

**ORDER:
CIVILITY IN THE COURTS OF
THE 12TH JUDICIAL DISTRICT**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2020-01**

The District and County Judges of the Twelfth Judicial District have determined that it is appropriate to adopt the following Civility Order in all the courts in the district. Therefore, in accordance with the Preamble to the Colorado Rules of Professional Conduct, all attorneys who appear in the courts of the Twelfth Judicial District are reminded that:

1. **Attorneys** are not only representatives of clients but are also officers of the legal system and public citizens having special responsibility for the quality of justice. **Preamble (1);**
2. **Attorneys** may not use the law's procedures for illegitimate purposes or to harass or intimidate others. **Preamble (5);** and
3. **Attorneys** are expected to demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. **Preamble (5).**

It is ordered by the courts of the Twelfth Judicial District that civility from all legal counsel is required, including, but not limited to the following:

- (a) Rudeness, aggressive tactics or personal attacks in the course of the case will not be tolerated at any stage;
- (b) Counsel and parties are expected to treat the court, opposing counsel, other parties, witnesses, jurors and court staff with courtesy and respect at all times. This applies to all conduct and communications, verbal and nonverbal, written and oral, in court and out of court.
- (c) Any threats to harass and intimidate by threatening to seek sanctions are contrary to the Preamble of the Rules of Professional Conduct and will not be tolerated.
- (d) The courts will address conduct that is contrary to this order and apply enforcement mechanisms as necessary.
- (e) The courts of the Twelfth Judicial District understand that counsel often need to communicate with witnesses and staff in the course of hearings and trials. This notwithstanding, the courts require that all cell phones be turned to silent when court is in session. While the courts permit counsel to use laptop computers and cell phones during trials to refer to trial aids and to record notes, use of computers or cell phones

to correspond with others outside the courtroom by email, instant messaging, text messaging or other electronic means is not permitted except for case-related purposes.

- (f) Expressions of opinion that tend to denigrate another's integrity are not persuasive, will not be well received and are more likely to reflect badly on the speaker than on the object of the remark. This includes without limitation words and phrases such as the following:
 - (i) "In an effort to mislead the court"
 - (ii) "Outrageous"
 - (iii) "Absurd"
 - (iv) "Deceitful"
 - (v) "Ridiculous"
 - (vi) "Lying" or "Is a liar"
 - (vii) "In all my years of practice, this is the most _____ I have seen"

If such words or phrases, or similar words or phrases, are included in pleadings before the courts of the Twelfth Judicial District, the presiding judge may strike the pleading with leave to refile after the offending words are removed from the pleading or may take any other action the presiding judge deems appropriate.

- 4. With regard to cases governed by the Rules of Civil Procedure, counsel are further ordered to comply with the requirements of:
 - (a) C.R.C.P. 16(b), (c), and (g)
 - (b) C.R.C.P. 37(a) and (d)
 - (c) C.R.C.P. 121, Sections 1-12(1) and (5) and Section 1-15(8)

As such,

- i. Each listed rule requires that counsel confer with opposing counsel and certify that he or she has done so in good faith
- ii. To comply, the courts of the Twelfth Judicial District expect that you will confer either face-to-face or on the telephone
- iii. You should anticipate that the courts of this District will deem a letter or email message to constitute "notice" but not a sufficient attempt to confer
- iv. If counsel makes only one attempt to have two-way communication and does not make additional contact to determine the opposing counsel's availability to confer, counsel should anticipate that the courts of this District will not view such conduct as compliance unless counsel justifies his or her actions in the certification
- v. The courts of this District expect counsel to initiate efforts to confer well enough before the anticipated filing date to enable two-way communication
- vi. If counsel's first attempt to confer occurs on the day of filing and counsel fails to confer, counsel should anticipate that the courts will not view this as sufficient unless it is justified in the certification.

- vii. If counsel's attempt to confer is unsuccessful, certification must describe attempts made by counsel in detail
- viii. Counsel should anticipate that the court will strike filings if it is concluded that there has not been compliance with these requirements.

DONE this 10th day of January 2020.

BY THE COURT:



Pattie P. Swift, Chief Judge