

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

**Minutes of Meeting
September 24, 2020**

A quorum being present, the Colorado Supreme Court’s Advisory Committee on Rules of Appellate Procedure was called to order by Chief Judge Steven Bernard at 1:30 p.m., remotely via WebEx. Members and guests present or excused from the meeting were:

Name	Present	Excused
Chief Judge Steven Bernard, Chair	X	
Judge Michael Berger	X	
Marilyn Chappell	X	
Andy Cooper	X	
Anne Whalen Gill	X	
Marcy Glenn	X	
Andrew Low	X	
Jason Middleton	X	
Norman Mueller	X	
Judge Todd Plewe	X	
Non-voting participants		
Justice Richard Gabriel, Liaison	X	
Polly Brock	X	
Melissa Meirink	X	

I. Attachments & Handouts

- A. September 24, 2020 agenda
- B. January 30, 2020 minutes
- C. C.A.R. 39.1, 7, 35, 1, 2, 3.4, 5, 21, 27, 28, 28.1, 41, 53, 25, and 26

II. Approval of Minutes

The Committee approved the January 30, 2020 minutes as submitted.

III. Announcements from the Chair

- Chief Judge Bernard informed the committee that the meeting would last around 90 minutes.

IV. Proposed drafts of Colorado Appellate Rules

The following revisions were discussed:

- C.A.R. 39.1, 7, 35

- The committee discussed C.A.R. 39.1 and voted unanimously to send proposed changes that clarify the rule's meaning to the supreme court.
- The committee discussed C.A.R. 7. The committee decided further research was necessary to determine if the bond requirement in the rule was mandated by statute; a member will report back on the issue
- The committee decided that C.A.R. 35 should not be changed and took no action on it.

- C.A.R. 1, 2, 3.4, 5, 21, 27, 28, 28.1, 41, 53
 - After voting to relocate language from current C.A.R. 1(d) to C.A.R. 28 at the January 30, 2020 meeting, the committee briefly discussed where in C.A.R. 28 the language should be relocated. After unanimously voting to approve the relocation of the language in C.A.R. 28, the committee also voted to add a comment to the rule, explaining the relocation. The committee will consider the comment at the next meeting.

- C.A.R. 5
 - The subcommittee reported that they explored but did not recommend large changes to this rule at this time.

- C.A.R. 26
 - The committee unanimously approved the changes to this rule.

Future Meeting

The date of the next committee meeting is October 29, 2020.

The committee adjourned at 3:05 pm.