

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure**  
**November 7, 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	
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**

- November 7, 2025, agenda packet.

**II. Announcements from the Chair**

The September 26, 2025, minutes were approved as submitted. Judge Jones introduced a

new member, Mary Linden. Next, Judge Jones noted that the Colorado Supreme Court approved changes to Rules 43, 343, and 411, effective December 1, 2025. Further, the Court updated the order for the new magistrate rules to now apply to cases currently pending, per a request from the Subcommittee following some comments from the domestic relations bar. Judge Jones and Magistrate Tims will both be discussing the magistrate rules at local bar events in the next several months to bring the changes to people's attention.

### **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 and September 2025 meetings, the Committee discussed a Pathways to Access Committee (PAC) proposal on Rule 303 pertaining to forcible entry and detainer (FED) cases. The proposed amendments are aimed at bringing the rules in compliance with statutory requirements and capturing the public policy intentions of the PAC. Following the September meeting, Chair Judge Jones sent this proposal back to the Subcommittee for reconsideration with the addition of new Subcommittee members who represent landlords to create a more balanced perspective.

The Subcommittee looked for consensus but found little. The Subcommittee members agree that the current rule is not in compliance with statutory requirements and so changes to bring it into compliance are appropriate. Those against the remainder of the proposal expressed it is a solution in search of a problem and that this should be a legislative fix rather than a rule change given the divergent interests at play. Others argued that the legislature has already acted given the recent changes to FED law. The members also discussed whether the proposal is procedural or substantive in nature.

The Committee first considered the proposed changes Rule 4 and the addition of 303.1(b) dealing with summons. This proposal passed 12-8.

A member then made a motion to approve new Rule 3.1 and changes to Rule 303.1(a) and (c). The Committee approved this proposal by a vote of 18-2.

#### **B. Gendered Pronouns in the Civil Rules—(Lucas Ritchie)**

Judge Jones reminded everyone that this started a few years ago when the committee chairs developed a consensus on an approach to remove gendered language from the civil rules. The Court approved that approach, and since then, this Subcommittee has been working on making the required extensive changes. The Committee voted unanimously to approve these proposed changes. Judge Jones will review all these rules prior to submission to the Court, to ensure nothing is missed. Members who find any issues should send them to Judge Jones.

### **IV. New Business**

**A. 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)**

Local attorneys Aaron Atkinson and Kaylee Sims attended as guests to discuss their proposal regarding attorney fees sanctions pertaining to notice. The first proposed change aims to clarify the procedural requirements that a moving party must follow when requesting attorney fees as a sanction against withdrawn counsel. The second proposed revision addresses the proper mechanism for requesting attorney fees generally as pretrial sanctions.

While several members noted their appreciation for the thoughtfully prepared memo, they also expressed that these issues rarely come up and that this is an issue that does not need to be addressed because doing so would create redundancy. However, some expressed interest in separating out a motion for attorneys fees.

Judge Jones suggested that a subcommittee be formed *if* members are interested. Those who feel strongly should message Judge Jones.

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

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

This item was withdrawn from the Committee's consideration.

**D. Rule 53—“court-appointed neutral” proposal (Greg Whitehair)**  
Held over. Judge Jones will designate this as the first item of business for the January meeting.

**E. Rule 69—Proposed amendments regarding personal service (Attorney Ross Ziev)**  
Local attorney Ross Ziev noted that currently the requirement that debtor interrogatories be served on the debtor pursuant to C.R.C.P. 45 is being interpreted as requiring personal service on a judgment debtor, even when that judgment debtor has been, and continues to be, represented by counsel. Mr. Ziev argues that this is a waste of money and resources and suggests changes to Rule 69 to remedy this issue. Judge Jones formed a Subcommittee to consider this issue. Members should email Judge Jones to join the work. Mr. Ziev will serve on the Subcommittee

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

**Future Meetings**

January 23, April 3, June 26, September 25, November 6

The Committee adjourned at 3:33 p.m.