



Rules and Procedures for E-Filing in Criminal Cases

Over the past 13 years, the Colorado Judicial Branch has offered electronic filing in district, county, and appellate court civil cases. Next year the Branch plans to offer electronic filing in district court criminal cases through its Integrated Colorado Courts E-Filing System (ICCES). The Branch seeks the Criminal Rules Committee's help in drafting rule changes that govern electronic filing in district court criminal cases. Hopefully, this work can be accomplished through a subcommittee working in conjunction with SCAO. This document outlines the potential changes needed.

Incorporate Electronic Filing into Rules of Criminal Procedure. The Colorado Rules of Criminal Procedure will need to establish electronic filing practice standards. These standards will likely mirror the Colorado Rules of Civil Procedure Section 121, 1-26, which:

- defines electronic filing terms such as e-signatures;
- allows electronic filing submissions up to 11:59 p.m. MT;
- promulgates who may use the E-System (licensed attorneys in Colorado);
- requires E-Service on other users registered with the E-System;
- requires proposed orders be submitted in an editable word processing format; and
- offers relief in the event of technical difficulties.

Modify Chief Justice Directive 11-01 to Include Criminal Cases. Directive 11-01 standardizes statewide electronic filing practices in civil cases and limits the reasons for the rejection of electronic filing submissions. It now needs to incorporate criminal case practices, including:

- document format standards for pleadings and exhibits;
- timelines for submitting exhibits for trial and hearings;
- jury instructions; and
- the reasons for the rejection of electronically filed documents in criminal cases.

Public Access Under Chief Justice Directive 05-01. Directive 05-01 establishes guidelines for public access to court records, including those available electronically. The Branch's Public Access Committee will lead the effort to set access guidelines for documents filed electronically in criminal cases. Their results may affect the rules work above. Therefore, Judicial will keep the criminal rules subcommittee informed on the Public Access Committee's work.

Identify Other Rules, Statutes, or Directives. Electronic filing may require adjustments to other rules, directives, or statutes that govern criminal procedure. The subcommittee work may involve suggestions for any other changes required for electronic filing in criminal cases.