

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

**Minutes of Meeting
June 17, 2021**

A quorum being present, the Colorado Supreme Court's Advisory Committee on Rules of Appellate Procedure was called to order by Chief Judge Steven Bernard at 2:00 p.m., remotely via WebEx. Members and guests present or excused from the meeting were:

Name	Present	Excused
Chief Judge Steven Bernard, Chair	X	
Judge Michael Berger	X	
Marilyn Chappell	X	
Andy Cooper	X	
Anne Whalen Gill	X	
Marcy Glenn	X	
Andrew Low	X	
Jason Middleton	X	
Norman Mueller		X
Judge Todd Plewe		X
Non-voting participants		
Justice Richard Gabriel, Liaison	X	
Polly Brock	X	
Melissa Meirink	X	

I. Attachments & Handouts

- A. June 17, 2021 agenda packet
- B. March 4, 2021 minutes

II. Approval of Minutes

The Committee approved the March 4, 2021 minutes as submitted.

III. Announcements from the Chair

- Chair Chief Judge Bernard noted that the meeting would end by 3:15 today due to obligations of a few members of the committee.

IV. Proposed drafts of Colorado Appellate Rules

The following revisions were discussed:

- C.A.R. 52
 - The committee discussed the proposed changes made for clarity and voted unanimously to send the rule to the supreme court for consideration.

- C.A.R. 21(e)
 - These changes were made at the request of the clerks' office and largely mirror the federal rule. The committee discussed the complicated differences between sealed and suppressed documents and determined that citing to C.J.D. 05-01 is the best way to include updated information. Melissa Meirink is going to add similar language to C.A.R. 30(h) and check the rest of the appellate rules for any mention of sealed and suppressed documents.

- C.A.R. 21 + 29
 - Proposed changes to these rules included fixing nit errors and adding a section guiding amicus briefs. The committee discussed whether this additional language would have the unintended consequence of increasing the number of amicus briefs. The committee voted unanimously to send these to the supreme court for consideration.

- C.A.R. 4
 - The committee discussed the fact that there may be ongoing concerns related to the death penalty, and there may be value to leaving the language in the rule. The committee decided to table this indefinitely.

- C.A.R. 8.1 + 9
 - These rules were being considered for changes several years ago. The chair of that subcommittee left the committee, so the rules have not been considered further. Jason Middleton will contact the former committee member to obtain a history of the desired changes.

Future Meeting

The date of the next committee meeting is Thursday, October 14th at 2 pm.
The committee adjourned at 3:10 pm.