

ADMINISTRATIVE ORDER 97-2 FACSIMILE COPIES

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C.R.C.P. 121 section 1-25 states that facsimile (Fax) copies may be filed with the court in lieu of original documents. The use of this technology is now common place and adds to the ability of the courts to provide better service to the public. The Seventh Judicial District believes that the ability of the court to both receive and send Fax provides this District with increased flexibility in our continuing efforts at effective and efficient case management. However, with the addition of this new technology comes the managing of the workload reality. Faxes have also added some difficulties to our ability to efficiently manage the courts. It must be emphasized that the acceptance of facsimiles is not mandatory and that attorney, parties and the general public should send faxes made only when mailing or delivery are not possible. This district will continually review this policy to assure that it does not cause more problems than it fixes. The procedure below is intended to provide court employees and court users with procedures adopted by the District for use of facsimile copies in the courts and management of our caseload in hopes they will assure their continued use.

**Colorado Rules of Civil Procedures**  
**Rule 121**  
**Section 1-25**

1. *Facsimile copy, defined. A facsimile copy is a copy generated by a system that encodes a document into electrical signals, transmits these electrical signals over a telephone/data line, then reconstructs the signals to print exact duplicate of the original document at the receiving end.*
2. *Facsimile copies which conform with the quality requirements specified in C. R. C. P. 10(d)(1) may be filed with the court in lieu of the original document. Once filed with the court, the facsimile copy shall be treated as an original for all court purposes. If a facsimile copy is filed in lieu of the original document, **THE ATTORNEY OR PARTY FILING THE FACSIMILE SHALL RETAIN THE ORIGINAL DOCUMENT FOR PRODUCTION TO THE COURT, IF REQUESTED TO DO SO.***
3. *The court is not required to provide confirmation that it has received a facsimile transmission.*
4. *Any facsimile copy transmitted directly to the court shall be accompanied by a cover sheet which states the title of the document, case number, number of pages, identity and voice telephone number of the transmitter and any instructions.*
5. *Payment of any required filing fees shall not be deferred for documents filed with the court by facsimile transmission.*
6. *This rule shall not require courts to have a facsimile machine nor shall the court be required to transmit orders or other material to attorney or parties via facsimile transmission. (See Comments C.R.C.P 121 Sec 1-25)*

**I. Acceptance of Facsimiles.** The courts of the Seventh Judicial District will accept fax filings. No filing requiring a fee will be accepted by fax under any circumstances as the payment of the fee is required before filing can be officially made. Any item filed by fax that requires a fee will be returned to sender, if known. The explanation of non-acceptance due to lack of the required fee will be faxed at the earliest possible time. The clerks will have no discretion to hold the document pending receipt of the required fee. They will simply return it not filed. No confirmation by fax, voice or mail, other than a bill for the fax filing, will be sent to any party by the courts for any fax filing.

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II. **Filing Location.** All fax filings shall be sent to the court of record except by specific court order. This means the fax shall be sent to the clerk in the location of the court, by county, where the case was originally filed or where a change of venue may have been granted. The clerk in the court of record shall date stamp the filing, enter the filing in CJIMS and place it properly in the case file. If the case file is out of county, the clerk shall hold the filing at his/her location for proper filing once a file is returned unless otherwise ordered by the assigned judge.

III. **Certificate of Filing.** A certificate of filing (mailing/delivery) by fax shall be included with each filing. It shall state that the document was filed in the court of record, note if a courtesy copy was sent to the assigned judge and at what address, and note if copies were sent to other parties. If no copy was noted as sent to the judge assigned in the certificate of fax filing, the clerks shall use their discretion as to whether a **COURTESY COPY** should be sent to the judge assigned. The standard would be that a copy **would not** be sent and the judge would review the filing in his/her normal routine. The attorney or party filing the fax is responsible in nearly every case for sending the courtesy copy to the assigned judge.

IV. **Originals.** If a fax is used in lieu of the original for filing, the original **shall not** be mailed to the court of record by the filing party. (See CRCP 121 section 1-25 (2)). The facsimile copy shall be treated as an original for all court purposes. The original, if mailed, will be discarded upon receipt by the court.

V. **Copies.** Copies of the fax filings may be sent to the judge assigned to the case. However, this will be a **COURTESY COPY** and the original shall be filed in the county of record as per number 2 above with the certificate noting that a copy was sent to the assigned judge as in number 3 above. The courtesy copy is not the original for any purpose.

VI. **Signed Orders.** If the assigned judge is required to sign an order, he may have the signed order faxed or mailed to the court of record. If the order is faxed, the fax received by the court of record shall be the original for all court purposes. If the order is mailed, the original signed portion of the order shall be the original document for all court purposes. The clerk where the fax order was signed by the assigned judge shall process and enter the order into CJIMS. The copy of the signed order sent to the clerk of record shall note whether they have sent the copies required and to who. If no such notation is on the copy sent to the court of record, the clerk in the court of record shall process the order. The standard will be the clerk in the county where the assigned judge signs the order will process the order.

VII. **Fees.** All fax filings shall be billed to the party sending the fax or when requested by the party for the court to send a fax. The fees for receiving or sending, at request of parties, shall be:

#### **Service Fee**

#### **Per Page Fee** - \$.75 per page

1-10 pages - \$2.00

11-20 pages - \$5.00

21-30 pages - \$10.00

31+ \$10.00 + \$.75 per page over 30 pages

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Examples of billing costs: 10 page fax is \$2.00 service fee and \$7.50 page fee for \$9.50; i.e., 20 page fax is \$5.00 service fee and \$15.00 page fee for \$20.00; i.e., 30 page fax is \$10.00 service fee and \$22.50 page fee for \$32.50; i.e., 40 page fax received; bill would be Service fee \$10.00 for first 30 pages, \$7.50 for next ten pages 31-40; per page fee at \$.75 x 40 pages of \$30.00 for a total of \$47.50.

There will also be no fee for documents received or sent from one court location to another or from other governmental agencies especially the State Court Administrator's Office.

**Failure to pay the fax bills as presented by the courts within 30 days of receipt shall result in the individual debtor being denied fax privileges in all 7th Judicial District Court locations until all outstanding fax debts are satisfied. No notice except the original bill will be sent to parties regarding payment except that the first page of the pleading with the notice of non-acceptance will be returned via fax to the sender. The remainder of the document will be discarded and not filed. It is the responsibility of the party who filed the document to notify all parties that it was not accepted and not filed as noted.**

VIII. All other specifics of CRCP 121 section 1-25 shall be complied with when filing by facsimile copy in the Seventh Judicial District.

DATE: January 10, 1997

/s/

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**Robert A. Brown**  
**Chief Judge**

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**STAMP FOR NON PAYMENT OF FAX BILLS**

**IN ACCORDANCE WITH THE FACSIMILE  
POLICY OF THE 7TH JUDICIAL DISTRICT  
THIS FAX WAS NOT ACCEPTED FOR  
FILING DUE TO THE FAILURE OF THE  
PARTY TO PAY PREVIOUS FAX BILLS.**

**IT IS THE RESPONSIBILITY OF THE DELINQUENT PARTY TO  
NOTIFY ALL PARTIES THAT THIS DOCUMENT WAS NOT FILED.**

**DATED: \_\_\_\_\_ by: \_\_\_\_\_**