



**20<sup>TH</sup> JUDICIAL DISTRICT OF COLORADO**  
**ADMINISTRATIVE ORDER 03-101**  
**SUBJECT: County Court Reorganization**

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**To: Judges and Magistrates, District Administrator, Clerk of Court, Division  
Judicial Assistants**

**From: Roxanne Bailin  
Chief District Judge**

**DATE: July 20, 2012**

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This Administrative Order replaces Administrative Directive 01-103, dated September 7, 2001 and the version of Administrative Order 03-101 dated January 3, 2003.

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## **COUNTY COURT MEMORANDUM OF OPERATION**

The County Court of the Twentieth Judicial District has developed this Memorandum of Operation to explain its structure and function with the assistance of representatives of all participants in the criminal and civil justice systems. This document describes the goals, expectations, structure, and operation of the County Court.

### **CRIMINAL CASES**

#### **Goals**

- Resolve cases in a timely fashion
- Limit continuances to good cause
- Enhance use of clerk resources
- Provide trials more quickly
- Provide earlier revocation hearings
- Provide adequate motions hearing time on the docket
- Reduce jail population held pretrial
- Even out each judge's workload
- Create a docket cycle that accurately reflects the work being scheduled

## Historical Basis for This Order

At the time that this Order was originally issued in 2001, Boulder County Court did not operate as efficiently as the judges and the magistrate would have liked. The following four paragraphs are retained from the original order in order to provide the historical context for the Order. These paragraphs were aspirational and not intended to prevent individual judges from acting according to the law.

*The attorneys who practice in Boulder County Court already confer at an early stage in the proceedings. Accordingly, a major culture change is not required. It is true, however, that each event scheduled on the dockets in County Court has not been perceived as a "meaningful event," that is, an event that moves the case forward. In addition, these events have been too distant from one another to allow for early disposition. As a result ten times as many trials are set than actually go to trial, thus clogging the docket with cases that are not really destined for trial.*

*The County Court expects that each event scheduled in a case will be a meaningful event that will move the case forward. To that end, all participants in a case will anticipate the work necessary to meet this expectation, will do that work, and will be prepared to accomplish the task associated with each event.*

*The County Court will set for trial only cases that are likely to go to trial so that fewer cases will be set for trial and so that the trial calendar will more truly reflect cases that will go to trial.*

*The Court will engage in differential case management and set cases appropriately. The goal is that 90% of the misdemeanor and traffic cases will be resolved within 90 days of first pre-trial conference and 98% will be resolved within 120 days.*

## Structure and Operation

Attached is the County Court One-Month Rotation and Scheduling System.

## Filings and In-Custody Pre-Trial Conferences

During Intake, cases in which felony filings are not accomplished during the week of the first appearance at the jail shall be held over to the following week and become the cases of the next judge in the rotation. Those cases will remain the cases of the judge who handles the filing of charges. Extensions for filing of charges beyond the normal two business day time period will not be granted routinely. In the event that the filing of charges is continued, the case will then remain in the division which is in Intake on the date charges are filed.

Misdemeanor in-custody pre-trial conferences (PTC) shall be set at the jail for Defendants unable to post bond. Cases in which an in-custody pre-trial conference is not accomplished during the week of the first appearance at the jail shall be held over to the following week and become the cases of the next division in the rotation. Where an in-custody pre-trial conference is held during the week of the first appearance, a subsequent in-custody pre-trial conference may be

set in the following Intake week at the jail and those cases then become the cases of the next division in the rotation. If no disposition is reached with the second judge, the cases remain with that division and will be set for Case Management Conference (CMC) with the second judge. In no event will a case be held over for a third Intake week.

### Mental Health Cases

If a person is transported to a hospital on a 27-65 (civil) hold before advisement and is then returned to jail, the judge in Intake on the day the person actually makes his first appearance keeps the case for initial advisement. The case may be set for filing of felony charges or an in-custody misdemeanor pre-trial conference as necessary the following week with the next intake judge.

If a person appears at advisements and a return for filing of charges or an in-custody pre-trial is set for the following week with the second judge, but the person is transported on a hold such that he or she does not appear at the filing or in-custody pre-trial, the judge who is on duty on the day the person reappears for filing or in-custody pre-trial keeps the case. The third judge stands in the shoes of the second judge.

If a person appears at advisements and a competency evaluation is ordered, the judge ordering the evaluation keeps the case.

### Pre-Trial Conferences and Representation

With regard to Defendants who are able to post bond before 2:00 p.m. first appearances at the jail and with regard to Defendants who are given summonses rather than arrested, the Defendants shall:

1. Return on bond or summons for arraignment to the County Court Magistrate's Division.
2. Engage in a dispositional conference with the District Attorney.
3. Enter into disposition before the Magistrate (whether pro se or represented by counsel), or
4. When the disposition is not accepted:
  - a. The initial conference with the District Attorney at the time of arraignment in the Magistrate's court shall be considered pre-trial conferences (PTC) for purposes of referral of Defendants to the Public Defender's Office. All Defendants who express a desire to seek representation by the Public Defender shall be referred directly to the Public Defender's Office with a copy of the written offer and directions to the office. All such Defendants shall be given a Case Management Conference (CMC) date consistent with the CMC calendar for the appearance of the Public Defender. Such Defendants shall not be given a PTC date.
  - b. All Defendants who do not express a desire to speak to the Public Defender and all Defendants represented by private counsel shall be given a PTC date.

All monolingual Spanish speakers will be set for Tuesday morning PTCs if charged with domestic violence and for Wednesday mornings if they are not.

Nothing in this plan prohibits the District Attorney from setting another pre-trial conference (“proof hearings”) in the Magistrate’s Division for cases that will be dismissed if the Defendant can provide certain paperwork, e.g. driver’s license or proof of insurance.

Nothing in this plan prohibits attorneys from filing written entries of appearance, waivers of arraignment, not guilty pleas, and setting their cases for pre-trial conferences; however, such entries will not accelerate the entry of the not guilty plea. For purposes of determining the date upon which speedy trial begins to run, the effective date of entry of the not guilty plea is the date of a Defendant’s first appearance before a judge for initial in-custody advisement hearing at the jail, the return date for arraignment before the magistrate upon posting bond prior to advisement at the jail, or the originally scheduled arraignment date on a summons, even if the arraignment date is vacated by the court upon counsel’s entry of appearance. See C.R. S. 16-2-113; 16-7-208; C.R.Crim.P. Rule 5 (c)(2); Rule 11(d).

Defendants who are in custody at the 2:00 p.m. first appearances may have in-custody PTCs. The Court may also schedule a second in-custody PTC. At that point, the Public Defender will enter if the Defendant is eligible for representation. If the second in-custody PTC does not result in a disposition, the case will be set for a CMC. Any Defendant who is released on bond and who did not participate in a second in-custody PTC shall be set for a PTC pursuant to the schedule set forth above in numbered paragraph 4.

Each Division will maintain Tuesday and Wednesday during Week 3 of each rotation during which the judge will take immediate dispositions upon the acceptance of a plea disposition at the PTC to the extent other matters on the docket permit. In Longmont, immediate dispositions may ordinarily be heard on Monday and Friday afternoons.

#### Case Management Conference

In the event that a disposition is not reached at the PTC, the case will be set for a CMC on a general criminal docket approximately three to six weeks from the PTC. The Defendant must be present regardless of whether he or she is represented. If the Defendant is represented, both the Defendant and counsel must be present.

At the CMC, a disposition may be entered, the case may be set for a disposition hearing if resolution is imminent, or the case will be set for Motions Hearing and Trial. If no disposition is reached or imminent, the judge will discuss with counsel and the Defendant whether discovery has been completed and if not, what remains to be done and how it will be done. In addition, the judge will discuss whether motions will be filed. If no motions are to be filed, a status conference will be set in lieu of a motions hearing. The judge will also discuss with counsel and the Defendant any other issues that may impact the efficient management of the trial docket including the anticipated length of the trial. If requested by the defense attorney or the Defendant, the judge may discuss the consequences of plea or trial in terms of sentencing if he or

she wishes to do so. Although dispositions may be reached before or after CMCs, the judges will not press the parties for dispositions.

In the event that a disposition is not reached at the CMC, the judge will set a deadline for filing of motions approximately two to four weeks from the CMC. The judge will also set deadlines for filing of witness endorsements and discovery disclosures in accord with Rule 16 C.R.Crim.P. The judge may also set a cut-off date for accepting any disposition which does not involve a guilty plea to the most serious charge. Motions hearings will be set on a general criminal docket unless special accommodation is necessary. Trials will be set on a two-day trailing docket unless a firm date is requested and deemed necessary and appropriate. This determination will be made on a case-by-case basis. Every effort will be made to set trials at least thirty days but no more than sixty days from the motions date or status conference.

Defendants who are not represented by counsel at the CMC but who state the intention to hire counsel shall be given a return date for an additional CMC as soon as possible. Defendants who continue to be pro se at the continued CMC shall be deemed to be proceeding without counsel, advised accordingly, and given a pre-trial readiness conference date. Judges may wish to instruct such Defendants to observe a trial.

#### Motions Hearings / Status Conferences

If no motions are filed by the motions filing deadline, the hearing will be converted to a status conference. The status conference remains a bond appearance event and all parties must appear.

#### Trial

There are five trial days available among two Boulder divisions and the Longmont division each week. On the Tuesday preceding a trial week, the County Judges will request a status report from the District Attorney's Office regarding the cases set for trial the following week. The County Judges will confer in order to maximize the number of trials that can be held.

Any case not eliminated from the upcoming trial docket through disposition, dismissal, or continuance for good cause shall be set for trial on Tuesday morning at 8:30 a.m. All parties and counsel shall appear ready to proceed for trial. If more than one trial will be proceeding in any division, additional trials may be heard in either of the other two County Court divisions where no trial is proceeding or may be set to proceed on Wednesday morning at 8:30 a.m. in either of the Boulder divisions. The Public Defender will not be required to go to trial on multiple cases simultaneously if the same attorney represents more than one Defendant. Consideration will also be given to the Deputy District Attorneys' individual case assignments and staff availability before a case is sent to another division for trial. Any cases that are not tried or eliminated by this process shall be continued by the Court to a later trial week.

#### Probation and Deferred Judgment Revocations

Revocation hearings will be set on the general criminal dockets.

### Multiple Case Division Assignment

When a Defendant has a pending case that is pre-adjudication and then is charged with a subsequent case or cases in county court, the new cases will be assigned to the division in which the original pre-adjudication case is pending.

This does not automatically apply where one case is filed in Boulder and the other in Longmont. In such event, the cases will remain in Boulder and Longmont respectively. However, if it is determined that the Boulder and Longmont cases are inter-related, such as a DV case filed in Boulder followed by a subsequent VPO case filed in Longmont arising out of the Boulder case, the subsequent case may be transferred to the division where the first case is assigned. The court may transfer cases on its own or upon motion of either of parties.

When the new case is a felony, the original pre-adjudication misdemeanor case will trail the new felony case in accord with 20<sup>th</sup> JD Administrative Order 08-101 as amended.

When a Defendant has a new county court case pending and a post-judgment revocation is then filed, the post-judgment case will be reassigned to the division in which the new case is pending.

When a Defendant has a post-judgment case in one town and has a new county court case pending in the other town, the post-judgment case will be sent to the judge in the town where the new case is pending.

### Miscellaneous

The judges shall make available several settings during non-trial days, such as 9:00 a.m., 10:30 a.m., 1:30 p.m. and 3:00 p.m.

The judges shall pre-approve personal recognizance bonds on revocation warrants whenever appropriate.

Every judge will use best efforts to cooperate with the transfer of dockets and trials between judges as may be reasonably necessary under the circumstances.

## **CIVIL CASES**

### Non-jury trials

Civil non-jury trials shall be set on one Monday morning and one Tuesday during each rotation. The Court may order mediation or settlement conferences as specified in the County Court Civil Case Procedures 20<sup>th</sup> J.D. Administrative Order 05-102 as modified. In Longmont, non-jury civil trials may be set on Monday or Friday afternoons.

### Jury trials

Civil jury cases shall be set on any of four jury trial days during each rotation and in Longmont on Tuesdays.

### TPO/PPO Hearings

During Intake (week 1), the judge will hear the TPO's until 11:00 a.m. and will then turn this duty over to his or her "companion" judge. The companion judge for Judge A is Judge B. Likewise, when Judge B is in Intake (week 1), Judge A (week 3) will hear TPO's after 11:00 a.m. When Judge C is in Intake (week 1), then Judge D (week 3) will be the "companion" judge for TPO's, and Judge C (week 3) will hear the TPO's after 11:00 a.m. taking over TPO's from Judge D (week 1 Intake). If the judge who is responsible for TPO's is unavailable and a TPO is heard and granted by another judge, the PPO hearing will be set in the division of the original unavailable judge who was assigned TPO duty at the time the TPO was heard. In Longmont, such hearings will be held as the Judge or Magistrate are available. If a Longmont TPO is handled in Boulder, PPO will also be handled in Boulder unless there are special circumstances.

A handwritten signature in black ink, appearing to read 'R. Bailin', is written over a horizontal line.

Hon. Roxanne Bailin  
Chief Judge  
Twentieth Judicial District

**COUNTY COURT ONE-MONTH ROTATION AND SCHEDULING SYSTEM**  
**Effective 1/3/02**

<b>Judge A/ Day</b>	<b>Week 1</b>	<b>Week 2</b>	<b>Week 3</b>	<b>Week 4</b>
<u>Monday</u>	<u>Morning:</u> TPO's until 11:00 a.m.;PPOs; Misc. <u>Afternoon:</u> Advisements at Jail	<u>Morning:</u> PPO's Dispos as needed Civil Trials (non-jury) <u>Afternoon;</u> Small Claims	General Criminal Docket; TPO's after 11:00 a.m.; PPO's	Felony PH; Status; Dispos
<u>Tuesday</u>	Same	Civil and Criminal Jury Trials	PPO's; TPO's <i>after</i> 11:00 a.m.; Civil Trials (non-jury) Civil Citation Hearings;DA Pretrials with Immediate Dispo if Plea	Civil and Criminal Jury Trials
<u>Wednesday</u>	Same	Civil and Criminal Jury Trials	<u>Morning:</u> Small Claims TPO's <i>after</i> 11:00 a.m.;  DA Pretrials with Immediate Dispo if Plea Afternoon: TPO's, PPO's; Civil Docket: Citation hearings; ADR Rev Hrgs; PTCs 2:30 & 3:30	Civil and Criminal Jury Trials
<u>Thursday</u>	Same	General Criminal Docket	General Criminal Docket; TPO's <i>after</i> 11:00 a.m.;	Felony PH; Status; Dispos
<u>Friday</u>	<u>Morning:</u> FEDs; TPOs until 11:00 Afternoon: Advisements at Jail	<u>Morning:</u> General Criminal docket <u>Afternoon:</u> DITC*/General Criminal docket; Misc.	GeneralCriminal Docket;TPO's <i>after</i> 11:00 a.m.; Misc.	<u>Morning:</u> General Criminal Docket <u>Afternoon:</u> DITC*/ Small Claims

<b>Judge B/ Day</b>	<b>Week 1 (week 3 of rotaion)</b>	<b>Week 2 (week 4 of rotation)</b>	<b>Week 3 (week 1 Intake)</b>	<b>Week 4 (week 2 of rotation)</b>
<u>Monday</u>	General Criminal Docket; TPO's after 11:00 a.m.; PPO's	Felony PH; Status; Dispos	<u>Morning:</u> TPO's until 11:00 a.m.;PPOs; Misc. <u>Afternoon:</u> Advisements at Jail	Morning:PPO's Dispos as needed Civil Trials (non-jury) Afternoon; Small Claims
<u>Tuesday</u>	PPO's; TPO's after 11:00 a.m.; Civil Trials (non-jury) Civil Citation Hearings;DA Pretrials with Immediate Dispo if Plea	Civil and Criminal Jury Trials	Same	Civil and Criminal Jury Trials
<u>Wednesday</u>	Morning: Small Claims TPO's after 11:00 a.m.;  DA Pretrials with	Civil and Criminal Jury Trials	Same	Civil and Criminal Jury Trials

	Immediate Dispo if Plea Afternoon: TPO's, PPO's; Civil Docket: Citation hearings; ADR Rev Hrgs; PTCs 2:30 & 3:30			
<u>Thursday</u>	General Criminal Docket; TPO's after 11:00 a.m.;	Felony PH; Status; Dispos	Same	General Criminal Docket
<u>Friday</u>	General Criminal Docket; TPO's after 11:00 a.m.; Misc.	Morning: General Criminal docket Afternoon: DITC*/General Criminal docket; Misc	Morning: FEDs; TPOs until 11:00 Afternoon: Advisements at Jail	Motions; Dispos; Revocation Hearings

\*Two judges will be assigned a DITC docket and preside over DITC court reviews Friday afternoons in weeks 2 and 4 of the rotation. The 2 judges who are not assigned DITC dockets will have a general docket on Friday afternoon of week 2 of the rotation and a Small Claims docket on Friday afternoon of week 4 of the rotation.

**COUNTY COURT ONE-MONTH ROTATION AND SCHEDULING SYSTEM**  
**Effective 1/3/02**

<b>Judge C/ Day</b>	<b>Week 1 (week 4 of rotation)</b>	<b>Week 2 (week 1 Intake)</b>	<b>Week 3 (week 2 of rotation)</b>	<b>Week 4 (week 3 of rotation)</b>
<u>Monday</u>	Felony PH; Status; Dispos	<u>Morning: TPO's until 11:00 a.m.; PPOs; Misc.</u> <u>Afternoon: Advisements at Jail</u>	Morning: PPO's Dispos as needed Civil Trials (non-jury) Afternoon; Small Claims	General Criminal Docket; TPO's after 11:00 a.m.; PPO's
<u>Tuesday</u>	Civil and Criminal Jury Trials	Same	Civil and Criminal Jury Trials	PPO's; TPO's after 11:00 a.m.; Civil Trials (non-jury) Civil Citation Hearings; DA Pretrials with Immediate Dispo if Plea
<u>Wednesday</u>	Civil and Criminal Jury Trials	Same	Civil and Criminal Jury Trials	Morning: Small Claims TPO's after 11:00 a.m.;  DA Pretrials with Immediate Dispo if Plea Afternoon: TPO's, PPO's; Civil Docket: Citation hearings; ADR Rev Hrgs; PTCs 2:30 & 3:30
<u>Thursday</u>	Felony PH; Status; Dispos	Same	General Criminal Docket	General Criminal Docket; TPO's after 11:00 a.m.;
<u>Friday</u>	Morning: General Criminal Docket Afternoon: DITC*/ Small Claims	Morning: FEDs; TPOs until 11:00 Afternoon: Advisements at Jail	Morning: General Criminal docket Afternoon: DITC*/General Criminal docket; Misc	General Criminal Docket; TPO's after 11:00 a.m.; Misc.

<b>Judge D/ Day</b>	<b>Week 1(week 2 of rotation)</b>	<b>Week 2(week 3 of rotation)</b>	<b>Week 3(week 4 of rotation)</b>	<b>Week 4 (week 1 Intake)</b>
<u>Monday</u>	Morning:PPO's Dispos as needed Civil Trials (non-jury) Afternoon;Small claims	General Criminal Docket; TPO's after 11:00 a.m.; PPO's	Felony PH; Status; Dispos	<u>Morning: TPO's until 11:00 a.m.;PPOs; Misc.</u>  <u>Afternoon: Advisements at Jail</u>
<u>Tuesday</u>	Civil and Criminal Jury Trials	PPO's; TPO's after 11:00 a.m.; Civil Trials (non-jury) Civil Citation Hearings;DA Pretrials with Immediate Dispo if Plea	Civil and Criminal Jury Trials	Same
<u>Wednesday</u>	Civil and Criminal Jury Trials	Morning: Small Claims TPO's after 11:00 a.m.;  DA Pretrials with Immediate Dispo if Plea Afternoon: TPO's, PPO's; Civil Docket: Citation hearings; ADR Rev Hrgs; PTCs 2:30 & 3:30	Civil and Criminal Jury Trials	Same
<u>Thursday</u>	General Criminal Docket	General Criminal Docket; TPO's after 11:00 a.m.;	Felony PH; Status; Dispos	Same
<u>Friday</u>	Morning:General Criminal docket Afternoon: DITC*/General Criminal docket; Misc	GeneralCriminal Docket;TPO's after 11:00 a.m.; Misc.	Morning:General Criminal Docket Afternoon: DITC*/ Small Claims	Morning:FEDs; TPOs until 11:00 Afternoon: Advisements at Jail