



MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE
Meeting Minutes of:
Thursday November 17, 2011
3:00 – 5:00 p.m.
Held at the Supreme Court – 8th floor conference room

Attendees:

Chief Justice Bender (for opening remarks).

Justice Coats (Chair), Judge Dailey (Vice Chair), Judge Lichtenstein (Vice Chair), Judge Burback, Judge Gilbert, Judge Lemon, Judge K. Romeo, Judge Samour, Judge Tuttle and Judge Warner

Telephone participants:

Judge Egelhoff, Judge Greenacre, Judge Lammons, Judge Phillips, and Judge Robison.

Staff:

Andrew Field (Reporter), and Penny Wagner (Technical Support)

I. Introductions

Chief Justice Bender thanked the members of the Committee for their willingness to help revise the criminal jury instructions, emphasized the importance of the project, and offered words of encouragement.

The Chair introduced himself, asked the Committee members and staff to do the same, supplemented the staff introductions, and credited Chief Justice Bender for providing the Committee with greater resources than have been available to previous criminal jury instruction committees.

II. History of the Colorado Criminal Jury Instructions; Conception of This Project

The Chair reviewed the history of the previous criminal jury instruction committees, including the work those committees published from 1983 through 2008. Further, he explained that Chief Justice Bender had designed this committee to be different from previous committees in two respects: (1) it includes only judicial officers; and (2) it is chaired by a Supreme Court Justice who will communicate with the other members of the Court concerning the Committee's work.

III. Roundtable Planning Discussion

The Chair made clear the Court's hope that a new revision of the criminal jury instructions could be produced within approximately two years, and that a permanent staff position continue to exist in the Supreme Court to monitor legislative and case law developments, and to propose amendments to the instructions and source materials to the Committee.

The Committee then engaged in a wide-ranging discussion of the Committee's purpose and direction, including such matters as:

The scope and nature of an updated version of the criminal jury instructions.

The status of the 2008 revision.

The level of authoritativeness desired of this project.

The extent to which a new revision should adhere to prior organizational and formatting conventions.

The inclusion of source materials, and identification of unresolved questions of law in a new edition.

The goal of readability, and the inherent tension between "plain language" drafting and legal precision.

IV. Next Meeting

The next meeting will be held in the same location, at the same time, on Thursday, January 19, 2012.

The Chair will set an agenda and have the Committee Reporter distribute relevant written materials in advance of the meeting.

The Committee adjourned at 4:55 p.m.

Respectfully submitted,

Andrew Field, Reporter.