

**COLORADO SUPREME COURT
ADVISORY COMMITTEE ON THE RULES OF EVIDENCE**

December 2, 2022 Meeting Minutes

A quorum being present, the Colorado Supreme Court’s Advisory Committee on the Rules of Evidence was called to order by Judge Rebecca R. Freyre at 1:30 pm in the Ralph. L. Carr Colorado Judicial Center Fourth Floor Conference Room and via WebEx. Members present or excused from the meeting were:

Name	Present	Excused
Judge Rebecca R. Freyre, Chair	X	
David DeMuro	X	
Judge Stephanie Dunn	X	
Judge Sean Finn	X	
Judge Melina Hernandez	X	
Rick Lee	X	
Luke McConnell	X	
Professor Christopher Mueller		X
Norman Mueller	X	
Chief Judge Román	X	
Corelle Spettigue		X
Professor Karen Steinhauser	X	
Judge Juan G. Villaseñor		X
Lisa Weisz	X (representative)	
Judge Shay Whitaker	X	

I. Attachments & Handouts

- December 2, 2022 Agenda
- February 26, 2021 Minutes
- Proposed Federal Evidence Rule Changes

II. Minutes

- The February 26, 2021 minutes were adopted as submitted.

III. Announcements from the Chair

- Judge Freyre detailed the committee’s membership changes over the last few years and welcomed the new members.

IV. Old Business

V. New Business

a. Federal Rules of Evidence Proposed Rule Changes

The committee discussed the below proposed federal rule changes:

Rule 106: The federal rule is largely similar to the Colorado rule. The proposed change adds a sentence that would clarify what is already in case law. Several members mentioned the possibility of including the corollary explanatory note. The Committee is interested in recommending this change should the federal rule be changed.

Rule 615: The Committee discussed the fact that technology is coming into play with this rule as related to sequestration orders and that adopting the new language would not be an expansion of actual law but would helpfully flag this issue for the court. The Committee concluded that it is interested in recommending this change should the federal rule be changed.

The Committee also discussed adding subsection 4 to the Colorado rule and agreed that adopting the language would be beneficial.

Rule 702: Colorado's rule does not follow the federal rule and Colorado has extensive case law development in this area. One member mentioned unintended consequences as being a risk for any rule changes. The Committee unanimously agreed that if the Colorado Supreme Court is open to a change for this rule, then this Committee will form a subcommittee to explore further.

VI. Future Meeting date

The committee adjourned at 2:43 pm.