Jury Selection Working Group
Meeting Minutes: October 23, 2026

I. Call to Order

A quorum being present, the Jury Selection Working Group on October 23, 2026, was called to order by Co-Chair Cheney at 1:05 p.m. in the Ralph L. Carr Judicial Center, Supreme Court Conference Room and via Webex.

The following voting members were present at the meeting: Kevin Cheney (Co-Chair), Justice William Hood (Co-Chair), Joyce Akhahenda, Chief Judge Michelle Amico, Judge Kellie Eastin, Judge Elizabeth Harris, Chief Judge Amanda Hunter, Judge Jerry Jones, Rachel Maestas, Judge Dana Nichols, John Palmeri, Jerry Pratt, Jessica Salerno, Darryl Shockley, and Tanja Wheeler.

The following non-voting participants were also present at the meeting: Megan Berry, Kayla Cooley, Catherine McDaugale, and Terry Scanlon.

The following voting members were absent from the meeting: Amanda Blyth, Chief Judge Paul Dunkelman, and Kim Graham.

The following materials were distributed before or used during the meeting:

- September 11, 2026 Meeting Minutes
- September 21, 2026 Meeting Minutes
- Proposed rule changes regarding presumptive time limits: district civil (C.R.C.P. 47(a)(3)); district and county criminal (Crim. P. 24(a)(3)); county civil (C.R.C.P. 347(a)(3)); municipal (C.M.C.R. 224(c)(3))
- Proposed rule changes regarding juror rehabilitation: district and county civil (C.R.C.P. 47(e); C.R.C.P. 347(e)); district and county criminal (Crim. P. 24(b)); municipal (C.M.C.R. 224(d))
- Salerno research comparing national studies regarding voir dire time limits to the proposed Colorado presumptive time limits

II. Minutes

The September 11, 2026 and September 21, 2026 minutes were approved without amendment by unanimous consent.

III. New Business

A. Juror Questionnaires

Co-Chair Cheney stated that judicial needs time to determine what is technologically possible regarding juror questionnaires so the working group would discuss questionnaires at another meeting.

B. Presumptive Time Limits

Co-Chair Cheney asked Salerno to summarize her research comparing the national studies regarding voir dire time limits to the proposed time limits.

Salerno stated she did a deep dive of states' median voir dire times and compared them with the proposed time limits. The proposed time limits are about 30% lower than those in the National Center for State Courts studies, but the studies don't specify whether the numbers include judge questioning and administrative time. She will send an updated version after the meeting.

Salerno also did a direct comparison to some other states, including the numbers from Judge Gates's meeting. In those direct comparisons, the proposed time limits are 7% to 60% lower, depending on the case type.

Judge Jones asked how many of the states she looked at have rules regarding voir dire. Salerno stated she could not find any but isn't a legal researcher. Cheney stated Connecticut addresses voir dire in its constitution.

In response to a question about whether the proposed times include both judge and attorney questioning, Cheney clarified that the proposed time limits include only attorney time, per side.

1. District (civil) proposed rule

Co-Chair Cheney proposed adding a "minimum presumptive limit of [one] hour per side for juror examination" to C.R.C.P. 47(a)(3), giving judges discretion to "reduce the presumptive limit" but requiring a "case specific written order" when doing so and precluding a judge from modifying "the presumptive limit as a matter of course." He stated that the proposal was intended to allow judicial discretion and that it is important to have presumptive times that are case specific. The goal is to make it clear that the presumptive times are minimums so parties can request more time. He started by pulling the time limits from the original bill that had been introduced into the legislature and then modified them for the working group to create a good starting place. He acknowledged that there will be people on all sides that will be unhappy. He asked for everyone's input regarding structuring the rule and about the specific time limit of one hour per side in civil cases.

Judge Jones asked Co-Chair Cheney if he anticipated that the proposed rules would be introduced into the specific rules committees and if judges would be polled about their thoughts on them.

Co-Chair Cheney stated that the working group will write a recommendation report that goes to the supreme court, and the supreme court may adopt part or all of it. He hopes it won't go to the rules committees because the changes wouldn't be implemented as quickly. Before it goes to the supreme court, it will be published and open for comment. Working group members are free to communicate with their groups.

Chief Judge Amico asked if there was a reason the proposed language included the requirement that an order be written, stating it would be exceptionally burdensome on judges.

Co-Chair Cheney stated his goal was to create enough hoops that the presumptive time limits would be used in most cases instead of being reduced. He agreed that the order didn't need to be written.

Judge Jones raised a concern that presumptive time limits would trigger more litigation because cases in which the presumptive times were reduced would be appealed, with the parties arguing that the order was insufficient.

Co-Chair Cheney agreed it was a valid concern but stated a party would need to give a reason why they needed more time. He asked if there was an alternative way that would achieve the result of substantially increasing the amount of time for voir dire.

Judge Jones stated the question assumes it's desirable to increase the amount of voir dire time. Judges around the state wouldn't agree because courts are overburdened and requiring them to do minimum times would increase that burden. He suggested using a Chief Justice Directive in place of a rule; he couldn't point to other states with a rule.

Co-Chair Cheney agreed that a majority of judges would oppose presumptive time limits for voir dire. But the feedback from lawyers is that they want more time. The point of the working group is to reach a compromise that both sides can live with. If the result of the working group isn't more voir dire time, there will be another bill introduced in a few years without judicial discretion. He is open to other ways to go about it if it leads to a noticeable increase in voir dire time across the board.

Judge Jones stated if voir dire times increase across the board in all cases it will result in more backlog. He asked who would be paying for it?

Co-Chair Cheney disagreed, pointing to the meeting with Judge Gates and Arizona where there are no time limits, but they are still able to save money.

Judge Jones pointed out that Arizona has three times the number of staff members doing jury work.

Judge Nichols steered the conversation back to the proposed changes to the rule, stating that, realistically, the working group will have to make some concessions. She pointed out that the current language doesn't indicate if it's referring to the total time for voir dire or only attorney time.

Co-Chair Hood thanked Judge Nichols for chiming in and stated that Chief Judge Dunkelman also shares the concern about a written order.

Co-Chair Cheney was persuaded that there doesn't need to be a written order, and Akhahenda agreed. Co-Chair Cheney asked for an edit to the proposed language to remove the word "written."

Judge Eastin suggested a reasonable minimum for any case that would give a few minutes per prospective juror. Doing so might encourage the use of mini openings to get things moving quickly. What is the minimum time an attorney could be competent with a venire of twelve in the box?

Co-Chair Cheney stated he had a case in Weld County where he was allotted forty-five minutes and used forty-three of them. He said thirty minutes is too low for district court civil cases unless you're using a good case-specific questionnaire. He is willing to reduce the time from an hour if the working group members felt that was too long, but from his perspective, it would have to be more than thirty minutes.

Salerno expressed a concern that the minimum might end up being used as a maximum. The minimum is not enough for most cases. She asked if they could make it clearer that it's a minimum. It reads like it's a default, which could be problematic.

Akhahenda agreed with Salerno. Time limits aren't a problem for them in all jurisdictions, so presumptive limits could end up cutting the time they currently receive in some jurisdictions. There are concerns that sex assaults and homicides should receive more time.

Co-Chair Cheney stated that a party's ability to request more time is only in the civil rule. In the criminal rule, it currently doesn't say that. He assumed that the working group would want them to be uniform. From a policy perspective, he agrees with Akhahenda. He asked how the working group felt about a range.

Pratt asked how a range would work. Would it state a presumptive minimum and a presumptive maximum? How would a judge apply it?

Salerno stated it wouldn't change anything; it would set a norm that the minimum isn't a default.

Co-Chair Hood stated a range might make it more difficult because people will hate both sides of the range. It would be easier to get to a middle ground with a presumptive minimum.

Palmeri doesn't have a problem with a minimum but stated, with a range, some of it gets lost. The minimum is workable. He asked what the appellate standard of review would be.

Judge Jones, Judge Harris, and Co-Chair Hood agreed that appellate review would be for an abuse of discretion.

Co-Chair Hood suggested changing the proposed language to "oral or written." Even with oral findings, there would be litigation about the adequacy of the judge's findings.

The proposed language was changed to "oral or written findings on the record."

Palmeri asked if the language should be a "lack of good cause" for denying request.

Co-Chair Cheney stated if the language in the current rule was being followed, we wouldn't be here. But the reality is that it's not being followed. He suggested changing the language to specify a one-hour limit per side "for initial panel attorney-led juror examination."

Co-Chair Hood stated the time limit should include replacement time. They would get pushback if it didn't.

Judge Nichols stated there are two types of replacements: challenges for cause and peremptory challenges. It all depends on how many for-cause challenges you have, and you can't anticipate that.

Co-Chair Hood suggested that it would be better to have fewer moving parts.

Co-Chair Cheney stated a judge has never denied him time to question a replacement juror.

Chief Judge Amico stated the more granular the rule is, you'll have more judges trying to make the time less, which would defeat the purpose. She suggested using the term "party-led" instead of "attorney-led" juror examination because there are pro se trials.

Chief Judge Hunter pointed out conflicting standards between the "judge may reduce" the presumptive limit and "finding good cause" to deny a request for more time.

Co-Chair Cheney agreed there are two different standards.

In response to Judge Jones's comment that he would like another cleaned up version so he could think about it, Co-Chair Hood reminded the working group that nothing was etched in stone. He stated sixty minutes would be pushing it, but forty-five minutes would be more viable.

Chief Judge Amico agreed if judges saw an hour, it would cause heartburn and would affect the dockets. The more time that is added, the more back up they will have. There would be a bigger impact to county court than to district court. Most judges in her district routinely give thirty minutes but they use case-specific questionnaires.

Co-Chair Cheney stated that since the working group will make some progress on questionnaires, he can live with forty-five minutes for district civil cases.

The proposed language in the rule was changed from one hour to forty-five minutes.

2. County (civil) proposed rule

Co-Chair Cheney moved the discussion to county civil cases and the proposed language adding a "minimum presumptive limit of [thirty] minutes per side for juror examination" to C.R.C.P. 347(a)(3). The proposed changes to Rule 347(a)(3) also gave judges discretion to "reduce the presumptive limit," required a "case specific written order" when doing so, and precluded a judge from modifying "the presumptive limit as a matter of course."

Co-Chair Hood pointed out that Chief Judge Dunkelman questioned whether we should create presumptive times for voir dire in county court cases at all because of the different docket pressures faced by county court judges.

Co-Chair Cheney stated he would be fine if the working group didn't want to change the county civil rule and asked if anyone had strong feelings on voir dire times in county civil cases. Currently, voir dire is left to the discretion of the judge.

The working group voted not to change C.R.C.P. 347.

3. District and county (criminal) proposed rule

The working group then discussed the proposed changes to Crim. P. 24(a)(3), which is pertinent to both district and county court criminal cases. The proposed changes added

> a minimum presumptive limit of [twenty] minutes per side in cases where the most serious charge is a petty offense, [thirty] minutes where the most serious charge is a misdemeanor not involving unlawful sexual behavior or domestic violence, and [one] hour if the most serious charge is a felony or a misdemeanor involving unlawful sexual behavior or domestic violence.

As in the civil cases, the proposed changes gave judges discretion to "reduce the presumptive limit," required a written order when doing so, and precluded modifying "the presumptive limit as a matter of course." It also gave parties the ability to request additional time for jury examination and provided the standard of "good cause" for the denial of the request.

Co-Chair Cheney pointed out that there isn't a separate county court rule. He directed that the same changes that had been made to the district civil rule (changing the word "written" to "oral or written findings on the record" and adding the term "party-led" before "juror examination") be made to the criminal rule. He asked how much time should be given in felony sex assault cases.

Akhahenda stated there should be two hours in those cases but that she was comfortable with the rest.

The proposed language was changed to two hours "if the most serious charge is punishable by a life sentence."

Shockley raised a concern about modifying pretrial orders (restricting them) and the time allotted for domestic violence and unlawful sexual behavior cases.

Maestas stated in El Paso the average time criminal judges gave was sixty minutes for first degree felonies; forty-five minutes for second and third degree felonies, first, second, and third degree drug felonies, and sex assaults; and thirty minutes for all other felonies.

Akhahenda suggested a compromise of forty-five minutes in domestic violence cases.

After discussion, the proposed language was changed to forty-five minutes for domestic violence and unlawful sexual behavior cases, keeping one hour if the most serious charge is a felony.

Palmeri asked if the good cause was for denying additional time.

Co-Chair Cheney said yes.

Palmeri again suggested changing the language to "a lack of good cause."

Co-Chair Cheney stated the rule as originally written was to give attorneys more time if there was good cause.

Shockley also had questions about the good cause language.

Co-Chair Cheney stated that language has been in the civil rule; he put it in the criminal rule to make them consistent. Only the denial requires good cause, not the granting of more time. He asked if everyone was okay with the time limits.

Co-Chair Hood stated that judges won't like the two hours. His experience is that it's typically been an hour per side for class 1 felonies and felony sex assault cases.

Akhahenda stated they are getting forty-five minutes, but some judges give an hour. People are upset that they're not getting more time.

Co-Chair Cheney stated if you're taking away someone's liberty for life, you should give more time.

Judge Jones asked whether a more relevant concern is the complexity of a case. You could have a straight-forward murder case but a very complicated first degree assault case. There are also potential complications about publicity, etc.

Akhahenda stated they can ask for more time in those cases. When it's punishable by a life sentence it requires more voir dire.

Co-Chair Cheney asked whether it addresses both points. Most murders should be given two hours. But a judge could reduce the two hours if it's not a complicated case.

Co-Chair Hood stated judges are not going to like an hour for regular felonies or two hours for cases involving a potential life sentence, even going to forty-five and ninety minutes respectively would face some resistance. The current language could result in the Jury Selection Working Group losing credibility with the judges around the state.

Co-Chair Cheney verified with Joyce that currently it's thirty or forty-five minutes for non-homicides. He asked Chief Judge Amico which numbers might work.

Chief Judge Amico stated in general, the Eighteenth Judicial District uses questionnaires, which helps. As a starting point, forty-five and ninety minutes are much easier to swallow.

Her fear is that you will have judges who will make findings as to why a two-hour minimum is unnecessary for a case. With those time limits, you would not be able to seat a jury in a homicide case in a day. Citizens would also be upset about having to come back a second day.

Co-Chair Cheney asked Akhahenda how she would feel about changing the time to ninety minutes since it is more than they are currently getting.

Akhahenda suggested changing the language to ninety minutes for all homicides and sixty minutes for other felonies.

The proposed language was changed to "[forty-five] minutes if the most serious charge is a misdemeanor involving unlawful sexual behavior, [sixty] minutes if the most serious charge is a felony, and [ninety] minutes if the most serious charge is a homicide or sex assault."

Chief Judge Amico expressed a concern that forty-five minutes per side wouldn't work in any county court.

Co-Chair Cheney stated county court minimums were important to the defense bar. It had to be more than they get now, whether it's forty-five minutes or something less. Feedback from the criminal defense bar was that they could live with thirty minutes for county misdemeanor domestic violence. He asked if the judges thought that would be enough.

Co-Chair Hood stated he thought they had talked about going to forty-five minutes for a routine felony.

Co-Chair Cheney stated there was more pushback on that.

The proposed language was changed to reduce misdemeanor domestic violence to thirty minutes and petty offenses to twenty minutes.

4. Municipal proposed rule

Proposed changes to C.M.C.R. 224(c)(3) (adding "a minimum presumptive time limit of [twenty] minutes per side for juror examination," giving judges discretion to reduce the presumptive limit, requiring a "case specific written order" when doing so, and precluding modifying "the presumptive limit as a matter of course") were briefly discussed. The proposed language was edited to change "written" to "oral or written findings on the record" and to add "party-led" before "juror examination." Judge Eastin commented that she could support these changes, but she added that some of her municipal court colleagues will be less enthusiastic.

C. Juror Rehabilitation

1. District and county (civil)

Co-Chair Cheney proposed adding a subsection to C.R.C.P. 47(e) and C.R.C.P. 347(e) as follows:

> (8) If the judge believes a juror expressing an unqualified opinion under section (6) or expressing substantial enmity or bias under section (7) has been rehabilitated because of their willingness to follow the law or set those opinions or bias aside, the judge shall allow the parties additional time to question that juror prior to issuing a final ruling on a challenge for cause.

He stated the original version he drafted was more in line with the bill and prohibited rehabilitation. But after conferring with Co-Chair Hood, they changed proposed subsection (8) to give the parties an opportunity to question a juror who is clearly biased before the judge makes a final ruling on a challenge for cause. He asked for ideas and indicated there should be training on bias because once a juror is biased, the bias doesn't just go away.

Judge Harris asked why, under the proposed language, the judge wouldn't be allowed to re-rehabilitate a juror, and Co-Chair Cheney agreed it wasn't clear.

Chief Judge Hunter agreed with opening up the questioning to the parties.

Pratt asked if the additional time to question the juror would be above the presumptive minimum.

Co-Chair Cheney stated he was assuming it was an additional amount of time because the parties would already have used their presumptive time.

Palmeri suggested removing the words "additional time" so it reads "the judge shall allow the parties to question . . . ." Everyone agreed. The change was made to the proposed language.

Co-Chair Cheney asked the appellate judges their thoughts on the issue.

Judge Jones agreed that it's difficult to get a reversal based on a judge finding that a juror has been rehabilitated. From time to time, there are transcripts that show a juror hasn't been rehabilitated like the judge thought. He pointed to case law that says judges are in the best position to make the call. Traditionally, they have given a lot of discretion to the judge's ability to observe a juror. If there was more of a record, that's probably a good thing.

Salerno stated some states have reached a middle ground where they say judges should refrain from rehabilitating a juror using closed-ended questions. She asked if the language could be clarified to prohibit certain types of rehabilitation.

Co-Chair Cheney stated it doesn't necessarily belong in the rule; something like a Chief Justice Directive might be more appropriate to educate judges.

Judge Jones suggested it could be incorporated into the bench books.

Chief Judge Amico agreed education is a more compelling alternative. Typically, she doesn't try to rehabilitate a juror. If they're on the fence, she will excuse them.

Judge Jones pointed out that rural areas have smaller venires.

Co-Chair Hood stated that we might do better to use the exact language borrowed from subsections (6) and (7), rather than paraphrasing it, in (8).

Co-Chair Cheney stated that he tried to paraphrase it but then added the word substantial. He didn't track it identically because then all cases would get extra time, all the time.

2. District and county (criminal)

Co-Chair Cheney proposed adding a subsection to Crim. P. 24(b) as follows:

> (XIII) If the judge believes a juror expressing an unqualified opinion or expressing substantial bias under section (X) has been rehabilitated because of their willingness to follow the law or set those opinions or bias aside, the judge shall allow the parties additional time to question that juror prior to issuing a final ruling on a challenge for cause.

He also proposed deleting the last part of subsection (X) ("unless the court is satisfied that the juror will render an impartial verdict based solely upon the evidence and the instructions of the court"). He asked Akhahenda if there were any objections from the criminal defense bar.

Akhahenda expressed a concern that officially establishing the court's ability to rehabilitate a juror would undercut defense attorneys' ability to object to it. Under subsection (XIII), if a juror is biased, they cannot be rehabilitated so she doesn't like the language that is used.

Co-Chair Cheney asked if the criminal defense bar would prefer no change to the current rule.

Akhahenda stated they don't like judicial rehabilitation. Instead of focusing on rehabilitation, the working group should focus on clarifying the juror's firmness of opinion. She doesn't know if they don't want a change at all. The additional time for lawyer questioning doesn't have a point because once a judge has ordered that the juror can follow the law, it doesn't matter what they ask. There are concerns that it doesn't address the issue.

Judge Jones stated he has reversed on challenges for cause; sometimes the juror isn't rehabilitated, and the attorneys bring that out. There is case law regarding jurors coming into court not understanding all the things they'll have to do and the rules they'll have to follow.

All have some bias. He thinks more people are capable of putting aside bias than we give them credit for.

Akhahenda disagreed, stating the studies show they can't. The jurors admitted that they went in with the opinions they have even though they told the judge in open court that they could set aside their bias.

Judge Jones rejected the premise that all do that.

Co-Chair Hood asked if the criminal defense bar would like an opportunity to ask questions if we don't eliminate judicial rehabilitation altogether.

Akhahenda said they would like to see an improvement of whether there's rehabilitation, with judges asking clarifying questions.

Co-Chair Hood stated some of the solution lies in judicial education about how and when to rehabilitate prospective jurors.

Salerno alluded to Montana using language regarding open-ended questions. It has been established through research that jurors said yes to a judge but were lying. There's good data showing rehabilitation doesn't work. But there are nuances where a judge can ask clarifying questions. Arizona has a rule that the court should refrain from attempting to rehabilitate prospective jurors.

Co-Chair Cheney stated that an instruction doesn't belong in the rule; the judges should be educated about it.

Palmeri suggested it might be addressed in the jury instructions, but Co-Chair Hood stated the judges wouldn't be using them for that.

Judge Jones suggested adding it to existing subsection (X), acknowledging that a judge can and should avoid asking certain things.

Co-Chair Cheney stated it's better left to education than to put it in the rule. He asked Akhahenda if putting it in the rule meant the criminal defense bar would be agreeing to it.

Akhahenda agreed it would be affirming that they're agreeing with it.

Co-Chair Cheney stated the working group didn't have to put it in the criminal rule.

Judge Harris asked about a scenario where a juror expresses two biases, and the judge rehabilitates on one and not the other. Does that put the burden on the attorney to ask about it under the rule change?

Co-Chair Cheney stated the goal is to send a message that rehabilitation has gone too far and has been done in an unfair way and to educate judges. Then it might get better.

Co-Chair Hood proposed that the criminal defense bar could be on the record that they opposed the rule change.

Co-Chair Cheney agreed. He stated that the proposed changes to the municipal criminal rule (C.M.C.R. 224(d)) are the same. Cleaned-up versions of the proposed rule changes would be sent to the working group so they can go back to their organizations for feedback. The working group should gather the feedback to talk about it at the next meeting along with questionnaires. The working group's update is due on December 1.

Co-Chair Hood stated at the next meeting, the working group would also need to discuss how to frame the update for the legislature.

IV. Future Meetings

The next meeting is on November 13, 2026, in the Supreme Court Conference Room on the Fourth Floor of the Ralph L. Carr Judicial Center, 2 East 14th Avenue, Denver, CO 80203 and via Webex.

V. Adjourn

The Jury Selection Working Group meeting adjourned at 3:43 p.m.