

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
January 23, 2026, 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 Jaclyn Brown	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	
Mary Linden	X	
Professor Christopher B. Mueller		X
Brent Owen	X	
John Palmeri	X	
Alana Percy		X
Lucas Ritchie	X	
Judge (Ret.) Sabino Romano	X	
Judge Stephanie Scoville	X	
Victor Sulzer	X	
Magistrate Marianne Tims	X	
Andi Truett	X	
Jose L. Vasquez	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

- January 23, 2026, agenda packet.

II. Announcements from the Chair

The November 7, 2025, minutes were approved as submitted. Judge Jones announced that the Colorado Supreme Court approved the Committee's proposed changes to Rule

63. Next, he said that there will be an article in the Colorado Lawyer on the new magistrate rules in March and that several judges are giving presentations to bar groups and attorneys to spread the word about the newly adopted rules. Finally, Judge Jones announced that after 35 years, Judge Berger has decided to retire from this Committee. Judge Jones expressed his gratitude for Judge Berger's large contribution to the Committee, both as a member and as chair of the Committee.

III. Old Business

A. Rule 53—"court-appointed neutral" proposal (Greg Whitehair)

Greg Whitehair brought to the Committee the issue of whether the word "master" should be changed to "court-appointed neutral" or something else in Rule 53, since "master" can be pejorative. Some members noted that it might be worthwhile to look through the rules carefully to see if any other rules address this concept, and another noted that a clarifying comment might be beneficial to explain that any changes are non-substantive. Then, a member noted that a true court-appointed neutral is not always synonymous with special master, so changing a name to change a name without considering ripple effects may prove problematic. Mr. Whitehair, Luke Ritchie, and Lisa Hamilton-Fieldman will investigate this issue further as a subcommittee.

B. Speedy trial proposal from attorney Jim Yontz (Judge Jones)

Held over.

C. Rule 121, Section 1-15(8) and Rule 16(b)(3), (d)—Consideration of email conferral (Ben Vinci)

Ben Vinci brought several rule proposals to the Committee's attention to clarify that emails should constitute valid conferral. He also suggested an amendment to the rules to remove "lead counsel" so that attorneys can use a more team-based approach. Some members noted that if you put email in the rules as a possibility, then attorneys will never talk to each other. Some judges mentioned that lawyers not talking to each other is a huge problem in the profession and changing the rule could create problems. Judge Jones asked Mr. Vinci to come back with specific language proposals for each of his suggestions.

D. Proposed Rule 121, Section 1-27—Proposed civility rule from the CBA and DBA (Judge Webb)

Judge Webb reported that the Subcommittee was evenly divided on whether to adopt the proposed civility rule. Proponents believe the rule should be adopted as submitted but included an alternate proposal should the initial proposal not be approved. Another proponent of the rule mentioned that members of the public today sometimes prefer their attorneys to be aggressive and act in a less civil way, and a civility rule might be useful in that instance and noted that Wyoming uses such a rule to great success.

Those against adopting the rule mentioned that such a rule would provide a tool for overly aggressive lawyers. The Subcommittee mentioned that a Chief Justice Directive could be a better option rather than a rule. Trial judges expressed a strong belief that this type of rule would provide more ammunition for aggressive counsel to file more motions and lead to other unintended consequences. Other members noted that the bad actors will not change their behavior in response to the rule. The Committee also discussed that the rule could conflict with other rules.

A motion was taken and seconded to approve the non-red lined version of the proposal. The motion failed. A motion was taken and seconded to approve the red-lined version of the proposal, which obtained a vote of 1. Judge Jones thanked those who have been working on this for years.

IV. New Business (none)

Future Meetings

There was concern expressed that the April 3rd meeting date is Rockies Opening Day and spring break for Denver Public Schools, rendering several members unavailable. Judge Jones considered moving the meeting later in April, but due to lack of availability of the conference room, the meeting must remain April 3.

April 3, June 26, September 25, November 6

The Committee adjourned at 3:43 p.m.