

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
January 27, 2023, Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure was called to order by 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 Michael Berger	X	
Judge Karen Brody	X	
Miko Ando Brown	X	
Judge Catherine Cheroutes	X	
Damon Davis	X	
David R. DeMuro	X	
Judge Stephanie Dunn	X	
Judge J. Eric Elliff	X	
Judge Adam Espinosa	X	
Peter Goldstein		X
Magistrate Lisa Hamilton-Fieldman	X	
Michael J. Hofmann	X	
Judge Thomas K. Kane	X	
John Lebsack	X	
Bradley A. Levin	X	
Professor Christopher B. Mueller		X
Brent Owen	X	
John Palmeri	X	
Alana Percy	X	
Lucas Ritchie	X	
Chief Judge Gilbert M. Román	X	
Judge (Ret.) Sabino Romano	X	
Judge Stephanie Scoville	X	
Lee N. Sternal	X	
Magistrate Marianne Tims	X	
Andi Truett	X	
Jose L. Vasquez	X	
Judge Juan G. Villaseñor		X
Ben Vinci	X	
Judge (Ret.) John R. Webb		X
J. Gregory Whitehair	X	
Judge Christopher Zenisek	X	
Non-voting Participants		
Justice Richard Gabriel, Liaison	X	
Jeremy Botkins	X	

I. Attachments & Handouts

- January 27, 2023, agenda packet.

II. Announcements from the Chair

- The November 4, 2022, minutes were approved as submitted.
- Justice Gabriel and Judge Berger informed the committee that long-time member Dick Holme recently passed away. Both spoke on Mr. Holme's prodigious impact on this Committee and the greater Colorado legal community.
- Chair Judge Jones stated that Justice Hart will be discussing with the Court the possibility of domestic relations having their own set of rules. In light of this possible development, this Committee will go forward with submitting changes to Rule 16.2 to the Court but will pause on further considerations to the rule.
- Jeremy Botkins introduced Su Cho, the new SCAO liaison.

III. Present Business

A. C.R.C.P. 107(c)

This issue was brought by a member of the public, Lisa Czelatdko, and centers on service of a contempt order. The rule currently requires service to be direct; certain members of the judiciary are considering this as requiring in-person service. Ms. Czelatdko requested the Committee consider a change for more equitable results. Several members noted that changes to this rule would implicate due process problems.

Judge Jones formed a subcommittee and asked members to email him to join.

B. Colorado Rules for Magistrates

Magistrate Tims brought updated proposed changes for the Committee's consideration. The Committee discussed the proposal, with a few members noting that the proposal may possess a few limitations, but that the lack of clarity in the current rules is clearly a larger problem. Several district court judges stated that they believe the proposed changes would be manageable.

A motion and second were made for a general approval of the proposal, with the understanding that Judge Jones and Magistrate Tims may make non-substantive amendments to improve spelling or grammar prior to submission to the Court. The motion passed 26-1.

Judge Jones thanked the Subcommittee and Magistrate Tims for their extensive work. Justice Gabriel noted that he thinks it is likely that the Court will put this out for public comment since it is such a large change.

C. FED Actions

Judge Espinosa stated that the proposed changes before the Committee are both clean-up and substantive in response to prior discussions with the Committee. The Committee discussed the proposal briefly, then there was a motion and a second to approve the proposal, along with the ability to fix a few nit errors. The motion passed unanimously, and the Committee indicated a public comment period might be necessary. Another member noted that a time lapse between adoption and the effective date would be helpful.

Future Meetings

April 7; June 23; September 22; November 3

The Committee adjourned at 3:33 p.m.