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Jacob Hollars Authors Colorado Real Estate Journal Article on Removal of Jury Trial Right in Eviction Proceedings

Spencer Fane attorney Jacob Hollars describes the circumstances around the Colorado Supreme Court withdrawing an opinion in *In re Mercy Housing Group v. Bermudez*, which established a jury trial right in Colorado for eviction proceedings, in a recent *Colorado Real Estate Journal* issue. The article originally published as a firm blog post.

In his article, Eviction: Court Withdraws Opinion Setting Jury Trial Rights, Jacob examines the subsections of the statute at issue – C.R.S. § 13-40-115 – which use differing language depending on the manner of service on the tenant.

Jacob concluded, "In Colorado, contractual jury trial waivers are generally enforceable, even in residential lease agreements. Given the posture of *Bermudez*, it does not appear the lease agreement at issue had such a contractual waiver. Had one existed, litigation over this issue may not have been nearly as protracted, bringing much more expedient closure to the parties' dispute."

At Spencer Fane, Jacob is a trial and appellate lawyer specializing in real estate, special district, and commercial matters. He represents clients through all phases of litigation on a wide variety of matters in both state and federal courts.

Read the full article in *CREJ* here. Please note, a subscription may be required.