

COLORADO COMMISSION ON JUDICIAL DISCIPLINE



Thank you for your inquiry regarding the Colorado Commission on Judicial Discipline.

About the Commission

The Commission was established under Article VI, Section 23(3) of the Colorado Constitution to review the conduct of judges who serve in Colorado's District and County Courts and on the Court of Appeals and the Supreme Court. The Commission is comprised of four laypersons and two lawyers appointed by the Governor together with two county court judges and two district court judges appointed by the Colorado Supreme Court. They bring their combined experience and diverse viewpoints to bear in addressing allegations of misconduct. The Commission meets bi-monthly and at other times as necessary. The Commission's administrative staff is available to respond to inquiries about judicial conduct and the Commission's procedures. The Colorado Rules of Judicial Discipline (Colo. RJD) provide the framework for the Commission's disciplinary proceedings.

The Commission's website – www.coloradojudicialdiscipline.com – includes answers to frequently asked questions; copies of Colo.RJD, the Colorado Code of Judicial Conduct, and the Commission's annual reports; and other useful information.

Colorado Code of Judicial Conduct

A judge's conduct is guided by the ethics principles – known as the Canons – in the Colorado Code of Judicial Conduct. The Canons address the integrity and independence of the judiciary; impropriety or the appearance of impropriety; failure to perform judicial duties diligently, impartially, and courteously; inappropriate demeanor with litigants and court staff; ex parte communications; and other unprofessional conduct. The Canons also provide guidelines for a judge's role in the community, including civic duties and activities related to the improvement of the judiciary, and impose limitations on a judge's involvement in politics.

Grounds for Judicial Discipline

Colo. RJD 5 provides the grounds for judicial discipline:

- Willful misconduct in office, including misconduct which, although not related to judicial duties, brings the judicial office into disrepute or is prejudicial to the administration of justice;
- Willful or persistent failure to perform judicial duties, including incompetent performance of judicial duties;
- Intemperance, including extreme or immoderate personal conduct; recurring loss of temper or control; abuse of alcohol, prescription drugs, or other legal substances; or the use of illegal or non-prescribed narcotic or mind-altering drugs; or
- Any conduct that constitutes a violation of the Canons.
- Failure to cooperate with the commission or to comply with a Commission order.

Request for Evaluation of Judicial Conduct

Enclosed is a Request for Evaluation of Judicial Conduct to guide you in reporting your concerns. Commission staff will review the Request to determine whether it focuses on a judge and whether there is a reasonable basis under Colo. RJD 5 for disciplinary proceedings or under Colo. RJD 33.5 for disability proceedings. If the Request does not provide a reasonable basis for such proceedings, the Commission will notify you that the matter was closed without further consideration. A judge is not notified of a Request or the identity of the person requesting an evaluation unless the matter proceeds beyond its preliminary review.

If there is a reasonable basis to proceed further, the members of the Commission will commence informal disciplinary proceedings to consider the allegations in the Request as a complaint, which will involve an investigation of the judge's conduct and a request for the judge's response. If necessary, the Commission may order an independent medical examination to determine if the judge has a physical or mental condition that is adversely affecting his or her ability to serve as a judicial officer. Under Colo. RJD 16, the standard of proof to establish judicial misconduct or to convert disciplinary proceedings into disability proceedings is the preponderance of the evidence; if the available evidence is not sufficient to satisfy this standard, the Commission will dismiss the complaint. However, a dismissal may include an appropriate expression of concern about the circumstances.

If the Commission concludes that the evidence establishes misconduct, the Commission may issue an admonishment, reprimand, or censure of the judge; or it may order diversion measures designed to improve the judge's conduct, such as docket management reports, training, counseling, or medical treatment. Except to notify the judge and the complainant of the Commission's decision, the proceedings of the Commission are **confidential**, as required by the Constitution and Colo. RJD 6.5. However, if the Commission determines that these disciplinary measures will not adequately address the misconduct, it may commence formal proceedings which could result in the Supreme Court issuing a public censure or removing the judge from office. Colo. RJD 33.5 provides additional guidance in instances involving a judge's disability.

Limitations on the Commission's Authority

A dispute regarding a Judge's rulings on motions, evidence, procedure, or sentencing; a Judge's findings of fact and conclusions of law; or other matters that are within the jurisdiction of the trial or appellate courts to resolve do not provide a basis for disciplinary proceedings, unless the manner in which the judge has presided over the case involves one or more of the grounds provided in Colo. RJD 5. The Commission is not a court and cannot change a judge's decision.

The Commission's jurisdiction does not include magistrates or municipal judges. Magistrates are attorneys employed by the courts to perform certain judicial duties. Concerns regarding the conduct of attorneys serving as magistrates or as municipal judges should be addressed to the Office of Attorney Regulation Counsel. Allegations of misconduct by municipal judges also may be reported to the administration of the town or city in which they serve. County Court Judges in the City and County of Denver are not within the Commission's jurisdiction, because they serve both as municipal judges and state judges; their conduct is monitored by the Denver County Court Commission on Judicial Discipline.

The Commission has no jurisdiction over the conduct of persons involved in other judicial functions or related positions, such as court staff, private attorneys, district attorneys, public defenders, alternate defense counsel, probation officers, police or sheriff officials, staff of the Department of Corrections, administrative law judges, or the federal courts.

CONFIDENTIAL
Colorado Commission on Judicial Discipline
Request for Evaluation of Judicial Conduct

JUDGE

REQUESTING PARTY

Name

Name

County

Street Address or P.O. Box

Judicial Position (County, District or Appellate Judge)

City and State

Zip Code

Primary Phone

Other Phone

Please Read the Instructions and Important Information on Page 2 of this Form.
You may state your request on this form by completing pages 3 and 4, or you may provide a summary or a letter to the Commission explaining what occurred.

Signature of Requesting Party

Date

The Colorado Code of Judicial Conduct (the “Code”) provides an ethics code for judges. A judge’s conduct in the courtroom and in the community is guided by certain principles, known as the Canons, contained in the Code.

The authority of the Commission on Judicial Discipline is limited to an examination of a judge’s conduct and the application of disciplinary measures when warranted. Rule 5 of Colorado Rules of Judicial Discipline (Colo. RJD) describes the grounds on which the Commission may commence disciplinary proceedings, but also provides that disputes about a judge’s rulings – rather than his or her conduct – are within the jurisdiction of the trial court or an appellate court to resolve. The Commission is not a court and does not have the authority to change a judge’s decision.

The first step in the disciplinary process is for a person or organization to request an evaluation of the judge’s conduct, either by completing this Request form or by describing the judge’s conduct in a letter or summary directed to the Commission. It is important to provide the approximate date and time of relevant events and, if available, the case number. Copies of relevant court records may be included with the Request. The Request may be filed with the Commission by regular mail, email, or fax. The Commission staff will make reasonable accommodations for a person with disabilities in preparing and filing such a Request.

The Request will be evaluated by a member of the Commission or its administrative staff to determine whether the alleged misconduct involves a judge and whether there is a reasonable basis for processing the Request as a complaint to be considered in disciplinary proceedings. The most common reason for not considering a Request as a complaint is that the Request is disputing a judge’s rulings on motions, evidentiary or procedural issues, sentencing, findings of fact and conclusions of law, or on other matters that require a judge’s decision and are reviewable on appeal. If there is no reasonable basis for a complaint, the judge will not be notified of the Request.

However, if sufficient grounds are alleged for disciplinary proceedings, the Commission will notify the judge and ask the judge to respond. Based on the complaint, the judge’s response, court records, and information obtained through the Commission’s investigation, the members of the Commission will determine whether there is sufficient evidence to warrant informal disciplinary measures such as a private reprimand; the commencement of formal proceedings which could result in a public sanctions, such as removal from office; or the dismissal of the complaint. A complaint also may be processed under Colo. RJD 33.5 as a disability proceeding. While the complainant and the judge will be notified of the Commission’s decision, the Constitution and Colo. RJD 6.5 require its records, proceedings, and disciplinary measures to remain confidential.

The Code and Colo. RJD along with the Commission’s annual reports and general information about the Commission are available at www.coloradojudicialdiscipline.com. Commission staff is available by phone at (303) 457-5131 to provide guidance in filing a Request.

Send the Request and related documentation to:

Colorado Commission on Judicial Discipline
1300 Broadway, Suite 210
Denver, Colorado 80203
judicialconduct@jd.state.co.us
Fax: (303) 501-1143

Please provide the following information to the extent it is known to you. You do not need to complete any section for which you have no information. If you prefer, you may provide a letter or summary in which you identify the judge, provide the case number (if available), and express your concerns about the judge's conduct.

STATEMENT OF FACTS

1. Name of Judge: _____

2. When and where did the judge's conduct occur:
Date(s): _____
Approximate Time: _____
Location: _____

3. If your information arises out of a court case, please answer these questions:
 - a. What is the name and number of the case?
Case name: _____
Case number: _____

 - b. What kind of case is it?
 - Criminal
 - Family Law
 - Civil
 - Traffic
 - Small Claims
 - Probate
 - Juvenile
 - Other (Specify) _____

 - c. What is your involvement in the case?
 - Plaintiff/petitioner
 - Defendant/respondent
 - Attorney for _____
 - Witness for _____
 - Relative of a party or witness _____
 - Other (Specify) _____

4. Specify below the details of the judge's actions that you believe may involve misconduct or a disability. (Please type or print legibly; attach additional pages if necessary.)

