

LOCAL RULES OF THE FIRST JUDICIAL DISTRICT

[GILPIN AND JEFFERSON COUNTIES]

Adopted *en banc* September 2, 2003
Approved by the Colorado Supreme Court
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GENERAL

RULE 1. TERMS OF COURT

There shall be one term of court each year commencing the first Tuesday in April for Jefferson County and the third Friday in April for Gilpin County.

RULE 2. DIVISIONS OF COURT

The District Court in and for Jefferson County shall have divisions designated by number. The magistrate divisions of the District Court and the County Court divisions shall be designated by letter. A current list of judges and magistrates by division number and division letter shall be posted in the clerk's office at all times.

RULE 3. COURT HOURS

- (a) **Court Matters.** Courts of the First Judicial District shall be open for court business from 8:00 a.m. to 5:00 p.m. Monday through Friday, except on legal holidays and except as dictated by emergencies and budget constraints. The division clerk offices are closed from 12:00 noon to 1:00 p.m.
- (b) **Clerk's Office.** The office of the clerk of the court shall be open for court business from 8:00 a.m. to 4:00 p.m. Monday through Friday, except on legal holidays and except as dictated by emergencies and budget constraints.

RULE 4. FEES

The clerk of the district court shall collect in advance any required fee, in the amounts provided by statute, and nothing shall be accepted for filing until the required fee has been collected (or waived). Fax filings are not accepted for district court filings except by permission of the judge or magistrate.

RULE 5. ASSIGNMENT OF CASES

The original assignment of cases shall be made by random lot at the time of filing in a manner prescribed by the Chief Judge. Adjustments in the number of cases assigned to the Chief Judge and the judge assigned to Gilpin County shall be made as determined by the judges *en banc*. Additional adjustments shall be made for disqualification of a judge or reassignment of cases.

The assignment of cases and duties of magistrates shall be in a manner set forth by the Chief Judge.

Each week a judge and a magistrate shall be designated by the Chief Judge as the duty judge and duty magistrate.

The duty judge and duty magistrate shall handle such matters as designated by the Chief Judge.

Cases may be transferred between county judges and district judges as the need of court business requires in a manner prescribed by the Chief Judge.

RULE 6. MULTIPLE FILINGS

- (a) **Related-Case Doctrine.** The clerk of the court shall provide a form on which the attorney or *pro se* party filing a district civil (“CV”), domestic relations (“DR”), or juvenile (“JV”) case shall indicate whether the case in which a complaint (or answer thereto) or petition (or response thereto) being filed is related to any other district civil (“CV”) or domestic relations (“DR”) case pending before the court or terminated within the previous 12 months. A case is “related” if it involves one or more of the same parties and common questions of law or facts. If a “related” case is indicated, the case shall be referred to the judge with the earliest filed case. The judge shall determine in his or her discretion if the case(s) should be considered related. If so, that judge shall be assigned by the Chief Judge to handle all such related cases. If deemed not related, the case shall be returned to the clerk of the court for random assignment under Local Rule 5.
- (b) **Multiple Filings in Condemnation Cases.** In multiple condemnation cases assigned to different divisions but involving a common project, the hearing for immediate possession in all such cases shall be held in the division with the lowest docket number.
- (c) **Cases involving Allocation of Parental Responsibilities, Child Custody, and Guardianship.** In all cases seeking a determination of legal custody or physical custody of a child, whether denominated as legal custody, physical custody, allocation of parental responsibilities, guardianship, or otherwise, and in all cases seeking a determination of parenting time, visitation, or grandparent visitation under the Uniform Dissolution of Marriage Act, the Colorado Children’s Code, the Colorado Probate Code, or as an administrative child support action, the parties shall comply with the requirements of Uniform Child-custody Jurisdiction and Enforcement Act regarding information to be submitted to the court as set forth in C.R.S. § 14-13-209, and the clerk of the court is to ensure such compliance before accepting a filing seeking such a determination.

RULE 7. COURT FILES

No part of any file(s) of the court shall be taken from the office or custody of the clerk, except upon order of the court. No order for withdrawal of all or part of the court file(s) shall be granted except for good cause shown. A signed receipt, specifying the identity of the person withdrawing the file(s), where the file(s) will be, and what has been withdrawn shall be given to the clerk by the party withdrawing any part of any court file(s).

RULE 8. FIREARMS AND WEAPONS

No weapons will be allowed in any courtroom, hearing room, chambers, or clerk's office except as specified in this rule, other than those used as evidence in a court proceeding.

- (a) Sworn law enforcement officers and authorized security personnel are permitted to carry weapons while on duty or appearing in an official capacity. Officers appearing either in uniform or civilian attire will sign in at the Information Desk and will be issued an identification badge which must be visibly displayed on the outside of clothing. At the conclusion of the officer's business, the identification badge must be returned to the Information Desk.
- (b) Sworn law enforcement officers are not permitted to carry weapons if they are appearing in a private capacity as a party in any action, except by permission of the court.

RULE 9. DISABILITIES

Any party requesting appointment of an interpreter for a hearing impaired person pursuant to C.R.S. § 13-90-204 or any special accommodation by the court under the Americans with Disabilities Act must provide notice to the court reasonably in advance of the proceeding for which the request is made.

CIVIL CASES

RULE 1.1. MOTOR VEHICLE APPEALS

In cases involving appeals from the Motor Vehicle Division, no request for a stay order shall be considered until the date has been set for hearing the case on its merits. The burden shall be upon the appealing party to serve written notice of the hearing on the District Attorney within ten (10) days of setting the hearing date.

DOMESTIC RELATIONS CASES

RULE 2-1. COUNSEL TO PROVIDE CLIENT A COPY OF DECREE AND PERMANENT ORDERS

In domestic cases counsel shall furnish their clients a copy of the decree and any accompanying orders.

CRIMINAL CASES

RULE 3-1. GRAND JURY

- (a) **Statutory Grand Jury.** For each term of the court the Chief Judge shall assign a judge to preside over the statutory grand jury proceedings.
- (b) **Additional Grand Jury.** Any motion for the calling of an additional grand jury shall be filed with the clerk of the court. Such motion shall be given a criminal docket number and heard by the Chief Judge. If the Chief Judge determines good cause has been shown, he or she shall enter an order directing that an additional grand jury shall be drawn and summoned to appear at a date and time certain and shall assign a judge to preside over the proceedings.

RULE 3-2. PROCEDURE FOR CRIMINAL ADVISEMENTS IN THE DISTRICT COURT

- (a) Advisements (as required by Rule 5 of the Colorado Rules of Criminal Procedure and C.R.S. § 16-11-206(1)) for persons in custody on district court matters shall be conducted without unnecessary delay in the district court.
- (b) The District Attorney and Public Defender or defense counsel shall be notified of all such advisements hearings.
- (c) The defendant shall be advised in accordance with Rule 5 of the Colorado Rules of Criminal Procedure and C.R.S. § 16-11-206.

RULE 3-3. PROCEDURE FOR FILING INFORMATION AFTER COUNTY COURT PROCEEDINGS; MULTIPLE FILINGS AGAINST SAME DEFENDANT

- (a) If a case concerning a defendant is filed in the county court and a district court division is assigned, and thereafter the District Attorney elects to file an information against the defendant concerning that same incident, the following procedure shall apply:

- (I) The District Attorney shall obtain a photocopy of the County Court Registry of Actions and present it to the district judge at the time the information is presented for permission to file; and
 - (ii) The district judge shall order that the case be assigned to the district court division which was assigned in the county court file.
- (b) If a defendant has an “active” criminal case and the District Attorney files a new criminal case against the same defendant, the District Attorney will so inform the clerk of the court, who will assign the new case to the same division as the active case accompanied by a “green sheet” identifying the previously filed active case.
- (ii) An “active case” for purposes of this assignment system is a case in a following status:
 - (A) A case in which the defendant has not yet been sentenced;
 - (B) A case in which the defendant is on probation, on a deferred judgment, or in a community corrections program.
 - (ii) If the defendant has more than one “active” case, and they are not in the same division, the new case will be assigned to the division with the most recently filed case (the highest case number).
 - (iii) If the new case has multiple defendants and one or more of them have “active” cases, the following special rules will apply:
 - (A) The “green sheet” policy will be initiated only if one of the defendants has a previously filed case that has not been resolved by plea or trial (please note this is not the same as an “active” case as defined above). If there are no previously filed cases in this status, the new case will be assigned in the normal manner; and/or
 - (B) If only one of the defendants has a previously filed case that has not been resolved by plea or trial, the new case will be assigned to that division; and/or
 - (C) If more than one defendant has a previously filed case that has not been resolved by plea or trial, the new case will be assigned to the division with the most recently filed case (the highest case number).
 - (iv) If a defendant in a fugitive case has local charges pending, the fugitive case will be assigned to the division handling the local charges.

PROBATE CASES

RULE 4-1. COURT SCHEDULE, PROBATE DIVISION

- (a) **Motion Day.** All matters of course shall be set with the Probate Registrar and heard on Mondays at a regular time previously set by the judges hearing probate matters. Contested matters requiring testimony will be set with the clerk of the Probate Division.

- (b) **Settings.** All other matters shall be set with the probate division clerk with notice to be served in accordance with specific statutory provisions, Rules of Civil Procedure, and/or Rules of Probate Procedure.