

A Guide to Civil Lawsuits in the United States District Court for the District of Colorado



Disclaimer: The contents of this guide are provided for informational purposes only and do not constitute legal advice.

Welcome. The judges and staff of the United States District Court for the District of Colorado welcome you, for whatever reason brings you to the federal trial court for Colorado – whether you are a participant in a legal dispute, have been called as a witness in a case, have been summoned as a juror, or are a supportive family member or friend to any of the above and are visiting any of the courthouses of the District of Colorado. The court’s judicial officers, the staff of the court, members of the bar, and the court community share the same goals as those expressed by the late Chief Judge Alfred A. Arraj (after whom the newest federal courthouse in Denver is named) on the day of his taking the oath of office as the sixth U.S. District Judge for Colorado:

“I embark on this new career with a sense of humility, but with a firm and steadfast resolution to administer justice punctually and impartially without regard to the race, the creed or the station in life of the litigants who may appear in the court over which I may preside.”

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Introduction – Is this guide for you?



The U.S. District Court offers this guide as a means to explain the basic steps of a civil lawsuit, define the common terminology, and provide a roadmap to those who are participants (otherwise known as “parties” or “litigants”) to a federal civil trial court matter. This guide explains:

- How it should be used,
- The role of court staff and what they can and cannot help with,
- Where to find laws, rules, and other resources that may assist parties with their case, and
- Parties’ responsibilities when representing themselves in federal court.

For definitions and explanations of the terms used in this guide, please see the Glossary of Common Legal Terms in Part 9 of this guide.

“Civil” means a legal dispute where court action is being requested to resolve a legal matter involving money or enforcement of legal rights. A civil case is a legal action in which one party (the plaintiff) sues another party (the defendant). In a civil case, the plaintiff claims that the defendant or defendants failed to carry out some type of legal duty, for example, the duty to comply with a contract or the duty to not violate constitutional rights. The plaintiff also claims to have suffered a financial loss or personal injury because of the defendant’s actions. In most civil cases the plaintiff asks the court to order the defendant to pay for the harm alleged to have been suffered by the plaintiff.

If you are a party in another type of case, or are participating in a different role in one of the Court’s cases – in one of the following categories listed below – please visit the Court’s website or other referenced websites or documents.

- **Defendant in a Criminal Case** – Please consult your “retained” attorney (fees paid by you) or court-appointed attorney. If you cannot afford the fees of an attorney in a criminal case, at the time of your first appearance before a judge, the court will appoint a lawyer to represent you. For more information, please visit the Federal Judiciary’s national website (uscourts.gov) for an explanation of the right to representation by counsel in serious criminal prosecutions [HERE](#), the Colorado Criminal Justice Act Panel website page [HERE](#), or the Federal Public Defender for the District of Colorado’s website [HERE](#).
- **Party (Debtor) in a Bankruptcy Case** – The U.S. Bankruptcy Court is a unit of the U.S. District Court, with its own courthouse, judges, staff, and rules. Please visit the U.S. Bankruptcy Court’s Pro Se section of its website for more information [HERE](#).
- **Witness who has been Subpoenaed** – A subpoena is a court order to provide testimony (sworn, live statements), appear for a sworn, recorded interview, or furnish documents to a party or a party’s lawyer. You may contact the attorney on the Subpoena document to

answer questions you may have about what the attorney is requesting; and if you are still unsure or uncomfortable after doing so, consider seeking a lawyer’s advice [see Chapter 7, “Getting Legal Assistance.”] Be aware that there are means to contest a subpoena, about which a lawyer can provide advice. See also Federal Rule of Civil Procedure 45 [see Chapter 8 for links to and locations of federal court rules].

- **Juror in a Case** – If summoned as a juror, please review your summons and follow the instructions provided there. For more information, visit the “Juror Information” page on the Court’s website [HERE](#).
- **Family or Friend of a Party in a Case** – Please consult your family member’s attorney for more information, directions, etc. You may also visit the Court’s website [HERE](#) for the current week’s schedule of hearings and trials, or contact the Clerk’s Office at (303)-844-3433 for dates beyond the current week.

For those who are parties to a case, and are acting without a lawyer (“unrepresented”, “self-represented” or, more commonly referred to as “**pro se**”, a Latin term for someone who files a civil case on his or her own behalf), the U.S. District Court encourages you to seek help from an attorney because of the complexities and demands of federal court practice. If you are acting pro se, please be aware that this Guide can only provide an explanation of basic concepts and expectations of the federal rules of procedure and evidence, as well as this Court’s own set of particular requirements and standards. **This Guide does not and cannot – by law – provide legal advice, and neither may the judicial officers of the Court nor court staff do so.** There is no substitute for representation by an attorney at law; but the successful self-represented party is the party who educates him or herself about the substantive points of law of one’s case, and the rules of procedure and evidence that provide the framework by which a case is initiated, proceeds, and reaches an outcome.

Federal courts such as this one have limited jurisdiction. Types of cases filed in federal court are:

- cases that deal with a question involving the United States Constitution;
- cases where United States is a party;
- cases brought under federal law, including statutes; and
- cases where the parties reside in different states and the value of the alleged damages must be in excess of \$75,000.00 (this is also called diversity jurisdiction).

If you are thinking about filing a case in this court and your complaint does not fall under any of these categories, the federal court may not be the appropriate jurisdiction in which to file the lawsuit. Other jurisdictions include (but are not limited to) state courts, county courts, probate court, and federal or state administrative agencies. Common types of cases heard by state courts include cases concerning domestic relations such as divorce, adoption, child custody, and child support. Please be aware that the U.S. District Court for the District of Colorado is the federal

trial court for the State of Colorado. It is not the Denver District Court which is a state court located in the City and County of Denver, Colorado. For more information, visit [HERE](#).

Purposes of this Guide

- Assist individuals who represent themselves with understanding how a legal case moves through the court, the procedures involved, and parties' responsibilities.
- Identify what a pro se party may need to initiate a case as well as general information on format and content of other types of documents that are commonly filed with the court throughout the course of a case.
- Provide a glossary of basic legal terms.
- Provide electronic website links or courthouse locations for obtaining suggested forms and/or basic formats for specific documents.

Who the party may represent

- Typically, pro se parties – also known as an unrepresented - or self-represented litigant -- may only represent and file documents for themselves. Regarding filing procedures, please refer to the local rules of the Court [HERE](#).
- Briefly, a pro se party is generally required to file documents in his or her case in paper format, though one may seek permission by the court to file documents electronically [HERE](#).

Role of court staff and judges

- Clerk's Office staff (the support personnel for the judges and their assistants) can provide general information about court rules and how the process works. They cannot, however:
 - Give legal advice;
 - Explain how court rules apply to the party's specific case;
 - Recommend a course of action;
 - Predict when a judge will rule on a matter;
 - Predict a judge's decision on a specific matter; or
 - Explain the meaning of a court order or judgment.
- Judges (including their chambers staff and law clerks):
 - Cannot give legal advice.
 - Cannot communicate privately with parties: all parties –whether represented by counsel or representing themselves – are forbidden from having private communications with the judge(s) assigned to their case. See this District's Local Civil Rule 77.2. To avoid this issue, all communications with the judge should be submitted in writing through the Clerk's Office. The communication will be filed

in the party’s case and distributed electronically to the opposing party (-ies), unless specially permitted by the court.

Access to legal resources

Please be familiar with the following rules and procedures. These are the minimal tools you will need to navigate your case through the civil case management process:

1. [Federal Rules of Civil Procedure](#), including the [Rules Governing Habeas Proceedings](#)
2. [Federal Rules of Evidence](#)
3. District Court’s [Local Rules](#)
4. District Court’s [Electronic Case Filing \(“ECF”\) Administrative Procedures](#)
5. [Judicial Practice Standards](#) of the Judges of the Court
6. [Forms](#) approved for use in this District

Before You File Your Case

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Pro se parties' responsibilities, risks, and potential consequences of proceeding without an attorney

- Pro se parties, just like attorneys, must comply with all rules that apply to their case.
- Representing oneself can be complicated, time consuming, costly, and stressful. Failing to follow court rules and procedures may result in unfavorable consequences.
- Some things the pro se party should consider before initiating a lawsuit:
 - Rule 11 of the Federal Rules of Civil Procedure addresses lawsuits filed that are determined by the Court to be frivolous or to merely harass. If a pro se party violates this rule, the Court may:
 1. Impose sanctions;
 2. Order a fine; and/or
 3. Order the pro se party to pay the legal fees of person against whom the lawsuit was filed.
- A pro se party must diligently prosecute his or her case. This includes responding to discovery requests and motions, and presentation of the case during trial.
- A pro se party is required to give the opposing party's attorney, or the opposing party, if appearing without an attorney, copies of all pleadings or motions that are filed with the court and indicate on a Certificate of Service at the end of the document that this has been done in accordance with Federal Rule of Civil Procedure 5. Note that a self-represented prisoner may submit certain discovery materials for filing with the court, so that the court can electronically serve the opposing party. See [D.C.COLO.LCivR 5.3](#) - Non-Filed Discovery Materials.
- Be sure to provide the correct civil action number of the case on ALL documents and correspondence and have it readily available whenever calling the court for information.
- Sign and date all documents filed with the court.
- A pro se party must keep the court and opposing party advised of a change of address within five days of the change. [D.C.COLO.LCivR 5.1\(c\)](#). Failure to do so may result in sanctions and /or dismissal of case.
- Cautionary notes:
 - Even though this Guide can provide a summary of civil lawsuit procedures, it may not cover all procedures that apply in the pro se party's specific case.
 - This Guide does not instruct about points of law that may control the pro se party's specific case. It is the party's responsibility to become familiar with the

applicable federal and local court rules, and they must do their own legal research to understand their case.

- What happens if the pro se party loses?
 - The party may be ordered to pay the winning party’s attorney fees and costs which may include deposition transcripts, witness fees (which may include travel expenses), photocopying or other reproduction expenses (including electronic reproduction) and other fees.

Alternatives to proceeding without an attorney

- The pro se party may seek to retain a lawyer by exploring local resources (see Chapter 7 – Getting Legal Assistance) such as:
 - Pro bono (volunteer attorney) resources.
 - Bar associations.
 - Legal referral services.

Alternatives to filing a lawsuit in federal court could include:

- Settlement negotiations.
- Mediation – The Faculty of Federal Advocates, a group of federal lawyers that seeks to improve the quality of lawyering before the U.S. District Court, hosts a list of practicing mediators in Colorado, available [HERE](#).
- Arbitration – to learn about “Administrative Fee Waivers and Pro Bono Arbitrators,” visit the American Arbitration Association, [HERE](#).
- Seeking legal relief before a state court, a federal administrative agency, or a state administrative agency.
- The Colorado Bar Association provides information about all types of Alternative Dispute Resolution (“ADR”) methods [which may include early neutral evaluation, negotiation, conciliation, mediation, and arbitration] as well as a free directory of ADR professionals, available [HERE](#).

Jurisdiction of federal courts

- A pro se party should consider whether federal court is the right court to file a lawsuit in. As noted above, the federal courts are courts of limited jurisdiction. Types of cases filed in federal court are:
 - cases that deal with a question involving the United States Constitution;
 - cases where United States is a party;
 - cases brought under federal law, including statutes; and

- cases where the parties reside in different states and the value of the alleged damages must be in excess of \$75,000.00 (this is also called diversity jurisdiction).
- If a complaint does not fall under any of these categories, the federal court may not be the appropriate jurisdiction in which to file the lawsuit. It is the burden of a party to demonstrate that their case belongs in federal court.

Exhaustion of Administrative Remedies: Ensure Your Case has been Fully Decided on the Agency Level

A pro se party may need to pursue all other available remedies prior to filing a lawsuit. The party should be aware that, in some instances, it is necessary to pursue certain remedies (a goal, result, or outcome you are seeking) BEFORE properly pursuing a claim in federal court. This is called exhaustion. A party must “exhaust administrative remedies” that may be available before filing a lawsuit in the federal district court. It is the party's responsibility to determine whether there are administrative remedies available for their claim and whether they need to exhaust them before filing a lawsuit. For example, if a pro se party is suing an employer with a claim of discrimination, the party will likely need to bring that claim before an administrative agency first, such as the Equal Employment Opportunity Commission, with an attempt to resolve the case – the so-called “exhaustion of administrative remedy” – before being allowed to bring the lawsuit to federal district court. A similar exhaustion of remedies must occur when a party brings a civil case against a federal agency for an injury caused by an accident due to the intent or negligence of a government employee – for example, a motor vehicle accident caused by a postal vehicle. Such a suit may be filed under a federal law known as the Federal Tort Claims Act (28 U.S.C. § 2675) that specifically requires the injured party to present a claim for money “damages” to the responsible federal agency first, according to specific procedures, before filing a lawsuit in the federal district court.



Filing Your Case

The purpose of Chapter Three is to inform the pro se party of what to file to initiate a lawsuit, the required format of filings, where and how to file a lawsuit, and the case assignment process once the lawsuit is filed.

What to File to Initiate a Lawsuit

Generally, the items needed to initiate a lawsuit are: 1a) a complaint or 1b) an application, 2) payment of the filing fee or a motion/application to proceed *in forma pauperis* (*in forma pauperis* means you do not have enough money to pay the entire filing fee in advance), 3) a civil cover sheet, and 4) service documents.

1a) Complaint

The Complaint is a written document that begins a lawsuit in which the plaintiff sets out claims against the defendant(s). The Complaint is filed with the Clerk of the Court. A complaint can follow a general format, or complaints can be tailored for special legal requirements. Pro se parties must use the Court-approved form complaints available on this District’s website [HERE](#), such as the General Complaint, Title VII (Discrimination) Complaint, or Prisoner Complaint (which must be used by incarcerated parties). The instructions for filling out these forms are also available on the website. Parties may also obtain copies of these forms and instructions at the Clerk’s Office on the first floor of the Alfred A. Arraj Courthouse in Denver, Colorado.

- General Complaint [Visit the Court’s [Forms/Self-Representation](#) website page.]
- Title VII Complaint [Visit the Court’s [Forms/Self-Representation](#) website page.]
- Prisoner Complaint [Visit the Court’s [Forms/Self-Representation](#) website page.]

1b) Application

If the pro se party is incarcerated and seeks to challenge his or her conviction or execution of his or her prison sentence, they must use the appropriate Court-approved form application and accompanying instructions available [HERE](#). Available options include the following:

- Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 – filed by a person in state or federal custody to challenge the following matters, including but not limited to: the execution of a state or federal sentence, the revocation or denial of parole, the loss of good- or earned-time credits, or by pretrial detainees raising speedy trial or extradition issues, or by aliens challenging Immigration and Naturalization Service proceedings.
- Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 – filed by a person in state custody to challenge a judgment of conviction.
- Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 – filed by a person in federal custody to challenge a judgment of conviction.

- **Redaction of Personal Identifiers (Hiding Your or Others’ Personal Information)**
For privacy protection, when filing a complaint, application, or any other pleading or exhibit with the Court, the filing party must redact, which means to cross out or black out so that it cannot be read, any personal identifiers. [Federal Rule of Civil Procedure 5.2](#) and [Federal Rule of Criminal Procedure 49.1](#) require that all parties refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all filings with the court:
 - social security numbers - enter only last four digits;
 - names of minor children - use only initials;
 - dates of birth - leave out;
 - financial account numbers - enter only last four digits; and
 - address information in criminal cases - leave out.

2) Filing Fee or *In Forma Pauperis* Application

When a complaint is filed, the plaintiff must pay the statutory filing fee. If the plaintiff is legally indigent and cannot afford to pay the statutory fee, a request to waive the fee can be made by filing, along with the complaint, a motion to proceed without prepayment of fees, also referred to as *in forma pauperis* (or “I.F.P.”).

- Filing Fee
 - A \$400.00 fee is required to file a complaint; a \$5.00 fee is required to file a petition for habeas corpus (see para. 1b) review.
 - Payment methods accepted by the Court include cash, money order, cashier’s check, or credit or debit cards.
- *In Forma Pauperis* in a Non-Prisoner Case
 - The court-approved form requesting permission to proceed *in forma pauperis* is required to be filed in the District of Colorado and can be found [HERE](#). The document to be filed is titled “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).”
 - If *in forma pauperis* status is granted, the plaintiff is still responsible for all other costs associated with the litigation, unless an application for additional waiver is made by motion and granted by the Court.
 - If an *in forma pauperis* motion is denied, the Court will instruct you to promptly submit payment of the filing fee, or risk dismissal of your case.
- *In Forma Pauperis* in a Prisoner Case
 - The following forms are required in the District of Colorado for a prisoner to file *in forma pauperis*:

- | | | |
|---|-------|--------|
| <input type="checkbox"/> Motion Pursuant to 1915
(Waive Fee) Prisoner
Complaint | (PDF) | (DOCX) |
| <input type="checkbox"/> Motion Pursuant to 1915
(Waive Fee) Habeas Corpus | (PDF) | (DOCX) |

- Self-represented prisoners filing *in forma pauperis* are subject to the Prison Litigation Reform Act (PLRA), which requires preliminary review by a designated judge to ensure certain obligations have been met by the filer. See [D.C.COLO.LCivR 8.1\(b\)](#) – Review of Prisoner Pleadings. If the motion is granted, an initial partial filing fee will be assessed and will be taken from the prisoner’s inmate account.
- All pro se prisoner parties are liable for paying the full filing fee, either in one payment or installments over time, regardless of the outcome of their case.
- If *in forma pauperis* status is granted, the prisoner is still responsible for all other costs associated with the litigation, unless an application for additional waiver is made by motion and granted by the Court.
- If an *in forma pauperis* motion is denied, the Court will instruct you to promptly submit payment of the filing fee, or risk dismissal of your case.

3) [District of Colorado Civil Cover Sheet \(JS 44\)](#) - Required to be filed by all plaintiffs, including pro se parties, filing a complaint. A cover sheet is not required for incarcerated parties filing habeas corpus applications challenging a conviction or execution of a criminal sentence.

- The JS-44 Form is available in the clerk’s office and on the court’s website.

4) Service Documents (“Service of Process” = the Method of Legally Notifying the Party You are Suing)

- There are two types of service documents:
 1. [Summons \(AO 440\)](#), and
 2. [Notice of Lawsuit and Request to Waive Service of A Summons \(AO 398\)](#) & [Waiver of Service of Summons \(AO 399\)](#).
- Forms are available in the clerk’s office and on the court’s website.
- Plaintiff’s responsibilities with regards to filling out service forms:
 - to determine the identity for all defendants, and
 - to provide most complete name and address for each defendant.

Format of filings – See [D.C.COLO.LCivR 10.1](#) - Format of Pleadings and Documents Presented for Filing; see also Dist. of Colo. “[Civil Case Caption and Formatting Instructions](#)” form.

- Typed or neatly handwritten to ensure that filings are clear and legible
- Submitted on 8-1/2” x 11” paper
- 1” margins
- Double spaced except for quoted text
- All filings must:
 - Contain the caption (the introduction) of the case, including the name of the court, the parties, and the complete civil action number assigned to the case (once assigned by the clerk’s office);
 - Contain a title describing the contents of the filing;
 - Identify the party on whose behalf the filings are made;
 - Contain the original signature of each filer (plaintiff(s) or defendant(s));
 - Filing must be dated; and
 - Contain a certificate of service (for filings other than the original complaint or petition). Under [Federal Rule of Civil Procedure 5\(a\)](#), every pleading (complaint or answer), correspondence or other document filed after the original complaint, unless it is being filed *ex parte* (without the knowledge or notice to the opposing party), must be served upon each of the parties who have appeared in the case.

Where and How to File

Where to file

- Documents can be mailed or hand delivered in person to the Clerk’s Office at:
U.S. District Court, District of Colorado
Office of the Clerk
Alfred A. Arraj U.S. Courthouse
901 19th Street Denver, CO 80294
- Clerk’s Office hours of operation are from 8:00 a.m. to 5:00 p.m.
- No filings or letters should ever be mailed directly to the judge unless a party is specifically ordered to do so.
- Typically, the Clerk's Office and judges will neither accept documents for filing submitted by email nor by fax, nor communicate with parties by email. Only pro se parties who have been given court permission to file by means of ECF (electronic filing) may do so. Please send all communications to the Clerk's Office by mail or deliver or submit in person.

What is PACER and how to access and use it

- PACER (Public Access to Court Electronic Records) is an electronic public access service that allows users to obtain case information from federal courts. PACER is a service of the United States Judiciary, provided by the Administrative Office of the United States Courts.
- For pro se parties, PACER may be helpful to allow you to access and review an electronic docket and documents through PACER in your district. Please be aware that there is a charge for the use of PACER. Visit [PACER](#) for more info.

How to electronically file in CM/ECF

- Please be advised that in the District of Colorado, a pro se party is generally required to file documents in his or her case in **paper** format (see **D.C.COLO.LCivR 5.1(b)(2)-(3) - Formatting, Signatures, Filing, And Serving Pleadings And Documents**) though a **non-prisoner** may seek permission by the court to file electronically. The non-prisoner pro se party who is granted e-filing privileges should access the court’s website for on-line ECF docketing videos or other ECF training that is available through this court as well as your district’s administrative procedures regarding electronic filing. (Visit [HERE](#)).

Case assignment process

- All cases filed by imprisoned parties or by nonprisoner parties proceeding *in forma pauperis* are subject to initial review by a designated judicial officer to determine whether the case should be summarily dismissed. [D.C.COLO.LCivR 8.1](#). The judicial officer may request additional facts or documents in order to make this determination. The judicial officer may require that the pro se party amend the complaint or application. If the party fails to provide the requested information or amend his or her pleading within the time allowed, the action may be dismissed without notice. **During the initial review process, the designated judge will keep the pro se party informed of any filing deficiencies that need to be corrected.*** If, after completion of initial review, the complaint or application (or any part of the complaint or application) is found by the Court to be legally frivolous or malicious, seeks monetary relief from a defendant who is immune from such relief, or does not otherwise state a legal entitlement to relief, the Court may dismiss the entire case or only the insufficient claims. The Court is required to do this pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A. The action will not be served on defendants until after completion of initial review, when the case is assigned to a presiding judge and, if applicable, a magistrate judge under [D.C.COLO.LCivR 40.1](#), in a court order “drawing” a case to a judge.
- Generally, assignment of cases to judicial officers is done by random draw. As of Dec. 1, 2015, magistrate judges are included in the initial direct assignment of cases; but the parties in magistrate judge-assigned cases must give their consent to continue to proceed with a magistrate judge as the presiding judicial officer.

*For example, the Court may send the party a document called an “Order to Cure” that will instruct the pro se party to correct any of the following, use the court’s specific forms, and give a deadline for re-submitting the corrections:

As part of the Court’s review pursuant to D.C.COLO.LCivR 8.1, the Court has determined that the filing is deficient as described in this Order. Plaintiff is directed to cure the following if they wish to pursue claims in this action:

28 U.S.C. § 1915 Motion and Affidavit:

- (1) ___ is not submitted
- (2) ___ is missing affidavit
- (3) ___ is missing certified copy of prisoner’s trust fund statement for the 6-month period immediately preceding this filing
- (4) ___ is missing certificate showing current balance in prison account
- (5) ___ is missing required financial information
- (6) ___ is missing authorization to calculate and disburse filing fee payments
- (7) ___ is missing an original signature
- (8) ___ is not on proper form
- (9) ___ names in caption do not match names in caption of complaint, petition or habeas application
- (10) ___ other: _____.

Complaint, Petition or Application:

- (11) ___ is not submitted
- (12) ___ is not on proper form
- (13) ___ is missing an original signature by the prisoner
- (14) ___ is missing page nos.
- (15) ___ uses et al. instead of listing all parties in caption
- (16) ___ names in caption do not match names in text
- (17) ___ addresses must be provided for all defendants/respondents in “Section A. Parties” of complaint, petition or habeas application
- (18) ___ other: _____.

Basic Procedure for Serving a Civil Case



Service

Service is the means by which a party notifies an opposing party that a lawsuit has been filed against them. This section addresses when notice of the lawsuit should be served on the defendants, who serves the documents, and when the court will assist with service.

A plaintiff notifies a defendant that he has been sued by serving him with a copy of the lawsuit. Unless formal service is waived by the defendant, service must be accomplished by one of the methods set forth in detail in Rule 4 of the Federal Rules of Civil Procedure.

The plaintiff is not allowed to serve the defendant. However, the defendant may be served by any other person – including, but not limited to, a private process server hired by the plaintiff – who is (1) at least 18 years of age and (2) not a party to the case. In some instances, such as if the plaintiff is proceeding *in forma pauperis*, the Court may order the U.S. Marshal to serve the lawsuit. As described in Part 3, in cases that are subject to **initial review** by a designated judge, the Court (in a document called Order Drawing Case) may order the clerk to complete Service of Process forms for each of the defendants in the case, which will then be served by the U.S. Marshal.

Service can be complicated, but it is the plaintiff's responsibility to ensure that the lawsuit is properly served. Therefore, a plaintiff must carefully read and follow [Rule 4](#). If a plaintiff fails to serve the lawsuit properly, or fails to serve it within the time limit in Rule 4, the lawsuit may be dismissed.

Proof of Service

- Service by Summons:
 - Service by Summons form [\(US Courts\)](#)
 - Rule 4 of the Federal Rules of Civil Procedure requires the plaintiff(s) to file proof with the court that the complaint has been served on the defendant(s). On the back of the summons is a section referred to as the return of service which must be completed by the person who served the summons. The person serving the summons must leave a copy of both the summons form and the complaint with the defendant(s). The return of service must specifically identify the person who served the summons, the name(s) of the person(s) served, and the date(s) and time of service. The plaintiff(s) must then file the original summons form with the completed return of service with the court.
 - If summons was sent by certified mail, the plaintiff(s) will receive the green certified mail receipt from the post office after the summons has been delivered. The plaintiff(s) will then attach the green receipt to the service page (2nd page) of their copy of the summons and file it with the clerk's office.

- By Notice of Lawsuit/Waiver Method:

By Notice of Lawsuit/Waiver Method form

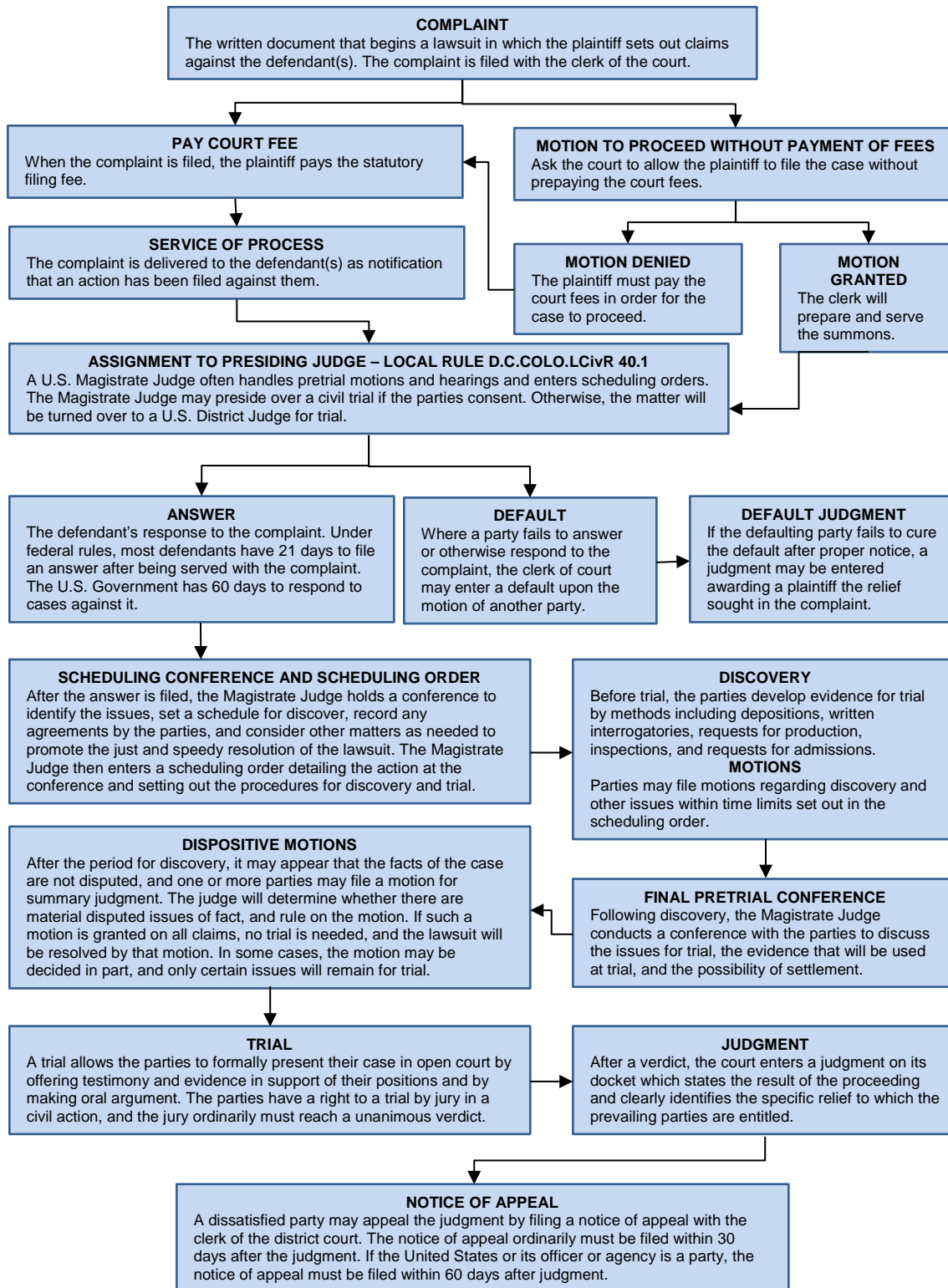
[\(US Courts\)](#)

“Waiver of Service” means a defendant's written, signed agreement (mailed to the defendant) that he or she does not require the complaint to be served on him or her in accordance with the formal service requirements of Rule 5 of the Federal Rules of Civil Procedure. If service is waived by the defendant the Waiver of Service of Summons form is returned to the plaintiff(s) for filing with the court and the action shall proceed. If the defendant does not waive service, the plaintiff(s) must proceed with service of the summons and complaint.



Civil Case Roadmap (illustrative of many but not all cases)

Civil Case Flowchart



In order to proceed with your case and follow a similar roadmap as the one above, you will need a basic familiarity with and access to the rules and standards that guide litigators' conduct and the normal progression of a civil case. Those rules and standards include the following – depending on the type of case you are pursuing – and links to access those rules are provided below and in Part 8 of this Guide:

1. [Federal Rules of Civil Procedure](#), including the [Rules Governing Habeas Proceedings](#)
2. [Federal Rules of Evidence](#)
3. District Court's [Local Rules](#)
4. District Court's [Electronic Case Filing \(“ECF”\) Administrative Procedures](#)
5. [Judicial Practice Standards](#) of the Judges of the Court
6. [Forms](#) approved for use in this District

After initiating your case by serving and filing your complaint and completing service of the summons and complaint, the following steps occur -- all are part of the Civil Case Roadmap:

Proceeding After Service

After the defendant is served and proof of service is filed, a party has the ability to ask the court to take certain action in a party's case (file a motion), may ask the court for permission to add to or amend complaint, and may object to an opposing party's motion. The exchange of information about the facts of the case – “discovery” – proceeds, under the monitoring and refereeing of the district judge, or (more likely), on referral to a magistrate judge by a district judge or directly-assigned magistrate judge. After the discovery period is completed, the court sets a deadline for “dispositive” motions (motions requesting the court make an outcome determinative decision that “disposes” of a case). If dispositive motions do not end the case, the parties prepare for and complete trial.

Answer

Once a defendant is served, the defendant may file what is called an "answer." In the "answer," the defendant will admit or deny the allegations in the complaint and may assert various defenses to the claims in the complaint.

- Answer Deadlines
 - If service was accomplished by summons, defendants have 21 days from date of service to file an answer with the court.
 - If a federal defendant or if the United States is a defendant, the answer deadline is 60 days from the date of service.
 - When a magistrate judge orders service of a complaint after conducting a preliminary review or a judge has ordered an answer to a petition or motion filed pursuant to Rule 4 of the [Rules Governing § 2254](#) or Rule 4 of the [Rules Governing § 2255](#), the order sets an answer deadline.

Motions

The parties may also file various motions. Motions are simply the formal way in which a party requests the court to take a specific action. Motions must be written (unless made orally during a court hearing, conference, or trial), state the reasons for the request being made, and explain what the party wants the court to do. Motions must be served according to [Rule 5](#) of the Federal Rules of Civil Procedure. If a motion is filed, the opposing party will normally, but not always, have an opportunity to object to that motion within deadlines provided in the court's local rules (see [D.C.COLO.LCivR 7.1\(d\) – Motion, Response and Reply; Time for Serving and Filing; Length](#)) or set forth by the court in an order.

There are many types of motions. For example, if a defendant believes that the complaint or the service is defective in some respect, the defendant may file a motion to dismiss the complaint or a motion for a "more definite statement" pursuant to [Rule 12](#). Or if a defendant believes that he/she is entitled to prevail on one or more of the claims as a matter of law, the defendant may file a motion for judgment on the pleadings under Rule 12 or a motion for summary judgment under [Rule 56](#).

A plaintiff is also allowed to file motions. For example, if a defendant fails to respond to the lawsuit within the time allowed, a plaintiff may file a motion for default under [Rule 55](#). Or if a plaintiff determines that the complaint is insufficient for some reason, the plaintiff may file a motion to amend the complaint under [Rule 15](#).

These are only a few of the many types of the motions which may be filed. A motion may be necessary to accomplish more practical goals, such as requesting an extension of time to meet a deadline, or appearing at a hearing by telephone. Please remember that until the Court grants a motion, you are still obligated to follow the applicable rule of the Court.

- For guidance regarding the format, caption, style, etc., of a motion or other court document, visit the District of Colorado's [Forms](#) webpage for the "Civil Case Caption and Formatting Instructions" sample document, which incorporates the necessary elements of a motion filed in this district. Also, parties must refer to the individual judge's [Practice Standards](#) for particular document requirements.

Responses/Objections and Replies

Responses or Objections to motions, and Replies in support of motions (filed after a Response/Objection), like the motions themselves, must meet certain requirements.

- See [D.C.COLO.LCivR 7.1\(d\)](#) and visit the District of Colorado's [Forms](#) webpage for the "Civil Case Caption and Formatting Instructions" sample document.

Discovery Plan and Scheduling or Status Conferences

Soon after the case has begun, the court will schedule a scheduling or status conference. Pursuant to [Federal Rule of Civil Procedure 26](#), at least twenty-one (21) days before a scheduling conference, the parties must confer and develop a proposed discovery plan. The discovery plan must be filed with the court. Habeas corpus petitioners and incarcerated self-represented parties are exempt from this requirement. Fed. R. Civ. P. 26(a)(1)(B).

At the scheduling conference, all parties should be prepared to discuss discovery issues and tools such as expected interrogatories (a type of formal, written legal question), requests for admission, depositions, use of experts, mediation and/or Alternative Dispute Resolution, a trial date, and other case-related issues as fully explained in Federal Rule of Civil Procedure 16(c). The district judge or magistrate judge will thereafter approve a discovery plan setting forth deadlines. The parties must adhere to those deadlines unless otherwise ordered by the court.

Discovery

The parties are also allowed to conduct what is called "discovery." Discovery is simply the way in which a party collects evidence from the opposing party or otherwise, in order to learn about the opposing party's case. A discovery request from an opposing party must not be ignored; failure to respond to a discovery request may result in sanctions. A party should keep a copy of his discovery requests and a copy of all responses to discovery submitted to an opposing party. **Discovery requests and responses should not be sent to the court unless the court so orders or unless required by local rule** (though prisoners may submit discovery requests and responses to the court, for electronic service to the other parties - See [D.C.COLO.LCivR 5.3](#) - Non-Filed Discovery Materials).

Discovery can be extremely complicated. In order to learn how to conduct discovery, or how to respond to an opposing party conducting discovery, a party should carefully read Rules 26 through 37 of the [Federal Rules of Civil Procedure](#), the court's [Local Rules](#), the judge's [Practice Standards](#) and perhaps a detailed book on the subject from a law library.

Final Pretrial Order

[Federal Rule of Civil Procedure 26\(a\)\(3\)](#) outlines the information that is to be included in, and filings to accompany, a final pretrial order, which is filed with the court before the Final Pretrial Conference.

Final Pretrial Conference

This conference will provide an opportunity to discuss the following: issues that will be tried, admissibility (acceptance) of exhibits, motions awaiting a court decision, issues concerning jury selection, witnesses, possibility of settlement, length of trial, and any other relevant issues. The court may enter a final pretrial order outlining issues discussed. This conference may, but is not required to, be held before the judge who will preside over the trial.

Trial Witnesses

- Issuance of a subpoena (a court order directing a person to appear and testify in court) is a way by which you can require someone to appear at trial as a witness. A self-represented party (non-prisoner) may request from the clerk’s office issuance of subpoenas, without court permission. A prisoner, however, must obtain court permission first.

Trial Exhibits / Exhibits List / Final Witness List

- The district court has no uniform procedure for marking trial exhibits and preparation of witness and exhibit lists; rather, the judicial officer presiding over a hearing or trial may establish his or her own governing procedures. Judicial practice standards are [HERE](#).

Trial

Preparing for Trial

A party must also carefully prepare for trial. The court may hold a hearing in the case to establish ground rules and set certain deadlines for trial. The parties in a case are advised that the trial may not occur for many months, and likely a year or more. Also, the court will most likely not set the trial date until completion of the discovery stage of the case or after all motions are ruled upon. A party must be careful to observe all of the court's instructions and to comply fully with the Federal Rules of Civil Procedure and the court's Local Rules, including the rules concerning the preparation and submission of exhibits at trial and securing the presence of a witness for trial. Failure to comply with such deadlines, instructions, and rules may result in a party being denied the opportunity to submit exhibits and call witnesses at trial.

Jury Selection

A jury trial begins with the judge giving a brief outline of what the case is about, reading witness lists, introducing counsel and the parties, and conducting the voir dire (a preliminary examination concerning the eligibility of a prospective juror to serve on the jury). Jurors are randomly selected and may, in more notable or complex cases, in advance of trial, be given questionnaires to answer or be questioned by the judge. Once the court has completed its examination of prospective jurors, the parties may challenge a prospective juror for cause. A challenge for cause may be allowed if the prospective juror lacks a qualification required by law or cannot be fair and impartial in deciding the case. The process continues until the appropriate number of jurors has been selected for the panel.

Next, the parties may exercise their peremptory challenges out of the hearing of prospective jurors. Peremptory challenges are requests by a party that a certain prospective juror not sit on the panel and, unlike challenges for cause, no reason need be stated to support the challenge. The judge will instruct the parties on their number of peremptory challenges they have. Jurors who are the subject of a peremptory challenge shall be excused. The remaining jurors shall comprise the trial panel, will hear the evidence, and will render their verdict at the conclusion of the case. The court will seat a jury of not fewer than six persons and all jurors participate in the verdict.

Opening Statements

The purpose of an opening statement is to describe the issues in the case and the facts a party intends to prove in support of the claims made or defenses raised. The plaintiff's statement is presented first, because the plaintiff has the burden of proving the facts supporting the allegations and that the defendant is responsible for the injury or damage alleged. Opening statements are not argumentative. The court may limit how long the parties may speak during their opening statement.

Presentation of Evidence

- **The actual presentation of evidence occurs after the opening statements have been completed and consists of witness testimony and exhibits.**
- **Witness Testimony**

Not all witness testimony is admissible in a trial. It is important that pro se party be very familiar with those portions of the [Federal Rules of Evidence](#) which relate to the admissibility of witness testimony prior to attempting to introduce such evidence at trial.

 - **Direct Examination**
 - When an attorney or self-represented party calls a person to the witness stand and asks questions, it is called direct examination. The plaintiff is first in presenting witnesses.
 - **Cross-Examination**
 - When the other side attempts to discredit the testimony given by a witness after the direct examination, it is called cross-examination.
 - **Redirect Examination/Rebuttal**
 - The initial examiner may elect to re-question the witness on the points covered by the cross-examination. This is called redirect examination.
- **Exhibits**
 - Exhibits properly presented to the court and admitted into evidence will be considered by the judge or jury deciding the case. Because the admission of exhibits is determined by the judge, it is important for a self-represented party to comply with the Federal Rules of Evidence concerning the proper admission of exhibits.
- **Objections**
 - In order to preserve an argument for appeal, parties must give the judge an opportunity to consider an argument when the basis for it first arises. If the party believes that testimony or evidence the other party is trying to admit should not be allowed based on the Federal Rules of Evidence, objections must be raised to the testimony or evidence with the judge before the testimony is given or the evidence is introduced. Failure to do so may be deemed as waiving (i.e., relinquishing or giving up) the opportunity to challenge the admission of the testimony or evidence and the objection may not be later reviewed on appeal.

Closing Arguments

The purpose of the closing argument is to allow each side to summarize the evidence presented, to explain how the evidence is relevant to the issues in the case, and to tell the jury for whom they should return a verdict based on all the evidence they have heard at trial. The closing argument can reiterate crucial testimony that was presented and can highlight why the plaintiff's or defendant's version of the event should or should not be believed. In a closing argument, a party is not permitted to include personal opinions about the facts or the evidence and must be certain not to inadvertently do so. The parties must make their arguments based on facts actually presented in evidence during the trial and reasonable conclusions that can be drawn from those facts. Generally, in civil trials the plaintiff or plaintiff's counsel speaks first, followed by the defendant or defendant's counsel. In addition, plaintiff or plaintiff's counsel is allowed time for a rebuttal argument which allows a reply to the defense's closing argument.

Charge to the Jury, Deliberations, and Verdict

After each side has had the opportunity to present testimony and evidence, the judge delivers legal instructions, or a charge, to the jury. The charge explains the law that the jury should apply to decide the case. The parties will have an opportunity to discuss the jury instructions with the judge prior to the charge. After the charge is delivered, the jury will then go to a secure room to conduct its deliberations. Once the jury has reached a verdict, the court will be notified. If a jury is unable to reach a verdict, the judge will declare a mistrial and the case must then be tried again before a new jury.

Proper Court Etiquette

- Photo ID is required to enter the courthouse. If you do not have photo ID, you may be allowed to enter the courthouse but you will be escorted by court staff at all times.
- Do not bring cell phones, cameras, or recording devices.
- No weapons, drugs, or other illegal items allowed.
- Proper dress required, no hats (be neat and clean).
- When the judge enters or leaves the courtroom, parties must stand.
- Address the judge as “Your Honor”; speak clearly.
- Be respectful to the court security officers. They are here for the parties' protection.

Proceedings After Trial

Judgment

Once all issues in the case have been disposed of, a document entitled “Judgment” shall be promptly entered by the clerk's office and the case will be closed. Deadlines to file a notice of appeal to the appellate court commence on the filing of the judgment; [Federal Rule of Appellate Procedure 4](#) sets forth those deadlines.

Post-Judgment Motions

Once the judgment has been entered, either party may file post-judgment motions. Post-judgment motions may be required to seek many kinds of relief on appeal such as judgment as a matter of law or preserving issues on appeal. Post-judgment motions may also seek relief from the trial judge, including a request for a new trial or requests that damages awarded be increased or reduced, or a request for an award of attorneys' fees.

Bill of Costs

If the court enters judgment in the pro se party's favor, the party may collect any monetary amount awarded as part of the judgment. Additionally, reimbursement for limited costs spent litigating the case may be awarded – the clerk is directed by local rule [D.C.COLO.LCivR 54.1](#) to award costs to the prevailing (successful) party, unless otherwise directed by the Court. Before filing a bill of costs, review the [Clerk's Guidelines \[Instructions\] for Bills of Costs](#), which provides additional information about collecting costs. The District of Colorado [Bill of Costs form](#) (attached to the Instructions) should be used for submitting a request. Parties should refer to Fed. R. Civ. 54(d) and Local Rule 54.1 for the deadline and requirements for filing a bill of costs.

Appeal

Parties intending to appeal a final or certified interlocutory decision or verdict of the judge or jury should closely review the [Federal Rules of Appellate Procedure](#). These rules are available for review at the clerk's office, at most public libraries, at the libraries of most state and federal correctional institutions located in Colorado, and online on the website for the United States Court of Appeals for the Tenth Circuit at <http://www.ca10.uscourts.gov/>.

If a party believes a jury verdict or decision rendered by the court was incorrect, the appeal from this court usually lies with the United States Court of Appeals for the Tenth Circuit in Denver, Colorado. An appeal of a decision is initiated by filing a Notice of Appeal in this court. A Notice of Appeal should contain a description of the party or parties taking the appeal, a description of the judgment or order or the part of the order or judgment appealed from, and the name of the court to which the appeal is taken. If more than one party wishes to appeal the decision or verdict, each party must file a separate notice of appeal.

The fee for filing a Notice of Appeal is \$505.00 unless the person taking the appeal has been granted *in forma pauperis* status. Unless the district court certifies that the appeal was not taken in good faith, a non-incarcerated party who has previously been granted *in forma pauperis* status in the case need not file a new motion to proceed *in forma pauperis* on appeal. [Fed. R. App. P. 24\(a\)\(3\)](#). Conversely, an incarcerated party seeking to appeal *in forma pauperis* must file a new motion requesting permission to do so regardless of whether the pro se party was previously granted *in forma pauperis* status by the district court. 28 U.S.C. § 1915(b)(1); Fed. R. App. P. 24(a)(3)(B). These distinctions regarding motions for leave to proceed on appeal pursuant to § 1915 are addressed by the several forms available on this District's [Forms](#) page under "Appeal Proceedings."

Unless the United States or an officer or agency of the United States is a party to the action, **the Notice of Appeal in a civil case must be filed within thirty (30) days from the date of entry of the judgment that is being appealed.** If the United States or an officer or agency of the United States is a party to the action, the Notice of Appeal must be filed within sixty (60) days from the date of entry of the judgment. The "date of entry" is the day the judgment was entered onto the district court's docket – **which is why it is critical to be able to determine on what date the judgment was entered** (the date will be noted on the court's docket record, and the judgment should be file-stamped with the date it was entered). A party has only 30 or 60 days to file the notice of appeal – no extra cushion of time is allowed if your notice of appeal misses the 30 or 60 day filing deadline. The number of days is based on **calendar** days, not "business" days. The date an order or opinion is signed is not necessarily the same day that it will be reduced to a judgment or entered onto the court's docket. The parties should consult Federal Rule of Civil Procedure 58 to determine the date judgment is deemed to be entered in their case.

The appellate court will only consider issues the district court has considered, so it is important to make arguments on an issue to the district court prior to appealing the issue. Upon receipt of the Notice of Appeal, the appellate court will notify the parties of any orders or schedules entered. A Notice of Appeal form is available on the U.S.D.C. [Forms](#) page.

The Clerk's Office

Mailing Address for the Clerk's Office

U.S. District Court, District of Colorado
Office of the Clerk
Alfred A. Arraj U.S. Courthouse
901 19th Street Denver, CO 80294
Phone: (303) 844-3433



Office Hours

The Clerk's Office is open to the public Monday through Friday, 8:00 a.m. to 5:00 p.m., except for legal holidays. The intake desk and the area used to review case dockets and case files on the public electronic terminals are located on the first floor of the Arraj U.S. Courthouse in Denver.

Clerk's Office Staff

Clerk's Office staff [the support personnel for the judges and their assistants] can provide general information about court rules and how the process works. They cannot, however give legal advice, which includes advice about interpretation of the rules of procedure.

Reviewing Dockets and Case Files

Computer terminals are available in the public area of the Clerk's Office (Denver courthouse – Room A105) which allow the public to review automated dockets for civil and criminal cases. These dockets may also be used to check the Court's party index (a list of all parties in civil cases) and case index (a list of case numbers).

Because electronic filing is so prevalent, the only categories of documents that are still available in paper from the Clerk's Office are documents from "Administrative Records" of agency appeals that have been submitted in paper. Sealed documents require a Court Order to be viewed. Case files may not be taken out of the Clerk's Office.

The Clerk's Office will provide you with copies of documents for 50¢ per page; or, for printing from the electronic terminals, 10¢ per page. Customers in need of archived cases can request directly from the [Denver Federal Records Center \(FRC\)](#) or through the Clerk's Office.

The Court's Website

Information about procedures, the [local rules](#), fees, as well as several other subjects covered in this guide may be found on the Court's website. The website also lists the activity scheduled before each judge for the coming week. The site also has links to several other judicial websites. If you have access to the internet, the address of the Court's website is <http://www.cod.uscourts.gov/Home.aspx>.



Getting Legal Assistance

The United States district judges, the United States magistrate judges, the Clerk of the Court, the deputy clerks, and other court staff are officers of the court and are prohibited from giving legal advice. Legal questions should be directed to an attorney.

- Civil Pro Bono Panel - Information for Unrepresented Parties

Effective December 1, 2014, the U.S. District Court adopted [Local Attorney Rule 15](#), titled Civil Pro Bono Representation, which implements the court's Civil Pro Bono Panel Plan. The Plan is a program consisting of volunteer attorneys willing to represent individuals of limited financial means (not strictly limited to the "indigent") and cannot afford a lawyer in civil matters whenever requested by the Court and without compensation.

The following unrepresented parties are eligible for appointment of pro bono counsel:

- after initial review of the complaint by the Pro Se division of the court, a non-prisoner, unrepresented party who has been granted leave to proceed in forma pauperis (IFP) under 28 U.S.C. § 1915;
- after initial review of the complaint by the Pro Se division of the court, an unrepresented prisoner; and
- after demonstrating limited financial means, a non-prisoner, unrepresented party who has paid the filing fee in full.

Not all cases are appropriate for possible appointment of volunteer counsel. The party requesting appointment of counsel should not expect that it will occur – there is no guarantee that a request for appointment of counsel will be granted, and attorneys who volunteer to accept such cases have the freedom to decline accepting appointments. **You are responsible for your case – meeting all deadlines, filing all necessary documents, responding to the opposing side, etc. – until a Panel attorney is appointed and the attorney appears in the case.** The Court initiates the appointment process by granting a pro se party's (prisoner or non-prisoner) motion for appointment of counsel. This may occur after the case has undergone initial review for merit through the process required under D.C.COLO.LCivR 8.1 and 28 U.S.C. § 1915A. Cases are randomly assigned by the clerk, according to counsel's preferences.

Note that, while the court on its own initiative has the discretion to decide whether a pro se party should be assisted by appointed counsel, the responsibility for the court taking action in appointing counsel lies primarily on the pro se party himself/herself -- by requiring the pro se party to file a motion (request to the court) for appointment of counsel. In such a motion, certain factors must be addressed and explained, as described in Local Rule D.C.COLO.LAttyR 15(f). A Sample form is attached below (in Microsoft Word format or Adobe Acrobat Portable Document Format) for pro se parties' use to make such a request to the court.

Sample Motion for Appointment of Pro Bono Counsel (for use by unrepresented prisoners/pro se parties) [\(PDF\)*](#) [\(DOCX\)](#)

Please also be aware that under D.C.COLO.LAttyR 2(b)(1), effective December 1, 2014, counsel are permitted -- either on a pro bono basis, or for a fee -- to represent pro se parties in civil cases on a limited basis, and with the Court’s permission. This means a lawyer can assist you with a single task, such as writing a court document like the initial lawsuit (complaint), or appearing for you at a hearing, or helping you negotiate a settlement, among other duties. For an example of a request you can make to the court to have counsel appointed for you for a single task, see the Court’s website page containing forms under “Civil Pro Bono” [HERE](#). See also the page on the court's website titled "Limited Representation" [HERE](#).

- Other Sources of Legal Assistance:

A list of organizations and services that may be able to provide you with legal assistance or assist you in finding an attorney is provided below. This list is not comprehensive – please also refer to local or county legal assistance agencies, particularly Colorado Legal Services.

Colorado Legal Services – Legal Aid Directory	Metro Volunteer Lawyers - Apply through Colorado Legal Services at 303-837-1313
ACLU of Colorado 303 E. 17th Ave. Suite 350 Denver, CO 80203 303.777.5482 http://www.aclu-co.org/	Catholic Charities Immigration Services 4045 Pecos St. Denver, CO 80211 303.742.4971 (Denver) http://www.ccdenvr.org/services/immigration-
Colorado Legal Services - Denver, CO 1905 Sherman Street Suite 400 Denver, CO 80203 303.837.1313 or 303.837.1321 (new clients) http://www.coloradolegalservices.org/ (offices are located throughout the state of Colorado)	Disability Law Colorado 455 Sherman St #130, Denver, CO 80203 322 N. 8th St. Grand Junction, CO 81501 Denver 303.722.0300; Grand Junction 970.241.6371 https://disabilitylawco.org/
University of Colorado Clinical Programs Univ. of Colorado Law School, UCB 404 Room 105 Boulder, CO 80309 303.492.8126 http://www.colorado.edu/law/academics/clinics/clinical-education-program-clients	University of Denver Student Law Office 2255 East Evans Avenue, Suite 335 Denver, CO 80208 303.871.6140 http://www.law.du.edu/index.php/law-school-clinical-program/clinical-programs
The Colorado Law Project. See http://www.law.du.edu/index.php/the-colorado-law-project/about-the-colorado-law-project A collaborative effort of the University of Denver participants and local library community partners. The mission of the Colorado Law Project (CLP) is to provide Coloradans with access to reliable legal information. Includes Research help, training, and workshops.	The Colorado Law Project. Recursos en Español: http://www.law.du.edu/index.php/the-colorado-law-project/recursos-in-espanol <ul style="list-style-type: none"> • Bienvenido al Proyecto de Derecho de Colorado • Sobre al Proyecto de Derecho de Colorado • Bibliotecas De Derecho Y Bibliotecarios De Colorado • Recursos en Español

District Court Locations, Fees, and Rules of Procedure



DISTRICT COURT LOCATIONS

- A. FEES**
- B. FEDERAL RULES OF PROCEDURE AND EVIDENCE**
- C. DISTRICT OF COLO. LOCAL RULES**
- D. DISTRICT OF COLO. ELECTRONIC FILING PROCEDURES**
- E. JUDICIAL PRACTICE STANDARDS**

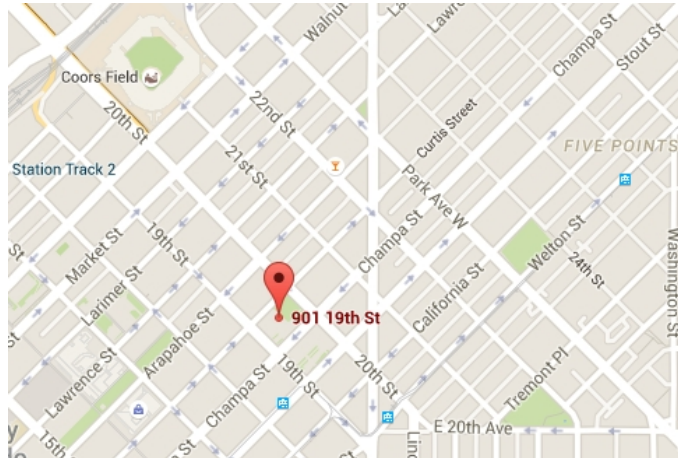
A. District Court Locations

DENVER, CO

Alfred A. Arraj U.S. Courthouse

901 19th Street Denver, CO 80294

HOURS: 8:00 AM to 5:00 PM // PHONE 303-844-3433



Byron G. Rogers U.S. Courthouse

1929 Stout Street Denver, CO 80294

HOURS: 8:00 AM to 5:00 PM // PHONE 303-844-3433



COLORADO SPRINGS, CO

212 N. Wahsatch Avenue Colorado Springs, CO 80903

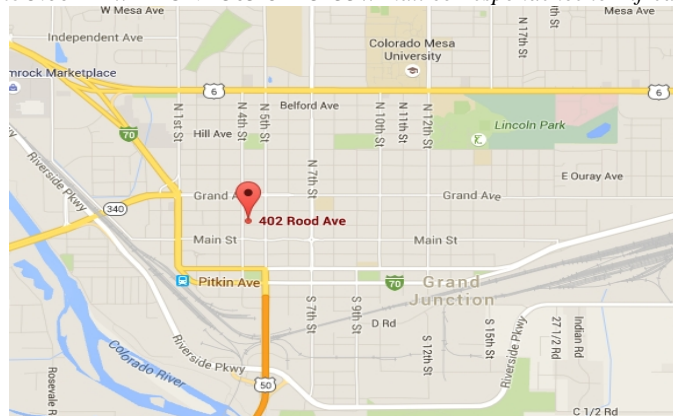
HOURS: 8:00 AM to 5:00 PM // PHONE 303-844-3433 // mail correspondence to Alfred A. Arraj Courthouse



GRAND JUNCTION, CO -- Wayne Aspinall U.S. Courthouse

402 Rood Avenue Grand Junction, CO 81501

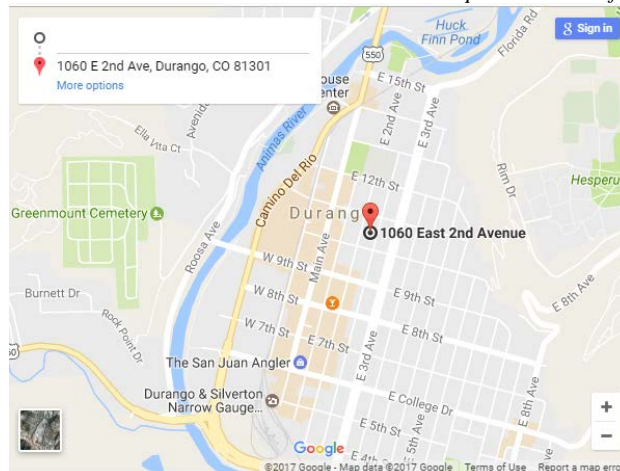
HOURS: 8:00 AM to 5:00 PM // PHONE 303-844-3433 // mail correspondence to Alfred A. Arraj Courthouse



DURANGO, CO – New Location! [Until Feb. 10, 2017 the location is 103 Sheppard Dr, Durango, CO 81302.]

1060 E 2nd Ave, Suite 150 Durango, CO 81301

HOURS: 8:00 AM to 5:00 PM // PHONE 303-844-3433 // mail correspondence to Alfred A. Arraj Courthouse



B. Fees

Fee Schedule¹ - Effective Jan. 1, 2017

The United States should not be charged fees under this schedule, with the exceptions specified below, for example, when the information requested is available through remote electronic access.² Federal agencies or programs that are funded from judiciary appropriations (agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A and bankruptcy administrators) should not be charged any fees under this schedule.

Description	Fee
Filing civil complaint or notice of removal (fees to be paid together)	
Docket Fee	\$350.00
Administrative fee for filing a civil action, suit, or proceeding in a district court. Approved by the Judicial Conference of the United States at its September 2012 session. (This fee does not apply to persons granted in forma pauperis status under 28 U.S.C. § 1915 or to an application for writ of habeas corpus.)	\$50.00
Filing an application for writ of habeas corpus	\$5.00
Jury fee	None
Filing responsive pleading, motion, or third-party pleadings	None
Certification of any document or paper	\$11.00
Certificate of Judgment	\$11.00
Certificate of Search, or conducting a search of district court records (this fee applies to services rendered on behalf of the United States if the information requested is available through electronic access)	\$31.00
Registering judgment from another district (rj case)	\$47.00
Filing or indexing any paper <i>not</i> in a case or proceeding for which a case filing fee has been paid (mc and y cases)	\$47.00
Registration or revocation of power of attorney (sureties)	\$47.00
Reproduction of any record or paper (per sheet) (this fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access)	\$0.50
Production of a document from computer system (per page)	\$0.10
Duplicate certificate of admission	\$19.00
Certificate of good standing	\$19.00
Notice of Appeal (fees to be paid together)	
Docket fee	\$500.00
Filing fee	\$5.00

Description	Fee
Appeal to a district judge from conviction by magistrate judge/misdemeanor case	\$38.00
Witness fee per day	\$40.00
Witness mileage, round-trip (per mile)	\$0.535
Retrieval of one box of records from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court	\$64.00
Record retrievals involving multiple boxes, for each additional box	\$39.00
Electronic Record Retrieval - Total \$19.90	
[Electronic Record Retrieval - Judiciary Administrative Fee	\$10.00
FRC (Federal Records Center) Electronic Retrieval Flat Rate Fee	\$9.90]
Reproduction of an audio recording of a court proceeding (This fee applies to services rendered on behalf of the United States, if the recording is available electronically)	\$31.00
Fee for any payment returned or denied for insufficient funds	\$53.00
Exemplification of any document or paper	\$22.00
Processing fee for a petty offense charged on a federal violation notice	\$30.00
Admission of attorney to practice in U. S. District Court for the District of Colorado ³	\$216.00
Readmission or Reinstatement of Attorney pursuant to D.C.COLO.LAttyR 11	\$216.00

¹Issued in accordance with 28 U.S.C. § 1914.

²In March 2015 (JCUS-MAR 15, p. 9-10), the Judicial Conference of the United States approved the following policy guidance regarding fee exemptions for the United States Government entities that are not funded by judiciary appropriations:

(a) The exemption for the "United States" contained in the court miscellaneous fee schedules applies exclusively to any department, agency, or instrumentality in the executive or legislative branches of the United States Government (USG), any independent federal agency or wholly-owned USG corporation, and Federal Reserve banks and branches.

(b) The exemption is not available for private individuals or entities solely because of contractual relationships with federal government entities.

(c) Entities seeking to receive this (or any) fee exemption bear the burden of establishing that they are entitled to the exemption.

³The \$216 admission fee is waived for attorneys employed by the United States government and serving in a legal capacity for it; effective June 2014, the admission fee is also waived for those attorneys specially appointed by the United States Court of Appeals for the Tenth Circuit under the Criminal Justice Act for representation for appeal purposes of District of Colorado criminal defendants.

C. Current Federal Rules of Procedure and Forms

Below are links to the national federal rules and forms in effect.

Rules of Civil Procedure

The [Federal Rules of Civil Procedure](#) govern civil proceedings in the United States district courts. Their purpose is "to secure the just, speedy, and inexpensive determination of every action and proceeding." Fed. R. Civ. P. 1.

Rules of Criminal Procedure

The [Federal Rules of Criminal Procedure](#) govern criminal proceedings and prosecutions in the U.S. district courts, the courts of appeals, and the Supreme Court. Their purpose is to "provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay." Fed. R. Crim. P. 2.

Rules of Evidence

The [Federal Rules of Evidence](#) govern the admission or exclusion of evidence in most proceedings in the United States courts. The Federal Rules of Evidence became federal law on January 2, 1975, when President Ford signed the Act to Establish Rules of Evidence for Certain Courts and Proceedings.

Rules Governing Section 2254 and Section 2255 Proceedings

Generally, the [Rules Governing Section 2254](#) Cases in the United States District Courts govern habeas corpus petitions filed in a United States district court pursuant to 28 U.S.C. § 2254 by a person in custody challenging his or her current or future custody under a state-court judgment on the grounds that such custody violates the Constitution or laws or treaties of the United States.

The [Rules Governing Section 2255 Proceedings](#) for the United States District Courts govern motions to vacate, set aside or correct a sentence filed pursuant to 28 U.S.C. § 2255. Such motions must be filed in the sentencing court by a person in custody attacking the sentence imposed on the ground that the sentence was imposed in violation of the Constitution or laws of the United States, that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack.

Rules of Appellate Procedure

The [Federal Rules of Appellate Procedure](#) govern procedure in the United States courts of appeals.

Rules of Bankruptcy Procedure

The [Federal Rules of Bankruptcy Procedure](#) govern procedures for bankruptcy proceedings.

D. District of Colorado Local Rules - [HERE](#).

United States district courts and courts of appeals often prescribe local rules governing practice and procedure. Such rules must be consistent with both Acts of Congress and the Federal Rules of Practice and Procedure. A court's authority to prescribe local rules is governed by both statute and the Federal Rules of Practice and Procedure. Section 205 of the E-Government Act of 2002, Pub. L. No. 107-347, requires that federal courts post local rules on their websites.

The District of Colorado's entity responsible for annual review of its local rules and solicitation of comments from the bar and the public is the Advisory Committee on the Local Rules of Practice. The Advisory Committee is composed of judicial officers, court staff, and a member of the bar. The deadline for submission of comments for suggestions to improve the local rules is June 1 of every year, and final publication of the official rule changes takes place every December 1.

The District of Colorado's **FORMS** are [HERE](#).

E. District of Colorado Local ECF (Electronic Filing) Administrative Rules - [HERE](#).

Unless otherwise permitted by the ECF administrative procedures, the Court's local rules, or by a general order of the court, all documents filed in civil cases, shall be filed electronically in a portable document format (PDF) using the Electronic Case Filing System (ECF) connected through the court's web site. However, pro se parties **MUST** be aware of the following exceptions to the Electronic Filing rules:

Prisoner Pro Se. Prisoner pro se parties may not use ECF and must file their documents in paper. Their documents will be scanned and uploaded into ECF by court staff.

Non-Prisoner Pro Se. Unless they comply with Section 3.2 (b) of the ECF procedures, non-prisoner pro se parties may not use ECF and must file their documents in paper. Their documents will be scanned and uploaded into ECF by court staff.

F. District of Colorado Judicial Practice Standards – [HERE](#)

Many of the judicial officers of the District of Colorado issue their own set of requirements for written documents submitted to the court, and standards of conduct and procedure for hearings, conferences and titles. A pro se party should periodically review these standards over the course of his or her case, as some of the judges revise their Practice Standards at different times.

Glossary of Common Legal Terms



ACTION

Another term for lawsuit or case.

ADMISSIBLE EVIDENCE

Evidence that can properly be introduced at trial for the judge or jury to consider in reaching a decision; the Federal Rules of Evidence govern the admissibility of evidence in federal court.

ADR (ALTERNATIVE DISPUTE RESOLUTION)

A Court-sponsored or private program offering methods by which a complaint can be resolved outside of traditional court proceedings.

AFFIDAVIT

A statement of fact written by a witness, which the witness affirms to be true before a notary public.

AFFIRMATIVE DEFENSES

Allegations included in the answer that, under legal rules, defeat all or a portion of the plaintiff's claim.

ALLEGATION

An assertion of fact in a complaint or other pleading.

AMEND (A DOCUMENT)

To alter or change a document that has been filed with the Court, such as a complaint or answer, by filing and serving a revised version of that document. Certain documents cannot be amended without prior approval of the Court. Typically, amended documents, when accepted by the Court, take the place of the original documents.

AMENDED PLEADING (COMPLAINT OR ANSWER)

A revised version of the original complaint or answer that has been filed with the Court.

AMOUNT IN CONTROVERSY

The dollar value of how much the plaintiff is asking for in the complaint.

ANSWER

The written response to a complaint. An “answer on the merits” challenges the complaint's factual accuracy.

APPEAL

To seek formal review of a district court judgment by the Court of Appeals. **The Notice of Appeal in a civil case must be filed within 30 days, or 60 days if the United States is a party in the case, from the date of entry of the judgment that is being appealed.**

APPLICATION TO PROCEED IN FORMA PAUPERIS (IFP)

A form filed by the plaintiff asking permission to file the complaint without paying the entire filing fee at the start of the case. The plaintiff must establish an inability to pay the whole fee. Plaintiffs who are incarcerated must pay the whole fee but may do so in installments.

ARBITRATION

A form of alternative dispute resolution, overseen by a judge or arbitrator, in which the parties argue their positions in a trial-like setting that lacks some of the formalities of a full trial.

BENCH TRIAL

A trial in which the judge, rather than the jury, determines the law, the facts, and the verdict of the lawsuit. A bench trial is also known as a “court trial.”

BURDEN OF PROOF

Under legal rules, one party or the other bears responsibility for proving or disproving one or more elements of a claim. What must be proven or disproven is the burden of proof.

CAPTION

A formatted heading on the first page of every document filed with the Court, listing the parties, the name of the case, and other identifying information. The specific information that must be included in the caption is explained in Rule 10(a) of the Federal Rules of Civil Procedure.

CASE

Another term for lawsuit or action.

CERTIFICATE OF SERVICE

A document showing that a copy of a particular document — for example, notice of motion — has been mailed or otherwise provided to (in other words, “served on”) all of the other parties in the lawsuit.

CHALLENGE FOR CAUSE

A request by a party that the Court excuse a juror whom they believe to be too biased to be fair and impartial, or unable perform his or her duties as a juror for other reasons.

CHAMBERS

The private offices of an individual judge and the judge’s “chambers staff”—usually an administrative assistant and law clerks.

CITATION

A reference to a law, rule, or case.

CLAIM

A statement made in a complaint, in which the plaintiff(s) argue that the defendant(s) violated the law in a specific way; sometimes called a count.

CLOSING ARGUMENTS

An oral statement by each party summarizing the evidence and arguing how the jury (or, in a bench trial, the judge) should decide the case.

COMPLAINT

A legal document in which the plaintiff tells the Court and the defendant how and why the defendant violated the law in a way that has caused harm to the plaintiff.

COMPULSORY COUNTERCLAIM

A claim by the defendant against the plaintiff that is based on the same events or transactions as the plaintiff's claim against the defendant.

CONTEMPT OF COURT

Acts found by the Court to be committed in willful violation of the Court's authority or dignity, or to interfere with or obstruct its administration of justice.

CONTINUANCE

An extension of time ordered by the Court.

COUNSEL

Attorney(s); lawyer(s).

COUNTERCLAIM

A defendant's complaint against the plaintiff, filed in the plaintiff's case.

COURT OF APPEALS

A court that hears appeals from the district courts located within its circuit, as well as appeals from decisions of federal administrative agencies. This Court's decisions are appealed to the Tenth Circuit Court of Appeals.

COURT REPORTER OR STENOGRAPHER

A person specially trained and licensed to record testimony in the courtroom or, in the case of depositions, another location.

COURTROOM DEPUTY

A Court employee who assists the judge in the courtroom and usually sits at a desk in front of the judge.

CROSSCLAIM

A new claim bringing a new party into the case or asserting a claim against a co-party (by a plaintiff against a co-plaintiff or by a defendant against a co-defendant).

CROSS-EXAMINATION

The opposing party's questioning of a witness following direct examination, generally limited to the topics covered during the direct examination.

DAMAGES

The money that can be recovered in the courts by the plaintiff for the plaintiff's loss or injury due to the defendant's violation of the law.

DELIBERATE

The process by which the jury discusses the case in private and makes a decision about the verdict. See also jury deliberations.

DE NOVO REVIEW

A Court's complete review and re-determination the matter before it from the beginning; for example, a referring judge's de novo review of a magistrate judge's report and recommendation includes considering the same evidence reviewed by the magistrate judge and reaching an independent conclusion.

DECLARATION

A written statement signed under penalty of perjury by a person who has personal knowledge that what he or she states is true; declarations may contain only facts, and may not contain law or argument. The person who signs a declaration is called a declarant.

DEFAULT

A defendant's failure to file an answer or other response within the required amount of time, after being properly served with the complaint.

DEFAULT JUDGMENT

A judgment entered against a defendant who fails to respond to the complaint.

DEFENDANT

The person, company or government agency against whom the plaintiff makes claims in the complaint.

DEFENSES

The reasons given by the defendant why the plaintiff's claims should be dismissed.

DEPONENT

The person who answers the questions in a deposition; a deponent can be any person who may have information about the lawsuit, including one of the other parties to the lawsuit.

DEPOSITION

A question-and-answer session, before trial and outside the courtroom, in which one party to the lawsuit asks another person, who is under oath, questions about the events and issues in the lawsuit. The process of taking a deposition is called deposing.

DEPOSITION NOTICE

A notice served on the deponent specifying the time and place of the deposition.

DIRECT EXAMINATION

The process during a trial in which a party calls witnesses to the witness stand and asks them questions.

DISCLOSURES

Information that each party must automatically give the other parties in a lawsuit.

DISCOVERY

The formal process by which a party to a lawsuit asks other people to provide information about the events and issues in the case.

DISCOVERY PLAN

The joint proposed discovery plan required by Rule 26(a) of the Federal Rules of Civil Procedure, which must include the parties' views about, and proposals for, how discovery should proceed in the lawsuit.

DISTRICT JUDGE

A federal judge who is nominated by the President of the United States and confirmed by the United States Senate to a lifetime appointment.

DIVERSITY JURISDICTION

A basis for federal court jurisdiction in lawsuits in which none of the plaintiffs live in the same state as any of the defendants and the amount in controversy exceeds \$75,000.

DOCKET

The computer file for each case, maintained by the Court, listing the title of every document filed, the date of filing and docketing of each document and other information.

EARLY NEUTRAL EVALUATION

An ADR process in which a magistrate judge provides the parties with a non-binding assessment of the merits, and may also help with settlement discussions.

ELECTRONIC CASE FILING (ECF)

Also known as “e-filing,” the process of submitting documents to the Court for filing and serving them on other parties electronically through the Internet. The United States Courts use an e-filing system called “Electronic Case Filing” or “ECF.”

ENTRY OF DEFAULT

A formal action taken by the Clerk of Court in response to a plaintiff's request when a defendant has not responded to a properly-served complaint; the Clerk must enter default against the defendant before the plaintiff may file a motion for default judgment.

EVIDENCE

Testimony, documents, recordings, photographs and physical objects that tend to establish the truth of important facts in a case.

EX PARTE MOTION

A motion that is filed without notice to the opposing party.

EXHIBITS

Documents or other materials that are presented as evidence at trial or as attachments to motions or declarations.

EXPERT DISCLOSURES

The disclosures required by Rule 26(a)(2) to the other parties of the identity of, and additional information about, any expert witnesses who will testify at trial.

EXPERT WITNESS

A person who has scientific, technical, or other specialized knowledge that can help the Court or the jury understand the evidence.

FEDERAL QUESTION JURISDICTION

Federal courts are authorized to hear lawsuits in which at least one of the plaintiff's claims arises under the Constitution, laws, or treaties of the United States.

FEDERAL RULES OF CIVIL PROCEDURE

The procedural rules that apply to every federal district court in the United States.

FEDERAL RULES OF EVIDENCE

The rules for submitting, considering and admitting evidence in the federal courts.

FILING

The process by which documents are submitted to the Court and entered into the case docket.

FILING FEE

The amount of money the Court charges the plaintiff to file a new lawsuit.

FINAL PRETRIAL CONFERENCE

A hearing shortly before trial where the judge discusses the requirements for conducting trial and resolves any final issues that have arisen before trial.

HEARING

A formal proceeding before the judge for the purpose of resolving one or more issues.

INITIAL DISCLOSURES

The disclosures that the parties are required to serve within 14 days of their initial case management conference.

INTERROGATORIES

Written questions served on another party in the lawsuit, which must be answered (or objected to) in writing and under oath.

JUDGMENT

A final document issued by the Court stating which party wins on each claim. Unless there are post-judgment motions, the entry of judgment closes the case.

JURISDICTION

See diversity jurisdiction and subject matter jurisdiction.

JURY DELIBERATIONS

The process in which the jury, after having heard all the evidence, closing arguments from the parties, and instructions from the judge, meets in private to decide the case.

JURY INSTRUCTIONS

The judge's directions to the jury about its duties, the law that applies to the lawsuit, and how it should evaluate the evidence.

JURY TRIAL

A trial in which a jury weighs the evidence and determines what happened; the Court instructs the jury on the law, and the jury applies the law to the facts and determines who wins the lawsuit.

LECTERN

The stand for holding papers in front of the bench in the courtroom where an attorney or pro se party making arguments on a motion stands and speaks to the judge.

LITIGANTS

The parties to a lawsuit.

LOCAL RULES

Specific federal court rules that set forth additional requirements to the Federal Rules of Civil Procedure; for example, the Local Rules of the United States District Court for District of Colorado explain some of the additional procedures that apply only to this Court.

MAGISTRATE JUDGE

A judicial officer who is appointed by the Court for an 8-year, renewable term and has some, but not all, of the powers of a district judge. A magistrate judge may handle civil cases from start to finish if all parties consent. In non-consent cases, a magistrate judge may hear motions and other pretrial matters assigned by a district judge.

MEDIATION

An ADR process in which a trained mediator helps the parties talk through the issues in the case to seek a negotiated resolution of all or part of the dispute.

MOTION

A formal application to the Court asking for a specific ruling or order (such as dismissal of the plaintiff's lawsuit).

MOTION FOR SUMMARY JUDGMENT

Asks the Court to decide a lawsuit without a trial because the evidence shows that there is no real dispute about the key facts.

MOTION IN LIMINE

A motion asking the judge to settle an issue relating to the trial, usually argued shortly before the beginning of trial.

MOTION TO COMPEL

Asks the Court to order a person to make disclosures, or to respond to a discovery request, or to provide more detailed disclosures or a more detailed response to a discovery request.

MOTION TO DISMISS

Asks the Court to deny certain claims in the complaint, due to procedural defects.

NOTICE OF ELECTRONIC FILING (NEF)

An email generated by the ECF system that is sent to every registered attorney, party and watcher associated with a case every time a new document is filed. The NEF contains details about the filing and a hyperlink to the new document.

NOTICE OF DEPOSITION

Gives all of the information required under Rules 30(b) and 26(g)(1) of the Federal Rules of Civil Procedure, and must be served on opposing parties to a lawsuit.

OBJECTION

The formal means of challenging evidence on the ground that it is not admissible.

OPENING STATEMENTS

At the beginning of the trial, after the jury has been selected, if it is a jury trial, the parties have an opportunity to make individual opening statements, in which they can describe the issues in the case and state what they expect to prove during the trial.

PACER SYSTEM

“Public Access to Electronic Court Records” is an internet database where docket information is stored.

PEREMPTORY CHALLENGE

During jury selection, after all of the jurors challenged for cause have been excused, the parties will have an opportunity to request that additional jurors be excused without having to give any reason for the request.

PERJURY

A false statement made under oath, punishable as a crime.

PERMISSIVE COUNTERCLAIM

A claim by the defendant against the plaintiff that is not based on the same events or transactions as the plaintiff's claim against the defendant.

PHYSICAL OR MENTAL EXAMINATION

If the physical or mental condition of a party (or a person under the custody or legal control of a party) is at issue in a lawsuit, the Court may order that person to have a physical or mental examination by a medical professional such as a physician or psychiatrist; unlike other discovery procedures, physical or mental examinations can be obtained only by filing a motion with the court, or by agreement of the parties.

PLEADINGS, PLEADING PAPER

Formal documents that are filed with the court, especially initial filings such as complaints and answers. Pleadings and most other court filings are written on pleading paper, which in this Court is letter-sized paper with the line numbers 1 through 28 running down the left side.

PLAINTIFF

The person who filed the complaint and claims to be injured by a violation of the law.

PRETRIAL DISCLOSURES

The disclosures required by Rule 26(a) (3) of the Federal Rules of Civil Procedure of certain information about evidence that you may present at trial (except for evidence that will be used solely for impeachment).

PRIVILEGED INFORMATION

Information that is protected by legal rules from disclosure during discovery and trial.

PRO BONO REPRESENTATION

Legal representation by an attorney that is free to the person represented.

PRO SE

A Latin term meaning “for oneself.” A pro se party is a party without a lawyer handling a case in court.

PROCESS SERVER

A person authorized by law to serve the complaint and summons on the defendant.

PROOF OF SERVICE

A document attached to each document filed with the court (or filed separately at the same time as the document) in which the filer affirms that he or she has served the document on other parties.

PROPOSED ORDER (OR OTHER DOCUMENT)

A document a party is required by court rules to submit with a filing such as a motion that can serve as the final order.

PROTECTIVE ORDER

A court order limiting discovery, either as to how discovery may be conducted or what can be discovered.

QUASH A SUBPOENA

After a motion, the Court’s action vacating a subpoena so that it has no legal effect.

REBUTTAL

The final stage of presenting evidence in a trial, presented by the plaintiff.

RE-DIRECT EXAMINATION

At trial, after the opposing party has cross-examined a witness, the party who called the witness may ask the witness questions about topics covered during the cross-examination.

REPLY

Refers to both the answer to a counterclaim and the response to the opposition to a motion.

REPORT AND RECOMMENDATION

After a federal district judge refers an issue for factual and legal findings by a magistrate judge, the magistrate judge files a report and recommendation containing those findings.

REQUEST FOR ADMISSION

A discovery request that a party admit a material fact or element of a claim.

REQUEST FOR ENTRY OF DEFAULT

The first step for the plaintiff to obtain a default judgment by the Court against a defendant; directed to the Clerk of Court, the request must show that the defendant has been served with the complaint and summons, but has not filed a written response to the complaint in the required time.

REQUEST FOR INSPECTION OF PROPERTY

A discovery request served on a party in order to enter property controlled by that party for the purpose of inspecting, measuring, surveying, photographing, testing or sampling the property or any object on the property relevant to your lawsuit.

REQUEST FOR PRODUCTION (OF DOCUMENTS, ETC.)

A common discovery request served by a party seeking documents or other items relevant to the lawsuit from another party.

REQUEST FOR WAIVER OF SERVICE

A written request that the defendant accept the summons and complaint without formal service.

SANCTION

A punishment the Court may impose on a party or an attorney for violating the Court’s rules or orders.

SERVE, SERVICE

The act of providing a document on a party in accord with the requirements found in Rules 4 and 5 of the Federal Rules of Civil Procedure.

SERVICE OF PROCESS

The formal delivery of the original complaint in the lawsuit to the defendant in accord with the requirements for service found in Rule 5 of the Federal Rules of Civil Procedure.

STATEMENT OF UNDISPUTED FACTS

A list of facts filed in a summary judgment motions with citations to the evidence showing that those facts are true. The statement may be jointly prepared and filed by the parties; separate statements require a prior court order.

STATUS CONFERENCE

A hearing the judge may hold during the course of the lawsuit to assess the progress of the case, or address problems the parties are having.

STATUTE OF LIMITATIONS

A legal time limit by which the plaintiff must file a complaint; after the time limit, the complaint may be dismissed as time-barred.

STIPULATION

A written agreement signed by all the parties to the lawsuit or their attorneys.

SUBJECT MATTER JURISDICTION

A federal court has subject matter jurisdiction only as defined by Congress over cases arising under the Constitution, treaties or laws of the United States and diversity cases in which the parties are from different states and the amount in controversy is greater than \$75,000.

SUBPOENA

A document issued by the Court requiring a non-party to appear for a court proceeding or deposition at a specific time and place or to make certain documents available at a specific time and place.

SUBPOENA DUCES TECUM

A form of subpoena used to require a non-party deponent to bring specified documents to a deposition.

SUBSTANTIVE LAW

Determines whether the facts of each individual lawsuit constitute a violation of the law for which the Court may order a remedy.

SUMMARY JUDGMENT

After a motion, a decision by the Court to enter judgment in favor of one of the parties without a trial, because the evidence shows that there is no real dispute about the material facts.

SUMMONS

A document from the Court that you must serve on the defendant along with your original complaint to start your lawsuit.

TRANSCRIPT

The written version of what was said during a court proceeding or deposition as typed by a court reporter or court stenographer.

VENUE

The geographic location where the lawsuit is filed.

VOIR DIRE

Part of the jury selection process in which potential jurors are asked questions designed to reveal biases that would interfere with fair and impartial jury service; the judge may ask questions from a list the parties have submitted before trial and may also allow the lawyers (or parties without lawyers) to ask additional questions.

WAIVER OF SERVICE, WAIVING SERVICE

A defendant's written, signed agreement that he or she does not require a document (usually the complaint) to be served on him or her in accordance with the formal service requirements of Rule 4 of the Federal Rules of Civil Procedure.

WITH PREJUDICE

As a final decision on the merits of the claim. If a court dismisses claims in your complaint with prejudice, you may not file another complaint in which you assert those claims again.

WITHOUT PREJUDICE

Without a final decision on the merits which would prevent the claim from being re-filed. Dismissal without prejudice is sometimes also referred to as dismissal “with leave to amend” because you are permitted to file an amended complaint or other document.