

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
June 28, 2024, Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure was called to order by Chair 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	
Judge Catherine Cheroutes	X	
Damon Davis		X
David R. DeMuro	X	
Judge Stephanie Dunn	X	
Judge J. Eric Elliff	X	
Magistrate Lisa Hamilton-Fieldman	X	
Michael J. Hofmann	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	
Magistrate Marianne Tims	X	
Andi Truett	X	
Jose L. Vasquez	X	
Judge Juan G. Villaseñor		X
Ben Vinci	X	
Judge Gregory R. Werner	X	
Judge (Ret.) John R. Webb	X	
J. Gregory Whitehair		X
Judge Christopher Zenisek		X
Justice Richard Gabriel, Liaison (non-voting)	X	
Su Cho (non-voting)	X	

I. Attachments & Handouts

- June 28 2024, agenda packet and supplement.

II. Announcements from the Chair

The November 3, 2023, minutes were approved as submitted. Judge Jones noted that the Colorado Supreme Court had approved a variety of proposals from this Committee since the last meeting and thanked the members for their hard work on those proposals. Judge Jones also said that the Court will hold a public hearing on the proposed changes to the magistrate rules on September 24th. Finally, Justice Gabriel congratulated member Jose Vasquez on receiving the Denver Bar Association Award of Merit.

III. Present Business

A. Rule 103—Proposal from member of the public—(Aaron Boschee)

Local attorney Aaron Boschee brought this to the Committee. He noted that because a judgment creditor must file a request for a writ of execution with the court, a judgment debtor can learn of the request and move assets. He proposes that a writ could be served by a creditor directly on the debtor without prior court approval and that such a writ would be presumptively valid and have the effect of an order of the court, similar to what is allowed for service of process under Rule 4.

Given the many moving parts and possible unintended consequences of any proposed solution, Judge Jones formed a subcommittee to investigate further.

B. Rule 84—Proposed changes to comport with other changes—(Justice Hart)

In the process of cleaning up the forms, Justice Hart realized that Rule 84 possessed an inaccurate reference. The proposed changes refer users to the Courts’ website rather than the inaccurate book index. The Committee voted unanimously to approve this change.

C. Rule 304—Proposed changes to comport with form indices changes—(Judge Jones)

Sean Slagle brought this cleanup proposal to the attention of the Committee. Judge Jones said that this proposal makes changes to the rule to comport with corollary changes to forms. Judge Jones will contact Sean Slagle to determine whether Rule 4 needs corollary changes. This rule proposal passed unanimously.

D. County Court Rule 411—Length of briefs for county court appeals to district court—(Judge Jones)

Judge Jones said that there are no limits on length of briefs filed on appeals from county court to district court. Anecdotally, the judge who brought this to the Committee had received an 84-page brief. The notion would be to have some limits but that at the discretion of the court, additional pages could be allowed. The Committee favored page limitations over word limitations because it is easier for self-represented litigants and because doing so ensures consistency with other civil rules requiring page limits. Judge Jones will bring language for consideration at the next meeting. One member also noted that Judge Werner’s sample order discusses the substance of what is required in any appeal brief, which may be helpful. Judge Werner said that the substance requirements

assist district court judges so that they have a basis for making an order.

E. Rule 11(b)—Proposed changes to comport with recent changes to C.A.R. 5—(Judge Jones)

Judge Jones said that Rule 11(b) should be changed to comport with C.A.R. 5 to create consistency. The application of Rule 11(b) in the pro se context might be rather nuanced. Judge Jones will speak to Judge Lipinsky further to obtain guidance. Based upon that discussion, Judge Jones will determine whether a subcommittee is needed or whether Judge Jones should draft some language for the Committee's consideration.

Future Meetings

September 27; November 1

The Committee adjourned at 3:01 p.m.