

**COLORADO SUPREME COURT
ADVISORY COMMITTEE ON RULES OF APPELLATE PROCEDURE**

**Minutes of Meeting
June 9, 2022**

A quorum being present, the Colorado Supreme Court's Advisory Committee on Rules of Appellate Procedure was called to order by Chief Judge Gilbert Román at 1:30 p.m., remotely via WebEx. Members and guests present or excused from the meeting were:

Name	Present	Excused
Chief Judge Gilbert Román, Chair	X	
Judge Michael Berger		X
Marilyn Chappell	X	
Anne Whalen Gill	X	
Marcy Glenn	X	
Andrew Low	X	
Jason Middleton	X	
Norman Mueller	X	
Jillian Price	X	
Judge Christopher Seldin	X	
Judge Christopher Zenisek	X	
Non-voting participants		
Justice Richard Gabriel, Liaison	X	
Polly Brock	X	
Melissa Meirink	X	

I. Attachments & Handouts

A. June 9, 2022 agenda packet

II. Approval of Minutes

The committee approved the December 9, 2021 minutes as submitted.

III. Announcements from the Chair

- Chair Chief Judge Román asked Melissa Meirink to speak on an upcoming *Colorado Lawyer* article. Ms. Meirink explained that she is writing an article along with former Chief Judge Bernard and Chief Judge Román. It will detail the rule changes that are effective July 1, 2022, and should appear in the September issue.

IV. Proposed drafts of Colorado Appellate Rules

The following issues and revisions were discussed:

- C.A.R. 3.3
 - This rule proposal provides clarifying language and was approved unanimously.
- C.A.R. 4.2
 - A staff member will be updating this rule for stylistic changes. Members proposing substantive changes should email them to Tiffany Mortier for inclusion.
- C.A.R. 25
 - These changes were proposed by the clerk's office to provide clarification for litigants and were approved unanimously.
- C.A.R. 32
 - This rule proposal came at the request of the clerk's office to reflect current practices and to clarify that the court has discretion to reject pleadings that do not comply with the rules or court policies. It was approved unanimously.
- Draft C.A.R. 3.5
 - Staff attorneys from the Court of Appeals brought this proposal to the committee. The proposal is based on Rule 3.4 and expedites appeals in mental health proceedings. The members of the committee proposed edits and then unanimously approved the rule. The staff attorneys who proposed the rule will work on making some corollary changes to Rule 3.4.
- C.A.R. 12
 - A member brought this issue to the committee, noting that C.A.R. 12(b) has some language that may deny indigents their right to a direct appeal in certain instances. Chief Judge Román formed a subcommittee to remedy this issue: Jason Middleton will chair and Judge Zenisek and Norm Mueller will also contribute. Staff attorneys from the Court of Appeals may assist as well. The clerk's office will also propose updates to this rule for clarity and functionality.

Future Meeting

The date of the next committee meeting is Thursday, October 27th at 1:30 pm.

The committee adjourned at 3:05 pm.