

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
September 27, 2024, Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure was called to order by Chair Judge Jerry N. Jones at 1:30 p.m. in the Supreme Court Conference Room. Members present at the meeting were:

Name	Present	Not Present
Judge Jerry N. Jones, Chair	X	
Judge Michael Berger	X	
Judge Karen Brody		X
Judge Catherine Cheroutes		X
Damon Davis	X	
David R. DeMuro	X	
Judge Stephanie Dunn	X	
Judge J. Eric Elliff	X	
Magistrate Lisa Hamilton-Fieldman		X
Michael J. Hofmann		X
John Lebsack		X
Bradley A. Levin	X	
Professor Christopher B. Mueller		X
Brent Owen	X	
John Palmeri		X
Alana Percy		X
Lucas Ritchie	X	
Chief Judge Gilbert M. Román		X
Judge (Ret.) Sabino Romano	X	
Judge Stephanie Scoville	X	
Magistrate Marianne Tims		X
Andi Truett	X	
Jose L. Vasquez	X	
Judge Juan G. Villaseñor		X
Ben Vinci	X	
Judge Gregory R. Werner	X	
Judge (Ret.) John R. Webb	X	
J. Gregory Whitehair	X	
Judge Christopher Zenisek	X	
Justice Richard Gabriel, Liaison (non-voting)	X	
Su Cho (non-voting)	X	

I. Attachments & Handouts

- September 27, 2024, agenda packet and supplement.

II. Announcements from the Chair

The June 28, 2024, minutes were approved as submitted. Judge Jones noted that the Colorado Supreme Court approved some rule changes proposed by this Committee. Additionally, the Court held a public hearing on the proposed changes to the magistrate rules. At this point, the Court would like this Committee to look at the comments received to see if improvements can be made. The biggest issue is probably whether having a single track where appeals go through the district court will likely place an untenable burden on district court judges, particularly with respect to domestic relations cases. Judge Jones will reassemble the Magistrate Subcommittee to see how the proposal might be amended to address these concerns. The Subcommittee will need some new members, and individuals who have experience in the domestic relations realm should join the work. Finally, Judge Jones noted that many members' terms will be expiring at the end of the year, so members should watch for an email querying whether they would like to remain on the Committee.

III. Old Business

A. Rules 4 and 304—Proposed changes to comport with form changes—(Judge Jones)

Judge Jones stated that this proposal from Sean Slagle at SCAO makes changes to the rules to comport with recent changes to forms and statutes. A member noted that the proposals do not allow for commercial instances, so Judge Jones will perform some wordsmithing to solve this. With that addition, this proposal passed unanimously.

B. County Court Rule 411—Length of briefs for county court appeals to district court—(Judge Jones)

This issue came up because the rules do not impose any page or word limits on appeals from county court to district court, and consequently, judges can receive quite long briefs. Judge Jones brought proposed language to the Committee based on the appellate rules. The Committee discussed page limits versus word limits. Judge Jones will consider the comments and bring back a new draft at the next meeting.

C. Rule 11(b) and 311(b)—Proposed changes to comport with recent changes to C.A.R. 5—(Judge Jones)

This proposal is an effort to remain consistent with the appellate rules. Committee members like that the proposal gives guidance and provides clarification to litigants. With a change added to Rule 121 Section 1-1(5), this proposal passed unanimously.

D. Elimination of gendered language in the Civil Rules—(Judge Jones)

The Court recently approved an approach to gendered language in rules. At this point, the Subcommittee will need to go through the civil and county court rules to find gendered language and change any such instances to comport with the Court's approach. Given the enormity of this task, the Subcommittee members were given the option to take on this task or to excuse themselves. Current Subcommittee members should let Judge Jones know what they decide.

IV. New Business

A. Rule 100—New legislation regarding election contests for presidential electors (Justice Gabriel)

Justice Gabriel brought this issue to the Committee because a new statute went into effect in Colorado regarding election contests for presidential electors. The statute created a conflict with C.R.C.P. 100, the rule governing election contests, and the rule needs to be amended immediately given the upcoming elections. Essentially, the rule changes break out presidential electors and what procedures should apply. The proposal passed unanimously.

B. Rules 63 and 363—Whether the rules should mirror the federal rule—(Judge Jones)

The Colorado rules differ from the federal rule in that the federal rule language appears broader in allowing what to do when a judge becomes unable to proceed. Members noted that the federal and state rules are quite different and function differently. Judge Jones formed a subcommittee to explore this issue; interested members should contact Judge Jones to join.

Future Meetings

November 1; January 31; April 4; June 27; September 26; November 7

The Committee adjourned at 3:03 p.m.