



John W. Suthers  
Mayor

June 21, 2019

Colorado Supreme Court Civil Rules Committee  
Ralph L. Carr Colorado Judicial Center

RE: Opposition to proposed changes to Colorado Municipal Court Rule 216

Members of the Committee:

The purpose of this letter is to make you aware that the City of Colorado Springs is opposed to the proposed changes to Colorado Municipal Court Rule 216. The proposed changes are inconsistent with the scope and construction of the Municipal Court Rules.

Municipal courts serve an important function in our communities. Our municipal courts, by design, are the courts that address our communities' quality of life issues. Our municipal courts are often times a citizen's only contact with our judicial system. The existing Colorado Municipal Court Rules of Procedure recognize that our municipal courts are unique and different from State courts. Our municipal courts have been provided their own rules of procedure precisely because they are different from State courts.

Colorado Municipal Court Rule 202 provides:

"These rules are intended to provide for the just determination of all municipal charter and ordinance violations. They shall be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay."

The proposed rule changes to Rule 216 regarding discovery in municipal court are far from simple and, in essence, mirror Colorado Rule of Criminal Procedure Rule 16. It would require a significant expansion of prosecutors' disclosure requirements, including materials not in their possession, written motions and disclosure lists, omnibus discovery hearings, protective orders, and compliance certificates. These elaborate discovery procedures would require municipal courts to accomplish in 91 days what county courts are given 6 months to accomplish.

Relatively few municipal courts handle the more serious cases for which these elaborate procedures may be appropriate. As written, these elaborate procedures would apply to the simplest of cases, including minor traffic matters. Further, the current Rule 216 already contemplates expanded discovery if it is needed on a particular case. The current Rule 216(e) states, in pertinent part,

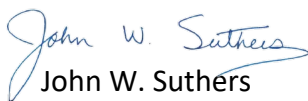
“Municipal courts may make such additional rules for discretionary or mandatory discovery by the defense or by the prosecution as are consistent with these rules and applicable law.”

In addition to not being simplistic in procedure, these proposed changes would cause unjustifiable expense and delay to municipal court cases, both of which are specifically prohibited by Rule 202. Additional staffing would be required for the Prosecutors Office along with significant increases in court time. Further, an increased burden would be placed on our law enforcement agencies as a result of the increased number of inquiries from our prosecution offices as a result of these new obligations.

Our municipal courts should not be conflated with our State courts. Accordingly, the City of Colorado Springs is opposed to the proposed rule changes.

Thank you for your anticipated consideration of our concerns.

Sincerely,

A handwritten signature in blue ink that reads "John W. Suthers". The signature is written in a cursive style with a large initial 'J'.

John W. Suthers

Mayor