

IMPORTANT MESSAGE TO CIVIL AND
FAMILY LAW PRACTITONERS IN
THE TENTH CIRCUIT

Memo from the Office of the Court Administrator
January 21, 2005

Please read the following message relating to the general civil and family law practice in the Tenth Circuit. This message is sent with the hope that it will assist you once your case is assigned to a circuit judge. Thank you.

The civil divisions of the circuit court currently rely upon electronic media for reviewing court files. While hard copy case files are available, if necessary, it is not practical to have the Clerk's office deliver court files for every hearing and every case review, especially because reference to documents in the court file itself is only necessary in a portion of cases. The judges have computers available in their offices and hearing rooms for ready reference to the electronic copy of the file. The judge refers to an "index" of items filed with the title of the document, number of pages, and date filed. The judge can select a document to review, one document at a time. There are some limitations posed by this process. First of all, despite the Clerk's best efforts, it takes time to scan documents into the system and additional time to index the document. Inevitable human error can cause documents to become lost in the system. If a document is not scanned and indexed properly, the judge cannot access it. More importantly, the judge will not be aware of the existence of a document if it is not indexed. Sometimes, documents are scanned as attachments to other pleadings, and sometimes they are scanned separately, which complicates access.

There are ways an attorney can help the judge overcome these challenges if the matter is detailed or involves reference to documents.

- (1) In all events, when a hearing is set, provide the judge with a courtesy copy of the notice of hearing and the relevant motion or pleadings. Mark the submittals "courtesy copy".
- (2) You may want to provide the judge with all documents, memos, affidavits, copies of portions of positions, etc., sufficiently in advance of the hearing if you expect them to be reviewed in advance.
- (3) Bring to the hearing extra copies of documents you will want the judge to refer to, such as the complaint or discovery requests, to expedite access to the documents at the hearing.
- (4) Do not assume that the judge will know or have an opportunity to review what has been filed in the case. Even if the judge reviews the electronic file, documents may not appear in the index.

Regarding notices that a case is at issue and ready for trial, the clerk's office, despite its best efforts, may not send the notice to the judge. If you want your Notice for Trial considered and ruled upon expeditiously, send a courtesy copy (marked "courtesy copy") to the judge. All of our civil judges attempt to act on Notices for trial in an expeditious manner. If there is no response to a Notice for Trial in 3 – 4 weeks, the judge may not be aware that it has been filed, and a call to the judge's office or letter or follow up motion may be needed to bring the Notice to the judge's attention.