

E-FILING PROCEDURES EFFECTIVE 01/01/09

The Seventh Judicial District hereby implements mandatory e-filing effective JANUARY 1, 2009. This order shall apply to filings by attorneys in all District Court Civil (CV) and County Court Civil (C) on **JANUARY 1, 2009**; for Domestic Relations (DR) on **MARCH 1, 2009**; and for Probate (PR) and Water (CW) cases **MAY 1, 2009**. It applies to filings in new cases as well as existing cases. Upon the effective date list above in this order, the Clerk of Court will only accept documents filed by attorneys in these case types that are filed electronically. All counsel shall electronically file all pleadings, motions, briefs, exhibits and other documents using LexisNexis. The following are the procedures to be followed:

COUNTER RESPONSIBILITIES:

Court staff will **NOT** turn away any filing by an attorney over the counter. When an attorney attempts to file paper District Court Civil (CV) or County Court Civil (C) documents (or at the other dates noted for DR, PR or CW case types) at the counter they should be told that as of January 1, 2009, all District Court Civil (CV) documents shall be e-filed. If the attorney says he/she did not know about the rule, accept the document, date stamp, and we will upload the document into Lexis/Nexis free of charge. Give the attorney(s) a copy of Administrative Order 2008-05 and these procedures. The clerk accepting the filing will mark in the upper right hand corner 1st time free. You will also inform the attorney that as per Rule 121, they will be charged \$50.00 per document for future requests for the Court to e-file for them. A list will be kept containing the names of attorneys that have been informed of the order at the court if this becomes an issue. If the attorney indicates that they knew of the new directive for mandatory e-filing, or if the attorney above returns another time and wants to file by paper, they must pay \$50.00 per document along with any other filings fees. **THE RECEIPT CODE IS SCAN-INDICATE THAT THE FEE HAS BEEN PAID AT THE TOP OF THE FILING.** The filings will be placed in the appropriate file or upload for POD purposes and processed according to the appropriate procedure.

MAIL PROCESSING:

Until further notice, all envelopes for used in mandatory e-filing cases only will be attached to the document for record of when the document was mailed. All mailed filings will be put in the appropriate mail basket including any with money or uploaded for POD purposes.

PROCESSING CLERK RESPONSIBILITIES:

The clerk will review the filing and determine if it has been filed by an attorney or pro se party. If the filing was mailed prior to January 1, 2009, the pleading will be accepted, docketed and uploaded if appropriate.

If the pleading is filed by a pro se party, then the processing clerk will scan upload and docket it onto ECLIPSE.

If the pleading is filed by an attorney over the counter and the \$50.00 was paid or the attorney did not know about the new order and gets the free one-time upload, the document will be uploaded into Lexis/Nexis.

If the filing is by an attorney and came in the mail, the processing clerk will complete the Notice of Return Filing form (this has been revised to include not e-filed as one of the options) and return the filing along with a copy of the e-filing order to the attorney. Keep a copy of the Notice in the file (or upload in Gunnison and Ouray as they will be POD for CV cases.)

PROCESSING OF E-FILED DOCUMENTS TIME FRAME:

The goal of the clerk's office will be to process all documents that need e-filed on the day the document is filed but no later than the next business day.

SCHEDULE FOR PROCESSING OF FILINGS:

The Clerks will process all CV paper filed pleadings following the above procedures.

Special instructions are being prepared regarding how to handle certain documents with e-filing.

We will follow this procedure for approximately 4-6 weeks so that we can determine the workload on all case types and positions.

DAILY CLERK REVIEW:

Beginning January 1, 2009, a clerk review **must** be done everyday. The Clerk of Court will do the review or assign staff to review all case types. All e-filed documents must have an action taken on them each day. Nothing is to be left pending at the end of the day in the clerk review screen. **This is a priority.**