Rule 26. General Provisions Governing Discovery; Duty of Disclosure

(a) [NO CHANGE]

(b) (1) – (3) [NO CHANGE]

(4) Trial Preparation: Experts.

(A) A party may depose any person who has been identified as an expert disclosed pursuant to subsection 26(a)(2)~~(B)(I)~~ of this Rule whose opinions may be presented at trial. Each deposition shall not exceed 6 hours. On the application of any party, the court may decrease or increase the time permitted after considering the proportionality criteria in subsection (b)(1) of this Rule. Except to the extent otherwise stipulated by the parties or ordered by the court, no discovery, including depositions, concerning either the identity or the opinion of experts shall be conducted until after the disclosures required by subsection (a)(2) of this Rule.

(B) – (D) [NO CHANGE]

(5) [NO CHANGE]

(c) – (g) [NO CHANGE]

COMMENTS

[1] – [17] [NO CHANGE]

[18] Expert disclosures. Retained experts must sign written reports much as before except with more disclosure of their fees. The option of submitting a "summary" of expert opinions is eliminated. Their testimony is limited to what is disclosed in detail in their report. Rule 26(a)(2)(B)(I).

"Other" (non-retained) experts must make disclosures that are less detailed. Many times, a lawyer has no control over a non-retained expert, such as a treating physician or police officer, and thus the option of a "statement" must be preserved with respect to this type of expert, which, if necessary, may be prepared by the lawyers. For example, in addition to the opinions and diagnoses reflected in a plaintiff's medical records, a treating physician may have reached an opinion as to the cause of those injuries based upon treating the patient. Those opinions may not have been noted in the medical records but if sufficiently disclosed in a written report or statement as described in Comment [21], below, such opinions may be offered at trial without the witness having first prepared a full, retained expert report. In ~~either~~ any event, the expert testimony is to be limited to what is disclosed in detail in the disclosure. Rule 26(a)(2)(B)(II).

[19] – [21] [NO CHANGE]

Rule 106. Forms of Writs Abolished

(a) Habeas Corpus, Mandamus, Quo Warranto, Certiorari, Prohibition, Scire Facias and Other Remedial Writs in the District Court. Special forms of pleadings and writs in habeas corpus, mandamus, quo warranto, certiorari, prohibition, scire facias, and proceedings for the issuance of other remedial writs, as heretofore known, are hereby abolished in the district court. Any relief provided hereunder shall not be available in ~~the superior or~~ county courts. In the following cases relief may be obtained in the district court by appropriate action under the practice prescribed in the Colorado Rules of Civil Procedure:

(a)(1) – (a)(3) [NO CHANGE]

(a)(4) Where, in any civil matter, any governmental body or officer or any lower judicial body exercising judicial or quasi-judicial functions has exceeded its jurisdiction or abused its discretion, and there is no plain, speedy and adequate remedy otherwise provided by law:

(a)(4)(I) – (b) [NO CHANGE]

COMMENT

2019

The Court has amended subsection (a)(4) to limit its application to civil matters; the subsection may not be used to challenge rulings by county, municipal, or other lower courts in criminal cases.

Rule 121. Local Rules--Statewide Practice Standards
Section 1-14 Default Judgments

1 – 1(e) [NO CHANGE]

(f) If the action is on a promissory note, and the original note is paper based, the original note shall be presented to the court in order that the court may make a notation of the judgment on the face of the note. ~~If the note is to be withdrawn, a photocopy shall be substituted.~~

(1)(g) – 4 [NO CHANGE]

Rule 26. General Provisions Governing Discovery; Duty of Disclosure

(a) [NO CHANGE]

(b) (1) – (3) [NO CHANGE]

(4) Trial Preparation: Experts.

(A) A party may depose any person who has been identified as an expert disclosed pursuant to subsection 26(a)(2) of this Rule whose opinions may be presented at trial. Each deposition shall not exceed 6 hours. On the application of any party, the court may decrease or increase the time permitted after considering the proportionality criteria in subsection (b)(1) of this Rule. Except to the extent otherwise stipulated by the parties or ordered by the court, no discovery, including depositions, concerning either the identity or the opinion of experts shall be conducted until after the disclosures required by subsection (a)(2) of this Rule.

(B) – (D) [NO CHANGE]

(5) [NO CHANGE]

(c) – (g) [NO CHANGE]

COMMENTS

[1] – [17] [NO CHANGE]

[18] Expert disclosures. Retained experts must sign written reports much as before except with more disclosure of their fees. The option of submitting a "summary" of expert opinions is eliminated. Their testimony is limited to what is disclosed in detail in their report. Rule 26(a)(2)(B)(I).

"Other" (non-retained) experts must make disclosures that are less detailed. Many times, a lawyer has no control over a non-retained expert, such as a treating physician or police officer, and thus the option of a "statement" must be preserved with respect to this type of expert, which, if necessary, may be prepared by the lawyers. For example, in addition to the opinions and diagnoses reflected in a plaintiff's medical records, a treating physician may have reached an opinion as to the cause of those injuries based upon treating the patient. Those opinions may not have been noted in the medical records but if sufficiently disclosed in a written report or statement as described in Comment [21], below, such opinions may be offered at trial without the witness having first prepared a full, retained expert report. In any event, the expert testimony is to be limited to what is disclosed in detail in the disclosure. Rule 26(a)(2)(B)(II).

[19] – [21] [NO CHANGE]

Rule 106. Forms of Writs Abolished

(a) Habeas Corpus, Mandamus, Quo Warranto, Certiorari, Prohibition, Scire Facias and Other Remedial Writs in the District Court. Special forms of pleadings and writs in habeas corpus, mandamus, quo warranto, certiorari, prohibition, scire facias, and proceedings for the issuance of other remedial writs, as heretofore known, are hereby abolished in the district court. Any relief provided hereunder shall not be available in county courts. In the following cases relief may be obtained in the district court by appropriate action under the practice prescribed in the Colorado Rules of Civil Procedure:

(a)(1) – (a)(3) [NO CHANGE]

(a)(4) Where, in any civil matter, any governmental body or officer or any lower judicial body exercising judicial or quasi-judicial functions has exceeded its jurisdiction or abused its discretion, and there is no plain, speedy and adequate remedy otherwise provided by law:

(a)(4)(I) – (b) [NO CHANGE]

COMMENT

2019

The Court has amended subsection (a)(4) to limit its application to civil matters; the subsection may not be used to challenge rulings by county, municipal, or other lower courts in criminal cases.

Rule 121. Local Rules--Statewide Practice Standards
Section 1-14 Default Judgments

1 – 1(e) [NO CHANGE]

(f) If the action is on a promissory note, and the original note is paper based, the original note shall be presented to the court in order that the court may make a notation of the judgment on the face of the note.

(1)(g) – 4 [NO CHANGE]