

RULE CHANGE 2026(01)

COLORADO RULES OF CIVIL PROCEDURE

Rule 63

Rule 63. Inability of a Judge to Serve~~Disability of a Judge~~

~~If by reason of death, sickness, or other disability, a judge before whom an action has been tried is unable to perform the duties to be performed by the court under these rules after a verdict is returned or findings of fact and conclusions of law are filed, then any other judge sitting in or assigned to the court in which the action was tried may perform those duties; but if such other judge is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial.~~

If for any reason, a judge before whom an action has been tried is unable to perform the duties to be performed by the court under these rules after a verdict has been returned or findings of fact and conclusions of law have been entered, a successor judge shall be appointed to perform those duties. The successor judge may determine that it is not possible to perform some or all of those duties because the successor judge did not preside over the trial and may order a new trial on some or all issues. Before the successor judge orders a new trial, the parties shall be provided with notice and an opportunity to be heard, and the successor judge must set forth the grounds for a new trial on the record.

Rule 63. Inability of a Judge to Serve

If for any reason, a judge before whom an action has been tried is unable to perform the duties to be performed by the court under these rules after a verdict has been returned or findings of fact and conclusions of law have been entered, a successor judge shall be appointed to perform those duties. The successor judge may determine that it is not possible to perform some or all of those duties because the successor judge did not preside over the trial and may order a new trial on some or all issues. Before the successor judge orders a new trial, the parties shall be provided with notice and an opportunity to be heard, and the successor judge must set forth the grounds for a new trial on the record.

Amended and Adopted by the Court, En Banc, January 8, 2026, effective February 1, 2026.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**