

March, 2014

NOTICE TO ATTORNEYS

Re: Procedures in Jefferson County Court Civil Cases

Assignment and Courtroom: All County Court civil matters (except protection order cases) will be heard by Division H and conducted in Courtroom 1-C. Both returns and contempt citations are held Monday-Thursday at 8:00am.

Initiating an Action: Other than name changes, replevin actions, actions seeking injunctive relief, and petitions for protection orders filed pursuant to C.R.S. §13-14-101 et. seq., ALL county court civil cases filed by attorneys shall be e-filed. Enter the proposed judgment into ICCES when you file the Complaint. ENTER THE DEFENDANT'S ADDRESS INTO ICCES WHEN YOU FILE THE COMPLAINT.

Settings:

1. Settings are done Mondays-Thursdays at 10:00 a.m. The phone number for the settings clerk is 303-271-6390. Please put that phone number on all "notices to set."
2. If an Answer is filed, file a Notice to Set within 30 days of the return date, so the clerks do not have to send you a Notice of Dismissal Date. If you have filed a Notice to Set, call the setting clerk on the date you said you would.
3. If you have received a Mediation Order, comply with the provision requiring you to file a Notice to Set within 20 days of the date of the Order. YOU MAY NOT WAIT UNTIL THE MEDIATION HAS BEEN COMPLETED TO SET THE TRIAL. FILE YOUR NOTICE TO SET AS ORDERED.
4. If a jury trial has been demanded, set a Pretrial Conference and a Jury Trial.

DOCUMENTS

Motions and Orders:

1. County Court Rule of Procedure 307(b), which required permission to file a motion, has been repealed. The Court enforces Rule 315, which provides: "Amendment to pleadings will not be permitted except by order of court."
2. Be specific in your Document Title: When filing a Motion, call it "Motion to Amend Complaint," not just "Motion." When you file a proposed order, give it a title in the caption. For example, state "Order Authorizing Amendment of Complaint," not "Proposed Order."
3. If your client prevailed at trial and the Court authorized the filing of an affidavit of attorney's fees and/or costs, please file a Motion for Post-Trial Attorney's Fees and proposed order with your affidavit. Otherwise, your affidavit may not get transferred to the judge's inbox.
4. Please do not file a motion or proposed order for default judgment prior to the return date. This results in the unnecessary use of clerk time.
5. Don't file a "motion to place a case in suspense." Cases will not be placed in suspense. A case can be administratively closed if a bankruptcy stay has been issued which affects the subject case. The case can be reopened on motion if relief from stay is obtained or the bankruptcy is dismissed.

6. Don't file a "Notice of Dismissal" if a pleading has been filed by a defendant or judgment has entered.
7. Don't file a "Motion to Dismiss" if a judgment has entered. You may file a "Motion to Vacate Judgment and Dismiss With/Without Prejudice."
8. To assist the clerks in properly directing your motions, please:
 - a. Title a stipulation: "Stipulation," not "mutual release," "agreement," etc.
 - b. Title a motion for default judgment on a stipulation: "Motion for Judgment on Default of Stipulation," not "motion for judgment" or "motion for default judgment."
 - c. Title a motion to administratively close a case due to a bankruptcy filing: "Motion to Close Due to Bankruptcy Filing," not a "motion to hold in abeyance" or "motion to place in suspense," etc.
9. If you are asking the Court to enter a judgment, put the breakdown (principal, costs, attorney's fees and/or post-judgment interest rate) in the proposed order, as well as in the motion, so that, if the motion is granted, the clerks need only look at the Order to determine the amounts to be entered into the computer.

Complaints: Every Complaint filed must comply with C.R.C.P. 303(a) which requires that a Complaint include a "statement of claim setting forth briefly the facts and circumstances giving rise to the action . . ." This includes the disclosure of the original obligee. The Defendant must be able to ascertain from the Complaint the basis of the Plaintiff's claims.

Advisement in Summons re: Interpreter Availability: To assist the Court in providing interpreters as early in the process as possible, please add ONE of the following advisements to your summons form:

Jeffco-specific Advisement:

To request an interpreter please contact the Managing Court Interpreter – Please call 303-271-6195 with your name, date of your appearance, and your case number or in an email provided the above information to franciso.picado@judicial.state.co.us.

Se ofrecen servicios de interpretación. Favor de llamar al 303-271-6195 indicando su nombre, la fecha de su comparecencia, y su número de caso. Por correo electrónico a franciso.picado@judicial.state.co.us.

Advisement Applicable to All Colorado Courts:

If you require a language interpreter, you must inform the court prior to your hearing to ensure that an interpreter is present at all future court appearances. A court appointed interpreter will be scheduled to assist you at no charge. Information about obtaining an interpreter can be found at www.courts.state.co.us.

Si usted requiere la asistencia de un intérprete, tiene que informarle al tribunal antes de su audiencia para poder asegurar la presencia de un intérprete en todas sus futuras comparecencias. Un intérprete asignado por el/la juez será organizado sin costo alguno. Puede obtener información sobre cómo obtener un intérprete en la página Web www.courts.state.co.us.

Alias and Pluries Summons: If a Summons and Complaint have been filed, but not properly served prior to the return date on the summons, the Court will authorize one alias summons. If the Defendant has not been properly served prior to the return date on the alias summons, the Court will authorize one pluries summons. If the Defendant has not been served prior to the return date on the pluries summons, the case will be administratively closed on the return date. Once the Plaintiff has located the Defendant, the Plaintiff may a motion indicating that the Defendant has been located and requesting that the case be reopened and an alias summons authorized.

Evidence of Debt: The Court requests that proof of debt be filed with the Summons and Complaint. However, if default judgment does not enter due to a lack of evidence of debt, the Plaintiff may file a motion for default judgment with evidence of debt attached and a proposed order.

Documents Containing Confidential Information: Pursuant to Chief Justice Directive 05-01, documents containing confidential information may not be available to the public until after being redacted. To facilitate compliance with this requirement, parties are asked to refrain from including confidential information in pleadings. For example, information such as social security numbers, driver's license numbers, personal identification numbers (e.g. passport, student ID, state ID., etc.) and financial account numbers should not be in pleadings such as a complaint. Instead, an exhibit containing such information should be filed separately and "suppressed" so parties of the case and court may view them. Fugitive information sheets should also be e-filed as "suppressed."

Format of Documents and Case Caption: ALL documents shall be filed in 8-1/2" x11" format. Case captions shall include a space for "Court Use Only" at least 2 ½ inches in width and 1 ¾ inches in length in the upper right-hand corner. Documents improperly formatted will be rejected.

Forms: Use correct and updated forms. In particular, do not use old forms which provide the incorrect # of days for responses, etc. Use the correct FED summons referencing the warranty of habitability. Improper forms will be rejected.

Stipulations: Stipulations filed in the Courtroom and signed by a judicial officer will be uploaded by the Division H clerks. All other stipulations need to be e-filed by you, along with a proposed order. A stipulation that has been signed by a judicial officer and uploaded by the court which is later e-filed by counsel will be rejected as a duplicate document.

COURT DATES

Judgment requests: If the Court denies a request for default judgment made on a return date, a minute order will be issued stating the reason for the denial.

Continuances of return dates: Return dates will be continued only twice. A return date may be set out no more than 90 days from the date of the previous return date. A Notice of Setting a continued return date must be mailed to the defendant(s) at least 14 days prior to the continued return date.

Contempt Citation Hearings: If a defendant appears for a contempt citation hearing, that contempt citation hearing will be continued only if the continuation is done on the record or in a writing which is signed by both parties. A contempt citation hearing will be continued only twice. On the date of the third setting, the matter will go to hearing or the citation will be dismissed. A contempt citation hearing may be set out no more than 90 days from the date of the previous citation hearing. If you are requesting a bench warrant, all fugitive information, complete with date of birth, **must be e-filed in advance** or your request will be denied.

Bonds: Cash bonds posted by a party, which have not been forfeited, will not be applied to a judgment unless the posting party **consents to the application in a written stipulation or on the record**. If the defendant or a surety fails to appear for a bond forfeiture hearing, a cash bond will only be applied to the judgment if the attorney requests the case to be called and moves for application of the bond to the judgment on the record.

Garnishee Liability Hearing: Relief from the Court will only be granted if the case is called on the record.

Vacation of Trial/Hearing Date:

1. A scheduled trial will only be vacated, if:
 - a. A settlement stipulation has been approved by the judge in writing or on the record before the trial date; or
 - b. The trial date has been continued by the judge in writing or on the record before the trial date; or
 - c. A motion to dismiss has been granted by the judge in writing or on the record before the trial date.
2. A phone message left with a clerk telling him/her the parties have reached an agreement and the trial can be vacated or requesting "new dates" will be ignored.
3. Failure to appear at the scheduled trial that has not been vacated as required above will result in dismissal of claims and/or default judgment.