

COLORADO COURT RULES

Rules adopted or amended by the Supreme Court of Colorado and
received prior to December 21, 2009

Section 1-15

DETERMINATION OF MOTIONS

8. Duty to Confer. 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. Unopposed Motions. All unopposed motions shall be so designated in the title of the motion.

Source: 1. amended and effective September 6, 1990; 1. and committee comment amended July 9, 1992, effective October 1, 1992; 1., 3., and 8. amended and adopted April 14, 1994, effective January 1, 1995, for all cases filed on or after that date; committee comment approved June 10, 1994; committee comment corrected May 14, 1996; 1. and 8. amended and adopted and 9. added and adopted October 20, 2005, effective January 1, 2006; 1. amended and effective June 28, 2007; 1. corrected and effective November 5, 2007.

COMMITTEE COMMENT

This Practice Standard was necessary because of lack of uniformity among the districts concerning how motions were to be made, set and determined. The Practice Standard recognizes that oral argument and hearings are not necessary in all cases, and encourages disposition of motions upon written submissions. The standard also sets forth the uniform requirements concerning filing of legal authority, filing of matters not already of record necessary to determination of motions, and the manner of setting an oral argument if argument is permitted. The practice standard is broad enough to include all motions, including venue motions. Some motions will not require extended legal analysis or affidavits. Obviously, if the basis for a motion is simple and routine, the citation of authorities can be correspondingly simple. Motions or briefs in excess of 10 pages are discouraged.

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 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 4 of the standard contains an important feature. Any matter requiring immediate action should be called to the attention of the courtroom clerk by the party filing a motion for forthwith disposition. Calling the urgency of a matter to the attention of the court is a responsibility of the parties. The court should permit a forthwith determination.