

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure  
January 31, 2025, 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:

<b>Name</b>	<b>Present</b>	<b>Not Present</b>
Judge Jerry N. Jones, Chair	X	
Judge Michael Berger	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	
Judge (Ret.) Sabino Romano	X	
Judge Stephanie Scoville	X	
Magistrate Marianne Tims		X
Andi Truett	X	
Jose L. Vasquez	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**

- January 31, 2025, agenda packet.

**II. Announcements from the Chair**

The September 27, 2024, minutes were approved as submitted. Chair Judge Jones discussed the Committee’s membership and the fact that four members, all of whom were judges, chose not to continue their service on the Committee. Members should contact Judge Jones with recommendations of judges to join the Committee, specifically County

Court judges and judges outside the Denver metro area who might be underrepresented on this Committee. Also, Judge Jones noted that the Colorado Supreme Court approved several rule changes proposed by this Committee.

Judge Jones then provided updates on behalf of several subcommittees.

**Magistrate Rules Subcommittee.** This Subcommittee may have a proposal ready for the April meeting.

**Gender Neutral Language in the Civil Rules.** This Subcommittee may have a proposal ready for the April meeting. Judge Jones is also working on other sets of rules.

**Rules 43 and 343--Remote Hearings in FED Cases.** This Subcommittee is currently working on this issue.

**Rules 63 and 363.** This Subcommittee just began tackling this project.

**Rule 103.** This Subcommittee is considering the issue of whether attorneys should be allowed to serve writs of garnishments and will possibly have a proposal for the next meeting.

### III. Old Business

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

This issue came up because the rules do not impose any page or word limits on appeals from county court to district court, and consequently, judges often receive quite long briefs. Judge Jones asked for guidance from the Committee on whether to use a page limit or a word limit in the rule. Members spoke in favor of both options and Judge Jones took a straw vote for three options. The votes are as follows:

Straight page limit. 6 votes  
Straight word limit. 1 vote  
Combination. 8 votes

Members indicated that if a page limit is used, then 25 pages is adequate. Judge Jones will draft a proposal for the Committee's consideration.

### IV. New Business

#### A. Rule 30(b)—Remote depositions (Judge Jones)

Wyoming adopted a new rule that governs remote depositions. The rule articulates many of the considerations that occur in remote depositions. The Committee explored whether a problem exists in Colorado and most members concluded that Colorado's rule is good as it is. One member noted that Rule 30(f) covering exhibits may require updates. Judge Jones will consider Rule 30(f) and will bring any necessary changes back to the

Committee.

**B. Rules 11 and 311—Do we need to make changes to account for the rise of generative AI? (Judge Jones)**

Judge Lipinsky, Chair of the Rules of Professional Conduct Committee, visited the Committee to share his expertise on generative AI issues. After providing a history on the topic, Judge Lipinsky shared that the Rules of Professional Conduct Committee will be recommending to the Court that it form a new technology committee to issue guidance documents on the topic. Judge Jones noted that generative AI will broadly impact not just civil cases and rules, but likely other cases and rules as well. For now, the Civil Rules Committee will wait before acting.

**C. Rule 56(h)—Time for filing motions for determination of a question of law (conflict with Rule 16(c) and difference from 56(c)) (Brad Levin)**

Member Brad Levin brought this conflict to the attention of the Committee. Members were in favor of adding a time limit to 56(h) and discussed whether the deadline should be 35 days or 91 days. A motion was taken and seconded to amend 56(h) and remove “at any time” and to add a 91-day requirement. The motion passed 10-3. Judge Jones will draft language and forward the proposal to the Court.

**Future Meetings**

April 4; June 27; September 26; November 7

The Committee adjourned at 3:37 p.m.