

Colorado Supreme Court Committee on Rules of Appellate Procedure

Thursday, April 5, 2012, 1:30 p.m.

The Colorado Supreme Court Committee on Rules of Appellate Procedure was called to order by Chief Judge Janice Davidson at 1:30 p.m. in the Court of Appeals Conference Room at the Denver News Agency Building, 101 W. Colfax Ave. in Denver.

The following members were present:

Catherine Adkisson
Michael Berger
Judge John Dailey
Chief Judge Janice Davidson
Anne Gill

Marcy Glenn
Richard Laugesen
Norman Mueller
Justice Nancy Rice
Karen Taylor

The following members were excused:

Carol Haller
Andy Low

Approval of Minutes

After correcting the address of the meeting location, the March 16, 2011 Appellate Rules Committee meeting minutes were approved.

Chair's Report

Chief Judge Janice Davidson reported that the Supreme Court had approved the changes that the committee submitted. Time calculation changes were approved December 14, 2011 and became effective January 1, 2012. Changes to Form 6 were adopted and effective September 22, 2011. Anecdotal evidence indicates that more stringent brief requirements have resulted in more compliant briefs.

Proposal to Amend C.A.R. 35(f) to Allow Partial Publication of Court of Appeals Opinions

Judge Davidson introduced Judge Taubman, Judge Loeb, Judge Terry, and Judge Webb, who were present to speak about the proposal. Judges Terry and Webb presented grounds to support the partial publication concept, and Judges Loeb and Taubman provided the other viewpoint. After questions, the presenters left, and the committee discussed various aspects of the proposal. Ultimately, a motion was made and seconded to adopt a one-year pilot project for partial publication of opinions, using the one opinion model wherein the entire opinion appears in WestLaw with a demarcation showing the unpublished portion of the opinion. The motion carried 5:4, with Chief Judge Davidson breaking a tie. Chief Judge Davidson agreed to take the committee recommendation to the Supreme Court and to contact the committee about the outcome.

Note: Subsequently, the committee was notified that the Supreme Court had rejected the committee recommendation. The proposal has been abandoned.

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Next Meeting-Adjournment

The meeting adjourned at 4 p.m. The next meeting date was not discussed.