AGENDA

COLORADO SUPREME COURT
COMMITTEE ON THE
RULES OF CIVIL PROCEDURE

Friday, November 6, 2026, 1:30 p.m.
Ralph L. Carr Colorado Judicial Center
2 E.14th Ave., Denver, CO 80203
Fourth Floor, Supreme Court Conference Room

I. Call to order

II. Approval of September 25, 2026, minutes [Pages 2 to 5]

III. Announcements from the Chair

IV. Old Business

A. Magistrate Rule 7(g)—conflict with C.A.R. 3.5—(Judge Jones) [Pages 6 to 7]

B. Magistrate Rule 7(k)—unclear language (Judge Jones) [Pages 8 to 9]

C. Speedy trial proposal from attorney Jim Yontz (Judge Jones) [Page 10]

V. New Business

A. Florida rule of procedure on parental leave—(Judge Jones) [Pages 11 to 12]

B. C.R.C.P. 121, § 1-15—Missed response deadlines—(Judge Jones) [Pages 13 to 16]

C. Magistrate Rule 7(a) regarding consistency with C.R.M. 7(k)—(Judge Jones) [Page 17]

D. County Court Rule 307 regarding page limits on motions—(Judge Jones) [Page 18]

VI. Adjourn—Next meeting is January 29, 2027, at 1:30 p.m.

Jerry N. Jones, Chair
jerry.jones@judicial.state.co.us
720-625-5335

Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
September 25, 2026, 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 Jaclyn Brown	X	
Damon Davis	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

- September 26, 2026, agenda packet.

II. Announcements from the Chair

The January 23, 2026, minutes were approved as submitted. Judge Jones has completed his review of the gender-neutral proposed rule changes and is preparing a full package to send to the court. Finally, Judge Jones noted that David DeMuro has elected to retire

after 40 years of service on this Committee. He will be greatly missed after such a large contribution.

III. Old Business

A. Rules 11 and 311—updated proposals from Colorado Legal Services (Jose Vasquez, Sarah Liipka, Judge Taubman)

Unbundled legal services have expanded significantly in Colorado and nationwide over the past several decades, and they remain essential to the work of Colorado Legal Services. A representative from Colorado Legal Services explained that the proposed rule changes serve three important purposes: 1. Eliminating the requirement that an attorney who provides drafting assistance to a pro se litigant must supply a signed certification for the litigant to file as a separate, attached document. 2. Clarifying what types of support constitute "drafting assistance," and confirming that offering legal advice—including guidance on what a litigant should include in a document—does not fall within that definition. 3. Clarifying the rule's provisions regarding an attorney's assistance to a self-represented litigant in completing pre-printed or electronically published judicial branch forms.

The Committee first discussed the proposal concerning whether disclosures should appear within the same document or in a separate, accompanying document. Members then noted that the current language is highly subjective and allows for substantial manipulation. Another member raised the emerging impact of AI on pleadings. One participant suggested refining the language to address concerns from both perspectives, while others observed that the proposed revisions introduce additional ambiguity into the rule. The discussion revealed a tension between what is advice and what is drafting assistance. Several members commented that the proposed language is too broad.

One member noted that the reason this was initially adopted in 2024 was because of the great need of people who cannot afford legal services. Another member noted that unbundled legal services were sold as a way for attorneys to manage a certain piece of the case, not the entirety of it.

The Committee observed the difficulty in distinguishing between general guidance on how to proceed and specific advice about the steps a litigant should take. Judge Jones asked Jose Vasquez to lead a Subcommittee to synthesize the perspectives shared during the discussion and work toward language that accommodates both sides. Mary Linden and Sarah Liipka agreed to join the Subcommittee.

IV. New Business

A. Magistrate Rule 7(g)—conflict with C.A.R. 3.5 (Judge Jones)

There may be a conflict between C.R.M. 7(g) and C.A.R. 3.5. Mental health appeals under C.A.R. 3.5 are expedited and require 21 days rather than the 49 days specified in the C.R.M. 7(g). A rule change is needed clarify the 21-day requirement for mental health cases. Judge Jones will propose language to fix the conflict.

B. Magistrate Rule 7(k)—unclear language (Judge Jones)

Staff at the Court of Appeals have raised whether the order in the final clause of this provision refers to an order of remand with instructions or only an order adopting, rejecting, or modifying the magistrate's order. After discussion, it was decided that Judge Jones will propose language to fix the ambiguity.

C. Pro se e-filing—letters from pro se litigants Matt Shepard and Thomas Badera (Judge Jones)

The IT Department of the Judicial Branch is looking at pro se filing for all courts: At present, their efforts are focused on the Court of Appeals, although they are looking at pro se filing in all courts. The project is in the testing phase, and the work is continuing, although it has been hampered by limited funding.

D. Misalignment of county court civil jurisdictional limit—proposal from Matt Shepard (Judge Jones)

A small business owner requested that the Committee review a gap between county court's civil jurisdiction and the statutes governing who may appear on behalf of a closely held entity in that court. Judge Jones will prepare a letter on behalf of the Committee to the appropriate person at the General Assembly.

E. Rule 107—proposal from pro se litigant Christopher Stone (Judge Jones)

A pro se litigant has asked the Committee to consider an amendment that would permit substituted service of process in indirect contempt proceedings when the alleged contemnor has already entered an appearance and remains subject to the court's continuing personal jurisdiction in the underlying action. In 2024, the Colorado Supreme Court held that substituted service is not permitted in these circumstances, meaning that if personal service is attempted unsuccessfully, it must continue to be attempted until accomplished. As a result, an individual could evade service and avoid an order to show cause. Members acknowledged the distinction between criminal and civil contempt, and several expressed concern that efforts to evade service have become increasingly common in recent years. The Committee discussed whether coordination with the Rules of Criminal Procedure Committee might be appropriate. Judge Jones created a Subcommittee to further examine the issue and invited interested members to contact him.

F. AI—request from Judge Melina Hernandez (Judge Jones)

Judge Melina Hernandez reported that generative-AI-drafted motions are becoming increasingly common, particularly among self-represented litigants. These filings tend to be significantly longer than typical motions and often include irrelevant material and fabricated legal authorities. Judge Hernandez noted that she currently has more than 1,600 open cases and presides over approximately 13,000 cases each year, with about half of her litigants appearing pro se. The Supreme Court has established a Legal Technology Advisory Committee, chaired by Judge Lipinsky, to produce a guidance document on AI by the end of October. The Civil Rules Committee will need its own

Subcommittee as well; Judge Webb will serve as Chair, and members interested in participating should contact Judge Jones.

G. Rule 10—Updates in response to HB26-1196 (Andi Truett)
A bill that becomes effective January 1, 2027, may require updates to C.R.C.P. 10 to align court procedures with statutory requirements. Andi Truett will draft language.

H. Rule 411—Updates in response to Crim. P. 37 (Andi Truett)
A recent amendment to Crim. P. 37 eliminated the fourteen-day objection period in county court criminal appeals. Rule 411 may need to be updated to mirror current language and procedure adopted by Crim. P. 37. Judge Jones will draft language vote.

Judge Jones noted that Judge Hernandez' email pointed out that County Court does not have a word limit on motions and petitions. Judge Jones will look at this.

Future Meetings
November 6

The Committee adjourned at 3:37 p.m.

Rule 7. Review of District Court Magistrate Orders or Judgments

(g) When a magistrate hears a matter in the place of a judge with the consent of the parties, a magistrate's decision is treated like a district court decision. For petitions for review, the district court shall examine the record to confirm that consent was properly given and, if so, it shall direct the parties to file any appeal within 49 days or, if the case is a mental health proceeding under C.R.S. sections 16-8.5-112 and 27-65-111, within 21 days as provided in Rule 3.5(a) of the Colorado Appellate Rules. If consent was not properly given, the district court shall remand the matter to the magistrate with instructions.

Rule 7. Review of District Court Magistrate Orders or Judgments

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Rule 7. Review of District Court Magistrate Orders or Judgments

(k) The reviewing judge may remand an issue to the magistrate with instructions. Alternatively, the reviewing judge ~~or~~ may adopt, reject, or modify an ~~the initial~~ order or judgment of the magistrate by written order, which order shall be the order or judgment of the district court. Any petition for review that has not been decided within 91 days from the timely filing of the petition for review shall, without further action by the reviewing judge, be deemed an adoption of the order or judgment for all purposes including Rule 4(a) of the Colorado Appellate Rules, and the time for appeal shall commence on that date.

Rule 7. Review of District Court Magistrate Orders or Judgments

(k) The reviewing judge may remand an issue to the magistrate with instructions or may adopt, reject, or modify an~~the initial~~ order or judgment of the magistrate by written order~~,~~. An order adopting, rejecting, or modifying a magistrate's order~~which order~~ shall be the order or judgment of the district court. Any petition for review that has not been decided within 91 days from the timely filing of the petition for review shall, without further action by the reviewing judge, be deemed an adoption of the order or judgment for all purposes including Rule 4(a) of the Colorado Appellate Rules, and the time for appeal shall commence on that date.

THE BYRNES LAW FIRM

1530 S. Tejon Street

Colorado Springs, Colorado

719-304-0005 / jim.yontz@laurelbyrnes.com

July 2, 2025

Re: Suggested addition to Rules of Civil Procedure

The Honorable Jerry N. Jones, Colorado Court of Appeals

Justice Richard L. Gabriel, Supreme Court of Colorado

Judge Jones and Justice Gabriel,

For about 37 years I practiced criminal law as a District Attorney and Assistant Attorney General. For the past 5 years I have been involved primarily in the practice of Civil Law, the majority of my practice being Family Law.

I have handled many cases dealing with both Punitive and Remedial Contempt proceedings. In dealing with Contempt matters, I have become fairly well acquainted with the law surrounding these proceedings. It is my understanding that the Contempt proceeding is *quasi-criminal* in nature. The accused is afforded many of the same rights and protections that are afforded to criminal defendants. However, there appears to be one significant area that is *not* covered in Contempt Proceedings but is, nonetheless, a major concern in criminal proceedings. This is the issue of speedy trial.

Both the Court of Appeals and the Supreme Court are aware of the law regarding these matters, so I will avoid the temptation to restate the law. Nevertheless, my suggestion is to place a *speedy trial* requirement on Contempt Proceedings. I suggest the rules be amended to require the matter to be heard within 180 days of the Advisement Hearing or Waiver of Advisement where a plea is entered. This would both foster judicial economy and protect the accused from the protracted uncertainty of receiving a fine or loss of property or liberty hanging over his head. This would also be consistent with the other safeguards afforded an accused in a Contempt Proceeding as well as meet the constitutional standard for a speedy trial.

Should you have questions, please contact me. I sincerely appreciate your taking time to look at this matter.

Sincerely,

Jim Yontz

Attorney Registration # 41935

michaels, kathryn

From: jones, jerry
Sent: Monday, September 21, 2026 9:55 AM
To: Ben Lebsack
Cc: michaels, kathryn
Subject: RE: Rules Committee - parental leave

Thanks, Mr. Lebsack. An interesting idea. We may be able to put it on our November agenda, depending on how much we get done at our meeting this week.

Judge Jones

From: Ben Lebsack <ben@lowrey-parady.com>
Sent: Sunday, September 20, 2026 6:22 AM
To: jones, jerry <jerry.jones@judicial.state.co.us>
Subject: [EXTERNAL] Rules Committee - parental leave

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Good morning, Judge Jones.

While researching an article for the Colorado Lawyer, I came across a rule of court procedure from Florida. It provides a presumptive three-month continuance of proceedings when the lead attorney on a case is on parental leave. Here's a link: https://www.courtrules.net/florida/florida-general-practice/rule-2-570. I also found a judge in Texas who has or had a standing order saying the same: https://abovethelaw.com/2018/07/texas-judge-steps-up-in-defense-of-lawyers-who-are-parents/.

My article is about the ethical duties of lawyers and law firms related to parental, medical, bereavement, etc. leave. With the implementation of the Healthy Families and Workplaces Act and Family and Medical Leave Insurance Act providing leave entitlements to employees, it's a different landscape than a lawyer going on leave five years ago when you could legally tell them to check email or stay on top of conflicts.

I am not sure if a rule like this is right for Colorado (it doesn't solve the ethics issues I'm writing about), but if the committee has not previously considered a rule like this, I think it deserves consideration.

Thank you,

-Ben

Ben Lebsack
(he/him/his)



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Dear Judge Jones,

Thank you for your response and guidance. I understand and appreciate your concern regarding issues that may affect a party's individual case.

I've attached a brief proposal focused on the broader procedural issue and a potential rule change for your consideration.

Thank you for taking the time to consider it.

Respectfully,

Marisa Bar-av

PROPOSED ISSUE

I respectfully propose that the Committee consider an amendment to C.R.C.P. 121, § 1-15 providing an additional procedural safeguard when a parent, particularly one newly brought into a domestic-relations proceeding, fails to meet the initial response deadline for a motion seeking a substantial modification of an existing parenting-time or allocation-of-parental-responsibilities arrangement.

The concern is intentionally narrow. Once parties are actively participating in litigation, they have greater reason to understand that deadlines must be monitored and that motions require timely responses. The initial filing presents a different concern.

For a person encountering the process for the first time, service of legal documents may be their first meaningful exposure to civil procedure. A parent may not understand that failing to respond within the stated period could permit the court to rule without hearing their position, particularly when the requested relief could substantially alter a parenting arrangement that may have existed for years.

PROPOSED SAFEGUARD

When a party misses their first response deadline after being brought into a proceeding involving a requested substantial modification of an established parenting arrangement, I propose that an additional notice be required before the requested substantial modification may be granted based upon the absence of a response.

The notice could advise the party that:

1. The original response deadline has expired;
2. The pending motion seeks a substantial change to the existing parenting arrangement;

3. Failure to act may result in the court deciding the motion without considering that party's response; and
4. The party has a short, specified period in which to file a response, request permission to file a late response, or otherwise appear and address the motion.

This would be a one-time safeguard associated with the party's initial missed response deadline, rather than an ongoing entitlement to additional notice each time a deadline is missed during litigation.

Once a party has appeared and participated in the proceeding, ordinary filing requirements and deadlines would continue to apply.

An exception could also permit immediate court action when necessary to address an emergency or imminent risk to a child.

WHY THE AMENDMENT SHOULD BE CONSIDERED

The first missed deadline is different from repeated noncompliance after a litigant has become actively involved in a case.

A person receiving court papers for the first time may have no attorney and little or no understanding of civil procedure. The person may misunderstand the documents, overlook the significance of a deadline, have limited English proficiency or literacy, be dealing with a disability, be hospitalized or experiencing another significant life circumstance, or simply fail to appreciate that not responding can have immediate legal consequences.

None of those circumstances necessarily has any relationship to the merits of the parenting issue or to that person's relationship with their child.

Yet the consequence can be profound when the underlying request concerns parenting time. A procedural mistake at the very beginning of a case should not, by itself, determine whether an established parent-child arrangement is substantially altered without the court first receiving information from both parties.

The proposed safeguard would not eliminate deadlines, excuse repeated failures to comply with court rules, or prevent courts from acting when a child's immediate safety requires intervention.

Instead, it would provide a limited procedural checkpoint at the point when a person is most likely to be unfamiliar with the system and when the potential consequences of misunderstanding that system can be especially significant.

BROADER PURPOSE

This proposal is intended to promote meaningful notice, access to justice, and decisions based upon the merits when substantial parenting rights and parent-child relationships are at issue.

My own experience brought this procedural question to my attention, but I am not asking the Committee to review or reconsider any decision in my individual case. The issue I am asking the Committee to consider is broader:

Before a parent's first missed response deadline can contribute to a substantial alteration of an established parenting arrangement, should Colorado's rules provide that parent with one additional, clear notice of the consequences and a brief opportunity to respond?

I respectfully ask the Committee to consider whether C.R.C.P. 121, § 1-15, or another appropriate rule, should be amended to provide that limited safeguard.

Respectfully,

Marisa Bar-av

On Thu, Sep 24, 2026 at 11:13 AM jones, jerry <jerry.jones@judicial.state.co.us> wrote:

Hello, Ms. Bar-Av. Thank you for your message. Anyone can request that an item be put on the agenda, but it is too late to add another item to the agenda for our meeting tomorrow. Perhaps you could submit something to me proposing how you believe the rule should be changed and specifically why. I will then take it into consideration and decide whether to include it on a future agenda. As for presenting the issue at a meeting, if we include it on the agenda I would probably present it based on the information you provide. Whether you could speak to the issue remains to be seen. I'm sensitive to the fact that we don't typically address issues that affect parties in a particular case at the behest of such a party.

Judge Jones

From: Marisa Bar-av <marisabarav@gmail.com>
Sent: Wednesday, September 23, 2026 8:55 PM
To: jones, jerry <jerry.jones@judicial.state.co.us>
Subject: [EXTERNAL] Request to Participate - Civil Rules Committee 9.25.2026

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Dear Judge Jones,

I'm writing to request permission to participate in the Civil Rules Committee meeting this Friday.

I'm a self-represented parent in a Colorado domestic relations matter, and my experience has raised a narrow procedural question concerning C.R.C.P. 121, Section 1-15.

Specifically, whether an additional safeguard should apply before a missed response deadline can result in a substantial modification of an established parenting arrangement without an evidentiary hearing.

My own case made me aware of the issue, but my concern extends beyond my individual circumstances. I'm concerned about unrepresented parents who may lack resources or an understanding of the process when the consequences can significantly affect both parents and children.

I understand that the committee is not a forum for addressing or reviewing individual cases, but I'd appreciate the opportunity to briefly raise this procedural concern and, more importantly, to learn the appropriate process for submitting it for the committee's consideration as a potential rule issue.

Thank you for considering my request.

Respectfully,
Marisa Bar-Av

Rule 7. Review of District Court Magistrate Orders or Judgments

(a) Magistrates shall include in every order or judgment the following statement: Except as otherwise provided by statute, no appeal may be filed unless a petition for review has been filed with the district court within 28 days from the date of this order or judgment as provided by C.R.M. 7(c) and either the district court has ruled on that petition or the order or judgment has been deemed adopted by virtue of no action being taken by the district court within 91 days of the filing of the petition as provided in C.R.M. 7(k).

Rule 307. Pleadings and Motions

(a) Pleadings. There shall be a complaint and an answer which may or may not include a counterclaim. No other pleadings shall be allowed except by order of court.

(b) Motions. Repealed.

(c) Demurrers, Pleas, etc., Abolished. Demurrers, pleas, and exceptions for insufficiency of a pleading shall not be used.

(d) Agreed Case, Procedure. Parties to a dispute which might be the subject of a civil action may, without pleadings, file, in the court which would have had jurisdiction if an action had been brought, an agreed statement of facts. The same shall be supported by an affidavit that the controversy is real and that it is filed in good faith to determine the rights of the parties. The matters shall then be deemed an action at issue and all proceedings thereafter shall be as provided by these rules.