

<p>THIRTEENTH JUDICIAL DISTRICT COURTS:</p> <p>KIT CARSON COUNTY, LOGAN COUNTY, PHILLIPS COUNTY, MORGAN COUNTY, SEDGWICK COUNTY, YUMA COUNTY, and WASHINGTON COUNTY, Colorado</p>	
<p>▲ ▲</p> <p>ADMINISTRATIVE ORDER 2019-A, ESTABLISHING NEW DISTRICT COURT DIVISION E; ESTABLISHING PROCEDURES FOR CALENDAR AND CASE LOAD ASSIGNMENTS.</p>	

THE COURT FINDS, AS FOLLOWS:

Recent legislation approved by the Colorado General Assembly and Governor Polis provides for a new District Judge for the 13th Judicial District, beginning July 1, 2019. The undersigned Chief Judge and the District’s Court Administrator had worked together over the past year in an effort to determine the most appropriate location for such a judge to be assigned. In order to ensure a smooth transition for the new District Judge, minimize District travel expenses, and to promote clear communications regarding the expectations of the Thirteenth Judicial District Management Team, it is necessary to set forth those expectations in writing.

Accordingly, it is hereby Ordered:

1. *Creation of Division.* There is hereby created Division E of the 13th Judicial District, effective immediately.
2. *Assignment of personnel.* The newly appointed District Judge will be assigned to, and preside over Division E. The Judge’s Division Clerk, (CJA), when hired, will be assigned to that Division as well. A Court Reporter will also be hired in this connection. However, that Reporter will be included in the regular rotation of Court Reporters, and will be subject to the direction of the District’s Managing Court Reporter in terms of assignments, excepting as otherwise provided in this Order.
3. *Location assignment—District Judge.* The primary assignment location of the Division E District Judge is hereby established as Kit Carson County. In order to ensure prompt service to the public, reduce commuting time, and ensure greater safety in terms of travel from the Judge’s residence to the assignment location, the Judge shall establish his or her legal residence within 50 miles of the courthouse in Kit Carson County, within six months following employment.
4. *Location assignment—Division E Clerk.* The primary assignment location of the Division E Clerk is hereby established as Kit Carson County. In order to ensure prompt service to the public, reduce commuting time, and ensure greater safety in terms of travel from the Division Clerk’s residence to the assignment location,

the Division Clerk shall establish his or her legal residence within 50 miles of the courthouse in Kit Carson County, within six months following employment.

5. *Location assignment—Court Reporter.* The primary assignment location of the Court Reporter hired in connection with the new District Judge is hereby established as Kit Carson County. In order to ensure prompt service to the public, reduce commuting time, and ensure greater safety in terms of travel from the Division Clerk’s residence to the assignment location, the Court Reporter shall establish his or her legal residence within 50 miles of the courthouses in Kit Carson County, within six months following employment.
6. *Case assignments.* Division E shall have primary responsibility for all regularly-scheduled dockets denominated with and/or including CR, JD, JV, JR, JA, PR, CV, DR, and MH Case Types¹ within the following Counties: Kit Carson; Phillips; Sedgwick; and Yuma. Nevertheless, cases bearing CR and CV Case types filed in these four counties shall be assigned for trial purposes by random lot among all five District Court divisions, excepting only Class One Felonies, which shall be assigned by the Chief Judge.
7. *Alternate judicial officers.* For cases that require the routine designation of an alternate judicial officer, the Clerks of Court shall randomly designate either Division A or B as the alternate in Phillips and Sedgwick Counties, Divisions A, B, C, or D in Yuma County, and Divisions C or D in Kit Carson County. Such Judges shall be substituted for the Division E Judge in the event of disqualification of the Division E Judge, so long as they themselves are able to preside over the case.
8. *Case assignments outside Division E territory—CR Case Types.* Division E cases shall be included among the existing divisions in the random rotation of assignment for CR cases in the remaining three counties, namely, Logan, Morgan, and Washington. With the exception of Class One Felony cases, pre-trial and post-sentencing matters in such cases shall be nevertheless handled on the dockets of these three counties by the District Judges regularly assigned to those dockets. In this respect, even-numbered cases will be addressed in Logan County by Division A, and odd-numbered cases by Division B. Even-numbered cases will be addressed in Morgan County by Division C, and odd-numbered cases by Division D.
9. *Pre-trial case assignments outside Division E territory—CV Case Types.* Division E cases shall be included among the existing divisions in the random rotation of assignment for CV cases in the remaining three counties, namely, Logan, Morgan, and Washington. Pre-trial or post-trial hearings requiring “in person” appearances, testimony, or other proceedings that cannot be handled by

¹ Case Type being the term of art as now used for the cases these initials represent. In the event the Case Types are modified by the State Court Administrator’s Office, this Chief Judge Order shall be deemed to be amended accordingly.

remote means such as telephone, video, Skype, or other such means, will generally be handled by the District Judges routinely assigned to Logan, Morgan or Washington Counties. Thus, initial FED hearings, Rule 104 hearings, Rule 69 examinations, and requests for temporary restraining orders should normally be heard by these local District Judges, even if the case is assigned to Division E. In this respect, even-numbered cases generally will be addressed in Logan County by Division A, and odd-numbered cases by Division B. Even-numbered cases generally will be addressed in Morgan County by Division D, and odd-numbered cases by Division C. Regardless, discovery disputes and any dispositive motions related to CV cases throughout the District shall be addressed to the Division E Judge in cases assigned to that Division.

10. *Assignment of cases now set for trial.* The Division Clerks for Divisions A-D Court shall forthwith identify all cases “double-or-triple set” on their trial calendars for the time period beginning August 1, 2019. Prior to July 1, 2019, The Court Executive, in consultation with the Division Clerks, the Managing Court Reporter, and the Chief Judge, shall identify cases that may be re-assigned to Division E for trial purposes.
11. *Assignment of cases now set with the Magistrate Division.* The District now enjoys the services of a .5 FTE Magistrate Judge. It is expected that the District will no longer be assigned a Magistrate once the newly appointed District Judge takes office. In anticipation of this change, the Division Clerk for the Magistrate shall forthwith notify the Court Executive of the Magistrate’s calendar for the time period following July 1, 2019. The Court Executive shall consult with the Division Clerks in order to develop a plan for re-assignment of these cases once the Division E Judge takes office.
12. *Calendar.* For the remainder of 2019, the Division E Judge will preside over the dockets in Kit Carson, Phillips, Sedgwick and Yuma Counties, as they are now scheduled. However, due to the conflict between the Kit Carson Criminal and/or Juvenile/Civil/Domestic dockets on the second Mondays and Tuesdays of each month and the Yuma County Juvenile/Civil/Domestic dockets generally scheduled on the second Mondays of each month, the Yuma County Juvenile/Civil/Domestic dockets beginning with July, 2019 will either be moved, or another judge assigned to those dockets. The Court Executive will consult with the Yuma County Clerk of Court, the Chief Judge, the Chief Probation Officer, the Managing Court Reporter, and the Division Clerks in order to plan for such adjustments. Beginning in 2020, the calendar will be adjusted in order to avoid such conflicts.
13. *Washington County dockets.* Beginning July 1, 2019, the routine criminal, civil, domestic relations, juvenile, dependency and neglect, juvenile delinquency, probate, IV-D, mental health and relinquishment and adoption, and protective proceeding docket in Washington County will continue to be presided over on a rotating basis by Divisions C-D. Nevertheless, beginning January 1, 2020,

Divisions A and B will share responsibility for the routine hearings on such docket. Case assignments for such cases shall be made randomly, nevertheless, to the four divisions handling docket rotation. In this fashion, shorter hearings of one hour or less may be conducted on the docket by the division on duty, while longer hearings normally will be set with the division to which the case is assigned. Further, routine motions filed on-line or otherwise will be handled by the division on duty. However, if a matter is set off-docket for a contested hearing, all motions filed thereafter will be addressed to the Judge presiding over the Division before whom the contested trial or hearing is to be held. Division A will be the division on duty for January-June, 2020; Division B for July-December, 2020, Division C for January-June, 2021, and Division D for July-December, 2021. The Divisions will continue to rotate in like fashion thereafter.

14. *On call duties.* The Division E District Judge is assigned to “on call” duties on a rotating basis with the Division A-D, District Judges, and the Morgan and Logan County Court Judges.
15. *Assignment of Court Reporter.* For the sake of convenience and reduction of travel expense, the Court Reporter for Division E is expected to be assigned most frequently to report for that Division. Nevertheless, the Managing Reporter may assign such Reporter anywhere in the District, and shall notify those affected by such assignment by means of inclusion of such Reporter in the regularly published assignment calendar for the District.

IT IS SO ORDERED.

SIGNED THIS DATE AND EFFECTIVE: April 26, 2019.



Michael K. Singer
Chief Judge
13th Judicial District