

To: Peter Goldstein, Brad Levin, Skip Netzorg and Lee Sternal

From: CTLA Executive Committee

Re: Potential Changes to Rule 47 of the Colorado Rules of Civil Procedure

Date: March 17, 2016

It is the position of the Colorado Trial Lawyers Association (CTLA) that no change be made to Rule 47—specifically as it addresses alternate jurors. We raise the following points:

1. C.R.S. 13-71-103 states “A jury in civil cases shall consist of six persons, unless the parties agree to a smaller number, which shall be not less than three.”
2. The alternate juror’s role is served by appearing, listening attentively and retiring before deliberations begin. Rule 47 states that they are empaneled to “replace jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. An alternate juror who does not replace a principal juror shall not be discharged until the jury renders its verdict or until such time as determined by the court.”
3. The system has worked well for more than 100 years. It is not a broken system.