# COLORADO SUPREME COURT

## ADVISORY COMMITTEE ON RULES OF APPELLATE PROCEDURE

**Minutes of Meeting**

## Wednesday, September 17, 2014

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 |  |
| Chris Markman  | X |  |
| Polly Brock  | X |  |
| Melissa Meirink | X |  |

1. **Attachments & Handouts**
2. Agenda
3. Minutes of the June 11, 2014 Meeting
4. Proposed draft of revisions to the Colorado Appellate Rules 3, 3.4, 5, 10, 25, 32, and 57.

1. **Approval of Minutes**

The Committee approved the June 11, 2014 meeting minutes with no corrections.

1. **Chair’s Report**

Chief Judge Loeb announced that the supreme court adopted the proposed changes to C.A.R. 1, 3.2, 4.1, 4.2, 26, 30, 38, 43, 45, 50, 51, 51.1, 53, and 55.

1. **New Business: Proposed drafts to Colorado Appellate Rules**

The Committee considered the second group of proposed rule changes. This group differs from the first in that there are substantive changes proposed as well as minor, non-substantive revisions. Chief Judge Loeb stated that the rules would be discussed sequentially, the discussion would center on the primary reason for the change, comments and questions would be considered, and then a vote would be taken on each proposed rule.

Discussion of the following Colorado Appellate Rules commenced and revisions were passed unanimously:

* 3, deleted the unnecessary comment after (a), replaced “shall” with “must”, deleted references to court reporter, deleted references to preargument conferences because they are no longer offered, clarified what to do if there was a magistrate order, deleted references to transcript page lengths, added email address, and deleted language that is repetitive of C.A.R. 32;
* 25, replaced “papers” with “documents” and deleted subsection (a) which was confusing and inconsistent with other rules regarding date calculations;
* 32, took out the “case type” designation in the proposal because it was unnecessary and potentially confusing, replaced “shall” with “must,” added language to clarify required document formatting, and deleted the last paragraph, which contains out-of-date information; and
* 57, changes made for consistency with C.A.R. 32.

Committee discussion revealed that the following Colorado Appellate Rules needed to be set aside for consideration at a future meeting:

* 3.4, the proposed rule was unclear on the issuance or stay of a mandate while a petition for certiorari is pending;
* 5, the scope and limitations of subsection (e) are unclear; and
* 10, Chief Judge Loeb formed a subcommittee of Cathy Adkisson, Karen Taylor, and Anne Whalen Gill to prepare a report on how People v. Ray, 2012 COA 32, affects this rule.

The proposed revisions agreed upon by the Committee will be submitted to the supreme court for approval. Committee members agreed on the next meeting date and the meeting was adjourned.

1. **Future Meeting**

November 14, 2014

The Committee adjourned at 3:30 pm.

*Respectfully submitted,*

*Jenny A. Moore*