

**COLORADO SUPREME COURT
ADVISORY COMMITTEE ON RULES OF APPELLATE PROCEDURE**

**Minutes of Meeting
March 2, 2023**

A quorum being present, the Colorado Supreme Court’s Advisory Committee on Rules of Appellate Procedure was called to order by Chief Judge Gilbert Román at 1:30 p.m., in the Court of Appeals Full Court Conference Room on the third floor of the Ralph L. Carr Colorado Judicial Center. Members and guests present or excused from the meeting were:

Name	Present	Excused
Chief Judge Gilbert Román, Chair	X	
Marilyn Chappell	X	
Anne Whalen Gill	X	
Marcy Glenn	X	
Judge Christina Gomez	X	
Andrew Low	X	
Jason Middleton		X
Norman Mueller	X	
Jillian Price	X	
Judge Christopher Seldin		X
Judge Christopher Zenisek	X	
Non-voting participants		
Justice Richard Gabriel, Liaison	X	
Polly Brock	X	
Melissa Meirink	X	

- I. Attachments & Handouts**
 - A. March 2, 2023 agenda packet

- II. Approval of Minutes**

The committee approved the October 27, 2022 minutes as submitted.

- III. Announcements from the Chair**
 - Chair Chief Judge Román introduced new members Judge Christina Gomez and Perry Friedlander. Ms. Friedlander will be assisting the committee as a non-voting member.

- IV. Proposed drafts of Colorado Appellate Rules**

The following issues and revisions were discussed:

- C.A.R. 39
 - This proposal came from attorney Jeffrey Kane, who suggested amendments aimed at providing discretion to the trial court to award reasonable out-of-pocket expenses necessary to adjudicate a particular appeal. After discussion, the committee approved a portion of the suggestions and voted 6-1 to send the proposal to the court.
- C.A.R. 12
 - After the committee approved changes to this rule at the last meeting, a few members proposed additional refinements. After discussion, the committee voted 5-3 not to restructure a section and voted unanimously to accept clarifying edits.
- C.A.R. 3.1
 - The proposed changes remove a reference to C.A.R. 12(a). The committee unanimously approved the proposed changes.
- C.A.R. 53
 - Attorney Paul Chessin submitted a memo to the committee detailing a possible conflict between (c)(1) and (2). The suggested revisions were made in response to the memo and were aimed at omitting confusion concerning opposition briefs and reply briefs. The committee unanimously approved the proposal.
- C.A.R. 28
 - Attorney Nelson Boyle brought the redaction issues to the attention of the committee. The Supreme Court and the Court of Appeals Clerk's Offices were opposed to the proposal and deemed it unworkable. The clerks and the Public Access Committee might consider the redaction issue separately.
- C.A.R. 32
 - An issue arose whether C.A.R. 32(f)(1) applies to criminal cases or to both civil and criminal cases. The rule was intended to apply only in criminal cases, but that is not what it says. The committee voted unanimously to approve the clarification that in both criminal and civil cases, initials should be used when referring to victims of sexual assault.

Future Meeting

The next meeting will be held Thursday, August 24th at 1:00 pm.

The committee adjourned at 3:12 pm.