

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

**Minutes of Meeting
May 14, 2018**

A quorum being present, the Colorado Supreme Court’s Advisory Committee on Rules of Appellate Procedure was called to order by Chief Judge Alan Loeb 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 Alan Loeb, Chair	x	
Judge Michael Berger	x	
Andy Cooper	x	
Dan Domenico		x
Anne Whalen Gill	x	
Marcy Glenn	x (by phone)	
Andrew Low	x	
Norman Mueller	x	
Judge Todd Plewe	x (by phone)	
Karen Taylor	x	
Non-voting participants		
Justice Richard Gabriel, Liaison	x	
Polly Brock	x	
Melissa Meirink	x	
Cheryl Stevens	x	

I. Attachments & Handouts

- A. May 14, 2018, agenda
- B. August 1, 2017, minutes
- C. Revised Form 8
- D. Proposed amendments to appellate rules affecting supreme court

II. Approval of Minutes

The Committee approved the August 1, 2017, minutes as submitted.

III. Announcements from the Chair

- Introduction of Justice Gabriel as the new supreme court liaison to the Committee.

- Today is the committee’s first meeting since August 1, 2017, when it considered the revisions to C.A.R. 10. The supreme court accepted the changes to C.A.R. 10, and the rule has been in effect since January 1, 2018.
- Polly Brock has met with the appellate and district court clerks to discuss concerns with the implementation of the rule.

IV. Proposed drafts of Colorado Appellate Rules

The following revisions were discussed:

- Revised Form 8: Designation of Transcripts
 - Committee discussed need to include complete name of court reporter on form in case transcript needed in the future
 - Amended column for “Date & Start Time” by adding “if available.”
 - Eight in favor, one opposed; the changes to Form 8 carried
- Proposed changes to rules affecting only the supreme court: all proposed edits passed unanimously
 - Rule 21 (original proceedings)
 - Minor changes for consistency with other rules
 - Omission of C.A.R. 21(d) because multiple copies no longer necessary
 - Rule 21.1 (certification of questions of law)
 - Clarify that certifying court prepared certification order; (f) no briefs necessary unless ordered by supreme court
 - Rule 49 (review on certiorari)
 - Minor stylistic changes
 - Rule 50 (certiorari before court of appeals review)
 - Addition of (c) clarifying that C.A.R. review applies only to cases pending in the court of appeals.
 - Rule 51 (review on certiorari)
 - Clarify that process for obtaining records for district court judgments differs from process for obtaining records from the court of appeals.
 - Clarify docket fee applies whether or not a party is represented by counsel and that fee is due upon the filing of an initiating document.
 - Rule 51.1 (exhaustion of remedies in criminal cases)
 - Stylistic changes
 - Rule 52 (time for petitioning for review on certiorari)
 - Clarifies that a petition for rehearing is unnecessary before filing a petition for writ of certiorari, but if one is filed, the petition for writ of certiorari is due within 28 days after denial of the petition for rehearing.
 - Rule 53 (petition for writ of certiorari and cross-petition)

- Provide information on content and length of petition and cross-petition
- Addition of (f)(3) provides that court will not grant motions to exceed word limit absent showing of exceptional need.
- Addition of (g): court will permit amicus curiae to file brief in support or opposition before court decides whether or not to grant certiorari review
- Rule 54 (order granting or denying certiorari)
 - Addition of (b): the court will not consider petitions for rehearing on denied petitions for writ of certiorari
- Rule 55 (stay pending certiorari)
 - Clarification that a stay must first be sought in the lower court
- Rule 56 (extension of time)
 - Any initial motion for an extension of time in which to file a petition for writ of certiorari must include the date upon which the intermediate appellate court entered the underlying judgment
- Rule 57 (briefs in general)
 - Minor stylistic changes

A transmittal letter will be prepared and the rules and forms will be submitted to the supreme court.

Future Meeting

Although C.A.R. 3.4 was revised in 2015, a subcommittee is considering additional revisions in light of ICWA. The next meeting will likely concern C.A.R. 3.4

The date of the next Committee meeting TBD.

The committee adjourned at 3:43 pm.

*Respectfully submitted,
Melissa C. Meirink*