# AGENDA

# COLORADO SUPREME COURT
# COMMITTEE ON THE
# RULES OF CIVIL PROCEDURE

Friday, September 25, 2026, 1:30 p.m.
Ralph L. Carr Colorado Judicial Center
2 E.14th Ave., Denver, CO 80203
**Fourth Floor, Supreme Court Conference Room**

**I. Call to order**

**II. Approval of January 23, 2026, minutes [Pages 3 to 5]**

**III. Announcements from the Chair**

**IV. Old Business**

A. Rules 11 and 311—updated proposals from Colorado Legal Services [Pages 6 to 23] (Jose Vasquez, Sarah Liipka, Judge Taubman)

**V. New Business**

A. Magistrate Rule 7(g)—conflict with C.A.R. 3.5—[Pages 24 to 29] (Judge Jones]

B. Magistrate Rule 7(k)—unclear language [Pages 30 to 31] (Judge Jones)

C. Pro se e-filing access—proposals from pro se litigants Matt Shepard and Thomas Badera [Pages 32 to 34] (Judge Jones)

D. Misalignment of county court civil jurisdictional limit—proposal from Matt Shepard [Pages 35 to 37] (Judge Jones)

E. Rule 107—proposal from pro se litigant Christopher Stone [Pages 38 to 40] (Judge Jones)

F. AI—request from Judge Melina Hernandez [Pages 41 to 42] (Judge Jones)

G. Rule 10—Updates in response to HB26-1196 [Pages 43 to 66] (Andi Truett)

H. Rule 411—Updates in response to Crim. P. 37 [Pages 67 to 82] (Andi Truett)

**VI. Adjourn—Next meeting is November 6, 2026, at 1:30 p.m.**

Jerry N. Jones, Chair
jerry.jones@judicial.state.co.us
720-625-5335

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure**
**January 23, 2026, Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure was called to order by Chair Judge Jerry N. Jones at 1:30 p.m. in the Supreme Court Conference Room. Members present at the meeting were:

| Name | Present | Not Present |
|---|---|---|
| Judge Jerry N. Jones, Chair | X | |
| Judge Jaclyn Brown | X | |
| Damon Davis | X | |
| David R. DeMuro | X | |
| Judge Stephanie Dunn | | X |
| Judge J. Eric Elliff | X | |
| Magistrate Lisa Hamilton-Fieldman | X | |
| Michael J. Hofmann | X | |
| John Lebsack | | X |
| Bradley A. Levin | X | |
| Mary Linden | X | |
| Professor Christopher B. Mueller | | X |
| Brent Owen | X | |
| John Palmeri | X | |
| Alana Percy | | X |
| Lucas Ritchie | X | |
| Judge (Ret.) Sabino Romano | X | |
| Judge Stephanie Scoville | X | |
| Victor Sulzer | X | |
| Magistrate Marianne Tims | X | |
| Andi Truett | X | |
| Jose L. Vasquez | X | |
| Ben Vinci | X | |
| Judge Gregory R. Werner | X | |
| Judge (Ret.) John R. Webb | X | |
| J. Gregory Whitehair | X | |
| Judge Christopher Zenisek | X | |
| Justice Richard Gabriel, Liaison (non-voting) | X | |
| Su Cho (non-voting) | X | |

## I. Attachments & Handouts

- January 23, 2026, agenda packet.

## II. Announcements from the Chair

The November 7, 2025, minutes were approved as submitted. Judge Jones announced that the Colorado Supreme Court approved the Committee's proposed changes to Rule

63. Next, he said that there will be an article in the Colorado Lawyer on the new magistrate rules in March and that several judges are giving presentations to bar groups and attorneys to spread the word about the newly adopted rules. Finally, Judge Jones announced that after 35 years, Judge Berger has decided to retire from this Committee. Judge Jones expressed his gratitude for Judge Berger's large contribution to the Committee, both as a member and as chair of the Committee.

## III. Old Business

### A. Rule 53—"court-appointed neutral" proposal (Greg Whitehair)

Greg Whitehair brought to the Committee the issue of whether the word "master" should be changed to "court-appointed neutral" or something else in Rule 53, since "master" can be pejorative. Some members noted that it might be worthwhile to look through the rules carefully to see if any other rules address this concept, and another noted that a clarifying comment might be beneficial to explain that any changes are non-substantive. Then, a member noted that a true court-appointed neutral is not always synonymous with special master, so changing a name to change a name without considering ripple effects may prove problematic. Mr. Whitehair, Luke Ritchie, and Lisa Hamilton-Fieldman will investigate this issue further as a subcommittee.

### B. Speedy trial proposal from attorney Jim Yontz (Judge Jones)

Held over.

### C. Rule 121, Section 1-15(8) and Rule 16(b)(3), (d)—Consideration of email conferral (Ben Vinci)

Ben Vinci brought several rule proposals to the Committee's attention to clarify that emails should constitute valid conferral. He also suggested an amendment to the rules to remove "lead counsel" so that attorneys can use a more team-based approach. Some members noted that if you put email in the rules as a possibility, then attorneys will never talk to each other. Some judges mentioned that lawyers not talking to each other is a huge problem in the profession and changing the rule could create problems. Judge Jones asked Mr. Vinci to come back with specific language proposals for each of his suggestions.

### D. Proposed Rule 121, Section 1-27—Proposed civility rule from the CBA and DBA (Judge Webb)

Judge Webb reported that the Subcommittee was evenly divided on whether to adopt the proposed civility rule. Proponents believe the rule should be adopted as submitted but included an alternate proposal should the initial proposal not be approved. Another proponent of the rule mentioned that members of the public today sometimes prefer their attorneys to be aggressive and act in a less civil way, and a civility rule might be useful in that instance and noted that Wyoming uses such a rule to great success.

Those against adopting the rule mentioned that such a rule would provide a tool for overly aggressive lawyers. The Subcommittee mentioned that a Chief Justice Directive could be a better option rather than a rule. Trial judges expressed a strong belief that this type of rule would provide more ammunition for aggressive counsel to file more motions and lead to other unintended consequences. Other members noted that the bad actors will not change their behavior in response to the rule. The Committee also discussed that the rule could conflict with other rules.

A motion was taken and seconded to approve the non-red lined version of the proposal. The motion failed. A motion was taken and seconded to approve the red-lined version of the proposal, which obtained a vote of 1. Judge Jones thanked those who have been working on this for years.

## IV. New Business (none)

**Future Meetings**

There was concern expressed that the April 3rd meeting date is Rockies Opening Day and spring break for Denver Public Schools, rendering several members unavailable. Judge Jones considered moving the meeting later in April, but due to lack of availability of the conference room, the meeting must remain April 3.

April 3, June 26, September 25, November 6

The Committee adjourned at 3:43 p.m.

April 13, 2026

Judge Jerry N. Jones, Colorado Court of Appeals and Chair of the Colorado Civil Rules Committee

Sent via email to: jerry.jones@judicial.state.co.us

Re: Proposed Changes to C.R.C.P. 11(b) and 311(b)

Dear Judge Jones:

On November 14, 2025, Colorado Legal Services (CLS) sent you a memo containing a proposal in support of changes to Rules 11(b) and 311(b). The proposal was originally scheduled to be on the agenda for the January 23, 2026 meeting of the Civil Rules Committee. Because additional time was needed to gather feedback and make sure that the proposal was ready, we asked that the proposal be moved to the agenda for the next meeting, April 3, 2026. Since that meeting was canceled due to lack of sufficient business, we would now respectfully ask that this proposal be added to the Civil Rules meeting set for Friday, June 26, 2026 at 1:30 pm. In addition, we would ask that CLS staff as well as Court of Appeals Judges and other members of the group who worked on the prior changes to these rules be permitted to speak on this matter.

I am including with this email a copy of the November 14, 2025 memo sent to you by Sarah Lipka, who is the Colorado Legal Services Advocacy Director for Southern Colorado. I am also including a revised proposal for changes to Rules 11(b) and 311(b), which supplants the draft Sarah sent you in November. The revisions reflect the input of individuals who were involved in the December 2024 changes to Rule 11 and 311, including Judge Lino Lipinsky, Judge Daniel Taubman, Judge Christina Gomez, Judge Timothy Schutz, and Katy Donnelly.

This group put an enormous amount of work into those changes to further the goal of promoting access to justice. Thus, it made sense to obtain their input and guidance on making further changes. As a result of meetings with this group, we were able to hone the proposed language and produce an improved request, which is found in the attached redlined proposal.

The proposed changes accomplish three objectives, which were more fully explained in the November 14, 2025 memo:

1. The changes remove the requirement that an attorney who assists a pro se litigant with drafting assistance must provide a signed certification for the pro se litigant to file as a separate attached document. Thie proposed update reverts to the original requirement that the attorney disclosure certification be included in the actual document for which the attorney provided the drafting assistance and no longer requires it be included in a second filing.
2. The changes clarify what type of assistance provided to a pro se litigant constitutes "drafting assistance" and specifies that providing legal advice, including about what the pro se litigant should include in a document, does not constitute "drafting assistance.," This helps further the goal of protecting confidential legal advice.
3. The changes clarify the rule's provisions regarding an attorney's assistance to a self-represented litigant in completing pre-printed or electronically published forms that are issued by the judicial branch (JDF forms). The changes make clear that an attorney can provide assistance by filling out or providing assistance in filling out said forms without needing to provide an attorney disclosure certification.

We believe that these changes take into consideration the unique challenges that CLS and other legal aid providers face in providing limited and unbundled legal assistance to individuals, as our lack of resources preclude us from providing full representation to the majority of clients we serve.  CLS has gathered feedback from other community partners about this request. The following nonprofits join CLS in this requested change: Colorado Lawyers Committee, Colorado Poverty Law Project, Community Economic Defense Project, Metro Volunteer Lawyers, and the Colorado Center on Law and Policy.

Colorado has long been a leader among states in encouraging unbundled legal assistance to increase access to justice. By adopting these changes, the Civil Rules Committee will be continuing the tradition of enabling legal nonprofits to provide meaningful assistance to as many people as possible given our limited resources and the scale of need we face. We sincerely hope that the Rules Committee will agree to these changes and recommend them to the Supreme Court.

Sincerely,

Joel Minor
Deputy Director for Advocacy
Colorado Legal Services

Sarah E. Lipka
Advocacy Director for Southern Colorado
Colorado Legal Services

Arash Jahanian
Director of Advocacy for Denver
Colorado Legal Services

Jose L. Vasquez
Supervising Attorney, Denver Housing and Consumer Law Units
Colorado Legal Services

cc: lino.lipinski@judicial.state.co.us; daniel.taubman@judicial.state.co.us; katy@kdonnellylaw.com; christina.gomez@judicial.state.co.us; timothy.schutz@judicial.state.co.us

Encl. C.R.C.P. 11(b) and 311(b) (redline and clean versions)

November 14, 2025

Judge Jerry N. Jones, Colorado Court of Appeals and Chair of the Colorado Civil Rules Committee

Sent via email to: jerry.jones@judicial.state.co.us

Re: Proposed Changes to C.R.C.P. 11(b) and 311(b)

Dear Honorable Judge Jerry Jones:

Colorado Legal Services (CLS) leadership appreciates the time and thought that went into recent changes to C.R.C.P. 11(b) and C.R.C.P. 311(b). Clearly explaining the three categories of limited legal services in one rule advances access to justice by giving helpful direction to practitioners who seek to provide unbundled legal services. However, there are several changes to the language in the rule that inadvertently encumber attorneys offering limited legal services. CLS staff are grateful for the opportunity to discuss and work through these challenges with the Rules Committee, the Judicial branch, and other partners. Colorado stands as a leader in the Access to Justice community in large part because of Judicial's longstanding support of this work. CLS highly values the collaborative efforts to improve the legal system for those most vulnerable and in need. With that in mind, although there were many helpful changes to C.R.C.P. 11(b) and 311(b) that CLS support, this letter focuses on changes that have created some challenges for our staff.

The recent changes to C.R.C.P. 11(b) were not included in proposed Colorado Rule of Family Procedure 11-3. In comments submitted to the Supreme Court on that rule change, CLS expressed support for the proposed rule as written, which mirrors C.R.C.P. 11(b) before the 2024 changes. However, if the concerns raised by CLS below can be resolved, CLS would support amending proposed Colorado Rule of Family Procedure 11-3 to reflect an updated version of Rules 11(b) and 311(b), so that the same rule would be applied in the family law rules as well as the civil rules. Therefore, CLS will discuss this rule in both civil and family law contexts.

## I. A Separate Certificate Creates Practical Challenges

C.R.C.P. 11(b) allows an attorney to draft a pleading for a pro se litigant without entering further into the case. The ability to provide drafting assistance is one of the most effective ways that CLS can triage our work to provide limited services where appropriate so that attorneys have the time needed to provide full representation in more complex cases in which limited services would not be as effective. The pleadings with which CLS staff provide drafting assistance include Answers in Forcible Entry and Detainer Actions and Motions to Modify Parenting Time in family law matters.

Both the old and the new rules require that the attorney provide language disclosing their drafting assistance. Both rules require a statement listing the attorney's name, registration number, and contact information. However, the new language found in C.R.C.P. 11(b) and C.R.C.P. 311(b) requires an attorney to provide a signed separate certification for the pro se litigant to file, rather than simply allowing the attorney to add the certificate language to the pleading. The old rule states in part, "The attorney shall advise the pro se party that such pleading or other paper must contain this statement." By comparison, the new rule states in part, "The attorney must provide a signed attorney disclosure certification to the self-represented party for the self-represented party to file with the court as an attachment to the document(s)."

Requiring an attorney to provide a separate signed certification for the client to file, rather than requiring the attorney to simply add language to the pleading they helped a client draft, is unnecessarily burdensome and problematic. This change has had a significant impact on

CLS attorneys providing drafting assistance. Attorneys must now spend time creating a certification document, explaining the certificate to the pro se litigant, and describing how to file it. This takes away from those attorneys' time to serve clients in more meaningful ways.

Further, creating the certification as a separate document creates an ethical risk for the attorneys involved. The text of Rules 11(b)(2) and 311(b)(2) make clear that an attorney is subject to sanctions for non-compliance. Yet whether a client actually files the certification is entirely out of the attorney's control. This creates an ethical bind for the attorney because they must give a client to whom they provide limited services a certification document for the client to file, but if the client does not actually file it, the attorney can be subject to sanctions.

Requiring the attorney disclosure to be on a separate sheet of paper also adds a cumbersome step for pro se litigants. Pro se litigants facing Forcible Entry and Detainer (FED) actions, family law matters, and other civil legal actions are often in crisis. A separate certificate must be printed for in-person filing or uploaded, if the litigant has access to e-filing. Any benefit to now requiring a separate disclosure document instead of adding this language to the pleading itself does not seem to justify the potential harms of this change in practice. For these reasons CLS requests that this provision be removed and that certifications be provided on the pleading itself, as was the practice under the old rule.

### II. Disclosure of Assistance with Drafting Certain Sections of a Document Blends Advice and Drafting and Endangers Confidentiality

While both the old and the new rules require a disclosure that a document was drafted by an attorney, new language was added to the disclosure requirement that states, "The certification must indicate whether the attorney provided drafting assistance for the entire document or for specific sections only, and if for specific sections, indicate which sections." The intent of this additional language may be so that the court can apply more leniency in considering sections drafted by pro se litigants than those drafted by attorneys. However, this language also creates some additional negative consequences.

First, the rule can be read to expand the definition of drafting and may indicate that now attorneys must provide a certification for providing even minimal direction about what to write in a pleading. The new language could be read to require us to draft separate certificates when we provide written advice about arguments to make in a pleading, or written advice about specific language to include in a pleading in an advice letter. This form of limited representation is a substantial part of CLS's practice, so our attorneys now must provide certificates frequently in circumstances that likely exceed the intent of the rule changes. Therefore, CLS seeks clarification that the definition of drafting has not been expanded to include written advice and that it is limited to actually writing language in a pleading itself. Alternatively, CLS requests that this sentence be removed from the rule.

There are not many circumstances in which a CLS attorney would draft only part of a pleading. This may be a more common appellate practice, as an attorney may draft one argument in an appellate brief for a pro se litigant but choose not to draft other sections of a brief that the litigant would like to pursue. We understand that the changes to C.R.C.P. 11(b) and 311(b) follow those made to C.A.R. 5(e). However, County and District court pleadings are rarely so lengthy or complex. Rules C.R.C.P. 11(b) and 311(b) are often used for relatively short pleadings such as an Emergency Motion to Restrict Parenting Time or a Motion to Dismiss a Forcible Entry and Detainer Action. Generally, and consistent with the Rules of Professional Conduct, drafting only a portion of pleadings like these would not be reasonable. *See* Colo. RPC 1.2(c) ("A lawyer may limit the scope or objectives, or both, of the representation if the limitation is reasonable under the circumstances . . . .").

While CLS staff do not often draft portions of pleadings, CLS staff often provide oral advice followed by a written advice letter to pro se litigants. The letter is helpful for litigants to refer to after meeting with an attorney, so that they can remember the advice. Assistance such as sending a client an email with one or two sentences that the attorney has drafted with the recommendation that the client include the language in a pleading should not be considered drafting. However, based on the revised wording of Rules 11(b) and 311(b), it could be construed that CLS attorneys now must provide certifications to clients if they provide as little as one or two sentences of language in an advice letter with a recommendation to include it in a county court pleading for a client.

In a family law context, many survivors of domestic violence seek legal advice in family law, but do not want to disclose that they spoke with an attorney because it is not safe to do so. By potentially expanding the concept of "drafting" to include various forms of written advice, Rules 11(b) and 311(b) limit what CLS can do to help domestic violence survivors who need to keep the fact that they are seeking advice from an attorney confidential from their abuser. In a domestic violence situation, it can be an escalating factor for the controlling party to learn that their victim has sought outside support.

Before this rule change, CLS attorneys were able to provide effective advice without disclosing that the client sought assistance of counsel, often advising the litigant to include some minimal language to pleadings. However, the changes to C.R.C.P. 11(b) and 311(b) potentially blur the distinction between advice and drafting, thereby limiting the options available for CLS attorneys to provide limited-service representation. Now, even drafting a single sentence and emailing it to a client about a topic as minor as jurisdiction (i.e., "The plaintiff failed to serve a demand for compliance, and therefore, the court lacks subject matter jurisdiction.") could require the attorney to provide a limited representation certification.

Second, C.R.C.P. 11(b) and C.R.C.P. 311(b) give a court and opposing parties unprecedented insight into which parts of a document are an attorney's work product and which were created by a pro se litigant. CLS is unaware of any other court rule that requires giving the court and opposing counsel such insight into an attorney's work process including which arguments the attorney generated as opposed to the client.

CLS requests that the sentence related to partial drafting of a document be removed. Alternatively, CLS requests that drafting be defined as limited to preparing a document itself and does not include advice in another document such as an email or letter recommending specific language be added to a pleading. Because an attorney has little control over what a pro se litigant puts into a pleading after the attorney provides advice, defining drafting to include actions other than what the attorney actually writes in the document itself is too broad and infringes on privileged attorney-client communications.

**III. References to JDF Forms Would Benefit from Clarification**

Finally, CLS requests clarification that "filling out pre-printed and electronically published forms that are issued by the judicial branch" found in C.R.C.P. 11(b)(3)(A) does not require a certificate or disclosure of assistance under C.R.C.P. 11(b)(2) when an attorney drafts language in a JDF form for a pro se litigant. Because the rule requires a certification when an attorney "drafts" a document on behalf of a client, it could be interpreted to apply to drafting language for a JDF form pleading as well. While CLS does not believe that was the intent of the rule change, clarification on this point would be helpful. Since the rule has been in place, CLS has required staff to attach a certification to any JDF form that includes language drafted by CLS staff. This has greatly reduced our ability to provide limited legal services.

**IV. Conclusion**

CLS requests the following redline changes to the rule, which would be beneficial in the variety of contexts in which CLS staff use limited legal services, including family law and other civil context. CLS staff widely use limited legal services in a variety of contexts. This tool enables our small staff to more broadly serve the thousands of litigants who cannot afford an attorney. CLS again thanks the committee and the Judicial branch as a whole for considering these points and providing direction and clarification. We welcome further conversation.

Sincerely,

Joel Minor
Deputy Director for Advocacy
Colorado Legal Services

Sarah E. Lipka
Advocacy Director for Southern Colorado
Colorado Legal Services

Arash Jahanian
Director of Advocacy for Denver
Colorado Legal Services

Jose Vasquez
Supervising Attorney, Denver Housing and Consumer Law Units
Colorado Legal Services

cc: lino.lipinski@judicial.state.co.us

Encl. C.R.C.P. 11(b) with redlines

**(b) Limited Legal Services.** An attorney may provide limited legal services to a self-represented party involved in a civil proceeding in accordance with Colo. R.P.C. 1.2(c) and the following provisions.

**(1)** Limited Legal Services Requiring Entry of Appearance and Withdrawal. An attorney may make a limited appearance for a self-represented party in a civil proceeding if the attorney files and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the part(s) of the proceeding for which the attorney appears. At the conclusion of such part(s) of the proceeding, the attorney's appearance terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance. Service on an attorney who makes a limited appearance for a party will be valid only in connection with the specific part(s) of the proceeding for which the attorney appears.

**(2)** Limited Legal Services Requiring Disclosure of Attorney Assistance without Entry of Appearance. An attorney may provide drafting assistance to a self-represented party involved in a civil proceeding without filing a notice of limited appearance. An attorney provides "drafting assistance" by preparing and writing (or rewriting) all or substantially all of a legal argument for a document that the attorney reasonably believes a self-represented party will file with one or more of the courts identified in C.R.C.P. 1(a); however, providing legal advice, including advice to a self-represented party about what to include in such document, does not constitute "drafting assistance." Documents filed by the self-represented party that were prepared with the drafting assistance of the attorney must include the attorney's name, address, telephone number, e-mail address, and Colorado Bar registration number. The document must also include an attorney disclosure certification signed by the attorney and containing the following statement: "In helping to draft the document filed by the self-represented party, the attorney certifies that, to the best of the attorney's knowledge, information, and belief, this document, or specified section(s), is (A) well-grounded in fact based upon a reasonable inquiry of the self-represented party by the attorney, (B) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (C) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." The certification may indicate whether the attorney provided drafting assistance for the entire document or for specific sections only, and if for specific sections, which sections. In providing drafting assistance, the attorney may rely on the self-represented party's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney must make an independent reasonable inquiry into the facts. The attorney's violation of this subsection (b)(2) may subject the attorney to the sanctions provided for in C.R.C.P. 11(a). Providing limited legal services to a self-represented party under this subsection (b)(2) does not constitute an entry of appearance by the attorney for purposes of this rule and does not authorize or require the service of papers upon the attorney.

**(3)** Limited Legal Services Not Requiring Entry of Appearance or Disclosure of Attorney Assistance. An attorney may provide the following forms of assistance to a self-represented party in a civil proceeding without satisfying the requirements of subsections (b)(1) and (2) of this rule: (A) filling out or assistance in filling out pre-printed or electronically published forms that are issued by the judicial branch; (B) oral or written assistance or advice given to the self-represented party regarding the self-represented party's case; and (C) short-term legal assistance offered to a self-represented party on a pro bono basis, including but not limited to assistance through a nonprofit or court-sponsored program, that does not create an expectation by either the client or the lawyer that legal assistance will continue. Providing limited legal services to a self-represented party under this subsection (b)(3) does not authorize or require the service of papers upon the attorney.

C.R.C.P. 11(b)

**(b) Limited Legal Services.** An attorney may provide limited legal services to a self-represented party involved in a civil proceeding in accordance with Colo. R.P.C. 1.2(c) and the following provisions.

**(1)** Limited Legal Services Requiring Entry of Appearance and Withdrawal. An attorney may make a limited appearance for a self-represented party in a civil proceeding if the attorney files and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the part(s) of the proceeding for which the attorney appears. At the conclusion of such part(s) of the proceeding, the attorney's appearance terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance. Service on an attorney who makes a limited appearance for a party will be valid only in connection with the specific part(s) of the proceeding for which the attorney appears.

**(2)** Limited Legal Services Requiring Disclosure of Attorney Assistance without Entry of Appearance. An attorney may provide drafting assistance to a self-represented party involved in a civil proceeding without filing a notice of limited appearance. An attorney provides "drafting assistance" by preparing and writing (or rewriting) all or substantially all of a legal argument for a document that the attorney reasonably believes a self-represented party will file with one or more of the courts identified in C.R.C.P. 1(a); however, providing legal advice, including advice to a self-represented party about what to include in such document, does not constitute "drafting assistance." Documents filed by the self-represented party that were prepared with the drafting assistance of the attorney must include the attorney's name, address, telephone number, e-mail address, and Colorado Bar registration number. ~~The attorney must provide a signed attorney disclosure certification to the self-represented party for the self-represented party to file with the court as an attachment to the document(s). The certification must indicate whether the attorney provided drafting assistance for the entire document or for specific sections only, and if for specific sections, indicate which sections. The certification also must contain~~ The document must also include an attorney disclosure certification signed by the attorney and containing the following statement: "In helping to draft the document filed by the self-represented party, the attorney certifies that, to the best of the attorney's knowledge, information, and belief, this document, or specified section(s), is (A) well-grounded in fact based upon a reasonable inquiry of the self-represented party by the attorney, (B) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (C) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." ~~The attorney in providing such drafting assistance~~ The certification may indicate whether the attorney provided drafting assistance for the entire document or for specific sections only, and if for specific sections, which sections. In providing drafting assistance, the attorney may rely on the self-represented party's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney must make an independent reasonable inquiry into the facts. The attorney's violation of this subsection (b)(2) may subject the attorney to the sanctions provided for in C.R.C.P. 11(a). Providing limited legal services to a self-represented party under this subsection (b)(2) does not constitute an entry of appearance by the attorney for purposes of this rule and does not authorize or require the service of papers upon the attorney.

**(3)** Limited Legal Services Not Requiring Entry of Appearance or Disclosure of Attorney Assistance. An attorney may provide the following forms of assistance to a self-represented party in a civil proceeding without satisfying the requirements of subsections (b)(1) and (2) of this rule: (A) filling out or assistance in filling out pre-printed or electronically published forms that are issued by the judicial branch; (B) oral or written assistance or advice given to the self-represented party regarding the self-represented party's case; and (C) short-term legal assistance offered to a self-represented party on a pro bono basis, including but not limited to assistance through a nonprofit or court-sponsored program, that does not create an expectation by either the client or the lawyer that legal assistance will continue. Providing limited legal services to a self-represented party under this subsection (b)(3) does not authorize or require the service of papers upon the attorney.

C.R.C.P. 11(b)

**(b) Limited Legal Services.** An attorney may provide limited legal services to a self-represented party involved in a civil proceeding in accordance with Colo. R.P.C. 1.2(c) and the following provisions.

**(1)** Limited Legal Services Requiring Entry of Appearance and Withdrawal. An attorney may make a limited appearance for a self-represented party in a civil proceeding if the attorney files and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the part(s) of the proceeding for which the attorney appears. At the conclusion of such part(s) of the proceeding, the attorney's appearance terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance. Service on an attorney who makes a limited appearance for a party will be valid only in connection with the specific part(s) of the proceeding for which the attorney appears.

**(2)** Limited Legal Services Requiring Disclosure of Attorney Assistance without Entry of Appearance. An attorney may provide drafting assistance to a self-represented party involved in a civil proceeding without filing a notice of limited appearance. An attorney provides "drafting assistance" by preparing and writing (or rewriting) all or substantially all of a legal argument for a document that the attorney reasonably believes a self-represented party will file with one or more of the courts identified in C.R.C.P. 1(a); however, providing legal advice, including advice to a self-represented party about what to include in such document, does not constitute "drafting assistance." Documents filed by the self-represented party that were prepared with the drafting assistance of the attorney must include the attorney's name, address, telephone number, e-mail address, and Colorado Bar registration number. The document must also include an attorney disclosure certification signed by the attorney and containing the following statement: "In helping to draft the document filed by the self-represented party, the attorney certifies that, to the best of the attorney's knowledge, information, and belief, this document, or specified section(s), is (A) well-grounded in fact based upon a reasonable inquiry of the self-represented party by the attorney, (B) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (C) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." The certification may indicate whether the attorney provided drafting assistance for the entire document or for specific sections only, and if for specific sections, which sections. In providing drafting assistance, the attorney may rely on the self-represented party's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney must make an independent reasonable inquiry into the facts. The attorney's violation of this subsection (b)(2) may subject the attorney to the sanctions provided for in C.R.C.P. 11(a). Providing limited legal services to a self-represented party under this subsection (b)(2) does not constitute an entry of appearance by the attorney for purposes of this rule and does not authorize or require the service of papers upon the attorney.

**(3)** Limited Legal Services Not Requiring Entry of Appearance or Disclosure of Attorney Assistance. An attorney may provide the following forms of assistance to a self-represented party in a civil proceeding without satisfying the requirements of subsections (b)(1) and (2) of this rule: (A) filling out or assistance in filling out pre-printed or electronically published forms that are issued by the judicial branch; (B) oral or written assistance or advice given to the self-represented party regarding the self-represented party's case; and (C) short-term legal assistance offered to a self-represented party on a pro bono basis, including but not limited to assistance through a nonprofit or court-sponsored program, that does not create an expectation by either the client or the lawyer that legal assistance will continue. Providing limited legal services to a self-represented party under this subsection (b)(3) does not authorize or require the service of papers upon the attorney.

[C.R.C.P. 311(b)]

**(b) Limited Legal Services.** An attorney may provide limited legal services to a self-represented party involved in a civil proceeding in accordance with Colo. R.P.C. 1.2(c) and the following provisions.

**(1)** Limited Legal Services Requiring Entry of Appearance and Withdrawal. An attorney may make a limited appearance for a self-represented party in a civil proceeding if the attorney files and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the part(s) of the proceeding for which the attorney appears. At the conclusion of such part(s) of the proceeding, the attorney's appearance terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance. Service on an attorney who makes a limited appearance for a party will be valid only in connection with the specific part(s) of the proceeding for which the attorney appears.

**(2)** Limited Legal Services Requiring Disclosure of Attorney Assistance without Entry of Appearance. An attorney may provide drafting assistance to a self-represented party involved in a civil proceeding without filing a notice of limited appearance. An attorney provides "drafting assistance" by preparing and writing (or rewriting) all or substantially all of a legal argument for a document that the attorney reasonably believes a self-represented party will file with one or more of the courts identified in C.R.C.P. 1(a); however, providing legal advice, including advice to a self-represented party about what to include in such document, does not constitute "drafting assistance." Documents filed by the self-represented party that were prepared with the drafting assistance of the attorney must include the attorney's name, address, telephone number, e-mail address, and Colorado Bar registration number. ~~The attorney must provide a signed attorney disclosure certification to the self-represented party for the self-represented party to file with the court as an attachment to the document(s). The certification must indicate whether the attorney provided drafting assistance for the entire document or for specific sections only, and if for specific sections, indicate which sections. The certification also must contain~~ The document must also include an attorney disclosure certification signed by the attorney and containing the following statement: "In helping to draft the document filed by the self-represented party, the attorney certifies that, to the best of the attorney's knowledge, information, and belief, this document, or specified section(s), is (A) well-grounded in fact based upon a reasonable inquiry of the self-represented party by the attorney, (B) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (C) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." ~~The attorney in providing such drafting assistance~~ The certification may indicate whether the attorney provided drafting assistance for the entire document or for specific sections only, and if for specific sections, which sections. In providing drafting assistance, the attorney may rely on the self-represented party's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney must make an independent reasonable inquiry into the facts. The attorney's violation of this subsection (b)(2) may subject the attorney to the sanctions provided for in C.R.C.P. 11(a). Providing limited legal services to a self-represented party under this subsection (b)(2) does not constitute an entry of appearance by the attorney for purposes of this rule and does not authorize or require the service of papers upon the attorney.

**(3)** Limited Legal Services Not Requiring Entry of Appearance or Disclosure of Attorney Assistance. An attorney may provide the following forms of assistance to a self-represented party in a civil proceeding without satisfying the requirements of subsections (b)(1) and (2) of this rule: (A) filling out or assistance in filling out pre-printed or electronically published forms that are issued by the judicial branch; (B) oral or written assistance or advice given to the self-represented party regarding the self-represented party's case; and (C) short-term legal assistance offered to a self-represented party on a pro bono basis, including but not limited to assistance through a nonprofit or court-sponsored program, that does not create an expectation by either the client or the lawyer that legal assistance will continue. Providing limited legal services to a self-represented party under this subsection (b)(3) does not authorize or require the service of papers upon the attorney.

C.R.C.P. 311(b)

From: jones, jerry
Sent: Friday, September 18, 2026 1:25 PM
To: michaels, kathryn
Subject: FW: CRM 7 and C.A.R. 3.5

[redacted]

J. Jones,

A change may be needed to CRM 7(g): (g) When a magistrate hears a matter in the place of a judge with the consent of the parties, a magistrate's decision is treated like a district court decision. For petitions for review, the district court

shall examine the record to confirm that consent was properly given and, if so, it shall direct the parties to file any appeal within 49 days. If consent was not properly given, the district court shall remand the matter to the magistrate with instructions.

This has brought an issue up with CAR 3.5 and mental health appeals. Consent is necessary in mental health cases, therefore petitions for review are required regarding consent. When a petition for review is filed, the district court should not say 49 days in mental health cases contemplated under CAR 3.5, because CAR 3.5 requires 21 days due to the expedited nature. We are seeing more mental health appeals with magistrate orders and it has caused some confusion. Even though it should be a quick easy order from the district court judge, there has been questions about the timing.

Let us know if you have any questions or if you need anything else from us.

Thank you,

[redacted]

## Rule 7. Review of District Court Magistrate Orders or Judgments

**(g)** When a magistrate hears a matter in the place of a judge with the consent of the parties, a magistrate's decision is treated like a district court decision. For petitions for review, the district court shall examine the record to confirm that consent was properly given and, if so, it shall direct the parties to file any appeal within 49 days. If consent was not properly given, the district court shall remand the matter to the magistrate with instructions.

C.A.R. Rule 3.5

## Rule 3.5. Appeals of Mental Health Orders Pursuant to § 27-65-114

**(a) How Taken.** Appeals from judgments, decrees, or orders in mental health proceedings under C.R.S. 16-8.5-112 and 27-65-111 must be in the manner and within the time prescribed by this rule.

**(b) Time for Appeal.**

(1) A notice of appeal and designation of transcripts must be filed with the clerk of the court of appeals with an advisory copy served on the clerk of the trial court within 21 days after the entry of the judgment, decree, or order. The trial court continues to have jurisdiction to hear and decide a motion under C.R.C.P. 59 regardless of the filing of a notice of appeal, provided the C.R.C.P. 59 motion is timely filed under C.R.C.P. 59(a) and determined within the time specified in C.R.C.P. 59(j). An order is entered within the meaning of this rule when it is entered pursuant to C.R.C.P. 58. If notice of the entry of judgment, decree, or order is transmitted to the parties by mail or E-Service, the time for the filing of the notice of appeal commences from the date of mailing or E-Service of the notice.

(2) If a timely notice of appeal is filed by a party, any other party may file a notice of cross-appeal and designation of transcripts within 7 days after the date on which the notice of appeal was filed or within the 21 days for the filing of the notice of appeal, whichever period last expires.

(3) The time in which to file a notice of appeal or a notice of cross-appeal and the designation of transcripts will not be extended, except upon a showing of good cause pursuant to C.A.R. 2 and C.A.R. 26(b).

(4) If subsequent orders regarding medication or certification are entered by the district court, or if subsequent events affect the judgment from which appellant initially appealed, counsel for appellant must, within 14 days after entry of the subsequent order or occurrence of the subsequent event, file an appropriate notice or motion informing the Court of that subsequent order or event.

**(c) Contents of the Notice of Appeal.** A notice of appeal and designation of transcripts must comply with C.A.R. 3(d).

**(d) Composition of the Record on Appeal.**

(1) *The Record on Appeal Must Include the Trial Court File, Including all Exhibits.* No designation of record is necessary for the trial court file or the exhibits. The record on appeal may also include any transcripts designated and ordered by any party pursuant to this rule.

(2) The appellant and cross-appellant must properly serve the designation of transcripts on the other parties and the trial court's managing court reporter at the time the notice of appeal is filed.

(3) The designation of transcripts must set forth the dates of the proceedings for which transcripts are requested and the names of the court reporters, if applicable.

(4) Within 7 days after service of any appellant's designation of transcripts any appellee may complete and file a supplemental designation of transcripts with the clerk of the trial court and the

clerk of the court of appeals and serve it on the other parties and the trial court's managing court reporter.

(5) The designating party or public entity responsible for the cost of transcription must make arrangements for payment with the managing court reporter within 7 days after serving the designation. Within 14 days after service of the designation of transcripts, the court reporter must file a statement with the clerk of the trial court and the clerk of the court of appeals indicating whether arrangements for payment have been made.

**(e) Transmission of Record.**

(1) Within 21 days after the filing of the notice of appeal and designation of transcripts, the record, composed as set forth in subsection (d), must be transmitted to the court of appeals in accordance with C.A.R. 10(c).

(2) No extensions will be granted except in exceptional circumstances.

**(f) Opening Brief on Appeal.**

(1) *Within 14 Days After the Record is Filed, the Appellant Must File a Brief.* The appellant's brief must be entitled "opening brief" and must contain the following under appropriate headings in the order indicated:

(A) a caption in compliance with C.A.R. 32(d);

(B) a certificate of compliance as required by C.A.R. 32(h);

(C) a table of contents, with page references;

(D) a table of authorities--cases (alphabetically arranged), statutes, and other authorities--with references to the pages of the brief where they are cited;

(E) a statement of the issues presented for review;

(F) a concise statement identifying the nature of the case, the relevant facts and procedural history, and the ruling, judgment, or order presented for review, with appropriate references to the record (*see* C.A.R. 28(e));

(G) a summary of the arguments, which must:

(i) contain a succinct, clear, and accurate statement of the arguments made in the body of the brief;

(ii) articulate the major points of reasoning employed as to each issue presented for review; and

(iii) not merely repeat the argument headings or issues presented for review;

(H) the arguments, which must contain:

(i) under a separate heading placed before the discussion of each issue, statements of the applicable standard of review with citation to authority, whether the issue was preserved, and if preserved, the precise location in the record where the issue was raised and where the court ruled; and

(ii) appellant's contentions and reasoning, with citations to the authorities and parts of the record on which the appellant relies; and

(I) a short conclusion stating the precise relief sought.

(2) No extensions will be granted except in exceptional circumstances.

(3) The opening brief must contain no more than 7,500 words, excluding attachments and any addendum. A self-represented party who does not have access to a word-processing system must file a typewritten or legibly handwritten opening brief of not more than 25 double-spaced and single-sided pages. Such a brief must otherwise comply with this rule and C.A.R. 32.

**(g) Answer Brief on Appeal.**

(1) Within 14 days after service of the appellant's opening brief, any appellee may file an answer brief that must be entitled “answer brief,” and any cross-appellant may file an opening/answer brief that must be entitled “cross-appeal opening/answer brief.”

(2) The brief must conform to the requirements of C.A.R. 28(b) except that separate headings titled statement of the issues or of the case need not be included unless the appellee is dissatisfied with the appellant's statement. For each issue, the answer brief must, under a separate heading placed before the discussion of the issue, state whether the appellee agrees with the appellant's statements concerning the standard of review with citation to authority and preservation for appeal, and if not, why not.

(3) No extensions will be granted except in exceptional circumstances.

(4) The answer brief or cross-appeal opening/answer brief must contain no more than 7,500 words, excluding attachments and/or any addendum containing statutes, rules, regulations, etc. A self-represented party who does not have access to a word-processing system must file a typewritten or legibly handwritten brief of not more than 25 double-spaced and single-sided pages. Such a brief must otherwise comply with this rule and C.A.R. 32.

(5) In cases involving more than one appellant and in which the appellee chooses to file an answer brief, the appellee must file a combined answer brief addressing the legal issues raised by all appellants. The combined answer brief must be filed within 14 days after service of the last opening brief filed and must contain no more than 9,500 words.

(6) In cases involving more than one appellee, the court encourages coordination among appellees to avoid repetition within the answer briefs. A joint answer brief may, but is not required to, be filed by appellees.

**(h) Reply Brief.** Within 7 days after service of the appellee's answer brief, any appellant may file a reply brief, which must be entitled “reply brief,” in reply to the answer brief. A reply brief must comply with C.A.R. 28(c) and must contain no more than 5,700 words. A self-represented party who does not have access to a word-processing system must file a typewritten or legibly handwritten reply brief of not more than 19 double-spaced and single-sided pages. Such a brief must otherwise comply with this rule and C.A.R. 32. No further briefs may be filed except with leave of court.

**(i) Oral Argument.** Oral argument will be allowed upon the written request of a party or upon the court's own motion, unless the court, in its discretion, dispenses with oral argument. A request for oral argument must be made in a separate, appropriately titled document filed no later than 7 days after briefs are closed. Unless otherwise ordered, argument may not exceed 15 minutes for the appellant and 15 minutes for the appellee.

**(j) Advancement on the Docket.** Appeals in mental health proceedings must be advanced on the calendar of the appellate courts and will be set for disposition at the earliest practical time.

**(k) Petition for Rehearing.** A petition for rehearing in the form prescribed by C.A.R. 40(b) may be filed within 14 days after entry of judgment. The time in which to file the petition for rehearing will not be extended.

**(*l*) Petition for Writ of Certiorari.** Review of the judgment of the court of appeals may be sought by filing a petition for writ of certiorari in the supreme court in accordance with C.A.R. 51. The petition must be filed within 14 days after the expiration of the time for filing a petition for rehearing or the date of denial of a petition for rehearing by the court of appeals. The filing of the petition results in an automatic stay of proceedings in the court of appeals. Any cross-petition or opposition brief to a petition for writ of certiorari must be filed within 14 days after the filing of the petition. No reply briefs are allowed. The petition for writ of certiorari, any cross-petition, and any opposition brief must be in the form prescribed by C.A.R. 53(a)-(c) and filed and served in accordance with C.A.R. 53(h).

**(m) Issuance of Mandate.** The mandate must be in the form prescribed by C.A.R. 41(a) and will issue 29 days after entry of the judgment. The timely filing of a petition for rehearing will stay the mandate until the court of appeals has ruled on the petition. If the petition is denied, the mandate will issue 14 days after entry of the order denying the petition. The mandate may also be stayed in accordance with C.A.R. 41.

**(n) Filing and Service.** All papers required or permitted by this rule must be filed and served in accordance with C.A.R. 25.

**(*o*) Computation and Extension of Time.** Computation and extension of any time period prescribed by this rule must be in accordance with C.A.R. 26.

**From:** jones, jerry
**To:** michaels, kathryn
**Subject:** FW: CRM7(k) issue
**Sent:** 9/17/2026 6:53:20 PM

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HI, Kathryn.  This will be new business for next week.  I will present.

[redacted]

Judge

I was unsure what info you requested for the case I brought to 3J today involving a order vacating the magistrate's order of adjudication - 26CA1208, Peo in int XJA.

The response to the show cause said, "In ruling upon a petition for review, the district court "may remand an issue to the magistrate with instructions or may adopt, reject, or modify the initial order or judgment of the magistrate by written order, which order shall be the order or judgment of the district court." C.R.M. 7(k) (emphasis added). Whether the "order" in the final clause of this provision refers to an order of remand with instructions or only an order adopting, rejecting, or modifying the magistrate's order, is arguably unclear."

Let me know if you wanted additional information.

[redacted]

**Rule 7. Review of District Court Magistrate Orders or Judgments**

**(k)** The reviewing judge may remand an issue to the magistrate with instructions or may adopt, reject, or modify the initial order or judgment of the magistrate by written order, which order shall be the order or judgment of the district court. Any petition for review that has not been decided within 91 days from the timely filing of the petition for review shall, without further action by the reviewing judge, be deemed an adoption of the order or judgment for all purposes including Rule 4(a) of the Colorado Appellate Rules, and the time for appeal shall commence on that date.

Matt Shepard
1104 McIntosh Ave
Broomfield, Colorado 80020
mattgshepard@gmail.com | 303-618-4061

July 8, 2026

Colorado Supreme Court
Attn: Chief Justice and Justices of the Court; Civil Rules Committee
Ralph L. Carr Colorado Judicial Center
2 East 14th Avenue
Denver, CO 80203

**Re: Public Comment and Request for Rule/Policy Change — Expansion of Colorado Courts E-Filing Access to Self-Represented Litigants**

To the Honorable Chief Justice and Justices of the Colorado Supreme Court:

I write as a self-represented litigant in an active Colorado district court civil case to ask the Court to expand access to the Colorado Courts E-Filing (CCE) system to self-represented litigants in case types in which attorneys are permitted to e-file. I respectfully request that this letter be treated as a public comment and as a request for consideration by the Civil Rules Committee and the Office of the State Court Administrator.

The problem is simple and structural. Under current policy, self-represented litigants may register for CCE but may only e-file in domestic relations and eviction cases. In every other case type — including county and district civil matters — the opposing party's counsel, including government attorneys, files and serves electronically 24 hours a day, receives instant confirmation of filing, and has continuous electronic access to the case file. The self-represented party in the very same case must file on paper, in person or by mail, during business hours, bearing the cost, travel, and delivery risk that entails, and has no comparable electronic access to the documents in his or her own case.

In my own matter, a county government is a party. Its attorneys e-file and e-serve through the same Judicial Department system that I, as a party to the same case, am barred from using. When one side of a case can file at 11:59 p.m. on the day of a deadline and the other side's deadline effectively closes when the clerk's window does, the two sides are not litigating under the same rules. That asymmetry is felt most by the Coloradans least equipped to absorb it.

I recognize the Judicial Department may have legitimate administrative concerns about opening system-wide accounts to non-attorneys, and I do not ask the Court to ignore them. I therefore propose a measured, gated approach modeled on a mechanism the E-System already supports. Under C.R.C.P. 121, § 1-26, an attorney admitted pro hac vice receives a special user account limited to e-filing and e-serving in the single case identified by the court's order — not general access to the system. The same case-scoped account architecture can serve self-represented parties: once a self-represented litigant has filed his or her initial pleading or appearance in person and the clerk has verified identity, that party would be granted CCE access limited to that one case only, terminating when the case closes. This is not new infrastructure; it is an existing account type extended to a new class of verified users, with the in-person initial filing serving as the gate.

Nor is broader self-represented access untested. The Department's own family-court pilot proved the model and was deliberately expanded across judicial districts, with registration, opt-in, training, fee, and clerk-review safeguards already in operation today in domestic relations and eviction cases.

**I therefore respectfully request that the Court, through rule change, Chief Justice Directive, or administrative direction to the State Court Administrator, adopt the following:**

1. Adopt gated, per-case CCE access for self-represented litigants in all case types where attorneys may e-file: upon in-person filing of the initial pleading or appearance and identity verification by the clerk, the self-represented party may opt in to e-file, e-serve, and view the case file in that single case, on the model of the existing pro hac vice case-scoped account under C.R.C.P. 121, § 1-26.

2. As an interim measure, guarantee that in any case in which one party e-files, a self-represented opposing party may (a) opt in to view the electronic case file in his or her own case at no cost, and (b) elect to receive service and courtesy copies electronically.

3. Remove the current barrier under which a litigant granted a fee waiver cannot e-file at all, which penalizes indigent litigants twice.

The Judicial Department's stated mission is to provide equal access to justice. The Access to Justice Commission, established jointly by this Court and the Colorado Bar Association, exists to expand access, quality, and fairness in the justice system for all Coloradans. A filing system that is electronic, instant, and always open for the represented and the government, but paper-only and business-hours-only for the self-represented, is not consistent with that mission — and it is within this Court's authority to fix it.

I would welcome the opportunity to provide further comment, in writing or at any public hearing, should the Court or the Civil Rules Committee take this matter up. Thank you for your consideration and for your service to the people of Colorado.

Respectfully submitted,

Matt Shepard
Self-Represented Litigant, Boulder County District Court, Case No. 2026CV30090

*cc: Colorado Supreme Court Civil Rules Committee, c/o Clerk of the Supreme Court; Office of the State Court Administrator; Colorado Access to Justice Commission; Rep. Javier Mabrey, Chair, House Judiciary Committee, and Sen. Mike Weissman, Chair, Senate Judiciary Committee, Colorado General Assembly, 200 E. Colfax Avenue, Denver, CO 80203*

**TO:** Colorado Supreme Court Civil Rules Committee
**FROM:** Thomas W. Badera, Pro Se Litigant
**DATE:** August 13, 2026
**SUBJECT:** Proposal to Amend C.R.C.P. 121, Section 1-26 to Permit Unrestricted Pro Se E-Filing

**I. PURPOSE OF THE PROPOSED AMENDMENT** The purpose of this proposed amendment is to eliminate the systemic disparities, administrative delays, and financial burdens caused by restricting self-represented (pro se) litigants from accessing the Colorado Courts E-Filing (CCE) system in general civil matters. The proposal requests that C.R.C.P. 121, Section 1-26, and Chief Justice Directive 11-01 be amended to allow pro se litigants the same electronic filing privileges currently afforded to licensed attorneys.

**II. CURRENT DEFICIENCIES AND PREJUDICE** Under the current application of C.R.C.P. 121, Section 1-26, pro se litigants are excluded from the CCE system outside of specific case types. This framework creates an unequal tier of justice:

1. **Procedural Prejudice:** Attorneys utilizing the CCE system enjoy instantaneous service on opposing parties. Conversely, pro se litigants must rely on physical mail, systematically depriving them of equal time to respond to motions and court orders.
2. **Administrative Burden and Cost:** Forcing pro se litigants to file paper documents requires court clerks to manually process, scan, and upload these documents into the digital docket. This wastes judicial resources, incurs unnecessary state expenditures, and delays court dockets.
3. **Access to Justice:** While the State mitigates direct financial prejudice by waiving scanning fees for pro se parties, the requirement to physically travel to the courthouse or rely on the postal service imposes an undue burden on self-represented citizens, contrary to the mandate of Article II, Section 6 of the Colorado Constitution that justice be administered without delay.

**III. PROPOSED RULE CHANGE** It is respectfully proposed that C.R.C.P. 121, Section 1-26 be amended to read as follows (suggested additions in bold):

*(Proposed Text)*: "All documents filed in all civil cases subject to electronic filing shall be filed electronically by attorneys **and registered self-represented parties** through the state's authorized e-filing system. **Self-represented parties shall be held to the same technical and formatting standards as licensed attorneys when utilizing the system.**"

**IV. CONCLUSION** Amending C.R.C.P. 121 to grant e-filing access to self-represented parties will modernize court administration, reduce the manual workload on court clerks, and ensure equal procedural footing for all citizens appearing before Colorado courts.

Respectfully submitted,
Thomas W. Badera
16698 Winsome Way
Colorado Springs, CO 80908
203-940-6061
baderatw@hotmail.com

## michaels, kathryn

**From:** Matt Shepard <mattgshepard@gmail.com>
**Sent:** Thursday, July 9, 2026 7:11 AM
**To:** supremecourtrules
**Cc:** Matt Shepard
**Subject:** [EXTERNAL] Public submission for the Civil Rules Committee — lay representation of closely held entities in county court (C.R.S. § 13-1-127 / C.R.C.P. 521)
**Attachments:** Rules_Committee_Letter_13-1-127.docx



Dear Members of the Civil Rules Committee:

Please find attached a letter respectfully asking the Committee to review a misalignment that opened on January 1, 2019, when SB 18-056 raised the county court civil jurisdictional limit from $15,000 to $25,000 without a conforming change to the closely held entity self-representation threshold in C.R.S. § 13-1-127(2)(a) — a figure originally set to match county court jurisdiction, and a policy the Court's own C.R.C.P. 521 already reflects in small claims.

The attached letter sets out the alignment as designed, the 2019 break, and two modest requests: consideration of whether the county court civil rules should be harmonized with the county court's post-2019 jurisdiction, or, if the Committee views the fix as legislative, referral of the issue for study or coordination with the General Assembly.

I submit this as a Colorado small business owner with recurring, firsthand experience litigating modest commercial matters in the county courts. I would welcome the opportunity to provide additional information or to appear before the Committee or any subcommittee if useful.

Thank you for your consideration.

Respectfully,

Matt Shepard
1104 McIntosh Ave, Broomfield, CO 80020
mattgshepard@gmail.com

Matt Shepard
1104 McIntosh Ave
Broomfield, CO 80020
mattgshepard@gmail.com

July 9, 2026

Colorado Supreme Court Civil Rules Committee
c/o Colorado Supreme Court
2 East 14th Avenue
Denver, CO 80203
*Via email: supremecourtrules@judicial.state.co.us*

**Re: Suggested rule review — lay representation of closely held entities in county court civil actions following the 2019 increase in county court jurisdiction (C.R.S. § 13-1-127; C.R.S. § 13-6-104; C.R.C.P. 521)**

Dear Members of the Committee:

I write as a Colorado small business owner who operates closely held limited liability companies, with direct, recurring experience litigating small commercial matters — mechanic's lien, contractor, and collection disputes — in Colorado's county courts. I respectfully ask the Committee to review a gap that opened in 2019 between the county court's civil jurisdiction and the rules and statutes governing who may appear on behalf of a closely held entity in that court.

### The alignment as designed

Since its amendment effective August 7, 2013, C.R.S. § 13-1-127(2)(a) has permitted an officer of a closely held entity (no more than three owners) to represent the entity before any court of record or administrative agency where the amount at issue does not exceed $15,000, exclusive of costs, interest, or statutory penalties. That figure was not arbitrary: it was set equal to the county court civil jurisdictional limit then in effect under C.R.S. § 13-6-104, so that a qualifying small entity could make full use of the county court's streamlined process without retaining counsel. The same policy is reflected in C.R.C.P. 521, which permits an officer of a corporation or the member/manager of a limited liability company to represent the entity in small claims proceedings.

### The break

Senate Bill 18-056 raised the county court civil jurisdictional limit from $15,000 to $25,000 for cases filed on or after January 1, 2019, and directed the state court administrator to analyze case data bearing on future increases. The self-representation threshold in § 13-1-127(2)(a) was never conformed. The result is a band — claims above $15,000 and up to $25,000 — in which a closely held entity is squarely within county court jurisdiction, in the forum designed for efficient resolution of modest disputes, yet may not appear there through its own officer. The statute's internal design logic is broken, and the burden falls on precisely the smallest businesses the 2013 amendment was intended to serve.

### What I am asking the Committee to consider

I recognize that the $15,000 figure resides in statute and that setting monetary thresholds is, in the first instance, a legislative judgment; I am separately submitting a proposal to the General Assembly for a one-line conforming amendment. I bring the matter to this Committee for two reasons:

1. To the extent appearances before Colorado courts fall within the Supreme Court's rulemaking authority — as C.R.C.P. 521 demonstrates in the small claims context — the Committee may wish to consider whether the county court civil rules should be

harmonized with the county court's post-2019 jurisdiction, so that the rules and the statute again express a single coherent policy on lay representation of closely held entities.

2. Even if the Committee concludes the fix is properly legislative, a determination that the misalignment exists and merits correction would itself be significant. I respectfully ask that the issue be referred to the appropriate subcommittee for study or noted for coordination with the General Assembly.

The practical stakes are concrete. For a three-owner LLC with a $20,000 principal claim, the choice today is to retain full counsel for a county court matter (often uneconomic at that amount), to waive amounts above $15,000 to preserve officer representation, or to forgo the claim. None of those outcomes serves the efficient administration of justice that the county court system and § 13-1-127 were designed to promote.

I would welcome the opportunity to provide further information or to appear before the Committee or any subcommittee if useful. Thank you for the Committee's time and its ongoing work on the rules.

Respectfully submitted,

Matt Shepard
1104 McIntosh Ave, Broomfield, CO 80020 • mattgshepard@gmail.com

## michaels, kathryn

**From:** Chris Stone <chris52452003@yahoo.com>
**Sent:** Wednesday, May 13, 2026 6:40 AM
**To:** jones, jerry
**Cc:** michaels, kathryn
**Subject:** [EXTERNAL] Re: Proposed Amendment to C.R.C.P. 107(c)



Christopher Stone
14616 Blue Wings Way
Colorado Springs, CO 8u0921
703-658-5169
chris52452003@yahoo.com

May 13, 2026

Hon. Jerry N. Jones, Chair Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
Ralph L. Carr Colorado Judicial Center
2 East 14th Avenue Denver, CO 80203
*Via email:* jerry.jones@judicial.state.co.us
*cc:* Kathryn Michaels, kathryn.michaels@judicial.state.co.us

**Re: Proposed Amendment to C.R.C.P. 107(c) — Substituted Service for Indirect Contempt Where the Alleged Contemnor Has Entered an Appearance**

Dear Judge Jones:

I write as a pro se litigant to request that the Committee take up an amendment to C.R.C.P. 107(c) to permit substituted service of process for indirect contempt where the alleged contemnor has already entered an appearance in, and is subject to the continuing personal jurisdiction of, the underlying action. I am a party to an active domestic relations matter; the rigid "direct service" requirement of Rule 107(c) has presented serious enforcement obstacles.

**The doctrinal anomaly.** In *In re Marriage of Conners*, 2024 CO 44, the Court held that Rule 107(c) requires direct service and that the substituted-service mechanisms of C.R.C.P. 4(f) do not apply to contempt proceedings. The Court correctly applied the rule as currently written. But as Justice Hart observed in her concurrence: "I write separately to suggest that we amend C.R.C.P. 107(c) to permit substituted service of process in accordance with C.R.C.P. 4(f)." *Conners*, ¶ 27 (Hart, J., concurring). Two years on, no proposal has been brought forward.

The anomaly is acute. As the *Conners* majority itself acknowledged, "most alleged contemnors are already subject to personal jurisdiction." *Id.* ¶ — (majority op.). Rule 107(c) nonetheless requires the moving party to re-establish in-hand service that personal jurisdiction has already rendered unnecessary in every other context. A party who has entered an appearance, been litigating for years, and accepts service of every other paper through C.R.C.P. 5 must, the moment a contempt motion is filed, be physically located and handed papers — even when his counsel sits at counsel's table and his email is on every prior filing.

**Practical consequences.** The rule produces three predictable failures, each disproportionately borne by pro se litigants, at-risk persons such as I, and family-law obligees:

1. *Evasion is rewarded.* A contemnor who refuses to comply with court orders frequently also refuses to be found. The Rule converts ordinary post-judgment recalcitrance into a procedural shield. I personally have no effective mechanism to curtail parties committing contempt in my cases.
2. *Costs fall on the party least able to bear them.* In domestic relations cases — which are civil, *In re Marriage of Wollert*, 2020 CO 47, ¶ 26 — the obligee seeking child support or parenting-time enforcement must fund a process server and, often, skip-tracing services, on top of bearing the very nonpayment that prompted the motion.
3. *The enforcement gap distorts substantive rights.* When the only mechanism to enforce a permanent order is unavailable as a practical matter, the order itself becomes advisory. That outcome is incompatible with Article II, § 6 (open courts) and with the Court's repeated direction that contempt is the primary tool for enforcing equitable orders.

**Parallel to the Committee's pending Rule 69 work.** I am aware that at the November 7, 2025 meeting, the Committee formed a subcommittee, on the proposal of Attorney Ross Ziev, to consider amendments to Rule 69 addressing whether C.R.C.P. 45 personal service on a judgment debtor should be required when the debtor remains represented by counsel. The doctrinal logic is identical. In each instance, a "personal service" requirement is being applied to a party already subject to personal jurisdiction and already in the litigation, generating cost and delay without a corresponding due-process benefit. The Committee's willingness to revisit the issue under Rule 69 invites the same revisitation under Rule 107(c).

**Proposed amendment.** I propose adding a new subsection to Rule 107(c) as follows (additions underlined):

> (c) Procedure for Indirect Contempt. When it appears to the court by motion supported by affidavit that indirect contempt has been committed, the court may *ex parte* order a citation to issue to the person so charged to appear and show cause at a time designated why the person should not be punished. The citation and a copy of the motion, affidavit and order shall be served directly upon such person at least 21 days before the time designated for the person to appear.
>
> *Notwithstanding the foregoing, where the alleged contemnor has previously entered an appearance in the underlying action and remains subject to the personal jurisdiction of the court, service of the citation, motion, affidavit and order may be effected in accordance with C.R.C.P. 5. Where the alleged contemnor was served with process in the underlying action but has not entered an appearance, or where the moving party demonstrates by affidavit that direct service cannot reasonably be effected after diligent efforts, service may be effected by any means authorized under C.R.C.P. 4(f) upon order of the court.*

This formulation preserves the protective function of Rule 107(c) for the unusual case in which the alleged contemnor truly stands outside the court's reach, while restoring procedural rationality to the ordinary case in which the contemnor is a party who has been litigating in the action for months or years. It also tracks the suggestion in Justice Hart's *Conners* concurrence without going further than that suggestion required.

The change would also protect at-risk persons, who are currently easy targets for contempt.

I would welcome the opportunity to address the Committee or a subcommittee should this proposal warrant further consideration. Thank you for your time and for the Committee's continuing work.

Respectfully submitted,

Christopher E. Stone
Pro Se
At-Risk Person

## michaels, kathryn

**From:** tims, marianne
**Sent:** Wednesday, June 10, 2026 2:13 PM
**To:** michaels, kathryn
**Subject:** FW: Humble Request for Help from County Court

Hi Kathryn
Because of the bcc that the judge references, I don't know whether you got (or want) this.
Happy summer
MMT

*Marianne Marshall Tims*
District Court Magistrate
First Judicial District – Golden
(720) 772-2703

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**From:** hernandez, melina <melina.hernandez@judicial.state.co.us>
**Sent:** Wednesday, June 10, 2026 1:31 PM
**Subject:** Humble Request for Help from County Court

Good Afternoon, All,

I hope you are having a nice day. My name is Melina Hernandez, and I am a county court judge in Arapahoe County. Pardon the obvious BCC email. I am reaching out to you in your capacity as a member of the civil rules committee. Some of you I have yet to meet and some of you I know very well. Thanks in advance for reading this email.

First, thank you for your work. I know that no one just *has* time to be a member of your group, they *make* it.

Second, I am hoping I can share what is happening in county courts across the state. I have worked for the judicial branch for fourteen years, and I am so proud of that. I have worked in DR, JV, felony first appearance advisement dockets, as well as county court criminal, traffic and civil. As generative AI becomes more common, so do generative AI motions presented by pro se parties. Generative AI motions are longer than the typical pro se motion, often by 2-10 pages. They are filled with irrelevant information and hallucinated legal authority; you all know that. What you may not know is that I have 1,600 open cases, more or less, and preside over 13,000 cases each year, more or less. At least half of my litigants are unrepresented. You may also not know that AI often includes jury demands in the motions it generates for pro se parties. This means that in a docket where I presided over 2 jury trials in two years, I now receive a jury demand almost every day.

Managing these GAI pro se motions is something that I no longer know how to handle with the rules as written. The rules of professional conduct do not govern the behavior of unrepresented parties, so I cannot impose attorney sanctions. The 308 and 310 requirements are close, but don't instruct judges what to do if the pleading does not conform and striking and causing a defendant to miss an Answer deadline seems a severe remedy. According to 351.1, I must find, provide, and if necessary, create jury instructions for trial if not provided, and these AI jury-demanding defendants do not provide valid jury instructions, if they are provided at all. (You really haven't lived until you spent 8 hours and watch your inbox stack up to 300 events because you are creating jury instructions for a defendant who leaves the trial for methadone treatment but turns out to be just walking up and down Littleton Blvd., brings the dog she denies owning as a part of her defense into court, then eventually is removed for vaping in the courtroom (Arapahoe County Court Case 26C35169).) I love jury trials, but I rule on 50-100 motions a day, so when I am in one, I get 100-300 cases behind.

You are the experts, but perhaps you could make a rule that requires parties to verify a pleading is correct or risk sanctions. Perhaps you could impose a page limit in county court like we do in CRCP 121 for district court. Perhaps you could impose waiver of the right to jury trial for failure to attend a pretrial conference, provide jury instructions, or for filing an AI motion (there are telltale signs). I don't think all of these ideas are great, but unless we get far more judges or CRCP addressing this, I will not be able to keep up. Thank you for considering it.

In a word, help.

With Gratitude,
MH

**Melina Hernandez** (she/her) | Judge
Arapahoe County Court | 1790 West Littleton Boulevard, Littleton, Colorado 80120

**michaels, kathryn**

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**From:** truett, andi
**Sent:** Friday, June 5, 2026 3:10 PM
**To:** michaels, kathryn
**Subject:** RE: CIVIL RULES COMMITTEE: JUNE 26 MEETING CANCELLED

Hi Kathryn,
For the September meeting, may I ask that we add the below to the agenda?

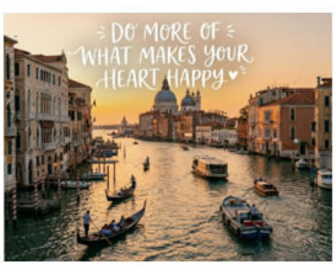
With the passage of HB26-1196, we believe that updates to C.R.C.P. 10 will be needed, with potential corresponding review of CJD 11-01. Fortunately, the bill's effective date is January 1, 2027, which provides time to present and implement any needed rule changes.

In the bill, section 13-40-110.2(2), places the responsibility on landlords to redact supporting documents prior to filing them with the court. This represents a shift from the current process and may require revisions to Rule 10 and related guidance to ensure consistency with the statutory requirements. In practice, this should save clerks time on the backend. If a judgment is entered against a tenant, the case is unsuppressed, and someone requests records, the supporting documents should already have been properly redacted at the time of filing, eliminating the need for additional clerk review and redaction efforts on the backend.

We recommend considering whether amendments to C.R.C.P. Rule 10 and CJD 11-01 are appropriate to align court procedures with the new statutory requirements.

Please let me know if you need any additional information or this submitted in a different format.

Have a good weekend!
Andi




Andi Truett, Clerk of Court
Douglas County Combined Courts
4000 Justice Way, Ste. 2009, Castle Rock, CO 80109
andi.truett@judicial.state.co.us
720-427-6211

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**From:** michaels, kathryn <kathryn.michaels@judicial.state.co.us>
**Sent:** Friday, June 5, 2026 3:06 PM
**To:** brown, jaclyn <jaclyn.brown@judicial.state.co.us>; damon@killianlaw.com; ddemuro@vaughandemuro.com; dunn, stephanie <stephanie.dunn@judicial.state.co.us>; elliff, j. eric <j.eric.elliff@judicial.state.co.us>; artldf@yahoo.com; michael.hofmann@bryancave.com; jlebsack@wsteele.com; bal@levinsitcoff.com; mary@lindenlawgroup.com;

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

**Directive Concerning Statewide Electronic Filing Standards**
**Chief Justice Directive 11-01**
**Amended, Effective January 1, 2026**

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: https://www.coloradojudicial.gov/e-filing-attorneys and https://www.coloradojudicial.gov/e-filing-non-attorneys. 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: https://www.coloradojudicial.gov/e-filing-attorneys and https://www.coloradojudicial.gov/e-filing-non-attorneys. 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. Upon the filing of a notice to appeal, the Defendant-tendered jury instructions shall be unsealed unless ordered otherwise by the court.

## VIII. IN CAMERA REVIEW DOCUMENTS

When in camera review is allowed by statute, court rule, or court order, the following procedure shall apply in civil and criminal cases for documents submitted for in camera review.

A. Documents should be filed electronically using the Document Event category 'In Camera Review Document'. This category will automatically seal the document.

## IX. 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.

## X. 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.

## XI. SIGNATURE REQUIREMENTS

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

## XII. 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
This CJD is amended, effective July 1, 2024
This CJD is amended, effective January 1, 2026

Done at Denver this 10th day of December 2025.

_______/s/___________________________
Monica M. Márquez, Chief Justice

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

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|---|---|---|
| (1) INCORRECT CAPTION | • Wrong court address<br>• Wrong parties<br>• Wrong case number<br>• Wrong court name<br>• Incorrect caption on proposed orders | |
| (2) DOCUMENT FILED IN THE WRONG COURT OR WRONG CASE | • Filed in the wrong court location<br>• 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 | • Discovery matters filed under C.R.C.P. 121, §1-12(3)<br>• Offers of settlement, unless ordered by the court to be e-filed | |
| (5) AT FILING ATTORNEY'S REQUEST | • Filing attorney calls the court and requests filing be rejected | |

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|---|---|---|
| (6) INCORRECT SCANNING OR DOCUMENT SUBMISSION | • Proposed order not filed separate from the motion<br>• Multiple documents filed as one single document, including exhibits and/or attachments<br>• Separately filing single pages of a multiple page document, except as required because of the size of the document<br>• A document cannot be opened by the court because of an apparent corruption<br>• A document quarantined by the system for having a virus | |
| (7) POOR DOCUMENT QUALITY | • Document is illegible<br>• Document scanned inappropriately | |
| (8) FILING ON BEHALF OF WRONG PARTY OR IMPROPER THIRD-PARTY FILING | • Attorney filer represents one party, but incorrectly selects another party to file on behalf of in the Filing Party tab<br>• Attorney filer does not represent any party but selects a party to file on behalf of to get a pleading filed<br>• Non-attorney filer is not a party to the case | |

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|---|---|---|
| (9) INCOMPLETE OR INAPPROPRIATE DOCUMENTS | • Certificate of mailing is missing or incomplete<br>• Notary signature/seal is not included on a document that requires it<br>• Missing date or time on pleadings<br>• PR Cases: missing date of appointment and case number on Information of Appointment sheet<br>• Documents with tracked changes showing<br>• Duplicate Conformed Order Filed: Attorney electronically filing original of an order provided to the attorney in court and order already appears electronically<br>• 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 | • Missing caption<br>• Wrong font size, within reason<br>• Wrong margins for appellate court filings<br>• 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 | • 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 | • 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<br>• 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 | • All pages of a garnishment are not submitted<br>• Incorrect form of garnishment used, (incorrect type of writ not using a JDF form is not a reason for rejection)<br>• Garnishee is not identified<br>• Creditor and/or debtor names on garnishment do not match the creditor and/or debtor names on the judgment<br>• Filing a garnishment where the judgment has been satisfied, set aside, or stayed<br>• Incorrect judgment amounts listed in the garnishment<br>• 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) |
| (17) DOCUMENT IS NON-ENGLISH LANGUAGE | | This is required by C.R.S. § 13-1-120. However, non-English documents are allowed when the document itself is at issue in a court proceeding. These allowable non-English documents include, but are not limited to, demands or notices as required by C.R.S. § 13-40-106(3), foreign judgments, and contracts. |

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

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|---|---|---|
| (1) INCORRECT CAPTION | • Wrong court address<br>• Wrong parties<br>• Wrong case number<br>• Wrong court name<br>• Incorrect caption on proposed orders | |
| (2) DOCUMENT FILED IN THE WRONG COURT OR WRONG CASE | • Filed in the wrong court location<br>• 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 | • Discovery matters filed under Crim. P. 16 | |
| (5) AT FILING ATTORNEY'S REQUEST | • Filing attorney calls the court and requests filing be rejected | |

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|---|---|---|
| (6) INCORRECT SCANNING OR DOCUMENT SUBMISSION | • Proposed order not filed separate from the motion<br>• Multiple documents filed as one single document, including exhibits and/or attachments<br>• Separately filing single pages of a multiple page document, except as required because of the size of the document<br>• A document cannot be opened by the court because of an apparent corruption<br>• A document quarantined by the system for having a virus | |
| (7) POOR DOCUMENT QUALITY | • Document is illegible<br>• Document scanned inappropriately | |
| (8) CHARGE MISMATCH | • Charges displayed on document do not match charges filed electronically. | |
| (9) A CHANGE IN STATUS OF THE ATTORNEY WITHIN THE ATTORNEY REGISTRATION SYSTEM. | | |
| (10) DOCUMENT IS NON-ENGLISH LANGUAGE | | This is required by C.R.S. § 13-1-120. However, non-English documents are allowed when the document itself is at issue in a court proceeding. These allowable non-English documents include, but are not limited to, demands or notices as required by C.R.S. § 13-40-106(3), foreign judgments, and contracts. |

# An Act

HOUSE BILL 26-1196

BY REPRESENTATIVE(S) English and Joseph, Bacon, Nguyen; also SENATOR(S) Benavidez, Cutter, Exum, Gonzales J., Jodeh, Kipp, Coleman.

CONCERNING TENANT DATA INFORMATION.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly finds and declares that:

(a) Safe and stable housing is essential to the health, safety, and economic security of individuals and families in Colorado;

(b) Everyone has the right to fair treatment and transparency in housing, and affording tenants better opportunities to understand the information landlords access and the criteria used to grant or deny applications will reduce uncertainty, arbitrary denials, and discrimination;

(c) Landlords often rely on tenant screening processes that use prospective tenants' personal and financial data, while prospective tenants are not always informed about the type of information landlords review or

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

how it is used in decision-making;

(d) This imbalance of information can create confusion, limit meaningful access to housing, and contribute to inconsistent or unfair outcomes for tenants;

(e) Court records related to eviction proceedings can include sensitive personal identifying information and are often publicly accessible, meaning those records can expose tenants to identity theft, financial harm, and long-term barriers to accessing housing and economic stability; and

(f) The combination of the lack of transparency in tenant screenings and insufficient protections for personal identifying information in eviction proceedings create unnecessary barriers to housing and undermine public confidence in the fairness of the housing system.

(2) Therefore, the general assembly finds and declares that requiring landlords to provide transparency in tenant screening practices and to protect personal identifying information in eviction proceedings is essential to protecting the rights, privacy, and dignity of all renters in Colorado.

**SECTION 2.** In Colorado Revised Statutes, **add** 13-40-110.2 as follows:

**13-40-110.2. Personal identifying information in eviction court filings - landlord's duties - definition.**

(1) A LANDLORD SHALL COMPLY WITH APPLICABLE COURT RULES GOVERNING THE PROTECTION AND REDACTION OF PERSONAL IDENTIFYING INFORMATION IN EVICTION FILINGS.

(2) A LANDLORD SHALL REDACT PERSONAL IDENTIFYING INFORMATION FROM ANY SUPPORTING DOCUMENTS SUBMITTED TO A COURT THAT MAY BECOME PUBLICLY ACCESSIBLE. A LANDLORD MAY SUBMIT PERSONAL IDENTIFYING INFORMATION IN A CONFIDENTIAL MANNER CONSISTENT WITH JUDICIAL DEPARTMENT PROCEDURES IF A COURT REQUIRES SUCH INFORMATION.

(3) NOTHING IN THIS SECTION PROHIBITS A LANDLORD FROM INCLUDING PERSONAL IDENTIFYING INFORMATION EXPLICITLY REQUIRED BY

A COURT. ALL OTHER SUPPORTING DOCUMENTS SUBMITTED MUST COMPLY WITH SUBSECTION (2) OF THIS SECTION.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PERSONAL IDENTIFYING INFORMATION" INCLUDES A:

(a) SOCIAL SECURITY NUMBER;

(b) BIRTH DATE;

(c) DRIVER'S LICENSE NUMBER;

(d) STATE IDENTIFICATION NUMBER;

(e) BANK ACCOUNT NUMBER;

(f) CREDIT CARD NUMBER; AND

(g) DEBIT CARD NUMBER.

**SECTION 3.** In Colorado Revised Statutes, 38-12-904, **add** (1.7) as follows:

**38-12-904. Consideration of rental applications - limitations - portable tenant screening report - notice to prospective tenants - denial notice.**

(1.7) (a) A LANDLORD SHALL INCLUDE IN ALL RENTAL APPLICATIONS:

(I) A NOTICE TO PROSPECTIVE TENANTS REGARDING THE INFORMATION AND DATA THE LANDLORD WILL ATTEMPT TO ACCESS WHEN CONDUCTING A TENANT SCREENING;

(II) A GENERAL DESCRIPTION OF THE FACTORS THE LANDLORD WILL CONSIDER WHEN EVALUATING A RENTAL APPLICATION, INCLUDING A PROSPECTIVE TENANT'S CREDIT HISTORY, RENTAL HISTORY, INCOME, AND CRIMINAL BACKGROUND, IF APPLICABLE; AND

(III) WHETHER THE LANDLORD USES A THIRD-PARTY TENANT SCREENING SERVICE, AND IF SO, THE NAME OF THE SERVICE.

(b) NOTHING IN THIS SUBSECTION (1.7) REQUIRES A LANDLORD TO ADOPT OR DISCLOSE FIXED DISQUALIFYING CRITERIA.

**SECTION 4. Effective date.** This act takes effect January 1, 2027.

**SECTION 5. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED on Tuesday June 2nd 2026 at 1:15pm
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

## Rule 10. Form and Quality of Pleadings, Motions and Other Documents

**(a) Caption; Names of Parties.** Every pleading, motion, E-filed document under C.R.C.P. 121 (1-26), or any other document filed with the court (hereinafter "document") in both civil and criminal cases shall contain a caption setting forth the name of the court, the title of the action, the case number, if known to the person signing it, the name of the document in accordance with Rule 7(a), and the other applicable information in the format specified by paragraph (d) and the captions illustrated by paragraph (e) or (f) of this rule. In the complaint initiating a lawsuit, the title of the action shall include the names of all the parties to the action. In all other documents, it is sufficient to set forth the name of the first-named party on each side of the lawsuit with an appropriate indication that there are also other parties (such as "et al."). A party whose name is not known shall be designated by any name and the words "whose true name is unknown". In an action in rem, unknown parties shall be designated as "all unknown persons who claim any interest in the subject matter of this action".

**(b) Paragraphs; Separate Statements.** All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. A paragraph may be referred to by its paragraph number in all succeeding documents. Each claim founded upon a separate transaction or occurrence, and each defense other than denials, shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

**(c) Incorporation by Reference; Exhibits.** A statement in a document may be incorporated by reference in a different part of the same document or in another document. An exhibit to a document is a part thereof for all purposes.

**(d) General Rule Regarding Paper Size, Format, and Spacing.** All documents filed after the effective date of this rule, including those filed through the E-Filing System under C.R.C.P. 121(1-26), shall meet the following criteria:

(1) *Paper.* Where a document is filed on paper, it shall be on plain, white, 8 ½ by 11 inch paper (recycled paper preferred).

(2) *Format.* All documents shall be legible. They shall be printed on one side of the page only (except for E-Filed documents).

(I) Margins. All documents shall use margins of 1 ½ inches at the top of each page, and 1 inch at the left, right, and bottom of each page. Except for the caption, a left-justified margin shall be used for all material.

(II) Font. No less than twelve (12) point font shall be used for all documents, including footnotes.

(III) Case Caption Information. All documents shall contain the following information arranged in the following order, as illustrated by paragraphs (e) and (f) of this rule, except that documents issued by the court under the signature of the clerk or judge should omit the attorney section as illustrated in paragraphs (e)(2) and (f)(2). Individual boxes should separate this case caption information; however, vertical lines are not mandatory. On the left side:

Document title (the document title may instead be included as a centered line at the bottom of the caption).

Court name and mailing address.

Name of parties.

Name, address, and telephone number of the attorney or pro se party filing the document. Fax number and e-mail address are optional.

Attorney registration number.

On the right side:

An area for "Court Use Only" that is at least 2 ½ inches in width and 1 ¾ inches in length (located opposite the court and party information).

Case number, division number, and courtroom number (located opposite the attorney information above).

Centered at the bottom of the caption:

Document title (the document title may instead be included as the top line on the left side of the caption).

Orders that are submitted as proposed shall not contain the word (PROPOSED) in the caption of the order.

(3) *Spacing.* The following spacing guidelines should be followed.

(I) Single spacing for all:

Affidavits

Complaints, Answers, and Petitions

Criminal Informations and Complaints

Interrogatories and Requests for Admissions

Notices

Pleading forms (all case types)

Probation reports

All other documents not listed in subsection (II) below

(II) Double spacing for all:

Briefs and Legal Memoranda

Depositions

Documents that are complex or technical in nature

Jury Instructions

Motions

Petitions for Rehearing

Petitions for Writ of Certiorari

Petitions pursuant to C.A.R. 21

Transcripts

(4) *Signature Block.* All documents which require a signature shall be signed at the end of the document. The attorney or pro se party need not repeat his or her address, telephone number, fax number, or e-mail address at the end of the document.

**(e) Illustration of Preferred Case Caption Format.**

(1) *Preferred Caption for Documents Initiated by a Party.*

[Designation of Court from subsection (g) below]

Court Address: ..........................................................................................................................................................................................

**COURT USE ONLY**
Case Number: ____________________
Div: ____________________
Ctrm.: ____________________

Plaintiff(s): ______________________________

*[Substitute appropriate party designations & names]*

v.

Defendant(s): ______________________________

Attorney or Party Without Attorney: ..............................................................................................

Name: ______________________________

Address: ..............................................................................................

Phone Number: ____________________

FAX Number: ____________________

E-mail: ______________________________

Atty. Reg. #: ____________________

**NAME OF DOCUMENT**

(2) *Preferred Caption for Documents Issued by the Court Under the Signature of the Clerk or Judge.*

[Designation of Court from subsection (g) below]

Court Address: ..............................................................................................

**COURT USE ONLY**
Case Number: ____________________
Div: ____________________
Ctrm.: ____________________

Plaintiff(s): ______________________________

*[Substitute appropriate party designations & names]*

v.

Defendant(s): ______________________________

**NAME OF DOCUMENT**

**(f) Illustration of Alternative Case Caption.**

(1) *Optional Caption for Documents Initiated by a Party.*

NAME OF DOCUMENT

[Designation of Court from subsection (g) below]

Court Address: ............................................................................................................

**COURT USE ONLY**
Case Number: ____________________
Div: ____________________
Ctrm.: ____________________

Plaintiff(s): ______________________________

*[Substitute appropriate party designations & names]*

v.

Defendant(s): ______________________________

Attorney or Party Without Attorney: ..............................................................................

Name: ______________________________

Address: ......................................................................................................................

Phone Number: ____________________

FAX Number: ____________________

E-mail: ______________________________

Atty. Reg. #: ____________________

(2) *Optional Caption for Documents Issued by the Court Under Signature of the Clerk or Judge.*

**NAME OF DOCUMENT**

[Designation of Court from subsection (g) below]

Court Address: ..................................................................................................

**COURT USE ONLY**
Case Number: ____________________
Div: ____________________
Ctrm.: ____________________

Plaintiff(s): ______________________________

*[Substitute appropriate party designations & names]*

v.

Defendant(s): ______________________________

**(g) Court Designation Examples:**

<u>APPELLATE</u>

SUPREME COURT, STATE OF COLORADO

COURT OF APPEALS, STATE OF COLORADO

<u>WATER</u>

DISTRICT COURT, WATER DIVISION ___, COLORADO

<u>DISTRICT</u>

DISTRICT COURT, __________ COUNTY, COLORADO

COUNTY

COUNTY COURT, __________ COUNTY, COLORADO

CITY AND COUNTY

COUNTY COURT, CITY AND COUNTY OF __________, COLORADO

PROBATE COURT, CITY AND COUNTY OF __________, COLORADO

JUVENILE COURT, CITY AND COUNTY OF __________, COLORADO

DISTRICT COURT, CITY AND COUNTY OF __________, COLORADO

**(h)** The forms of case captions provided for in this rule replace those forms of captions otherwise provided for in other Colorado rules of procedure, including but not limited to the Colorado Rules of County Court Procedure, the Colorado Rules of Procedure for Small Claims Courts, and the Colorado Appellate Rules. These forms of case captions apply to criminal cases, as well as civil cases.

**(i) State Judicial Pre-Printed or Computer-Generated Forms.** Forms approved by the State Court Administrator's Office (designated "JDF" or "SCAO" on pre-printed or computer-generated forms), forms set forth in the Colorado Court Rules, volume 12, C.R.S., (including those pre-printed or computer-generated forms designated "CRCP" or "CPC" and those contained in the appendices of volume 12, C.R.S.), and forms generated by the state's judicial electronic system shall conform to criteria established by the State Court Administrator's Office with the approval of the Colorado Supreme Court. Such forms, whether preprinted or computer-generated, shall employ a form of caption similar to those contained in this rule, and 1 inch left margin, ½ inch right and bottom margins, and at least 1 inch top margin, except that for forms designated "JDF" or "SCAO" the requirement of at least 1 inch for the top margin shall apply to forms created or revised on and after April 5, 2010.

**Credits**

Amended effective January 1, 1984; September 6, 1990; July 1, 2000; July 1, 2001. Amended November 6, 2003, effective July 1, 2004; June 10, 2004, effective July 1, 2004. Amended effective March 30, 2006; April 5, 2010. Amended January 29, 2016, effective April 1, 2016. Amended effective November 13, 2023; January 11, 2024.

From: truett, andi
Sent: Saturday, August 8, 2026 5:32 PM
To: jones, jerry; michaels, kathryn
Cc: percy, alana
Subject: Civil Rules Committee Meeting - September Agenda Item Request

Good afternoon, Judge Jones and Kathryn,

For the September meeting, may we ask to add the below item to the agenda?

Consider amending Colorado Rule of Civil Procedure 411 to conform to the recent amendment to Colorado Rule of Criminal Procedure 37 effective July 1, 2026.
The July 1, 2026, amendment to Crim. P. 37 eliminated the fourteen-day objection period in county court criminal appeals. The amendment streamlines the appellate process by allowing appeals to proceed without an unnecessary waiting period after the filing of the record or notice of appeal.
Rule 411 currently contains a similar fourteen-day objection period applicable to county court civil appeals and other language similar to Crim. P. 37. Retaining this waiting period and other language in civil appeals creates an inconsistency between the civil and criminal appellate procedures governing county court appeals. The same reasons that supported removing the objection period in criminal appeals apply to civil appeals.
We would ask the Committee to consider amending Rule 411 to mirror the current language and procedure adopted in Crim. P. 37. Updating Rule 411 would make the rules consistent, reduce unnecessary delays, and simplify the appellate process for litigants, attorneys, and the courts.

Please let us know if you have any questions or concerns.

Thank you!!
Andi

# RULE CHANGE 2026(13)

# COLORADO RULES OF CRIMINAL PROCEDURE

## Rules 35, 37, and 37.1

## Rule 35. Postconviction Remedies

**(a) [NO CHANGE]**

**(b) Reduction of Sentence.** The court may reduce the sentence provided that a motion for reduction of sentence is filed (1) within 126 days (18 weeks) after the sentence is imposed, or (2) within 126 days (18 weeks) after receipt by the court of a remittitur issued upon affirmance of the judgment or sentence or dismissal of the appeal, or (3) within 126 days (18 weeks) after entry of any order or judgment of the appellate court denying review or having the effect of upholding a judgment of conviction or sentence, or (4) at any time pursuant to a limited remand ordered by an appellate court in its discretion during the pendency of a direct appeal, or (5) within 126 days (18 weeks) of the expiration of a stay of execution granted pursuant to CRS 18-1.3-103.7. The court may, after considering the motion and supporting documents, if any, deny the motion without a hearing. The court may reduce a sentence on its own initiative within any of the above periods of time.

**(c) [NO CHANGE]**

## Rule 37. Appeals from County Court

**(a) Filing Notice of Appeal and Docketing Appeal.** The district attorney may appeal a question of law, and the defendant may appeal a judgment of the county court in a criminal action, under a simplified procedure to the district court of the county. To appeal, the appellant ~~shall~~must, within 35 days after the date ~~of entry of~~ the county court enters judgment or ~~the denial of~~denies any post-trial motions, whichever is later, (1) file a notice of appeal in the county court~~, post such~~; (2) pay any advance costs as may be required ~~for~~or ordered by the ~~preparation of the record and~~court; (3) serve a copy of the notice of appeal ~~upon~~on the appellee~~. He shall also, within such 35 days, docket~~; and (4) file the notice of appeal in the district court and pay the docket fee. No motion for new trial or ~~in arrest of judgment shall be~~other post-trial relief is required as a prerequisite to an appeal, but ~~such motions if~~if any post-trial motion is filed ~~shall~~, it must be filed pursuant to ~~Rule~~Crim. P. 33(b~~) of these Rules.~~).

**(b) Contents of Notice of Appeal and Designation of ~~Record~~Transcripts.** The notice of appeal ~~shall~~must state with particularity the alleged errors of the county court or other grounds relied ~~upon~~on for the appeal~~, and shall include a stipulation or designation of the evidence and other proceedings which~~. Within the time for filing the notice of appeal, the appellant ~~desires to have included in the record certified to the district court. If the appellant intends to urge upon appeal that the judgment or a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant shall include in the record a transcript of all evidence relevant to such finding or conclusion.~~must designate on Form 5 (Designation of Transcripts) all transcripts necessary for resolution of the issues raised on appeal. The appellee ~~shall have~~has 14 days after service ~~upon him~~ of the notice of appeal to file with the clerk of the county court and serve ~~upon~~on the appellant a designation of any additional ~~parts of~~transcripts that the ~~transcript or record which he~~appellee deems necessary. The ~~advance~~appellee must pay the cost of ~~preparing~~ the additional ~~record shall be posted by the appellant with the clerk of the county court within 7 days after service upon him of the appellee's designation, or the appeal will be dismissed. If the district court~~transcripts, but if the court finds that any ~~part of the additional record~~ transcript designated by the appellee should have been designated by the appellant because the transcript was ~~unessential to a complete understanding~~necessary for resolution of the ~~questions~~issues raised ~~by the~~on appeal, ~~it shall~~the court may order the ~~appellee~~appellant to reimburse the ~~appellant~~appellee for the cost ~~advanced for the preparation of such part~~ of that transcript without regard to the outcome of the appeal.

**(c) Contents of Record on Appeal.** ~~Upon~~After the ~~filing of a~~ appellant has filed the notice of appeal and ~~upon~~ the ~~posting of~~parties have posted any advance costs ~~by the appellant, as are~~as required for the preparation of ~~a record, unless the appellant is granted leave to proceed as an indigent~~any transcripts, the clerk of the county court ~~shall~~will prepare ~~and issue as soon as possible a record of the proceedings in the county court, including the summons and complaint or warrant, the separate complaint if any has been issued, and the judgment.~~the record on appeal.

The record on appeal in all cases consists of (1) all materials, including documents and exhibits offered or accepted and demonstrative exhibits, filed in the county court case as of the date of filing of a notice of appeal or any amended notice of appeal; (2) transcripts designated in accordance with section (b); and (3) any timely filed post-trial motions, responses to those motions, and orders on those motions. In the event any part of the record, including a designated transcript, is unavailable, the parties may file a statement of the evidence or proceedings with the county court, and the county court must certify a statement of evidence or proceedings in lieu of that portion of the record.

**(d) Filing of Record.** ~~shall also include a transcription or a joint stipulation of such part of the actual evidence and other proceedings as the parties designate. If the proceedings have been recorded electronically, the transcription of designated evidence and proceedings shall be prepared in the office of the clerk of the court, either by him or her or under his or her supervision, within~~Within 42 days after the filing of the notice of appeal or within such additional time as may be granted by the county court~~. The clerk shall notify in writing the opposing parties of the completion of the record, and such parties shall have 14 days within which to file objections. If none are received, the record shall be certified forthwith by the clerk. If objections are made, the parties shall be called for hearing and the objections settled by the county judge and the record then certified.~~

, and after ~~**(d) Filing of Record.** When the record has been duly certified and~~ any additional fees ~~therefor~~have been paid, ~~it shall be filed with~~the clerk of the county court must certify and electronically transmit the record on appeal to the clerk of the district court~~ by the clerk of the county court, and the opposing~~. The parties ~~shall~~will be notified by the clerk of the county court ~~of such filing~~when the record on appeal is transmitted to the district court.

**(e) Briefs.** ~~A~~ Within 21 days after the certified record is transmitted to the district court, the appellant must file in the district court, and serve on the appellee, a written brief setting out ~~matters relied upon as constituting~~contentions of error and ~~outlining any~~ supporting arguments ~~to be made shall be filed in the district court by the appellant within 21 days after certification of the record. A copy of the appellant's brief shall be served upon the appellee.~~. The appellee may file an ~~answering~~answer brief within 21 days after such service~~.~~ and, if filed, the answer brief must be served on the appellant. A reply brief may be filed within 14 days after service of the ~~answering~~answer brief~~.~~ and, if filed, the reply brief must be served on the appellee. In the discretion of the district court, the time for filing ~~briefs and answers~~any brief may be extended. A brief may not exceed thirty-five pages (excluding the caption, table of contents, table of authorities, signature block, and certificate of service), unless the court grants a motion to exceed the page limit.

~~**(f) Stay of Execution.** Pending the docketing of the appeal, a stay of execution shall~~

**(f) Supplementing the Record on Appeal**. After the record on appeal is transmitted, the district court, on motion by a party or of its own initiative, may order that a supplemental record be certified and transmitted if any material part of the county court record is missing or has been mistakenly omitted from the record on appeal. A party seeking to supplement the record on appeal must file a motion in the district court specifying the name or title of the document, the date the document was submitted to the county court, and the reason the document is necessary to decide the appeal. Any response must be filed within 7 days after the motion to supplement the record is filed.

**(g) Settling the Record on Appeal**. If any difference arises as to whether the record truly discloses what occurred in the county court or a portion of the record is not in the possession of the county court, the difference must be submitted to and settled by the county court. The party moving to settle the record must file a motion in the district court to stay the appellate proceedings while the county court considers the motion to settle the record.

**(h) Stay of Execution.** Pending the filing of the appeal, a stay of execution must be granted by the county court upon request. If a sentence of imprisonment has been imposed, the defendant may be required to post bail, and if a fine and costs have been imposed, a deposit of the amount thereof may be required by the county court. ~~Upon~~ After the filing of the appeal, a request for stay of execution ~~made any time after the docketing of the appeal, such action may~~must be ~~taken~~considered and resolved by the district court. Stays of execution granted by the county court or district court and, with the written consent of the sureties if any, bonds posted with such courts ~~shall~~, will remain in effect until after final disposition of the appeal, unless modified by the district court.

**(~~g~~i) Trials de Novo; Penalty Not Increased.** If for any reason an adequate record cannot be certified to the district court, the case ~~shall~~must be tried de novo in that court. No action on appeal ~~shall~~will result in an increase in penalty.

**(~~h~~j) Judgment; How Enforced.** Unless ~~there is further review by~~ the ~~Supreme Court upon writ of~~supreme court grants certiorari ~~pursuant to the~~review under its rules ~~of such court, after final disposition of the appeal~~, the judgment on appeal entered by the district court ~~shall~~will be certified to the county court for action as directed by the district court~~, except~~. But in cases tried de novo by the district court or in cases in which the district court modifies the county court judgment, ~~and in such cases,~~ the judgment on appeal ~~shall be~~is that of the district court and so enforceable.

~~**(i) Appeals to Superior Court.** In counties in which a superior court has been established, appeals from the county court shall be taken to the superior court rather than the district court. All of the provisions of this section governing appeals from the county court to the district court are applicable when the appeal is taken to the superior court, and the term "district court" as used in this section shall be understood to include the superior court.~~

## Rule 37.1. Interlocutory Appeal from County Court

**(a) Grounds.** The prosecuting attorney may file an interlocutory appeal in the district court from a ruling of a county court granting a motion made in advance of trial by the defendant for return of property and to suppress evidence~~ or~~, granting a motion to suppress evidence, or granting a motion to suppress an extra-judicial confession or admission; provided that the prosecuting attorney certifies to the judge who granted such motion and to the district court that the appeal is not taken for purposes of delay and that the evidence is a substantial part of the proof of the charge pending against the defendant.

**(b) Filing Notice of Appeal.** The prosecuting attorney ~~shall~~must file the notice of appeal with the clerk of the district court and ~~shall~~must serve the defendant and the clerk of the trial court with a copy~~ thereof. Such~~. The notice of appeal ~~shall~~must be filed within 14 days of the entry of the order being appealed and any docket fee shall be paid at the time of the filing.

**(c) Contents of Record on Appeal.** The record for an interlocutory appeal ~~shall consist~~consists of the information or charging document, the motions filed by the defendant or defendants, and the grounds stated in section (a) above~~,~~; a transcript of all testimony taken at the hearing on said motions~~ and~~; such exhibits or reasonable copies, facsimiles, or photographs thereof as the parties may designate (subject to the provisions in C.A.R. 11(b) pertaining to exhibits of bulk~~),~~); and the court's order ~~of court~~or ruling on said motions and the date, if one has been fixed, that the case is set for trial or a certificate by the clerk that the case has not been set for trial. The record shall be ~~filed~~electronically transmitted within 14 days of the date of filing the notice of appeal~~,~~ and may be supplemented by order of the district court.

**(d) Briefs.** Within 14 days after the record has been ~~filed in~~transmitted to the district court, the prosecuting attorney ~~shall~~must file an opening brief. Within 14 days after service of ~~said~~the opening brief, the defendant ~~shall~~may file an answer brief, and the prosecuting attorney shall have 7 days after service of ~~said~~the answer brief to file a reply brief. Briefs must comply with the page limits set forth in Rule 37(e).

**(e) Disposition of Cause.** ~~Unless~~The district court will decide the appeal by written opinion unless it orders oral argument ~~is ordered by the court~~ and ~~it rules~~issues an oral ruling on the record and in the presence of the parties~~, the decision~~. Copies of the ~~court shall be by~~ written opinion~~, copies of which shall~~ must be transmitted by the clerk of the court ~~by mail~~ to the ~~trial~~county court judge and to all parties. No petition for rehearing ~~shall be~~is permitted. A certified copy of the judgment and directions to the county court, and a copy of the written opinion, if any, ~~shall constitute~~constitutes the mandate of the district court, concluding the appeal and restoring jurisdiction to the county court. Such mandate ~~shall~~must issue and be transmitted by the clerk of the court ~~by mail~~ to the ~~trial~~county court judge and all parties on the ~~44th~~42nd day after the district court's oral or written order, unless the district court is given notice by one of the parties that it has sought further review by the supreme court upon a writ of certiorari pursuant to the rules of that court, in which case the mandate ~~shall~~will issue upon notification that certiorari has been denied or upon receiving the remittitur of the supreme court.

**(f) to (h) [NO CHANGE]**

## Rule 35. Postconviction Remedies

**(a) [NO CHANGE]**

**(b) Reduction of Sentence.** The court may reduce the sentence provided that a motion for reduction of sentence is filed (1) within 126 days (18 weeks) after the sentence is imposed, or (2) within 126 days (18 weeks) after receipt by the court of a remittitur issued upon affirmance of the judgment or sentence or dismissal of the appeal, or (3) within 126 days (18 weeks) after entry of any order or judgment of the appellate court denying review or having the effect of upholding a judgment of conviction or sentence, or (4) at any time pursuant to a limited remand ordered by an appellate court in its discretion during the pendency of a direct appeal, or (5) within 126 days (18 weeks) of the expiration of a stay of execution granted pursuant to CRS 18-1.3-103.7. The court may, after considering the motion and supporting documents, if any, deny the motion without a hearing. The court may reduce a sentence on its own initiative within any of the above periods of time.

**(c) [NO CHANGE]**

## Rule 37. Appeals from County Court

**(a) Filing Notice of Appeal and Docketing Appeal.** The district attorney may appeal a question of law, and the defendant may appeal a judgment of the county court in a criminal action, under a simplified procedure to the district court of the county. To appeal, the appellant must, within 35 days after the date the county court enters judgment or denies any post-trial motions, whichever is later, (1) file a notice of appeal in the county court; (2) pay any advance costs as may be required or ordered by the court; (3) serve a copy of the notice of appeal on the appellee; and (4) file the notice of appeal in the district court and pay the docket fee. No motion for new trial or other post-trial relief is required as a prerequisite to an appeal, but if any post-trial motion is filed, it must be filed pursuant to Crim. P. 33(b).

**(b) Contents of Notice of Appeal and Designation of Transcripts.** The notice of appeal must state with particularity the alleged errors of the county court or other grounds relied on for the appeal. Within the time for filing the notice of appeal, the appellant must designate on Form 5 (Designation of Transcripts) all transcripts necessary for resolution of the issues raised on appeal. The appellee has 14 days after service of the notice of appeal to file with the clerk of the county court and serve on the appellant a designation of any additional transcripts that the appellee deems necessary. The appellee must pay the cost of the additional transcripts, but if the court finds that any transcript designated by the appellee should have been designated by the appellant because the transcript was necessary for resolution of the issues raised on appeal, the court may order the appellant to reimburse the appellee for the cost of that transcript without regard to the outcome of the appeal.

**(c) Contents of Record on Appeal.** After the appellant has filed the notice of appeal and the parties have posted any advance costs as required for the preparation of any transcripts, the clerk of the county court will prepare the record on appeal. The record on appeal in all cases consists of (1) all materials, including documents and exhibits offered or accepted and demonstrative exhibits, filed in the county court case as of the date of filing of a notice of appeal or any amended notice of appeal; (2) transcripts designated in accordance with section (b); and (3) any timely filed post-trial motions, responses to those motions, and orders on those motions. In the event any part of the record, including a designated transcript, is unavailable, the parties may file a statement of the evidence or proceedings with the county court, and the county court must certify a statement of evidence or proceedings in lieu of that portion of the record.

**(d) Filing of Record.** Within 42 days after the filing of the notice of appeal or within such additional time as may be granted by the county court, and after any additional fees have been paid, the clerk of the county court must certify and electronically transmit the record on appeal to the clerk of the district court. The parties will be notified by the clerk of the county court when the record on appeal is transmitted to the district court.

**(e) Briefs.** Within 21 days after the certified record is transmitted to the district court, the appellant must file in the district court, and serve on the appellee, a written brief setting out contentions of error and supporting arguments. The appellee may file an answer brief within 21 days after such service and, if filed, the answer brief must be served on the appellant. A reply brief may be filed within 14 days after service of the answer brief and, if filed, the reply brief must be served on the appellee. In the discretion of the district court, the time for filing any brief may be extended. A brief may not exceed thirty-five pages (excluding the caption, table of contents, table of authorities, signature block, and certificate of service), unless the court grants a motion to exceed the page limit.

**(f) Supplementing the Record on Appeal**. After the record on appeal is transmitted, the district court, on motion by a party or of its own initiative, may order that a supplemental record be certified and transmitted if any material part of the court record is missing or has been mistakenly omitted from the record on appeal. A party seeking to supplement the record on appeal must file a motion in the district court specifying the name or title of the document, the date the document was submitted to the county court, and the reason the document is necessary to decide the appeal. Any response must be filed within 7 days after the motion to supplement the record is filed.

**(g) Settling the Record on Appeal**. If any difference arises as to whether the record truly discloses what occurred in the county court or a portion of the record is not in the possession of the county court, the difference must be submitted to and settled by the county court. The party moving to settle the record must file a motion in the district court to stay the appellate proceedings while the county court considers the motion to settle the record.

**(h) Stay of Execution.** Pending the filing of the appeal, a stay of execution must be granted by the county court upon request. If a sentence of imprisonment has been imposed, the defendant may be required to post bail, and if a fine and costs have been imposed, a deposit of the amount thereof may be required by the county court. After the filing of the appeal, a request for stay of execution must be considered and resolved by the district court. Stays of execution granted by the county court or district court and, with the written consent of the sureties if any, bonds posted with such courts, will remain in effect until after final disposition of the appeal, unless modified by the district court.

**(i) Trials de Novo; Penalty Not Increased.** If for any reason an adequate record cannot be certified to the district court, the case must be tried de novo in that court. No action on appeal will result in an increase in penalty.

**(j) Judgment; How Enforced.** Unless the supreme court grants certiorari review under its rules, the judgment on appeal entered by the district court will be certified to the county court for action as directed by the district court. But in cases tried de novo by the district court or in cases in which the district court modifies the county court judgment, the judgment on appeal is that of the district court and so enforceable.

## Rule 37.1. Interlocutory Appeal from County Court

**(a) Grounds.** The prosecuting attorney may file an interlocutory appeal in the district court from a ruling of a county court granting a motion made in advance of trial by the defendant for return of property and to suppress evidence, granting a motion to suppress evidence, or granting a motion to suppress an extra-judicial confession or admission; provided that the prosecuting attorney certifies to the judge who granted such motion and to the district court that the appeal is not taken for purposes of delay and that the evidence is a substantial part of the proof of the charge pending against the defendant.

**(b) Filing Notice of Appeal.** The prosecuting attorney must file the notice of appeal with the clerk of the district court and must serve the defendant and the clerk of the trial court with a copy. The notice of appeal must be filed within 14 days of the entry of the order being appealed and any docket fee shall be paid at the time of the filing.

**(c) Contents of Record on Appeal.** The record for an interlocutory appeal consists of the information or charging document, the motions filed by the defendant or defendants, and the grounds stated in section (a) above; a transcript of all testimony taken at the hearing on said motions; such exhibits or reasonable copies, facsimiles, or photographs thereof as the parties may designate (subject to the provisions in C.A.R. 11(b) pertaining to exhibits of bulk); and the court's order or ruling on said motions and the date, if one has been fixed, that the case is set for trial or a certificate by the clerk that the case has not been set for trial. The record shall be electronically transmitted within 14 days of the date of filing the notice of appeal and may be supplemented by order of the district court.

**(d) Briefs.** Within 14 days after the record has been transmitted to the district court, the prosecuting attorney must file an opening brief. Within 14 days after service of the opening brief, the defendant may file an answer brief, and the prosecuting attorney shall have 7 days after service of the answer brief to file a reply brief. Briefs must comply with the page limits set forth in Rule 37(e).

**(e) Disposition of Cause.** The district court will decide the appeal by written opinion unless it orders oral argument and issues an oral ruling on the record and in the presence of the parties. Copies of the written opinion must be transmitted by the clerk of the court to the county court judge and to all parties. No petition for rehearing is permitted. A certified copy of the judgment and directions to the county court, and a copy of the written opinion, if any, constitutes the mandate of the district court, concluding the appeal and restoring jurisdiction to the county court. Such mandate must issue and be transmitted by the clerk of the court to the county court judge and all parties on the 42nd day after the district court's oral or written order, unless the district court is given notice by one of the parties that it has sought further review by the supreme court upon a writ of certiorari pursuant to the rules of that court, in which case the mandate will issue upon notification that certiorari has been denied or upon receiving the remittitur of the supreme court.

**(f) to (h) [NO CHANGE]**

**Amended and Adopted by the Court, En Banc, June 25, 2026, effective July 1, 2026.**

**By the Court:**

**Carlos A. Samour, Jr.**
**Justice, Colorado Supreme Court**

## Rule 411. Appeals

**(a) Notice of Appeal; Time for Filing; Bond.** If either party in a civil action believes that the judgment of the county court is in error, that party may appeal to the district court by filing a notice of appeal in the county court within 14 days after the date of entry of judgment. The notice shall be in the form appearing in the Appendix to Chapter 25, Form 4, C.R.C.P. If the notice of the entry of judgment is transmitted to the parties by mail, the time for the filing of the notice of appeal shall commence from the date of the mailing of the notice. The appealing party shall also file within the said 14 days an appeal bond with the clerk of the county court. The bond shall be furnished by a corporate surety authorized and licensed to do business in this state as a surety, or one or more sufficient private sureties, or may be a cash deposit by the appellant and, if the appeal is taken by the plaintiff, shall be conditioned to pay the costs of the appeal and the counterclaim, if any, and, if the appeal be taken by the defendant, shall be conditioned to pay the costs and judgment if the appealing party fail. The bond shall be approved by the judge or the clerk. Upon filing of the notice of appeal, the posting and approval of the bond, and the deposit by the appellant of an estimated fee in advance for preparing the record, the county court shall discontinue all further proceedings and recall any execution issued. The appellant shall also, within 35 days after the filing of the notice of appeal, docket the case in the district court and pay the docket fee.

**(b) Preparation of Record on Appeal.** Upon the deposit of the estimated record fee, the clerk of the court shall prepare and issue as soon as may be possible a record of the proceedings in the county court, including the summons, the complaint, proof of service, and the judgment. The record shall also include a transcription of such part of the actual evidence and other proceedings as the parties may designate or, in lieu of transcription, to which they may stipulate. If a stenographic record has been maintained or the parties agree to stipulate, the party appealing shall lodge with the clerk of the court the reporter’s transcript of the designated evidence or proceedings, or a stipulation covering such items within 42 days after the filing of the notice of appeal. If the proceedings have been electronically recorded, the transcription of designated evidence and proceedings shall be prepared in the office of the clerk of the county court or under the supervision of the clerk, within 42 days after the filing of the notice of appeal. The clerk shall notify, in writing, the opposing parties of the completion of the record, and such parties shall have 14 days within which to file objections. If none are received, the record shall be certified forthwith by the clerk. If objections are made, the parties shall be called for hearing and the objections settled by the county judge as soon as possible, and the record then certified.

**(c) Filing of Record.** When the record has been duly certified and any additional fees therefor paid, it shall be filed with the clerk of the district court by the clerk of the county court, and the opposing parties shall be notified of such filing by the clerk of the county court.

**(d) Briefs.**

(1) *Time for Filing, Oral Argument, and Limitation on De Novo Review.* A written brief shall be filed in the district court by the appellant 21 days after filing of the record therein. A copy of such brief shall be served on the appellee. The appellee may file an answering brief within 21 days after such service. In the discretion of the district court, the time for filing of briefs and answers may be extended. When the briefs have been filed the matter shall stand at issue and shall be determined on the record and the briefs, with such oral argument as the district court in its discretion may allow. No trial shall be held de novo in the district court unless the record of the proceedings in the county court has been lost or destroyed or for some other valid reason cannot be produced; or unless a party by proper proof to the court establishes that there is new and material evidence unknown and undiscoverable at the time of the trial in the county court which, if presented in a de novo trial in the district court, might affect the outcome.

(2) *Length of Briefs.* The parties’ briefs are limited to 25 pages. The caption, table of contents, table of authorities, certificate of compliance, certificate of service, and signature block do not count toward the page limit. A brief of a self-represented party who does not have access to a word-processing system must be typewritten or legibly handwritten and may not exceed 25 double-spaced and single-sided pages.

(3) *Form of Briefs.* Briefs must conform to the formatting and other requirements of C.R.C.P. 10(a) and (d). In addition, every brief must include in the caption, in the part of the caption page identifying the name and mailing address of the district court in which the appeal is filed, the identity of the county court and the case number of the case from which the appeal is being taken.

(4) *Content of Briefs.* Briefs must conform to the content requirements of Colorado Appellate Rules 28(a) and (b).

**(e) Determination of Appeal.** Unless there is further review by the Supreme Court upon writ of certiorari and pursuant to the rules of such court, after final disposition of the appeal by the district court, the judgment on appeal therein shall be certified to the county court for action as directed by the district court, except upon trials de novo held in the district court or in cases in which the judgment is modified, in which cases the judgment shall be that of the district court and enforced therefrom.

**Credits**
Amended effective January 1, 1989; January 1, 1994; July 1, 2012; June 7, 2013; October 10, 2013; September 18, 2014. Amended November 6, 2025, effective December 1, 2025.