

**SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE**

Directive Concerning Statewide Electronic Filing Standards

The purposes of this Chief Justice Directive (CJD) are (1) to make uniform the means by which documents are electronically transmitted and accepted through the State's E-Filing system, (2) to eliminate potentially conflicting local rules that attempt to define those standards, and (3) to increase access to the courts by reducing the number of reasons for rejecting an e-filing.

I. SCOPE

This CJD applies to all documents that are transmitted and accepted electronically using the E-Filing system. Where applicable, procedures specific to a case class will be distinguished below.

II. RELATING DOCUMENT(S)

All related documents (motion, proposed order, response and reply) shall be related to each other when electronically filed. Filings are excluded from this requirement when submitted through the ACTION system by the district attorney or attorney general and by the probation department using the judicial case management system where functionality doesn't currently exist for this practice.

III. DOCUMENT FORMAT STANDARDS

- A. Electronic Document Size: The size limit for each document filed electronically shall be set forth on the Colorado Judicial Department's website located at: www.courts.state.co.us/efiling . For the purpose of this procedure, each electronically filed pleading, motion, brief, or other filing is a separate document. The electronic filing system shall preclude a filer from submitting a document that exceeds the size limits.
- B. Oversize Documents: Any document that exceeds the file size limits shall be separated into smaller electronic files.
- C. Color or Graphics: Documents scanned in color, grey scale, or containing graphics result in larger file sizes and take longer to download. Therefore, it is recommended that filers configure scanners to scan documents at an optimal resolution to conform to filing size limits, the recommended scanner settings are black and white at 200 dpi.

IV. DOCUMENT SUBMISSION

A filing submission is one or more documents filed collectively at the same time. Filing submissions are limited in size as set forth on the Colorado Judicial Department's website located in the FAQs section at: www.courts.state.co.us/efiling . If the total size of all documents, including exhibits, exceeds the size limits of a filing submission, an additional filing submission must be created.

All documents relating to a single pleading or other filing shall be filed electronically as a single filing submission—although they must remain as separate documents. For example, a motion, exhibits and related affidavits shall be filed as a single filing submission. This will enable searching for specific documents.

All documents must be submitted by either (1) directly uploading the document from a word processing format (such as Word or Word Perfect) to the E-Filing system, or (2) electronically converting the document from a word processing format into a PDF format and then directly uploading the PDF document to the E-Filing system. Parties shall not upload documents into the E-Filing system in any manner that prevents the Court from copying/pasting text or employing enhanced search functionality within the document. Except as specifically provided in this directive, parties shall not upload documents into the E-Filing system as scanned or graphic images.

V. SUBMISSION OF EXHIBITS, FORM/PREPRINTED DOCUMENTS AND RETURNS OF SERVICE

All exhibits, whether trial exhibits or exhibits that are submitted in a filing as an attachment to a pleading, form/preprinted documents, and returns of service must be submitted through the E-Filing system. Scans or graphic images of the exhibits that offer a true and correct representation of the exhibit may be submitted. Color scans and graphic images have a larger electronic footprint; therefore, exhibits should be scanned in black and white unless the color of the original exhibit is necessary for purposes of clarity.

In civil cases, if exhibits presented during trial are required to be filed with the court after the trial, it is the responsibility of the submitting party to e-file the exhibits promptly at the conclusion of the trial.

The following procedures shall apply in civil and criminal cases if exhibits are filed prior to trial.

- A. Exhibits. Exhibits shall be filed as one filing submission, when possible. Exhibits shall be titled according to the party's designation in the case, such as *Plaintiff's (Petitioner's)(People's) or Defendant's (Respondent's) Proposed Exhibits*. Each exhibit shall be a separate file (for example, PDF file, Excel Spreadsheet) within the filing submission. The exhibit designation shall be legible when electronically filed.
- B. Documentary Exhibits that Exceed E-Filing Size Restrictions. A party intending to submit any documentary exhibit that exceeds the megabyte file size limit set forth in section III above, shall separate the exhibit into electronic files as provided in this Directive. If the document cannot be separated, then the party shall place it on a CD or DVD for filing with the court.
- C. Exhibits of Large Physical Size and Non-Documentary Exhibits. If a party intends to submit an exhibit or document that cannot be submitted through the E-Filing system because of its physical size or because it is non-documentary in nature, an image of the exhibit or document shall be electronically filed for purposes of the record.

- D. Audio and Video Exhibits. Audio or video exhibits cannot be submitted through the E-Filing system at this time. Those exhibits shall be placed on a CD, DVD, or flash-drive with copies provided by the filing party, if or when, requested by the court.

VI. TIMELINES FOR SUBMISSION OF EXHIBITS IN CIVIL CASES FOR TRIAL AND HEARINGS

- A. Exhibits for Parties with an Attorney. The trial court may enter case management orders governing specifics of requirements for e-filing exhibits. Unless the court orders otherwise, on or before the hearing or trial date, the parties shall submit all of their exhibits, or images as permitted in section III above, through the E-Filing system. Exhibits for expedited hearings shall be submitted as the court directs. Parties should anticipate that there are exhibits such as negotiable instruments where the original paper document may need to be tendered to the court. Images of these exhibits shall also be filed through the E-Filing system.
- B. Exhibits for Self-Represented Parties. Provisions for tender and uploading of exhibits from self-represented parties will be addressed at a pretrial or prehearing conference.

VII. JURY INSTRUCTIONS

- A. Civil Cases. Proposed jury instructions shall be submitted through the E-Filing system in editable format. The set of instructions provided to the jury as well as a party's tendered instructions that have been rejected by the court shall be uploaded into the E-Filing system as the court directs.
- B. Criminal Cases. Proposed jury instructions from the prosecuting attorney shall be submitted through the E-Filing system in editable format. Proposed jury instructions from the Defendant shall be submitted through the E-Filing system in editable format and shall be sealed, unless ordered otherwise by the court. The set of instructions provided to the jury as well as a party's tendered instructions that have been rejected by the court shall be uploaded into the E-Filing system as the court directs.

VIII. DOCUMENT EVENTS

When submitting documents using the E-Filing system, the parties shall select a Document Event category that matches the identifiable and specific category of the actual document being submitted. For example, a party filing a Motion to Withdraw selects "Motion to Withdraw" for electronic filing purposes, as that document event presently exists as an "Event" field. Submitting the document in the category "Filing Other" is not appropriate.

IX. TITLE OF DOCUMENTS

Any document submitted through the E-Filing system must bear a Document Title that is descriptive of the contents of that document, the document title should reflect the caption of the document being filed. For example, a document titled "XYZ Plaintiff's Motion for Summary Judgment on Claims 1 and 2 Against Third Party Defendant ABC Corporation" or "Motion to

Suppress Statements” is appropriate. That same document simply bearing the title “Motion” is not appropriate.

X. SIGNATURE REQUIREMENTS

Documents must clearly identify which attorney(s) signed the document.

XI. REJECTION OF E-FILED DOCUMENTS

Attachments A and B establish reasons for rejection of electronically filed documents in civil and criminal cases respectively. Rejection reasons shall be set by case class, as civil and criminal cases differ substantially in both substance and procedure. Therefore, the rejection reasons for each case class will also differ. When a document is rejected by the clerk, a statement from the clerk shall specifically identify the reason the document was rejected.

- A. **Civil Cases.** Attachment A sets forth specific reasons for rejection of electronically filed documents in civil cases. No electronically filed document in civil cases shall be rejected unless it is for one or more of the reasons specified in Attachment A.
- B. **Criminal Cases.** Attachment B sets forth specific reasons for rejection of electronically filed documents in criminal cases. No electronically filed document in criminal cases shall be rejected unless it is for one or more of the reasons specified in Attachment B.

Attachments A and B may be amended by the State Court Administrator or that Administrator’s designee either to remove or to add reasons for rejection. Courts are not required to reject documents that are identified in Attachments A and B. However, no electronically filed document shall be rejected unless it is for one or more of the reasons specified in these Attachments.

The information contained in CJD 05-02 is incorporated herein; therefore, CJD 05-02 is repealed effective May 17, 2011.

This CJD is amended August, 2011.

This CJD is amended October, 2012.

This CJD is amended, effective October, 2014

This CJD is amended, effective November, 2014

This CJD is amended, effective May, 2018

Done at Denver this 3 day of May , 2018.

/s/
Nancy E. Rice, Chief Justice

Attachment A: Rejection List for E-Filed Documents in Civil Cases

CATEGORIES	REJECTION LIST	EXPLANATORY NOTES
(1) INCORRECT CAPTION	<ul style="list-style-type: none"> • Wrong court address • Wrong parties • Wrong case number • Wrong court name • Incorrect caption on proposed orders 	
(2) DOCUMENT FILED IN THE WRONG COURT OR WRONG CASE	<ul style="list-style-type: none"> • Filed in the wrong court location • Document filed into a closed and consolidated case 	
(3) PROPOSED ORDER OR RELATED DOCUMENTS NOT IN EDITABLE FORMAT		This is required by C.R.C.P. 121, § 1-26 (15)(c), C.R.C.P. 305.5 (q)(3), and this CJD.
(4) DOCUMENTS THAT SHOULD NOT BE FILED WITH THE COURT	<ul style="list-style-type: none"> • Discovery matters filed under C.R.C.P. 121, §1-12(3) • Offers of settlement, unless ordered by the court to be e-filed • In camera review documents (should be filed in paper, unless ordered by the court to be e-filed) 	
(5) AT FILING ATTORNEY'S REQUEST	<ul style="list-style-type: none"> • Filing attorney calls the court and requests filing be rejected 	

CATEGORIES	REJECTION LIST	EXPLANATORY NOTES
(6) INCORRECT SCANNING OR DOCUMENT SUBMISSION	<ul style="list-style-type: none"> • Proposed order not filed separate from the motion • Multiple documents filed as one single document, including exhibits and/or attachments • Separately filing single pages of a multiple page document, except as required because of the size of the document • A document cannot be opened by the court because of an apparent corruption • A document quarantined by the system for having a virus 	
(7) POOR DOCUMENT QUALITY	<ul style="list-style-type: none"> • Document is illegible • Document scanned inappropriately 	
(8) FILING ON BEHALF OF WRONG PARTY OR IMPROPER THIRD-PARTY FILING	<ul style="list-style-type: none"> • Attorney filer represents one party, but incorrectly selects another party to file on behalf of in the Filing Party tab • Attorney filer does not represent any party but selects a party to file on behalf of to get a pleading filed • Non-attorney filer is not a party to the case 	

CATEGORIES	REJECTION LIST	EXPLANATORY NOTES
(9) INCOMPLETE OR INAPPROPRIATE DOCUMENTS	<ul style="list-style-type: none"> • Certificate of mailing is missing or incomplete • Notary signature/seal is not included on a document that requires it • Missing date or time on pleadings • PR Cases: missing date of appointment and case number on Information of Appointment sheet • Documents with tracked changes showing • Duplicate Conformed Order Filed: Attorney electronically filing original of an order provided to the attorney in court and order already appears electronically • Duplicate documents filed 	
(10) PLEADINGS NOT IN COMPLIANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE, THE COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE, AND THE COLORADO RULES OF PROBATE PROCEDURE	<ul style="list-style-type: none"> • Missing caption • Wrong font size, within reason • Wrong margins for appellate court filings • Documents filed fewer than seven (7) business days before the set return date, C.R.C.P. 305.5(d) 	
(11) WRONG DATES ON A NOTICE OF HEARING, NOTICE OF SETTING, OR SUMMONS	<ul style="list-style-type: none"> • A wrong date or time in a notice of hearing, a notice of setting, a summons or, a C.R.C.P. 120 Notice 	

CATEGORIES	REJECTION LIST	EXPLANATORY NOTES
(12) FILING FOR EXECUTION OF A JUDGMENT THAT HAS BEEN STAYED, VACATED, OR SET ASIDE	<ul style="list-style-type: none"> • Filing a proposed Writ of Garnishment or Writ of Execution with respect to a named defendant when a stay of execution has been placed on the judgment or the judgment was vacated or set aside • Filing a proposed Writ of Restitution in a case with a stay of execution or the judgment was vacated or set aside 	
(13) DEFECTIVE PROPOSED WRITS OF GARNISHMENT	<ul style="list-style-type: none"> • All pages of a garnishment are not submitted • Incorrect form of garnishment used, (incorrect type of writ not using a JDF form is not a reason for rejection) • Garnishee is not identified • Creditor and/or debtor names on garnishment do not match the creditor and/or debtor names on the judgment • Filing a garnishment where the judgment has been satisfied, set aside, or stayed • Incorrect judgment amounts listed in the garnishment • Attorney signature or creditor signature does not appear on the garnishment 	

CATEGORIES	REJECTION LIST	EXPLANATORY NOTES
(14) PLEADING FILED BY AN ATTORNEY WHO SIMPLY HELPED PREPARE DOCUMENTS BUT DOES NOT INTEND TO APPEAR ON BEHALF OF THE PARTY		The certificate required by C.R.C.P. 11(b) will be accepted in CCE.
(15) A CHANGE IN STATUS OF THE ATTORNEY WITHIN THE ATTORNEY REGISTRATION SYSTEM.		
(16) DISTRICT COURT: EACH MOTION SHALL BE ACCOMPANIED BY A PROPOSED ORDER	Proposed order. Except for orders containing signatures of the parties or attorneys as required by statute or rule, each motion shall be accompanied by a proposed order submitted in editable format. The proposed order complies with this provision if it states that the requested relief be granted or denied.	C.R.C.P. 121, § 1-15(10)

Attachment B: Rejection List for E-Filed Documents in Criminal Cases

CATEGORIES	REJECTION LIST	EXPLANATORY NOTES
(1) INCORRECT CAPTION	<ul style="list-style-type: none"> • Wrong court address • Wrong parties • Wrong case number • Wrong court name • Incorrect caption on proposed orders 	
(2) DOCUMENT FILED IN THE WRONG COURT OR WRONG CASE	<ul style="list-style-type: none"> • Filed in the wrong court location • Document filed into a closed and consolidated case 	
(3) PROPOSED ORDER OR RELATED DOCUMENTS NOT IN EDITABLE FORMAT		This is required by Crim. P. 49.5 (m)(3) and this CJD; however, proposed orders are not required in all locations in the criminal case classes.
(4) DOCUMENTS THAT SHOULD NOT BE FILED WITH THE COURT	<ul style="list-style-type: none"> • Discovery matters filed under Crim. P. 16 • In camera review documents (should be filed in paper, unless ordered by the court to be e-filed) 	
(5) AT FILING ATTORNEY'S REQUEST	<ul style="list-style-type: none"> • Filing attorney calls the court and requests filing be rejected 	

CATEGORIES	REJECTION LIST	EXPLANATORY NOTES
(6) INCORRECT SCANNING OR DOCUMENT SUBMISSION	<ul style="list-style-type: none"> • Proposed order not filed separate from the motion • Multiple documents filed as one single document, including exhibits and/or attachments • Separately filing single pages of a multiple page document, except as required because of the size of the document • A document cannot be opened by the court because of an apparent corruption • A document quarantined by the system for having a virus 	
(7) POOR DOCUMENT QUALITY	<ul style="list-style-type: none"> • Document is illegible • Document scanned inappropriately 	
(8) CHARGE MISMATCH	<ul style="list-style-type: none"> • Charges displayed on document do not match charges filed electronically. 	
(9) A CHANGE IN STATUS OF THE ATTORNEY WITHIN THE ATTORNEY REGISTRATION SYSTEM.		