



20TH JUDICIAL DISTRICT OF COLORADO

ADMINISTRATIVE ORDER 05-102

SUBJECT: County Court Civil Procedures

To: Judicial Officers, District Administrator, Clerk of Court, Court Staff and Attorneys

**From: Roxanne Bailin
Chief District Judge**

DATE: December 11, 2012

This order updated 20th Judicial District Administrative Order 05-102, dated 5/25/05 and 11/13/07.

In accordance with Chief Justice Directive 89-1, the following case management procedures are implemented in county court civil cases. In an effort to meet the statewide standard that county civil cases reach disposition within six (6) months of filing, earlier review and more diligent management of the civil cases will be done.

Civil Returns are held in Boulder every Wednesday afternoon at 1:30 p.m. and in Longmont on Friday afternoons at 2:00 p.m.

When a new civil case is filed, if there are any deficiencies in the summons and complaint a Notice and Order to obtain an alias summons will be sent to plaintiff/counsel and the case dismissed in thirty-five (35) days if the deficiencies have not been corrected.

At the civil return hearing, default judgment will be entered by the clerk if no answer has been filed and the plaintiff/counsel appears at the hearing. If plaintiff/counsel does not appear, a Delay Prevention Order will be issued, and the plaintiff will be required to take one of the following actions: 1) file a written motion for default judgment, 2) file an alias summons with a new court date, 3) file a written settlement stipulation or, 4) file a request to administratively close the case if the defendant cannot be located and served. An administratively closed case can be reopened by written motion. Failure to file one of the above documents within thirty-five (35) days will result in dismissal of the case.

If an answer is filed, parties will be either directed to attend a pretrial conference with a judge, and/or required to complete alternative dispute resolution (ADR) within 63 days, depending on the type of case. In Boulder, all non-collection cases are initially ordered to engage in ADR. County Court Mediation Program providers (list available on the Boulder County Bar

Association web page) agree to adhere to the county court mediation fee maximum of \$50 per party per hour for any county court civil case filed in Boulder County Court. Collection cases are first set for a pre-trial conference, and if no resolution is reached, cases in which the damages exceed \$1000 are ordered to complete ADR. If the parties reach a settlement at the pretrial conference, the judge or magistrate shall order plaintiff's counsel to e-file the Stipulation within seven (7) days.

If ADR is successful, a certificate of compliance should be filed along with a Stipulation or a Motion to Dismiss. If ADR is not successful, a letter from the mediator or certificate of ADR compliance should be filed along with a Motion to set for trial. If filed separately, Motion to set for trial shall be filed no later than thirty-five (35) days after the completion of ADR. If one party refuses to cooperate with ADR, the other party may file a motion for default judgment or ask that the action be dismissed.

The ADR order will contain a court review date, set shortly after the sixty-three (63) day ADR deadline, to inform the court of the state of the case. This review date will be vacated and the parties will not be required to attend if the Certificate of ADR compliance and a motion to set for trial, or a written stipulation, or a notice of dismissal are filed with the court prior to the review date.

The four Boulder divisions of the County Court are on a four week schedule rotation with different types of settings and responsibilities for each week of the rotation. Pre-trial conferences are typically set on Wednesday afternoons of the 3rd week in a rotation. Civil trials to the court are set on the Monday mornings of week 2 of the rotation, Tuesday mornings and afternoons of week 3, - rotation. Divisions may set aside additional time to hold trials as needed.

Jury trials in Boulder are set on a trailing docket for a Tuesday or Wednesday of weeks 2 and 4 of the rotation. Prior to the jury trial date, the parties will be required to attend and participate in a settlement conference with a settlement judge and each party is required to provide the settlement judge with a short, confidential settlement statement at least 48 hours prior to the settlement conference.

If a case is set for trial, at least twenty-one (21) days prior to the trial, the parties will be required to exchange Form 9 disclosure statements, listing witnesses and exhibits.

A handwritten signature in black ink, appearing to read 'R. Bailin', enclosed within a large, hand-drawn circle.

Hon. Roxanne Bailin
Chief Judge
Twentieth Judicial District