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**PROBATE COURT**IN AND FOR THE CITY AND COUNTY OF DENVER, STATE OF COLORADO

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C. JEAN STEWART  
Judge  
SANDRA FRANKLIN  
Magistrate  
Court Administrator  
Clerk of Court



Room 230  
1437 Bannock Street  
City and County Building  
Denver, Colorado 80202-5382  
(720) 865-8310  
fax (720) 865-8576


On July 1, 2003, the Denver Probate Court implemented Mandatory Electronic Filing, pursuant to an Order of the Chief Justice of the Colorado Supreme Court, dated June 2, 2003. (See attachment 1).

On October 17, 2003, Chief Justice Mary J. Mullarkey, also entered an Order granting permission to any chief judge or a trial court judge to mandate electronic filing in specific cases or case types. (See attachment 2).

The current practices regarding the implementation of Mandatory Electronic Filing pursuant to the Court's Order, are set out in the Colorado Rules of Civil Procedure Chapter 17A. (See Attachment 3). We draw your attention to paragraph 12 in reference to court orders, notices and other court entries via the E-Filing System.

Any order issued electronically by this Court is a valid, binding, and enforceable Order.

Persons wishing to obtain a Certified Copy of any Court Order may contact Myra Warren at 720-865-8336.

  
C. Jean Stewart  
Probate Judge

**ORDER**

**SUPREME COURT OF COLORADO**

**OFFICE OF THE CHIEF JUSTICE**

**Mandatory E-Filing**

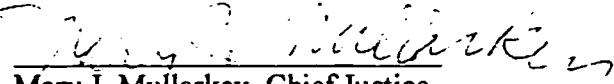
Whereas, Colo. R. Civ. P. 121 § 1-26(16) allows a chief judge to mandate E-filing in a judicial district with permission of the Chief Justice.

Whereas, Presiding Judge Jean C. Stewart of the 2<sup>nd</sup> Judicial District has asked for permission to mandate E-filing in all Denver Probate Court cases, except for mental health cases; and

Whereas, I have reviewed Judge Stewart's proposed Order mandating the use of E-filing in cases filed in the Denver Probate Court, effective July 1, 2003,

I do hereby grant permission for such order to take effect July 1, 2003.

Dated this 21 day of June, 2003

  
\_\_\_\_\_  
Mary J. Mullarkey, Chief Justice

Denver Probate Court City and County of Denver, Colorado  Court Address: 1437 Bannock, Room 230 Denver, CO 80202	▲COURT USE ONLY▲
	Case Number:  Division:                      Courtroom:
<b>AMENDED ADMINISTRATIVE ORDER REGARDING MANDATED E-FILING OF          PROBATE CASES</b>	

Effective July 1, 2003, the following guidelines shall apply to all Denver Probate Court cases, except mental health cases:

- 1) Attorneys shall file with the Denver Probate Court all pleadings and other documents using the LexisNexis CourtLink eFile service. Counsel should refer to the electronic filing rules set forth at C.R.C.P. 121 §1-26.
- 2) Parties who are not represented by an attorney shall continue to file documents in the traditional paper format. The Clerk of Court will scan and upload these documents to the LexisNexis CourtLink eFile service.

The LexisNexis CourtLink web site, <http://www.lexisnexis.com/fileandserve>, provides information regarding computer requirements, fees, service of documents, and training opportunities. LexisNexis CourtLink customer service representatives may be contacted at (888) 529-7587 for technical assistance.

February 7, 2005

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C. Jean Stewart  
 Presiding Judge


Denver Probate Court City and County of Denver, Colorado  Court Address: 1437 Bannock, Room 230 Denver, CO 80202	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
	Case Number:  Division:                      Courtroom:
<b>ADMINISTRATIVE ORDER REGARDING MANDATED E-FILING OF PROBATE CASES</b>	

Effective July 1, 2003, the following guidelines shall apply to all Denver Probate Court cases, except mental health cases:

- 1) Attorneys shall file with the Denver Probate Court all pleadings and other documents using the LexisNexis CourtLink eFile service. Counsel should refer to the electronic filing rules set forth at C.R.C.P. 121 §1-26.
- 2) Sealed and suppressed cases shall be exempt from this requirement and must be filed in paper format, clearly marked "SEALED".
- 3) Parties who are not represented by an attorney shall continue to file documents in the traditional paper format. The Clerk of Court will scan and upload these documents to the LexisNexis CourtLink eFile service.

The LexisNexis CourtLink web site, <http://www.lexisnexis.com/fileandserve>, provides information regarding computer requirements, fees, service of documents, and training opportunities. LexisNexis CourtLink customer service representatives may be contacted at (888) 529-7587 for technical assistance.

May 30, 2003

  
 C. Jean Stewart  
 Presiding Judge

ATTACHMENT B

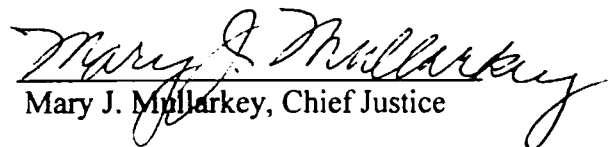
**SUPREME COURT OF COLORADO**  
**OFFICE OF THE CHIEF JUSTICE**

**ORDER**

**Concerning delegation of authority to mandate e-filing**

C.R.C.P 121, Section 1-26(16) allows the Chief Justice to grant permission to a chief judge or a trial court judge to mandate e-filing in specific cases or case types. By the authority vested in my by this rule and by the Colorado Constitution, I do hereby delegate the authority to grant permission to mandate e-filing in specific cases at the request of a trial judge to the chief judge of that judicial district. If such permission is requested and granted, the trial judge shall cause notice to be sent to the parties in the case and to the State Court Administrator.

Done at Denver, Colorado this 17<sup>th</sup> day of October, 2003.

  
Mary J. Mullarkey, Chief Justice

Rule Change 2003(8)

The Colorado Rules Of Civil Procedure  
Chapter 17A. Practice Standards And Local Court Rules  
Rule 121. Local Rules - Statewide Practice Standards  
District Court Practice Standards

Section 1-26. Interim Rule For Electronic Filing And  
Service System, Pilot Project.

1. E-Filing System, defined. That system approved by the Colorado Supreme Court for filing and service of pleadings, motions and other papers ("Documents") via the Internet through the Court-authorized service provider.

2. Electronic Filing, defined. Electronic filing ("E-Filing") is the transmission of Documents to the Clerk of the Court, and from the Court, via the E-Filing System.

3. Electronic Service, defined. Electronic service ("E-Service") is the transmission of Documents to any party in a case via the E-Filing System. Parties who have subscribed to the E-Filing System have agreed to receive service, other than service of a summons, via the E-Filing System.

4. E-Filing and E-Service are authorized on a pilot program basis for certain cases filed in specified district courts in Colorado, as set forth in a schedule by the State Court Administrator's Office, as revised from time to time. At the discretion of the Chief Justice, in consultation with the Chief Judge of the Judicial District, E-filing and E-service may be suspended in certain courts that are experiencing technical difficulties.

5. Only attorneys licensed to practice law in Colorado may register to use the E-Filing System in the pilot program. Any attorney so registered may make an entry of appearance pursuant to Rule 121, Section 1-1, through E-Filing.

6. Cases initiated under the pilot program may be commenced under C.R.C.P. 3 through an E-Filing. Service of a summons must be made in accordance with C.R.C.P. 4.

7. Documents for cases under the pilot program may be filed under C.R.C.P. 5 through an E-Filing. A Document transmitted to the E-Filing provider by 11:59 p.m. Colorado time shall be deemed to have been filed with the Clerk of the Court on that date.

8. Documents for cases under the pilot program may be served under C.R.C.P. 5 through E-Service or through a combination of E-Service and other authorized means of

service. A Document transmitted to the E-Filing provider for service by 11:59 p.m. Colorado time shall be deemed to have been served on that date.

9. A printed copy of an E-Filed or E-Served Document with original signatures shall be maintained by the filing party and made available for inspection by other parties or the court upon request, but shall not be filed with the court. Where these rules require a party to maintain a document, affidavit or paper, the filer is required to maintain the document for a period of two years after the final resolution of the action, including the final resolution of all appeals.

10. A motion for leave to file Documents under seal may be E-Filed. Documents to be filed under seal pursuant to an order of the court shall not be E-Filed.

11. Use of the E-Filing system by an attorney shall constitute compliance with C.R.C.P. 11's signature requirement and the attorney using the E-Filing system shall be subject to all other requirements of Rule 11. Signatures of parties, witnesses and notaries and notary stamps may be typed and E-filed to satisfy signature requirements, once the filing party has possession of the original signatures.

12. A court may transmit orders, notices, and other court entries via the E-Filing System to attorneys registered to use the E-Filing System.

13. C.R.C.P. 10 shall apply to E-Filed Documents. An E-Filed Document shall not be transmitted to the Clerk of the Court by any other means unless the Court at any later time requests a printed copy bearing original signatures.

14. For purposes of C.R.C.P. 6(e), E-Filing and/or E-Service do not constitute service by mail.

15. A document that requires the signatures of opposing parties (such as a stipulation) may be electronically filed by typing the names of each signing party but the filer is required to first obtain the original signatures of all opposing parties on a written form of the document.

16. With the permission of the Chief Justice, a Chief Judge may mandate E-filing in his/her district for specific types of cases and any trial judge may mandate E-filing in his/her division for specific cases or types of cases, for submitting documents to the court and serving documents to case parties. Because an attorney may not know, until told, that E-filing is mandatory, and attorneys in some circumstances may be granted an exemption from mandated E-filing, the court shall accept the documents filed and

shall scan the document and upload it to the service provider. After notice to the attorney that all documents shall be subsequently E-filed, the court may charge a fee of \$20 per document for the service of scanning and uploading the document.

17. Attorneys who E-file shall not submit paper self-addressed stamped envelopes for the purpose of receiving a signed order back from the Court in active cases. Local courts should use E-filing to distribute such court orders.

18. Upon satisfactory proof that electronic filing or service of a document is not completed because of (1) an error in the transmission of the document to the E-file System service provider which was unknown to the sending party, or (2) a failure to process the electronic filing when received by the service provider, or (3) other technical problems experienced by the filer, the Court may enter an order permitting the document to be filed nunc pro tunc to the date it was first attempted to be sent electronically.

#### COMMITTEE COMMENT

The Court authorized service provider for the pilot program is LexisNexis CourtLink ([www.courtlink.com](http://www.courtlink.com)).

At present, the system is not set up to allow E-Filing or E-Service by pro se litigants or attorneys not licensed to practice law in Colorado. The Supreme Court contemplates that E-Filing and E-Service participants may be expanded in the future.

The Colorado Supreme Court contemplates approving E-Filing and E-Service for civil and domestic cases in all district courts and for probate and water courts, to be phased in according to a timetable set by the Court. In the future, E-Filing and E-Service may be approved for other courts. Announcements regarding the E-Filing system will be made by the Colorado Supreme Court through its web site <http://www.courts.state.co.us/supct/supct.htm> and through published directives to the clerks of the affected court systems.

C.R.C.P. 77 states that courts are always open for business. This Practice Standard is intended to comport with this rule.

Amended and Adopted by the Court, En Banc, April 17, 2003,  
effective immediately.  
Justice Rice and Justice Coats would not adopt the rule.

BY THE COURT:

Alex J. Martinez  
Justice, Colorado Supreme Court