

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
January 29, 2016 Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on Rules of Civil Procedure was called to order by Judge Michael Berger at 1:30 p.m., in the Supreme Court Conference Room on the fourth floor of the Ralph L. Carr Colorado Judicial Center. Members present or excused from the meeting were:

Name	Present	Excused
Judge Michael Berger, Chair	X	
Chief Judge (Ret.) Janice Davidson	X	
Damon Davis	X	
David R. DeMuro	X	
Judge Adam Espinosa	X	
Judge Ann Frick		X
Judge Fred Gannett	X	
Peter Goldstein	X	
Lisa Hamilton-Fieldman	X	
Richard P. Holme	X	
Judge Jerry N. Jones	X	
Judge Thomas K. Kane	X	
Debra Knapp		X
Richard Laugesen	X	
Cheryl Layne		X
Judge Cathy Lemon	X	
Bradley A. Levin	X	
David C. Little		X
Chief Judge Alan Loeb	X	
Professor Christopher B. Mueller	X	
Gordon "Skip" Netzorg	X	
Brent Owen	X	
Stephanie Scoville	X	
Lee N. Sternal	X	
Magistrate Marianne Tims	X	
Jose L. Vasquez	X	
Ben Vinci	X	
Judge John R. Webb	X	
J. Gregory Whitehair	X	
Judge Christopher Zenisek	X	
Non-voting Participants		
Justice Allison Eid, Liaison	X	
Jeannette Kornreich	X	

I. Attachments & Handouts

A. January 29, 2016 agenda packet

B. Supplemental Material

1. Form 20 Subcommittee Report
2. Form 20 Subcommittee Report – Member Comment

II. Announcements from the Chair

- The November 20, 2015 minutes were approved as submitted.
- Four new members were introduced: Judge Fred Gannet, district court judge in the 5th judicial district; Judge Adam Espinosa, county court judge in Denver county; Bradley Levin, of Levin Rosenberg, PC; and Jose Vasquez, of Colorado Legal Services.
- David Little was honored with the Colorado Bar Association’s Award of Merit for his exceptional contribution and dedication to the legal profession.
- Rule 120 was posted for public comment. Based on comments received the court will decide whether or not to hold a public hearing.
- The following rule changes were adopted: CRCP 23; CRCP 121, Sections 1-12, 1-14, and CRCP 10; Form 35.1; CRCP 359; and CRCP 103, 403, and Form 32.
- It was acknowledged that attendance in person is difficult if you’re not in the metro area. However, if you’re in the metro area attendance in person is preferred; calling in is an option, but it is not ideal.

III. Business

A. C.R.M. 5 & 6

The proposal to amend C.R.M. 5 and 6 was sent to the supreme court in December, and had been returned to the committee for further amendment. The committee discussed whether or not the subcommittee should amend the proposal further or if the proposal should be tabled. After discussion, it was decided that the proposal will be sent back to the subcommittee for further amendment.

B. Form 20

Subcommittee chair Skip Netzorg began and said that there were many revisions to Form 20, but he would highlight the substantive changes. After discussion, various amendments were proposed by the committee:

- There was a motion to add “(Questions)” to the title after “Interrogatories”. The motion was seconded, but the vote was tied. Judge Berger voted “no” on the motion to break the tie, and the motion failed;

- In Section 3 there was a motion to add the principle of “good faith effort” in the last sentence of subsection (g) that passed 17:1. The subcommittee will present final language at the next meeting;
- In Section 5 there was a motion to keep 4.1 and 4.2, which were struck in the draft that failed 5:11;
- In Section 5 there was a motion to change the reference in 10.2 and 11.0 to “(Withdrawn. See 2016 Comment to C.R.C.P. 33.)” that passed unanimously;
- In Section 5 there was a motion to delete 3.5 that passed 15:1;
- In Section 5 there was a motion to delete 2.10 that passed unanimously; and
- Finally, an overall vote was taken, subject to prior amendments, to adopt the changes to C.R.C.P. 33 and Form 20 that passed unanimously.

C. CRCP 16.1 & County Court Jurisdiction Subcommittee

Chief Judge Davidson reported that the subcommittee is still considering what the county court jurisdictional increase recommendation will be and if C.R.C.P. 16.1 should be mandatory. The Council of Chief Justices Report will be issued in July, and the subcommittee might wait until the report is issued to make a recommendation. There are four ideas for the committee to consider in the meantime: once filed the case belongs to the court; court processes must be right sized to fit the requirements of each case; case triage at the time of filing should be done by court personnel and computers; and focus should be on case issues and not case types.

D. C.R.C.P. 47

In state court alternate jurors are not allowed to deliberate, and this issue came up in the court of appeals opinion 2015COA179. The committee expressed interest in amending CRCP 47, so a subcommittee will be formed.

E. C.R.C.P. 122

The amendments were adopted unanimously.

F. Post-Judgment Subcommittee and County Court Working Group

Passed to the March 18, 2016 meeting.

G. New Form for admission of business records under hearsay exception rule

Passed to the March 18, 2016 meeting.

H. County Court and Municipal appeals to district court

Passed to the March 18, 2016 meeting.

I. C.A.R. 8(d)

Passed to the March 18, 2016 meeting.

J. C.R.C.P. 121 section 1-14

Passed to the March 18, 2016 meeting.

K. C.R.C.P. 53

Passed to the March 18, 2016 meeting.

IV. Future Meetings

March 18, 2016

The Committee adjourned at 4:00 p.m.

*Respectfully submitted,
Jenny A. Moore*