

Court Business

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Colorado Court of Appeals

Interim Policy Regarding Electronic Records and Briefs Version 1.0

Effective March 1, 2009

This policy will govern references to electronic records in briefs subject to C.A.R. 28, submission of briefs subject to C.A.R. 28 in electronic form, and submission of electronic appendices.

A. Citation to Electronic Records

In all cases where the Court has received the record in electronic form, the clerk will prepare a CD-ROM containing the record bookmarked in a manner that delineates pleadings and orders from the transmitting court or agency and provide it to each party. Each page of the record on the CD-ROM will be numbered sequentially.

1. In all briefs in such cases, counsel for the parties and amici shall cite to the record by the name of the bookmarked document, and pinpoint citation to the unique CD-ROM page number. For example, *Plaintiff's Motion for Summary Judgment, CD page 7*. This policy is not satisfied by a party's citation to the LexisNexis transaction numbers pertaining to the record.
2. Pro se parties are encouraged, but not required, to comply with the citation requirement set forth in paragraph A (1) of this Policy.

B. Electronic Briefs

Counsel in all appeals shall file all briefs on the merits in electronic form. This policy applies to all counsel for parties and amici.

1. Counsel shall file all briefs on the merits in electronic form by submission of the brief on a CD-ROM delivered to the Clerk of the Court of Appeals accompanied by the signed original in paper form. The additional copies of the brief as set forth in C.A.R. 31(c) are no longer required.
2. Pro se parties are encouraged, but not required, to comply with the electronic filing requirement set forth in paragraph B (1) of this Policy.
3. All electronic filings must be free of viruses, worms, "Trojan horses," and any other defect that would be deleterious to the Court's computer systems.
4. The electronic brief shall be submitted in text searchable Portable Document Format (PDF), that exactly duplicates the appearance of the paper original, including the order and pagination of all the brief's components.

5. Hyperlinks in briefs to the authorities cited therein, to the record, if in electronic form, and to any electronic appendices, are not required, but are highly desirable and strongly encouraged. In order for the hyperlinks to function properly, the record (or the cited portions of the record) and authorities should be included on the same CD-ROM as the brief.

6. Counsel are reminded that pursuant to the Court of Appeals Policies on Public Record Access and The Use of Names of Children and Sexual Assault Victims, the following information must not be included in any brief filed with this Court: Social Security numbers, dates of birth, financial account numbers, home addresses, names of minor children, and names of sex assault victims.
7. Items filed under seal in the trial court or agency record shall not be included in the electronic brief.
8. Portions of briefs filed under seal shall be included as a separate PDF file on the CD-ROM, and shall be identified as "FILED UNDER SEAL," within the name of the file.

C. Electronic Appendix

Any party may submit, along with any electronic brief, an electronic appendix to the record containing copies, certified as authentic by the trial court or administrative agency, of any document already part of the trial court or agency record that does not appear in the electronic record. As an example, the appendix may contain a certified copy of any minute order or other paper record that does not appear in the electronic record.

D. Service of Briefs

Copies of all briefs filed with the Court pursuant to this policy shall continue to be served on all parties in accordance with the provisions of C.A.R. 25.

By the Court:

*Janice B. Davidson,
Chief Judge, Colorado Court of Appeals*