

U.S. District Court, District of Colorado

Summary of Local and Federal Rule Changes - Effective December 1, 2021 – Additional Clarification Feb. 2, 2022

The U.S. District Court, through the Advisory Committee on the Local Rules, completed the following in the 2020-2021 rules cycle:

Amendments to the Local Rules of Practice were approved by the Court on November 3, 2021, after consideration of the following by the Advisory Committee: 1) three comments tabled during the 2018-2019 cycle for further review and discussion in the current cycle; and 2) 22 comments submitted in the combined 2020-2021 local rules cycle (the Advisory Committee was on hiatus in 2020). After opportunity for public review and comment by means of electronic notices and posting on the court's website, publication on bar association websites, and electronic mass mailing to the court's active bar members through the Electronic Case Filing (ECF) system beginning Sept. 3, the public notice and comment period expired on October 8, 2021. From the combined total of 25 comments submitted, the Committee referred one proposal to the U.S. Bankruptcy Court, rejected 13 comments, revised and approved nine, and two were withdrawn. After consideration of four additional comments after the initial public notice and comment period, the approved and finalized Local Rules of Practice were published on November 30, and became effective on December 1, 2021. This year's revisions include refinements to the civil, criminal, agency appeals, and attorney rules.

As a result, the Local Rule revisions do the following:

- **Amend the civil rules.** The civil cover sheet requirements have been modified; a formalized method for unrepresented parties to send documents for filing by e-mail created; the exception to the duty to confer re: incarcerated parties clarified; and some style changes added.
- **Revise a criminal rule.** The level of confidentiality of bail reports has been modified, permitting a restricted copy to be available to parties.
- **Modify the agency appeal rules.** The AP rules are revised re: the civil cover sheet; a new rule created to safeguard plaintiffs' privacy concerns; a page limit set in Social Security appeal briefing; and the election deadline for magistrate judge consent jurisdiction clarified.
- **Enhance the attorney rules.** Section V – Attorney Rules are clarified re: 1) the Disciplinary Panel's role; 2) criminal conduct as grounds for discipline; 3) Committee on Conduct's authority to not pursue a disciplinary complaint; 4) the conditional admission agreement timeframe; 5) interim suspension objections; and 6) reimbursement for attorney fees and costs to Committee members when sued.

For the complete versions of the Local Rules of Practice, in both final and redline form, please visit the Local Rules page of the court's website: <http://www.cod.uscourts.gov/CourtOperations/RulesProcedures/LocalRules.aspx>.

The Advisory Committee urges members of the bar, the general public, and court staff to be aware that certain rules in the Federal Rules of Appellate and Bankruptcy Procedure were revised and those amendments also go into effect on Dec. 1, 2021. In particular, the appellate rule amendments in Rule 3 affect and clarify the content of notices of appeal, and are summarized at the end of this document. Please also be aware that the District of Colorado's Notice of Appeal form on the [Forms](#) page has been modified to conform with new Forms 1A and 1B of the Federal Rules of Appellate Procedure. For a comprehensive account of the appellate and bankruptcy rule amendments, please visit the [Current Rules of Practice & Procedure](#) subpage of the [Rules and Policies](#) section of the U.S. Courts [website](#).

The Advisory Committee on the Local Rules always welcomes comments from court users, members of the bar, and the public at large. Please send your comments or suggestions to the local rule e-mail clearinghouse: LocalRule_Comments@cod.uscourts.gov, or send by mail to: Clerk of the Court, United States District Court, Attn: Legal Officer, Alfred A. Arraj U.S. Courthouse, 901 19th Street, Denver, Colorado 80294.

Local Rule Number and Title, or Important Federal Rule Revision	Practice Under Previous Local Rule	New Practice Under Revised Local Rule	Related Federal Rule, Statute, or Other Consideration
SECTION I - CIVIL RULES			
<p>D.C.COLO.LCivR 3.1 CIVIL COVER SHEET COMMENCING AN ACTION</p>	<p>Local rule LCivR 3.1 previously focused only on the precise requirement of submit the Civil Cover Sheet (US Courts JS-44 form) and instructions for completing it properly. Those instructions regarding designation of AP cases have been eliminated.</p>	<p>D.C.COLO.LCivR 3.1 CIVIL COVER SHEET COMMENCING AN ACTION</p> <p>(a) Civil Cover Sheet. A properly completed Civil Cover Sheet HERE shall be filed at the commencement of each civil action. If the filing party is represented by counsel, the Civil Cover Sheet shall be completed and signed by an attorney of record in the case. In actions governed by Section IV – AP Rules, the filing party shall check the box titled "AP Docket" to the Brief Description field in Section VI of the Civil Cover Sheet. A Disputes about as to the AP Docket designation shall be addressed by motion filed before an answer or other response is due.</p> <p>(b) Report on Filing a Patent, Trademark, or Copyright Action. A properly completed Report on the Filing of an Action Regarding a Patent or Trademark or Report on the Filing or Determination of an Action or Appeal Regarding a Copyright available HERE shall be filed at the commencement of an action and with any amendment which adds a claim involving a patent, trademark, or copyright. If the filing party is represented by counsel, the report shall be completed and submitted by an attorney of record.</p> <p>[The title of local rule LCivR 3.1 is changed to conform with the federal rule equivalent more precisely. The broader language of the title also reflects the new requirement described in new para. (b) that intellectual property cases must have not just a civil cover sheet filed, but also one of the two Reports of the filing of an intellectual property action. These reports are sent at the commencement of a case to the U.S. Patent and Trademark Office, as required by statute.]</p>	<p>See Federal Rule of Civil Procedure (Fed. R. Civ. P.) 3 – Commencing an Action</p> <p>“A civil action is commenced by filing a complaint with the court.”</p> <p>See also U.S. District Court Forms page, for the Civil Cover Sheet (JS 44).</p> <p>[Note to the user: The link in the “HERE” in subpara.(b) in the rule is to the uscourts.gov forms page where the 2 referenced reports are available (AO Forms 120 and 121).]</p> <p>See also 28 U.S.C. § 604(a) Duties of Director [of the Administrative Office of the U.S. Courts] Generally:</p> <p>“(13) Lay before Congress, annually, statistical tables that will accurately reflect the business transacted by the several bankruptcy courts, and all other pertinent data relating to such courts.” [Why statistical data from the US Courts JS-44 form is collected.]</p>

**D.C.COLO.LCivR 5.1
FORMATTING,
SIGNATURES, FILING,
AND SERVING
PLEADINGS AND
DOCUMENTS**

Until this rule was amended, unrepresented (“pro se”) parties could submit documents for filing by means of the following methods:

- Filing in paper by U.S. mail;
- Filing in person by visiting the Clerk’s Office; or by
- Registering for e-filing by submitting an application and subject to Clerk’s Office approval.

(b) Exceptions to Electronic Formatting and Filing.

- (1) Materials that Cannot Be Converted to Electronic Form.** An item such as a videotape, audiotape, etc., shall be filed by delivery to the clerk’s office.
- (2) Pleadings and Documents by Unrepresented Prisoners.** These shall be filed in paper.
- (3) Pleadings and Documents by Other Unrepresented Parties.** These shall be filed in paper unless the filing party obtains authorization to use electronic filing under the Electronic Case Filing Procedures [HERE](#) or **the filing party e-mails documents to the clerk for filing under the procedures available [HERE](#).**
- (4) E-mailed Documents.** The Electronic Case Filing Procedures specify the documents that shall be e-mailed to the court to open a case [HERE](#).

[First offered as an additional means for unrepresented parties to submit documents for filing during the COVID-19 stay-at-home order period, the use of a central e-mail submission address for unrepresented parties has been a great benefit to those parties – especially in a judicial district of such great geographic boundaries – and to the Clerk’s Office; this rule now memorializes the practice.

Note that this new e-mail exception to filing in paper doesn’t equate to an unrepresented party filing electronically under Fed. R. Civ. P. 5(d)(3)(B) or local rule LCivR 5.1(c), because the party is not committing to the formal registration requirement of becoming a pro se e-filer. Because of that the party can be selective in what the party e-mails to the clerk’s office and can continue to submit documents in paper; the party is also not agreeing to electronic service.]

[Fed. R. Civ. P. 5 - Serving and Filing Pleadings and Other Papers](#)

See also U.S. District Court website, “[Representing Yourself](#)” page, and “[Optional Email Filing Instructions for Unrepresented Parties](#)” for the e-mail address and further directions.

<p>D.C.COLO.LCivR 7.1 MOTIONS (b) Exceptions to the Duty to Confer</p>	<p>Local Rule LCivR 7.1(a) requires parties to comply with a conferral requirement before filing a motion. LCivR 7.1(b)(1) sets forth an exception – that the conferral requirement does not apply re: a motion filed in a case involving an unrepresented prisoner. Subsection (b)(1) recognizes the practicalities that would make it difficult for unrepresented prisoners and government counsel to confer with each other before filing a motion..</p>	<p>D.C.COLO.LCivR 7.1 MOTIONS</p> <p>*****</p> <p>(b) Exceptions to the Duty to Confer:</p> <ol style="list-style-type: none"> (1) a motion filed in a case involving an unrepresented prisoner or detainee; (2) a motion under Fed. R. Civ. P. 12; (3) a motion under Fed. R. Civ. P. 56; or (4) a motion under D.C.COLO.LAttyR 5(a) and (b). <p>[The practical concerns about requiring conferral with unrepresented prisoners before the filing of motions also apply to cases involving unrepresented detainees—individuals who are in detention but who are not technically “prisoners” because they have not been convicted of a criminal offense. Unrepresented detainees—who may include individuals who a court has determined may be detained while awaiting trial and individuals who are being held by U.S. Immigration and Customs Enforcement pending removal—ordinarily lack email access, have limited telephone access, and face significant delays in sending and receiving correspondence that make good faith conferral impractical or impossible. Note – LCivR 7.1(b)’s conferral requirement exception does NOT apply to the conferral requirement of LCivR 54.1, Taxation of Costs.]</p>	<p><i>The local practice of a duty to confer is set forth in:</i></p> <p><u>D.C.COLO.LCivR 7.1 MOTIONS</u></p> <p>(a) Duty to Confer. Before filing a motion, counsel for the moving party or an unrepresented party shall confer or make reasonable good faith efforts to confer with any opposing counsel or unrepresented party to resolve any disputed matter. The moving party shall describe in the motion, or in a certificate attached to the motion, the specific efforts to fulfill this duty.</p> <p>Relevant federal rule on motions:</p> <p><u>Fed. R. Civ. P. 7. Pleadings Allowed; Form of Motions and Other Papers</u></p> <p><i>See also Practice Standards of individual judges regarding the duty to confer; for example:</i></p> <p><u>-Senior Judge John L. Kane</u> <u>-Senior Judge R. Brooke Jackson</u></p>
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<p>D.C.COLO.LCivR 30.2 FILING MOTION FOR PROTECTIVE ORDER, MOTION TO LIMIT EXAMINATION, OR OBJECTION TO DISCOVERY ORDER</p>	<p>The first sentence of Local Rule 30.2(a) – “Pending resolution of a motion or request for relief under Fed. R. Civ. P. 26(c) or 30(d)” has caused some confusion – this local rule was never intended to permit a broad automatic stay of all discovery with the filing of an opposed motion for protective order. Instead, LCivR 30.2(a) was meant to allow a party to freeze a specified discovery action until the court issues a ruling.</p>	<p>(a) Motion for Protective Order or to Limit Examination. Pending resolution of a motion or request for relief under Fed. R. Civ. P. 26(c) or 30(d), the discovery to which the motion or request is directed shall be stayed unless otherwise ordered. A non-prevailing party may be subject to an award of expenses, fees, and costs under Fed. R. Civ. P. 37(a)(5). However, the filing of a motion to stay all discovery shall not effectuate a stay unless the motion is granted.</p> <p>[LCivR 30.2(a) is clarified to continue to permit freezing of certain disputed discovery actions only on the filing of a motion for protective order as to such specific disputed actions, but not to allow the freezing of <u>all</u> discovery unless and until a <i>broad</i> motion to stay all discovery is filed and is granted by the court.]</p>	<p>Fed. R. Civ. P. 26 - Duty to Disclose; General Provisions Governing Discovery (c) Protective Orders.</p>
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Local Rule Number and Title or Important Federal Rule Revision	Practice Under Previous Local Rule	New Practice Under Revised Local Rule	Related Federal Rule, Statute, or Other Consideration
SECTION II - CRIMINAL RULES			
<p>D.C.COLO.LCrR 47.1 Public Access to Cases, Documents, and Proceedings (f) Documents Subject to Presumptive Restriction</p>	<p>This local rule provides the policy declaration of the District of Colorado and procedural guidelines for the restriction of documents in criminal cases.</p> <p>The presumptive restriction level for bail reports has previously been set at Level 4, allowing only the Court to review and retain the report.</p>	<p>(f) Documents Subject to Presumptive Restriction. The following documents shall be filed subject to the specified presumptive restriction levels without the order of a judicial officer:</p> <p>(1) Documents that shall be filed with Level 2 restriction (access limited to the filing party, the affected defendant(s), the government, and the court):</p> <p>(A) Pretrial Services reports (bail reports).</p> <p>(A)(B) Presentence reports, sentencing recommendations, and addenda and related documents, including correspondence or other documents related to sentencing, including letters, reports, certificates, awards, photographs, or other documents pertaining to the defendant.</p> <p>(B)(C) Probation or supervised release violation reports.</p> <p>(C)(D) Statements of reasons in judgments in crim. cases.</p>	<p>General rules regarding filings under restriction are established in Federal Criminal Rule 49.1. Privacy Protection for Filings Made with the Court</p> <p>See also DISTRICT COURT GENERAL ORDER 2020-13, ELECTRONIC TRANSMISSION OF BOND REPORTS</p> <p>See also 18 U.S. Code § 3153(c)(1) - Organization and Administration Of Pretrial Services</p>

		<p>(D)(E) Information provided by a person or entity posting bond.</p> <p>(2) Documents that shall be filed with Level 3 restriction (access limited to the filing party and the court):</p> <p>(A) Unexecuted bond revocation orders and supporting documents. Unless otherwise ordered, this restriction shall expire on the execution of the order.</p> <p>(B) Documents and orders under the Criminal Justice Act. Unless otherwise ordered, this restriction shall expire on the entry of final judgment.</p> <p>(C) Indictments. Unless otherwise ordered, this restriction shall expire on the earlier of the arrest or initial appearance of the first or only defendant.</p> <p>(3) Documents that shall be filed with Level 4 restriction (access limited to the court):</p> <p>(A) — Pretrial Services reports (bail reports).</p> <p>(B) — Petitions for summonses or arrest warrants based upon petitions for revocation of probation or supervised release. Unless otherwise ordered, this restriction shall expire on the service of the summons or execution of the warrant.</p> <p>[This revision acknowledges recent guidance from the Administrative Office of the U.S. Courts that the confidentiality of bail reports is no longer rigidly controlled – bail reports should be available to both sides, and become part of the record of a case, though sealed.]</p>	
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SECTION III - LOCAL PATENT RULES (No Changes)			

Local Rule Number and Title or Important Federal Rule Revision	Practice Under Previous Local Rule	New Practice Under Revised Local Rule	Related Federal Rule, Statute, or Other Consideration
SECTION IV - AP RULES			

<p>D.C.COLO.LAPR 3.1 Civil Cover Sheet</p>	<p>The Civil Cover Sheet provides proper assignment data for the clerk’s office, and statistical data for the court.</p> <p>Local rule LAPR 3.1 previously focused on the precise requirement of submit the Civil Cover Sheet (US Courts JS-44 form) and instructions for completing it properly. Those instructions regarding designation of</p>	<p>D.C.COLO.LAPR 3.1 CIVIL COVER SHEET</p> <p>A properly completed Civil Cover Sheet HERE shall be filed at the commencement of every AP Case. The filing party shall check the box titled “AP docket” in Section VI of the Civil Cover Sheet regarding Cause of Action. A Disputes as to about the AP docket designation shall be addressed by motion filed before an answer or other response is due.</p>	<p>See Federal Rule of Civil Procedure (Fed. R. Civ. P.) 3 – Commencing an Action</p> <p>“A civil action is commenced by filing a complaint with the court.”</p> <p>See also</p> <p>28 U.S.C. § 604(a)Duties</p>
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	<p>AP cases have been eliminated.</p>	<p>[This rule change acknowledges that the requirement to specially create an AP designation box on a local version of the national JS-44 Civil Cover Sheet is no longer necessary.]</p>	<p>of Director [of the Administrative Office of the U.S. Courts] Generally:</p> <p>“(13) Lay before Congress, annually, statistical tables that will accurately reflect the business transacted by the several bankruptcy courts, and all other pertinent data relating to such courts.” [Why statistical data from the US Courts JS-44 form is collected.]</p>
<p>D.C.COLO.LAPR 5.2 PROTECTING THE IDENTITY, HISTORY, AND CHARACTERISTICS OF THE PLAINTIFF</p>	<p>New rule.</p> <p>Clarification to LAPR 5.2(a) added and approved by the U.S. District Court Feb. 2, 2022.</p> <p>Subpara.(a) previously stated:</p> <p>(a) In a social security appeal all documents, including the administrative record, pleadings, briefs, and orders, shall be filed under Level 1 restriction as defined under D.C.COLO.LCivR 7.2(b) (Level 1 limits access to the parties and the court).</p>	<p>D.C.COLO.LAPR 5.2 PROTECTING THE IDENTITY, HISTORY, AND CHARACTERISTICS OF THE PLAINTIFF</p> <p>(a) In a social security appeal all documents, including the administrative record, pleadings, briefs, and orders, are docketed automatically under Fed. R. Civ. P. 5.2(c) under Level 1 restriction as defined in D.C.COLO.LCivR 7.2(b) (Level 1 limits access to the parties and the court). Therefore, counsel or an unrepresented party shall not use the docket event “Restricted Document level 1” in social security appeals.</p> <p>(b) An order resolving a social security appeal on the merits shall identify the plaintiff by initials only.</p> <p>[This new rule originates from a comment / suggestion from the bar, recommending that the Court consider either a local rule or other standard that would provide for orders in Social Security appeals be issued in such a way that the Plaintiff’s identity is protected in public documents. The Feb. 2, 2022 clarification by the court does not change the filing requirements for social security appeals, but rather emphasizes that filers should not redundantly seek to file their papers using the docket event “Restricted Document level 1.]</p>	<p>Fed. R. Civ. P. 5.2 - Privacy Protection For Filings Made with the Court</p> <p>(c) Limitations on Remote Access to Electronic Files; Social-Security Appeals and Immigration Cases.</p>

		<p>[Regarding the rule numbering: the rule number designation follows the Uniform Numbering System that the Judicial Conference Rules Committee recommends, primarily the Civil Rules. [See Fed. R. Civ. P. 83(a)(1) “A local rule must be consistent with—but not duplicate—federal statutes and rules adopted under 28 U.S.C. §§2072 and 2075, and must conform to any uniform numbering system prescribed by the Judicial Conference of the United States.” The rule number accordingly matches this new local AP Rule to Fed. R. Civ. P. 5.2 - <u>Privacy Protection For Filings Made with the Court.</u>]</p>	
<p>D.C.COLO.LAPR 16.1 AP Case Management (b) Briefing Schedule for Social Security Appeals.</p>	<p>This rule administers the record, premerits briefing and motions practice of AP cases.</p> <p>Social security and bankruptcy appeals follow a different case management track, in that a Joint Case Management Plan is not filed; social security appeals have a briefing schedule.</p>	<p>D.C.COLO.LAPR 16.1 AP CASE MANAGEMENT</p> <p>***</p> <p>(b) Briefing Schedule for Social Security Appeals.</p> <p>(1) Briefing Schedule. Unless otherwise ordered, the opening brief of the plaintiff shall be filed no later than 40 days after the Commissioner files the administrative record. The response brief of the Commissioner shall be filed no later than 70 days after the filing of the administrative record. The plaintiff may file a reply brief no later than 85 days after the filing of the administrative record.</p> <p>(2) Page Limitations. Unless otherwise ordered and excluding the cover page, jurisdictional statement, table of contents, statement of facts, and procedural history, opening and response briefs shall be no more than 20 pages, and reply briefs shall be no more than 10 pages.</p> <p>[This rule modification also originates from a comment / suggestion from the bar, recommending that the Court establish a permanent page limit in social security appeal briefing, including a provision that the standardized page limits be modified by court order in an individual case if needed.]</p>	<p>42 USC § 405 Evidence, Procedure, and Certification for Payments – (g) Judicial Review</p>

<p>D.C.COLO.LAPR 72.2 CONSENT JURISDICTION OF A MAGISTRATE JUDGE (d) Unanimous Consent; Determination</p>	<p>LAPR 72.2 designates all full-time magistrate judges to conduct social security appeal proceedings; contains prohibition against attempts to influence decisions about consent; the clerk serves notice on the parties about right to consent in Social Security Appeal cases; unanimous consent is required; and an order of reference required, which may be vacated.</p>	<p>D.C.COLO.LAPR 72.2 CONSENT JURISDICTION OF A MAGISTRATE JUDGE ***</p> <p>(d) Unanimous Consent; Determination. To consent to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c), all parties shall complete and file a Consent/Non-Consent to United States Magistrate Judge Jurisdiction form HERE. Unless otherwise ordered by the pre-merits district judge, written consent to proceed before a magistrate judge shall be filed no later than the date on which the Joint Case Management Plan is filed or for social security appeals no later than 45 days after the administrative record is filed. If the parties consent, the pre-merits district judge shall then determine whether to enter an order of reference under 28 U.S.C. § 636(c).</p> <p>[This rule amendment provides clarification of the deadline for filing the magistrate judge consent form in AP cases, specifically social security cases. Since no Joint Case Management Plan is filed, nor is an answer filed in a social security appeal case – but instead, the transcript of the administrative record -- LAPR 72.2(d) clarifies that the Consent/Non-Consent election form is due 45 days after the filing of the administrative record by the SSA Commissioner.]</p>	<p>Fed. R. Civ. P. 73. Magistrate Judges: Trial by Consent; Appeal</p> <p>28 U.S.C. § 636 Jurisdiction, Powers, and Temporary Assignment [of Magistrate Judges]</p>
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Local Rule Number and Title or Important Federal Rule Revision	Practice Under Previous Local Rule	New Practice Under Revised Local Rule	Related Federal Rule, Statute, or Other Consideration
SECTION V - ATTORNEY RULES			
<p>D.C.COLO.LAttyR 3 REQUIREMENTS FOR BAR OF THE COURT (d) Relief from Rule of Good Standing</p> <p><i>[Note: Attorney discipline in the U.S. District Court is governed by the local rules of practice of the court, specifically D.C.COLO.LAttyR 7, Complaints and Grounds for Discipline. To investigate and preside over disciplinary proceedings, the Court in D.C.COLO.LAttyR 6 has established a Disciplinary Panel comprised of three district judges that has jurisdiction over all judicial proceedings involving disbarment, suspension, censure, or other lawyer discipline. The U.S. District Court has also established a standing Committee on Conduct comprised of 12 members of this court's bar.]</i></p>	<p><i>[In the 2020-2021 Local Rule comments review, the Advisory Committee on the Local Rules received a submission from the Court's Committee on Conduct (D.C.COLO.LAttyR 6(b)). The revisions to Section V – Attorney Rules in this 2020-2021 cycle reflect the Advisory Committee's review, consideration, and recommendation for adoption of the Committee on Conduct's suggestions, as modified by the Advisory Committee.]</i></p> <p>LAttyR 3(c) provides, in part:</p> <p>(c) Member in Good Standing. An attorney admitted to the bar of this court must remain in good standing in all courts where admitted. In good standing means not suspended or disbarred by any court for any reason.</p> <p>LAttyR 3(d), Relief from the Rule of Good Standing, affords counsel seeking admission or remaining in good standing with this court a method through the disciplinary system for not having the good standing rule imposed.</p>	<p>D.C.COLO.LAttyR 3 REQUIREMENTS FOR BAR OF THE COURT ***</p> <p>(d) Relief from Rule of Good Standing.</p> <p>(1) Applications. An attorney who seeks relief from the rule of good standing in Subdivisions (a) and (c) shall file a request for relief, which shall be referred to the Committee on Conduct- for its recommendation to the Disciplinary Panel for final determination.</p> <p>(2) Standards. It is presumed that discipline imposed by another court against a member of the bar of this court is appropriate. To obtain relief, the attorney so disciplined has the burden to establish by clear and convincing evidence that:</p> <p>(A) the procedure resulting in discipline by the court was so lacking in notice or opportunity to be heard as to deny due process;</p> <p>(B) the application of the rule of good standing in Subdivision (c) would result in grave injustice; or</p> <p>(C) the kind of misconduct warrants substantially less severe discipline.</p> <p>[The amended rule clarifies that the Disciplinary Panel has final decision making powers for the good standing rules.]</p>	<p>See Part V – Attorney Discipline, of Section V – Attorney Rules, of the U.S. District Court's Local Rules, for the entirety of the disciplinary standards and procedural rules.</p> <p>See also the Colorado Rules of Professional Conduct, the majority of the rules of which are adopted by the U.S. District Court. Colorado rules of procedure and conduct are available on the Colo. Judicial Branch website here.</p>

<p>D.C.COLO.LAttyR 7 COMPLAINTS AND GROUNDS FOR DISCIPLINE (b) Grounds for Discipline</p>	<p>Rule 7(b) Grounds for Discipline. This rule lists the various grounds for discipline being imposed on an attorney.</p>	<p>D.C.COLO.LAttyR 7 COMPLAINTS AND GROUNDS FOR DISCIPLINE</p> <p>***</p> <p>(b) Grounds for Discipline. Grounds for discipline include:</p> <ul style="list-style-type: none"> (1) a violation or attempted violation of the Standards of Professional Responsibility of this court; and (2) a willful failure to comply with a subpoena validly issued by the Committee or the Panel, or the knowing failure to respond to a lawful demand from the Committee or the Panel, except that this rule does not require disclosure of information otherwise protected by privilege or applicable rules relating to confidentiality; and (3) a conviction of a crime defined in Subdivision 8(a), in which case the Committee may consider the underlying facts to recommend to the Panel whether disciplinary proceedings are warranted. <p>[The revision to this rule adds paragraph 3 to clarify that a conviction of a crime <i>and the underlying conduct behind it</i> can also be grounds for discipline.]</p>	<p>See Part V – Attorney Discipline, of Section V – Attorney Rules, of the U.S. District Court’s Local Rules, for the entirety of the disciplinary standards and procedural rules.</p> <p>See also the Colorado Rules of Professional Conduct, the majority of the rules of which are adopted by the U.S. District Court. Colorado rules of procedure and conduct are available on the Colo. Judicial Branch website here.</p>
<p>D.C.COLO.LAttyR 7 COMPLAINTS AND GROUNDS FOR DISCIPLINE (e) Resolution of the Complaint by the Committee on Conduct</p>	<p>Rule 7(e)(1) Dismissal of the Complaint. Allows the Committee to conclude, after investigation, that a complaint is without merit.</p>	<p>D.C.COLO.LAttyR 7 COMPLAINTS AND GROUNDS FOR DISCIPLINE</p> <p>***</p> <p>(e) Resolution of the Complaint by the Committee on Conduct. On completion of its investigation, the Subcommittee shall report its recommendations to the full Committee. The Subcommittee shall not recommend a disposition other than dismissal without first notifying the respondent in writing of the substance of the matter and affording the respondent an opportunity to respond in writing. Notice at the last known address of the respondent is sufficient. The Committee may, by a majority of the Committee</p>	<p>See Part V – Attorney Discipline, of Section V – Attorney Rules, of the U.S. District Court’s Local Rules, for the entirety of the disciplinary standards and procedural rules.</p> <p>See also the Colorado Rules of Professional Conduct, the majority of the rules of which are</p>

		<p>members in attendance, instruct the Subcommittee in any one of the following ways:</p> <p>(1) Dismissal of the Complaint. If the Committee concludes that the complaint is without merit or that other grounds justify its dismissal, including that the Committee, after investigation, cannot find by clear and convincing evidence grounds for discipline outlined in Subdivision (b) above, then the Committee shall send a letter signed by the chairperson or vice- chairperson of the Committee advising the complainant and the respondent.</p> <p>[The Committee may conduct an investigation but may not be able to prove a rule violation by clear and convincing evidence. Additional language is provided to clarify why the Committee may not pursue charges against an attorney.]</p>	<p>adopted by the U.S. District Court. Colorado rules of procedure and conduct are available on the Colo. Judicial Branch website here.</p>
<p>D.C.COLO.LAttyR 7 COMPLAINTS AND GROUNDS FOR DISCIPLINE (g) Conditional Admission</p>	<p>Rule 7(g) Conditional Admission. A respondent in a discipline matter may seek a conditional admission to the charges or to a particular charge in exchange for a stated form of discipline.</p>	<p>D.C.COLO.LAttyR 7 COMPLAINTS AND GROUNDS FOR DISCIPLINE ***</p> <p>(g) Conditional Admission. A respondent against whom formal charges have been or will be filed,made may tender to the Committee a conditional admission to the charges or to a particular charge in exchange for a stated form of discipline. A conditional admission shall be approved or rejected by the Panel. If the stated form of discipline is rejected by the Panel, the admission shall be withdrawn and may not be used against the respondent in any subsequent proceedings.</p> <p>[This language has been added in order to allow conditional admissions <u>before</u> charges are filed with the Disciplinary Panel, subject to the Panel's approval. The Committee on Conduct often comes to an agreement with a respondent as to the terms of a conditional admission. The proposed language allows a stipulated conditional admission before or after charges are filed.]</p>	<p>See Part V – Attorney Discipline, of Section V – Attorney Rules, of the U.S. District Court's <u>Local Rules</u>, for the entirety of the disciplinary standards and procedural rules.</p> <p>See also the Colorado Rules of Professional Conduct, the majority of the rules of which are adopted by the U.S. District Court. Colorado rules of procedure and conduct are available on the Colo. Judicial Branch website here.</p>

<p>D.C.COLO.LAttyR 8 CONVICTION OF CRIME (d) Interim Suspension</p>	<p>Rule 8(d) Interim Suspension.</p> <p>This rule allows the Disciplinary Panel to place an attorney on an interim suspension immediately on proof of a conviction of the attorney for a crime, and provides the respondent an opportunity to object.</p>	<p>D.C.COLO.LAttyR 8 - CONVICTION OF CRIME (d) Interim Suspension ***</p> <p>(d) Interim Suspension.</p> <p>(1) General Procedure. The Panel may place an attorney on interim suspension immediately on proof of a conviction of the attorney for a crime as defined in Subdivision (a), regardless of the pendency of any appeal. Alternatively, the Panel may refer the attorney to the Committee for investigation and recommendation.</p> <p>(2) Opportunity to Object. The attorney may submit in writing any objection that establishes that the interim suspension may not properly be ordered, such as proof that the crime did not constitute a crime as defined in Subdivision (a) or that the attorney is not the individual convicted, or that other grounds preclude interim suspension.</p> <p>[Language has been added that provides a respondent other grounds to object, and not just confined to the conduct not being a crime or mistaken identity.]</p>	<p>See Part V – Attorney Discipline, of Section V – Attorney Rules, of the U.S. District Court’s Local Rules, for the entirety of the disciplinary standards and procedural rules.</p> <p>See also the Colorado Rules of Professional Conduct, the majority of the rules of which are adopted by the U.S. District Court. Colorado rules of procedure and conduct are available on the Colo. Judicial Branch website here.</p>
<p>D.C.COLO.LAttyR 13 IMMUNITY (c) Persons Performing Official Duties</p>	<p>Rule 13(b) Persons Performing Official Duties.</p> <p>Rule 13(b) describes the immunity provided to members of the Committee and others.</p>	<p>D.C.COLO.LAttyR 13 IMMUNITY</p> <p>(a) Persons Responding to Inquiries or Giving Testimony. A person responding to inquiries from or giving testimony to the Committee, the Panel, or agents acting at their direction, shall be absolutely immune from any civil action relating to such participation.</p> <p>(b) Persons Performing Official Duties. A person performing official duties under the provisions of these disciplinary rules, including but not limited to members of the Committee, the Panel and assigned court staff, monitors or other members of the bar working in connection with the Committee or the Panel, and health care professionals working in connection with</p>	<p>See Part V – Attorney Discipline, of Section V – Attorney Rules, of the U.S. District Court’s Local Rules, for the entirety of the disciplinary standards and procedural rules.</p> <p>See also the Colorado Rules of Professional Conduct, the majority of the rules of which are adopted by the U.S. District Court. Colorado rules of procedure and</p>

		<p>disciplinary proceedings, shall be immune from suit for all conduct in the course of the discharge of their official duties. Any person who is immune from suit as provided above, but who is sued nevertheless, may be reimbursed reasonable attorney fees and costs in the discretion of the Panel to be paid from the application fees required under D.C.COLO.LAttyR 3(a).</p> <p>[The revision adds text that clarifies that even though persons performing official duties may be immune, further protections are available.]</p>	<p>conduct are available on the Colo. Judicial Branch website here.</p>
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Local Rule Number and Title or Important Federal Rule Revision	Practice Under Previous Local Rule	New Practice Under Revised Local Rule	Related Federal Rule, Statute, or Other Consideration
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DISTRICT OF COLORADO FORMS

	<p><u>Notice of Appeal (Civil)</u></p>	<p>The U.S. District Court’s revised Notice of Appeal (Civil) conforms to the suggested distinction in the 2021 Fed. R. Civ. P. 3 amendment that an appellant have the option of appealing of either the final judgment in a case, or a specific order in a case, as set forth in new Appellate Rule Forms 1A and 1B. See Forms (Appeals) page of the District of Colorado’s website.</p>	<p>Fed. R. App. P. 3(c) – see Federal Rule Amendment section below.</p>
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Important Federal Rule Revision	Practice Under Previous Federal Rule	New Practice Under Revised Federal Rule	Related Federal Rule, Statute, or Other Consideration, Including Local Practice
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FEDERAL RULE AMENDMENTS

<p>Federal Rules of Appellate Procedure</p> <p>Rule 3. Appeal as of Right — How Taken</p>	<p>From the Committee on Rules of Practice and Procedure’s Sept. 2020 Report re: Fed. R. App. 3 Revisions:</p> <p>“The proposed [<i>now final</i>] amendment to Rule 3 revises the requirements for a notice of appeal. Some courts of appeals, using an <i>expressio unius</i> * rationale, have treated a notice of appeal from a final judgment that mentions one interlocutory order but not others as limiting the appeal to that order, rather than reaching all of the interlocutory orders that merge into the judgment. In order to reduce the loss of appellate rights that can result from such a holding, and to provide other clarifying changes, the proposed amendment changes the language in Rule 3(c)(1)(B) to require the notice of appeal to “designate the judgment—or the appealable order—from which the appeal is taken.”</p>	<p>Fed. R. App. P. 3 Appeal as of Right — How Taken</p> <p>* * * * *</p> <p>(c) Contents of the Notice of Appeal.</p> <p>(1) The notice of appeal must:</p> <p style="padding-left: 40px;">(A) specify the party or parties taking the appeal by naming each one in the caption or body of the notice, but an attorney representing more than one party may describe those parties with such terms as “all plaintiffs,” “the defendants,” “the plaintiffs A, B, et al.,” or “all defendants except X”;</p> <p style="padding-left: 40px;">(B) designate the judgment, <u>—or the appealable order—from which the appeal is taken,</u> or <u>part thereof being appealed;</u> and</p>	<p>The U.S. District Court’s revised Notice of Appeal (Civil) conforms to the suggested distinction for an appeal of either the final judgment in a case or a specific order, as set forth in new Appellate Rule Forms 1A and 1B. See Forms (Appeals) page of the District of Colorado’s website.</p> <p>For the current Rules of Appellate Procedure and all other federal rules of procedure and evidence, see USCourts.gov, Current Rules of Practice & Procedure</p>
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	<p>The proposed amendment further provides that “[t]he notice of appeal encompasses all orders that, for purposes of appeal, merge into the designated judgment or appealable order. It is not necessary to designate those orders in the notice of appeal.”</p> <p>The proposal also accounts for situations in which a case is decided by a series of orders over time and for situations in which the notice is filed after entry of judgment but designates only an order that merged into the judgment.</p> <p>Finally, the proposed amendment explains how an appellant may limit the scope of a notice of appeal if it chooses to do so. The proposed amendments to Forms 1 and 2 reflect the proposed changes to Rule 3.”</p> <p>*The explicit mention of one thing is the exclusion of another.</p> <p>In other words, the notice of appeal is supposed to be a simple document that provides notice that a party is appealing and invokes the jurisdiction of the court of appeals. It is the role of the briefs filed in the appeal, not</p>	<p>(C) name the court to which the appeal is taken.</p> <p>(2) A pro se notice of appeal is considered filed on behalf of the signer and the signer’s spouse and minor children (if they are parties), unless the notice clearly indicates otherwise.</p> <p>(3) In a class action, whether or not the class has been certified, the notice of appeal is sufficient if it names one person qualified to bring the appeal as representative of the class.</p> <p><u>(4) The notice of appeal encompasses all orders that, for purposes of appeal, merge into the designated judgment or appealable order. It is not necessary to designate those orders in the notice of appeal.</u></p> <p><u>(5) In a civil case, a notice of appeal encompasses the final judgment, whether or not that judgment is set out in a separate document under Federal Rule of Civil Procedure 58, if the notice designates:</u></p> <p><u>(A) an order that adjudicates all remaining claims and the rights and liabilities of all</u></p>	
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	<p>the notice of appeal, that focuses the issues on appeal. Underlying that simplicity is the concept of <i>merger</i> – that a notice of appeal merges all appealable orders within a case, as reflected in the final judgment (another short, simplified document that merges the orders entered in a case) – into a short, simplified notice of appeal.</p> <p>A variety of decisions from various federal circuit courts have made drafting a notice of appeal difficult, especially for any litigant taking a final judgment appeal who mentions a particular order that the appellant wishes to challenge on appeal. In response, the amendment to Rule 3 is designed to reduce the inadvertent loss of appellate rights. Rule 3(c)(6) was included, however, to preserve the ability of a party to limit the scope of a notice of appeal by deliberate choice.</p> <p>The amendments to Forms 1 and 2 – which are suggested forms for use by parties – reflect the changes to Rule 3.</p>	<p><u>remaining parties; or</u></p> <p><u>(B) an order described in Rule 4(a)(4)(A).</u></p> <p><u>(6) An appellant may designate only part of a judgment or appealable order by expressly stating that the notice of appeal is so limited.</u></p> <p><u>Without such an express statement, specific designations do not limit the scope of the notice of appeal.</u></p> <p>(4) <u>(7)</u> An appeal must not be dismissed for informality of form or title of the notice of appeal, or for failure to name a party whose intent to appeal is otherwise clear from the notice, <u>or for failure to properly designate the judgment if the notice of appeal was filed after entry of the judgment and designates an order that merged into that judgment.</u></p> <p>(5) <u>(8)</u> Forms <u>1A and 1B</u> in the Appendix of Forms <u>are</u> is a suggested forms <u>s</u> of a notices <u>s</u> of appeal.</p> <p>* * * * *</p>	
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