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 25, 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.