

Rule Change #2000(5)

COLORADO RULES OF CIVIL PROCEDURE
CHAPTER 17A. PRACTICE STANDARDS AND LOCAL COURT RULES
Rule 121. Local Rules - Statewide Practice Standards
District Court Practice Standards

Section 1-26. Interim Rule for Electronic Filing and Service System, Pilot Project.

1. E-Filing System, defined. That system approved by the Colorado Supreme Court for filing and service of pleadings, motions and other papers ("Documents") via the Internet through the Court-authorized service provider.

2. Electronic Filing, defined. Electronic filing ("E-Filing") is the transmission of Documents to the Clerk of the Court, and from the Court, via the E-Filing System.

3. Electronic Service, defined. Electronic service ("E-Service") is the transmission of Documents to any party in a case via the E-Filing System. Parties who have subscribed to the E-Filing System have agreed to receive service, other than service of a summons, via the E-Filing System.

4. E-Filing and E-Service are authorized on a pilot program basis for certain cases filed in specified district courts in Colorado, as set forth in a schedule by the State Court Administrator's Office, as revised from time to time.

5. Only attorneys licensed to practice law in Colorado may register to use the E-Filing System in the pilot program. Any attorney so registered may make an entry of appearance pursuant to Rule 121, Section 1-1, through E-Filing.

6. Cases initiated under the pilot program may be commenced under C.R.C.P. 3 through an E-Filing. Service of a summons must be made in accordance with C.R.C.P. 4.

7. Documents for cases under the pilot program may be filed under C.R.C.P. 5 through an E-Filing. A Document transmitted to the E-Filing provider by 11:59 p.m. Colorado time shall be deemed to have been filed with the Clerk of the Court on that date.

8. Documents for cases under the pilot program may be served under C.R.C.P. 5 through E-Service or through a combination

of E-Service and other authorized means of service. A Document transmitted to the E-Filing provider for service by 11:59 p.m. Colorado time shall be deemed to have been served on that date.

9. A printed copy of an E-Filed or E-Served Document with original signatures shall be maintained by the filing party and made available for inspection by other parties or the court upon request.

10. 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 shall not be E-Filed.

11. Use of the E-Filing system by an attorney shall constitute compliance with C.R.C.P. 11's signature requirement and the attorney using the E-Filing system shall be subject to all other requirements of Rule 11.

12. A court may transmit orders, notices, and other court entries via the E-Filing System to attorneys registered to use the E-Filing System.

13. C.R.C.P. 10 shall apply to E-Filed Documents. An E-Filed Document shall not be transmitted to the Clerk of the Court by any other means unless the Court at any later time requests a printed copy bearing original signatures.

14. For purposes of C.R.C.P. 6(e), E-Filing and/or E-Service do not constitute service by mail.

Committee Comment

The Court authorized service provider for the pilot program is JusticeLink, Inc, 535 16th Street, Suite 320, Denver, CO 80202, phone: 720-904-3340 (www.justicelink.com).

At present, the system is not set up to allow E-Filing or E-Service by *pro se* litigants or attorneys not licensed to practice law in Colorado. The Supreme Court contemplates that E-Filing and E-Service participants may be expanded in the future.

The Colorado Supreme Court contemplates approving E-Filing and E-Service for civil and domestic cases in all district courts and for probate and water courts, to be

phased in according to a timetable set by the Court. In the future, E-Filing and E-Service may be approved for other courts. Announcements regarding the E-Filing system will be made by the Colorado Supreme Court 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.

C.R.C.P. 77 states that courts are always open for business. This Practice Standard is intended to comport with this rule.

Adopted by the Court, En Banc, Justice Bender not participating, March 7, 2000, effective immediately.

BY THE COURT:

**Alex J. Martinez
Justice, Colorado Supreme Court**