

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

**Minutes of Meeting
Friday, February 13, 2015**

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
Catherine P. Adkisson	X	
Anne Whalen Gill	X	
Marcy Glenn	X	
Dick Laugesen	X	
Andrew Low	X	
Norman Mueller	X	
Karen Taylor	X	
Non-voting participants		
Justice Allison Eid, Liaison	X	
Polly Brock	X	
Chris Markman	X	
Melissa Meirink	X	

I. Attachments & Handouts

- A. Agenda
- B. November 14, 2014 Meeting Minutes
- C. Proposed amendments to Rules 28, 29, 31, and 34
- D. Proposed amendment to Rule 10 by Catherine Adkisson, Ann Gill, and Karen Taylor

II. Approval of Minutes

The Committee approved the November 14, 2014 Meeting Minutes with no corrections.

III. Chair's Report

Chief Judge Loeb welcomed Judge Jerry Jones of the Colorado Court of Appeals who was in attendance to discuss a proposed amendment to Rule 28(a).

IV. New Business: Proposed drafts to Colorado Appellate Rules

The Committee considered whether a new rule for cross-appeals, similar to Federal Rule of Appellate Procedure 28.1, should be added to the Colorado Appellate Rules. If such a

rule was added, the cross-appeals sections of Rule 28 would be deleted and added to the new rule. After discussion, the Committee's consensus was to add a new Colorado Appellate Rule 28.1, *Cross-Appeals*, and the working group will present a draft of the rule at the next meeting.

The committee spent the entire meeting discussing Rule 28, and comments and proposed revisions are listed in order:

- Section (a): keep the reference to "opening brief"; add a reference to the certificate of compliance required by Rule 32(f) in subsection (1); add a table of authorities requirement to subsection (3); revise subsection (5) further, keeping the "nature of the case" phrase; list what must be included in the "summary of the argument" section; add the substance of subsection (k) to new subsection (7)(A), and delete subsection (k);
- Section (b): keep the reference to "appellees brief"; add the last sentence of deleted subsection (k);
- Section (c): keep reference to "reply brief"; add the requirement that a reply brief must comply with Rule 28(a)(1)-(3);
- Section (d): minimize use of "appellant" and "appellee";
- Section (e): add a general statement about complying with the Court of Appeals Record Citation Policy, and include a link to the policy;
- Section (f): regulations, ordinances, statutes, or rules superseded, or not generally electronically available, must be attached;
- Section (g): word limit will be enforced in electronic briefs, while page limits will be used for handwritten or typewritten briefs;
- Section (h), *Briefs in Cases Involving Cross-Appeals*, has been deleted and the substance will be put in new Rule 28.1, and so conforming changes are necessary to re-letter subsequent subsections as follows: 28(i), *Briefs in Cases Involving Multiple Appellants or Appellees*, will be changed to 28(h), and 28(j), *Citation to Supplemental Authorities*, will be changed to 28(i); and
- The committee comment at the end of the rule needs revision.

The working group will take all of comments under consideration and present a revised draft of Rule 28 and a new draft of Rule 28.1 at the next meeting. The meeting was adjourned.

V. Future Meeting
April 1, 2015

The Committee adjourned at 4:30 pm.

Respectfully submitted,
Jenny A. Moore