

DISTRICT COURT, COUNTY OF EL PASO, STATE OF COLORADO

ORDER RE: ALTERNATIVE DISPUTE RESOLUTION (DISTRICT COURT CIVIL)

TO: ALL ATTORNEYS AND PRO SE LITIGANTS:

Pursuant to CRS, 13-22-311, and in consideration of the interests of just, speedy and economic resolution of disputes in this Court, all cases subject to CRCP 16 case management requirements shall be referred for Alternative Dispute Resolution (ADR) unless the class of case is exempted by this Order or waived by the Trial Judge for good cause shown.

Accordingly, the Proposed Case Management Order (CMO) shall provide an ADR plan in part VII setting forth the agreed upon ADR method to be used, the date of the ADR activity and the provider of the ADR services, if there is no agreement on the ADR plan, the proposed CHO shall so state, and at the Case Management Conference (CMC) the Court shall either resolve the ADR dispute or refer the parties to the Presiding ADR Judge for a recommendation or Order to resolve the ADR dispute. If the case is exempt from ADR under this Order., the CMO shall so state in part VII.

Exempt classes of cases include: 1) Cases where injunctive or similar equitable relief is the only remedy sought; 2) R120 Hearings; 3) Appeals from lower Courts or from Administrative Tribunals; 4) Cases subject to entry of Default Judgment; 5) Cases where a party is the victim of physical or psychological abuse by the other party and is unwilling to enter into ADR; 6) Replevin Actions; 7) Civil Forfeitures; and 8) Public Nuisance Actions.

Any party may by Motion with proper notice or orally at the CMC request a waiver of ADR, and upon good cause shown, the Motion will be granted.

The requirement for an ADR plan is not intended to nor shall it impinge upon the right of the parties to have their dispute tried in a Court of Law, including trial by jury.

This ADR Order shall apply to CMO's filed on or after February 1, 1996.

Done by the Court this 16th day of January, 1996



Gilbert A. Martinez,
Chief Judge