

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
September 26, 2025, 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 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	
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

- September 26, 2025, agenda packet.

II. Announcements from the Chair

The June 27, 2025, minutes were approved as submitted. Judge Jones introduced new member Victor Sulzer. Next, Judge Jones noted that the Colorado Supreme Court

approved changes to Rule 121 §1-26 and to the Magistrate Rules. Regarding the Magistrate Rules, a few members mentioned concerns over the effective date and how some language could be interpreted. Judge Jones suggested that the Subcommittee choose whether to bring these issues before the Court.

III. Old Business

A. Rules 3.1, 4, and 303.1—Pathways to Access Committee amendment request (Jose Vasquez, Alana Percy, Magistrate Hamilton-Fieldman)

At the June 2025 meeting, the Committee discussed a Pathways to Access Committee (PAC) proposal on Rule 303 pertaining to forcible entry and detainer (FED) cases. Since then, the Subcommittee reports that it has drafted proposed amendments that bring the rules in compliance with statutory requirements and that aim to capture the intent of the PAC, which was to change the practice of FED summonses and complaints not including a case number when a party is served with those papers. The Subcommittee believes that these changes would increase access to justice for self-represented litigants. The Subcommittee included a letter from CED Law, Colorado Legal Services, and the Colorado Poverty Law Project detailing public policy concerns supporting the proposed changes. Some members noted policy concerns are better directed to the legislature. Further, a member who represents landlords offered reasons that the proposed rule changes would be harmful--chief amongst them that the changes would greatly increase costs, and that those costs would be passed on to all tenants in the rental market. The Committee extensively discussed these issues, with proponents on both sides. Chair Judge Jones sent this back to the Subcommittee for reconsideration and added member Victor Sulzer for a more balanced perspective on the Subcommittee.

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

Judge Jones reminded the Committee that 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 often receive quite long briefs. At a previous meeting, Judge Jones asked for guidance from the Committee, and today he presented the updated proposal for consideration. The proposal no longer creates a dichotomy between represented and non-represented parties. Judge Jones accepted some friendly amendments to align the rule with other rules and to spell out “Colorado Appellate Rules” for clarity. With the friendly amendments, the Committee voted unanimously to approve the proposal.

C. Rules 43 and 343—Proposed amendments in reaction to statutory changes regarding FED proceedings (Judge Zenisek)

The Subcommittee’s proposal includes small amendments to Rules 43 and 343 governing absentee testimony. The changes became necessary following the promulgation of C.R.S. § 13-40-113.5, which allows remote appearances at FED proceedings. The Subcommittee proposal used a simple carve-out approach to leave most of Rules 43 and 343 unchanged. One member suggested adding the new language in a new section to avoid upending the entire body of the rule, which the Committee preferred. With the

included friendly amendments, the Committee voted unanimously to approve the proposal.

IV. New Business

A. Proposed Rule 121, Section 1-27—Proposed civility rule from the CBA and DBA—(David Johnson)

David Johnson presented this proposal on behalf of the CBA's Professionalism Coordinating Committee. Both the Executive Council of the CBA and the Executive Council of the DBA have approved this draft. The purpose of such a rule would be to provide judges in the courtroom with a tool to guide and improve professionalism, civility, and practice of those appearing in the courtroom in a nimbler way than the Rules of Professional Conduct currently provide. Judge Jones formed a subcommittee to more fully consider the proposed rule. Members should email Judge Jones to join.

B. Rule 121, Section 1-6, and County Court Rule 316.5(b)—Proposal from the Housing Subcommittee of the Pathways to Access Committee (Justice Gabriel)

Justice Gabriel presented this proposal on behalf of the Pathways to Access Committee. It would require plaintiffs to post notice of FED trials, along with Webex instructions if applicable, at the tenant's residence. The Remote Appearance FED Subcommittee will consider this proposal. Judge Jones noted that the threshold issue should be whether this is an appropriate rule for the Committee to recommend to the Court or whether this should be left to the legislature.

C. Rule 121, Sections 1-1 and 1-15—Proposed amendments to clarify procedural requirements relating to sanctions requests in certain circumstances from local attorneys (Aaron Atkinson, Kaylee Sims)

Held over.

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

Held over.

E. Potential changes to Rule 47 concerning voir dire in civil cases—Proposal from the Colorado Trial Lawyers Association (Brad Levin, Kevin Cheney)

Held over.

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

Held over.

Future Meetings

November 7

The Committee adjourned at 3:33 p.m.