

MORGAN COUNTY COURT, State of Colorado. 400 Warner Street Fort Morgan, CO 80701	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p style="text-align: center;">COUNTY COURT ADMINISTRATIVE ORDER 2024-1</p>	
<p style="text-align: center;">ORDER REGARDING FEES AND COSTS IN FORCIBLE ENTRY AND DETAINER ACTIONS FILED IN MORGAN COUNTY COURT</p>	

“An independent, fair and impartial judiciary is indispensable to our system of justice.” C.C.J.C., Preamble section 1.

“Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire in all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.” C.C.J.C. Preamble Section 2.

“‘Impartial,’ ‘impartiality,’ and ‘impartially’ mean absence of bias or prejudice in favor of, or against particular parties or classes of parties, as well as maintenance of open mind in considering issues that may come before a judge.” C.C.J.C. Terminology

“‘Impropriety’ includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge’s independence, integrity or impartiality.” C.C.J.C. Terminology

“‘Integrity’ means probity, fairness, honesty, uprightness and soundness of character.” C.C.J.C. Terminology

“A judge shall comply with the law, including the code of Judicial Conduct.” C.C.J.C. Rule 1.1 (A)

“A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.” C.C.J.C. Rule 1.2

“A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.” C.C.J.C. Rule 2.2

“A judge shall perform the duties of judicial office, including administrative duties without bias or prejudice.” C.C.J.C. Rule 2.3(A)

The Colorado Assembly recently added C.R.S. 13-32-101(1)(V) that provides “[a] *defendant or third-party defendant* shall not be charged any fee, charge or cost for filing an answer in response to a forcible entry and detainer complaint, regardless of whether the filing of the answer includes a counterclaim or cross claim, and regardless of whether a money judgment is being sought for any amount.” (emphasis added) The Assembly also amended C.R.S. 13-40-113.5(1)(c) to provide that “[f]or a residential action filed in county court pursuant to this article 40: ... (c)(II) The court shall not assess, charge or collect an e-filing fee, or any other fee associated with the e-mail filing of motions, answers, or documents that are filed by a *defendant*.” (emphasis added) The amended section (c)(II) provided that the court shall not assess these fees “...for an *indigent person*.” This means that fees and costs are waived for defendants regardless of whether or not they are indigent. This also shows a clear bias when the statute is changed from a waiver being generally available to any “indigent person” including any party to the case, to “defendant” making a waiver only available to one party and not the other.

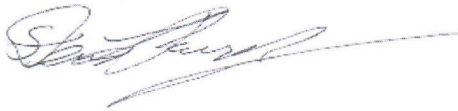
These amendments are effective November 1, 2024.

This places the court squarely on the horns of a dilemma. The court shall comply with, uphold and apply the law. C.C.J.C. Rules 1.1(A) and 2.2. However, by waiving all costs and fees for filing an answer, even those including counter and cross claims for defendants and not plaintiffs, it appears like the Court has chosen sides. Although the Court is merely applying the law, that is not what the public perceives. It appears to, and in fact is, treating defendants differently than plaintiffs, unfairly reducing a defendant’s costs regardless of their ability to pay, yet a plaintiff whose income may be limited to social security and rent, that they may or may not be receiving, has to pay fees and costs. This undermines the court’s impartiality and gives an appearance of bias and impropriety. To favor one party over the other impairs the dignity of an impartial court and damages “... the public confidence in the independence, integrity and impartiality of the judiciary....” C.C.J.C. Rule 2.2

This Court cannot in good conscience treat one party differently than the other.

Therefore, effective November 1, 2024, for a residential forcible entry and detainer action in Division 3 of the Morgan County Combined Court any fee, charge or cost for filing a complaint, or answer, regardless of whether it contains counterclaims or cross claims and regardless of whether a money judgment is sought, by any party shall be waived. In addition, the Court shall not assess, charge, or collect an e-filing fee or any other fee associated with the e-mail filing of motions, complaints, answers or documents filed by any party in a residential forcible entry and detainer action.

Done this 28th day of October 2024, effective November 1, 2024.

A handwritten signature in black ink, appearing to be "David J. ...", with a long horizontal flourish extending to the right.

Morgan County Judge