Supreme Court		

¹ E-filing fees will be charged on rejected filings.

Criminal E-Filing Fees	2	
County Court	\$6.85	Charged once per case.
District Court	\$6.85	Charged once per case.

² E-filing fees will be charged on rejected filings.

E-Service Fees ³		
County Court Civil	\$6.50	Charged once per transaction, regardless of number of recipients.
District and County Criminal	\$6.50	Charged once per transaction, regardless of number of recipients.
District Court Civil	\$7.50	Charged once per transaction, regardless of number of recipients.
Court of Appeals/ Supreme Court	\$6.00	Charged once per transaction, regardless of number of recipients.

³ E-service fees will be charged on rejected filings.

ICCES Features		
Searching	\$0.00	No charge.
Viewing case history	\$10.00	Charged only if you have not e- filed into the case; access is retained for 14 days from date of purchase.
Viewing documents	\$0.00	No charge once you have access to the case.
Viewing e-service history	\$0.00	No charge.
Notifications ³	Free up to 30 rules per organization; \$20 per month prorated for each exceeding cap.	Charge is prorated based on each active Notifications rule that is setup within each organization.



³ Notifications in ICCES are optional custom rules set up by users to be notified of court events. These are different from Alerts, which is your inbox of items specific to your ICCES account (filings accepted/rejected, service, etc.).

Credit card fee	3%	Only charged if you choose to pay your invoice by credit card.		
Denver City Tax	N/A	Business organizations that reside within the city limits of Denver are responsible for paying the applicable city tax for information services. The current e-filing system charges a sales tax to these organizations for all electronic and/or system fees. However, ICCES will not be collecting sales tax for any transaction or fee. These business users will need to report the applicable expenditures to the City of Denver, as it will be subject to a use tax. Fees subject to this tax include: • E-Filing Fees (does not include actual court fees) • E-Service Fees • ICCES optional features (case history, notifications, etc.) • Printing Fees		
		Information regarding the rates and rules surrounding the use tax for businesses is available from the <u>City of Denver website</u> . If your organization needs advisement regarding payment terms, applicability, or has any other general question, please contact the City of Denver at 3-1-1 (within Denver) or 720-913-1311 (outside of Denver). If your organization resides within Denver and is not currently registered for use tax, an application for Denver Use Tax license can also be downloaded from the <u>website</u> .		

Printing fee	\$6.00 per transaction + \$.04 per page					
Postage fee (subject to U.S.	Proposition Appleting	110				
Postal Service fee changes)	Number of pages	Domestic rate	Foreign Rate	Carrier		
	1-5	\$0.48	\$6.55	#10 Envelope		
	6-10	\$0.69	\$6.55	#10 Envelope		
	11-17	\$0.90	\$9.45	6x9 Envelope		
	18-21	\$1.61	\$9.45	9x12 Envelope		
	22-27	\$1.82	\$12.75	9x12 Envelope		
	28-34	\$2.03	\$12.75	9x12 Envelope		
	35-40	\$2.24	\$12.75	9x12 Envelope		
	41-46	\$2.45	\$12.75	9x12 Envelope		
	47-53	\$2.66	\$12.75	9x12 Envelope		
	54-59	\$2.87	\$12.75	9x12 Envelope		
	60-65	\$3.08	\$12.75	9x12 Envelope		
	66-72	\$3.29	\$14.90	9x12 Envelope		
	73-79	\$3.50	\$16.75	9x12 Envelope		
	80-150	\$5.05	\$23.95	Flat Rate Envelope		
	151-1200	\$11.30	\$59.95	Flat Rate Box		
Certified mail fee (subject to U.S. \$11.45 Postal Service fee changes)		<u> Vije</u>	All certified mail fees are in addition to the postage rate; includes certified mail (\$3.30 return receipt (\$2.70) and restricted delivery (\$5.45) fee			

⁴ Print and mail fees will be charged on rejected filings.

CRIMINAL E-FILING BROWN BAG

THE 8TH JUDICIAL DISTRICT INVITES YOU TO A CRIMINAL E-FILING BROWN BAG.

WHO: Attorneys in the 8th Judicial District, Public Defender's Office and the District Attorney's Office

WHAT: The 8th Judicial District went live with criminal e-filing on January 20, 2015 and Larimer County went paperless on January 26, 2015. This includes CR, JD, M and T case types.

WHEN: Wednesday, February 18, 2015 – Noon to 1:00 pm

WHERE: Larimer County Justice Center, Jury Room - Side B

WHY: To provide useful information and receive feedback from you on our transition.

The State Court Administrators Office will be on site to answer any questions you might have.



The above information can also be found on these websites.

http://www.courts.state.co.us/userfiles/file/CJD%2011-01withattachmentA%20amended%2010-1-12.pdf

http://www.courts.state.co.us/userfiles/file/ICCES%20Pricing%20Model%20Sheet.pdf

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COLORADO STATE UNIVERSITY

Notice:

Colorado State University seeks an experienced staff attorney for its on-campus Student Legal Services Office in Fort Collins. Please go to http://jobs.colostate.edu/postings/8146 for details and instructions for applying online. Last day to apply and receive full consideration is February 17, 2015.

CSU is an EO/EA/AA employer and conducts background checks on all final candidates.



LAW FIRM MYATT BRANDES & GAST PC TRANSITIONS TO GAST JOHNSON & MUFFLY PC

FORT COLLINS, COLO. (January 1, 2015) - Myatt Brandes & Gast PC is pleased to announce that two of its lawyers, Jeffrey J. Johnson and Daniel C. Muffly, have become named partners in the firm's new name, Gast Johnson & Muffly PC. Johnson and Muffly have provided expertise in their broad range of services which includes business and real estate law, civil rights, employment law and general litigation. The firm's new name, Gast Johnson & Muffly PC is effective January 1, 2015.

The change comes as a result of the retirement of partners Ramsey Myatt in June and Bob Brandes in December. Both were founding partners of Myatt Brandes & Gast PC with Dick Gast and Jeff Johnson. Brandes has practiced law in Fort Collins, Colorado since 1975.

"Our name change reflects the outstanding contributions Jeff and Dan make to our firm and our clients," said Dick Gast, partner for the newly formed Gast Johnson & Muffly PC.

Jeff has been with the firm since 1993. He practices in the areas of real estate and business law. Community service plays a big role in Jeff's lifestyle. He currently serves on the City of Fort Collins Affordable Housing Board, and is a past board member of Funding Partners for Housing Solutions and United Way of Larimer County. Jeff is a volunteer mentor for the Colorado Attorney Mentoring Program.

Dan joined Myatt Brandes & Gast PC in 1999. His expertise is in the areas of employment law, civil rights, business law, construction excavation law and general litigation. He currently serves on the Colorado Bar Association Board of Governors. He is the past president of the Larimer County Bar Association and has served on the Boards of the Fort Collins Soccer Club and Crossroads Safehouse.

"It's been a privilege to practice law with Bob over the years," said Dick. "We will miss him but we are grateful for all he has done in establishing our firm's reputation for excellent client service."

Myatt Brandes & Gast PC has been consistently recognized and honored by industry peers. The firm was most recently recognized for the second year in a row as a Tier 1 selection in the 2015 "Best Law Firms" for Colorado in Real Estate Law by *U.S. News - Best Lawyers®*, which recognizes the top law firms in the country for professional excellence. Myatt Brandes & Gast PC also received a Martindale-Hubbell Peer Review Rating™ which means its lawyers are deemed to have very high professional ethics and distinguished legal ability.

About Gast Johnson & Muffly PC:

Gast Johnson & Muffly PC takes a client-centric approach to provide quality representation in real estate, business, employment, banking, trust and estate matters. The firm's six attorneys (Dick Gast, Jeff Johnson, Dan Muffly, Pete Dauster, Ryan Thorson and Lindsay Steele-Idem) combine a depth of knowledge and experience to effectively serve their clients. Gast Johnson & Muffly PC is located in Fort Collins, Colorado and serves clients throughout northern Colorado and southern Wyoming. Learn more at www.gjmlawfirm.com.

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Notice:

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CSU is an EO/EA/AA employer and conducts background checks on all final candidates.

SELLING YOUR PRACTICE? BUYING A LAW PRACTICE?

Join the Larimer County Women's Bar Association for a Brown Bag CLE to Discuss Ethics Issues Related with Buying/Selling Law Practices

Speaker: Chip Mortimer, Deputy Regulation Counsel

When: March 3, 2015, From Noon until 1:30 p.m.

Where: Larimer County Justice Center, Jury Room

Cost: Free



CLE CREDIT PENDING APPROVAL

The LARIMER COUNTY BAR ASSOCIATION PROFESSIONALISM COMMITTEE

PRESENTS ITS

25th ANNUAL ETHICS SEMINAR

AND Professionalism Award Presentation

TUESDAY, APRIL 21, 2015 1:00 p.m. to 5:00 p.m.

THE LINCOLN CENTER FORT COLLINS, CO

Speakers for this Seminar include the following:

- •Hon. Karen M. Ashby, Judge, Colorado Court of Appeals
- ●Hon. C. Michelle Brinegar, District Court Judge, 8th Judicial District
- •Hon. Mary Joan Berenato, County Court Judge, Larimer County, 8th Judicial District
- ●Hon. Kraig S. Ecton, County Court Judge, Larimer County, 8th Judicial District
- ●Hon. Joshua B. Lehman, County Court Judge, Larimer County, 8th Judicial District.
- Amy DeVan, Esq., Executive Director, Independent Ethics Commission
- •Robert Keatinge, Esq., Ethical Responsibilities of Lawyers who engage in Other Businesses
- •Richard Eason, Esq., Representing the adult client with diminished capacity
- •Hon. John A. Jostad, District Court Magistrate, Moderator/Discussion Leader

The Cost of this Seminar is **only** \$60.00 with your timely filed pre-registration postmarked by April 6, 2015. Registration thereafter, and at the door, is \$70.00. Approval for a minimum of **FOUR CLE/Ethics credits**is anticipated. Proceeds go to LCBA and have been used in the past for college funds. Early registration is greatly appreciated in helping us to anticipate the number of attendees.

NOTE: The ANNUAL LARIMER COUNTY BAR ASSOCIATION PROFESSIONALISM AWARD will be presented at 4:40 p.m. at the Seminar. Even if you are unable to attend the Seminar, PLEASE plan to join us for the presentation of this award. Social gathering to follow the presentation.

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Please send your registration and checks made payable to LCBA to:

Donna S. Hochberg, Esq.
Hochberg Law Office, PLLC
19 Old Town Square, Suite 238
Fort Collins, CO 80524

For more information, please contact Donna at (970) 493-1718.

Attorney:

Address:

Telephone:

Email address:

Check us out on the web at: www.larimerbar.org/professionalism-committee

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NOMINATIONS FOR PROFESSIONALISM AWARD

The Professionalism Committee will present the Professionalism Award at the <u>2015 Ethics Seminar on April 21, 2015</u>, which is presented to a Larimer County attorney whom the Executive Committee selects as exemplifying adherence to high standards of ethics and professionalism. Candidates will be considered for recommendation on the following standards:

- Must be a member of the Larimer County Bar Association for not less than five years
- Demonstrated positive involvement in the legal profession
- Courteous and prompt in conducting business
- Adheres to the Principles of Professionalism in both attitude and actions
- Complies with the Colorado Rules of Professional Conduct including treating all individuals with respect and dignity regardless of their sex, race, national origin or sexual preference
- Performs pro bono public service by participating in improving the community or by providing legal services to clients of limited means without charge or in a manner that allows the client to participate in the legal process
- Committed to improving the profession when possible and to practicing law in a manner consistent with a commitment to providing quality legal services to the client
- In representing a client and rendering advice considers not only the law but other considerations such as moral, economic, social and political factors relevant to the situation

Please send your nominations & supporting information no later than March 13, 2015 to:

Donna S. Hochberg, Esq.
Hochberg Law Office, PLLC
19 Old Town Square, Suite 238
Fort Collins, CO 80524
(970) 493-1718
dshochberg@yahoo.com





TO THE FOLLOWING LAW FIRMS, ATTORNEYS & STAFF THAT SUPPORTED THE 2014 NATIONAL ADOPTION DAY CELEBRATION:

JUDGE STEPHEN HOWARD & JUDGE GREGORY LAMMONS HOCHBERG LAW OFFICE, PLLC CODY KNEBEL

LARIMER COUNTY BAR ASSOCIATION
JUDICIAL ADMINISTRATION
LARIMER COUNTY DEPUTIES

RIKKE LISKA

PLEASE SUPPORT THE FOLLOWING BUSINESSES & ORGANIZATIONS THAT DONATED TREATS, GIFTS OR TALENT:

BUTTERCREAM CUPCAKERY
BISETTI'S RISTORANTE
KILWIN'S

SILVER GRILL CAFÉ

TEXAS ROADHOUSE

MATADOR MEXICAN GRILL

ADOPTION DREAMS COME TRUE

COLORADO EAGLES - SLAPSHOT & THE CHICKS

UNIQUELY TWISTED BALLOONS BY SUZALLOONZ

DALE CRAWFORD - CARICATURIST

JALAPEÑA THE CLOWN

MISCELLANEOUS MEETINGS AND UPDATES

There is an informal group of "trust and estate" lawyers called the LCBA Trust & Estate Bar. It meets five times a year, from September through May, usually on the fourth Wednesday of the month. The meetings are from 7:30 to 8:30 a.m. at First National Bank downtown. If you are interested you can email Pete Bullard at pete@estate-planning-help.com.

The Colorado Criminal Defense Bar (Larimer Chapter) meets monthly. Jeffrey Schwartz is the contact person at jeff@jskwlaw.com. He sends out notices by email so if you would like to be included, contact him.

The Larimer County Young Lawyers meets the third Wednesday of every month. If you are interested in their group, contact Erin Redmond at (970) 682-7999 or email her at eredmond@nocolawver.com.

Cristin M. Berkhausen is the contact person for the Larimer County Women's Bar. If interested, contact Cristin at (970) 221-2637 or <a href="mailto:coeffcapercolor: blue contact coeffcapercolor: blue coeffcapercolor: b

For those that do not know Larimer County Bar has a web page. Lisa Ritter keeps our webpage current. If there is something you would like to see on the page, please contact her at Iritter@ftccolaw.com.

If you haven't checked out our webpage, you can find it www.larimerbar.org

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