

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
September 22, 2023, 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
Miko Ando Brown	X	
Judge Catherine Cheroutes		X
Damon Davis		X
David R. DeMuro	X	
Judge Stephanie Dunn		X
Judge J. Eric Elliff		X
Judge Adam Espinosa	X	
Peter Goldstein		X
Magistrate Lisa Hamilton-Fieldman		X
Michael J. Hofmann		X
Judge Thomas K. Kane		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
Lee N. Sternal	X	
Magistrate Marianne Tims	X	
Andi Truett	X	
Jose L. Vasquez	X	
Judge Juan G. Villaseñor	X	
Ben Vinci	X	
Judge (Ret.) John R. Webb	X	
J. Gregory Whitehair	X	
Judge Christopher Zenisek	X	
Non-voting Participants		
Justice Richard Gabriel, Liaison	X	
Su Cho	X	

I. Attachments & Handouts

- September 22, 2023, agenda packet.

II. Announcements from the Chair

The June 23, 2023, minutes were approved as submitted. Judge Jones then announced that Judge Thomas Kane will retire from the bench and from this Committee, effective at the end of this year. Judge Jones then updated the Committee on a few outstanding items of business. At the last meeting, a Subcommittee was formed regarding Out of State Subpoenas; however, Subcommittee Chair Judge Elliff determined upon further review that no action is needed, so Judge Jones disbanded the Subcommittee. Judge Jones then shared that the Gendered Pronouns Subcommittee will be taking up the issue of Rule 10 and will be conferring with other committees to jointly establish a consistent approach on this issue. Finally, Judge Jones announced that next year's meeting dates have been set and are listed on the agenda.

III. Present Business

A. SCAO Proposal to JDF 250 SC

This SCAO proposal suggests language changes that will conform to recent statutory changes. The Committee voted unanimously to approve the proposed change.

B. Judge Leith's Proposed Changes to Captions of Proposed Orders

This proposal comes from Judge Leith and is aimed at removing the word *proposed* from signed orders via Rule 10 and Rule 121 § 1-26. While some members noted that they do not think the change is necessary, others stated that it would streamline processes. The Committee voted 16-2 in favor of accepting Judge Leith's proposal with the addition of a similar change to Rule 121 § 1-15.

Separately, the proposal mentions a reference in Rule 10(i) to ICON, a now defunct name of the electronic filing system. The Committee voted unanimously to remove this reference.

C. Proposed Changes to C.R.C.C.P. 310 in Light of Legislative Changes

Alana Percy and Andi Truett spoke on this proposal, which suggests adding new section (e) to Rule 310 to state that in eviction matters, all Judicial Department Forms shall be used where applicable. Judge Jones sent the proposal to the FED Subcommittee for consideration.

D. Colorado Small Claims Rules—Concerned Citizen Email

This proposal comes from a concerned citizen who believes that small claims actions do not possess adequate enforcement options. Judge Jones will further consider the proposal after speaking to others who practice small claims actions. For now, it will be tabled.

E. Magistrate Rules Cleanup

Damon Davis has withdrawn this proposal because he does not want to delay potential approval by the Supreme Court.

F. C.R.C.P. 121 § 1-21(1)—Remove Old Designation of Record Process

This proposal from Paul Bennington suggests altering a civil rule to comport with a newly changed appellate rule for the sake of consistency. Brent Owen will consider how to change C.R.C.P. 121 § 1-21(1) and whether to change the corollary county court rule.

Future Meetings

November 3, January 26, April 5, June 28, September 27, and November 1

The Committee adjourned at 2:46 p.m.