

Rule Change 2009(21)

CHAPTER 17A
COLORADO RULES OF CIVIL PROCEDURE

Rule 121, § 1-15. Determination of Motions

(1)-(7) [No change]

(8) Duty to Confer. ~~Moving~~Unless a statute or rule governing the motion provides that it may be filed without notice, moving counsel shall confer with opposing counsel before filing a motion. The motion shall, at the beginning, contain a certification that the movant in good faith has conferred with opposing counsel about the motion. If the relief sought by the motion has been agreed to by the parties or will not be opposed, the court shall be so advised in the motion. If no conference has occurred, the reason why shall be stated.

(9) [No change]

Committee Comment

Paragraph 1 [No change]

This standard specifies contemporaneous recitation of legal authority either in the motion itself for all motions except those under C.R.C.P. Rule 56. ~~When appropriate to do so, moving~~Moving counsel should confer with opposing counsel before filing a motion to attempt to work out the difference prompting the motion. Every motion must, at the beginning, contain a certification that the movant, in good faith, has conferred with opposing counsel about the motion. If there has been no conference, the reason why must be stated. To assist the court, if the relief sought by the motion has been agreed to or will not be opposed, the court is to be so advised in the motion. ~~This duty to confer is not required in all cases. Conferring would obviously not be appropriate prior to a motion for temporary restraining order, a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment, a motion during trial or a post judgment motion. There may also be instances~~

~~where conferring would be useless under the
circumstances. The moving party should
nevertheless state in the motion why no
conference was attempted or held.~~

Paragraph 3 [No change]

Amended by the Court, En Banc October 12, 2009, effective
immediately.

By the Court:

Nancy E. Rice
Justice, Colorado Supreme Court