



CITIZENS' GUIDE TO JUDICIAL COMPLAINTS

By Caitlin Del Collo

What can a person do if he or she feels that an attorney or judge in a legal matter acted unprofessionally? In Colorado, there are formal complaint processes to review the conduct of attorneys and judges and to administer discipline when warranted. Additionally, voters can choose whether to retain or dismiss judges who are up for retention in an election. This *issue brief* provides an overview of these complaint and retention processes.

Complaints Against Attorneys

Office of Attorney Regulation Counsel.

The Office of Attorney Regulation Counsel is an agency of the Colorado Supreme Court that regulates the practice of law in Colorado. All attorneys practicing in the state must take an oath to uphold the law and follow the ethical standards set by the Colorado Supreme Court. If an attorney violates the law or one of the standards, the office reviews the matter to consider disciplinary action.

Violations for which an attorney may be disciplined include the following:

- neglecting a client's case;
- mishandling a client's money, or a third party's money, or failing to pay money owed to a client or third party;
- not returning a client's file or documents upon request at the conclusion of a case;

- failing to take action to protect a client's property;
- dishonesty to a client, court, or others;
- criminal conduct; and
- failing to communicate significant updates in a case, upcoming court dates, or other important deadlines and information to a client.

Depending on the severity of the violation, an attorney may be subject to: a diversion agreement; a dismissal of the complaint with an educational letter; private admonition; public censure; suspension of one's law license; or disbarment. Additionally, if the investigation reveals that an attorney has broken a law, the office can refer the case to the appropriate authority to file criminal charges.

Common complaints against attorneys that do not constitute violations include honest disagreements about how to handle a case, not getting a favorable outcome, and disputes over legal fees.¹

The Office of Attorney Regulation also has jurisdiction to investigate and discipline magistrates, who are attorneys that serve as judges in municipal court, and administrative law judges.

To file a complaint against an attorney, magistrate, or administrative law judge in Colorado, call 303-457-5800 or 877-888-1370 (toll free).

¹Disputes over attorneys' fees may be arbitrated on a voluntary basis through the Colorado Bar Association's [Legal Fee Arbitration Process](#).

Complaints Against Judges

Colorado Commission on Judicial Discipline. The Colorado Commission on Judicial Discipline (commission) is responsible for monitoring and disciplining judges, including county and district court judges, Court of Appeals judges, and justices of the Colorado Supreme Court.² The commission consists of ten unpaid members, including two county court judges, two district court judges, two attorneys, and four citizens who are not currently attorneys or judges.

The commission may discipline a judge for violating rules contained in the four Canons of the Colorado Code of Judicial Conduct. The rules address issues including competence, the impartiality of the judicial branch, unlawful behavior, political activity, and personal conduct. Examples of violations for which judges may be disciplined include the following:

- failing to issue a decision within a reasonable time frame after taking a matter into consideration;
- showing a pattern of bias or improper behavior in the courtroom;
- inappropriate personal conduct that reflects poorly on the judicial branch;
- communicating with only one party in a case (i.e., “ex parte communications”);
- using court resources to handle personal business; and
- participating in partisan political activities.

Examples of complaints against judges that do not provide grounds for discipline include disputes regarding a judge’s rulings on motions, findings of fact, conclusions of law, final judgements, or sentencing.

If the commission finds that there are reasonable grounds for a complaint, an investigation will be conducted, and the judge will be notified and asked to respond to the allegations.

Complaints against judges, also referred to as “Requests for Evaluation of Judicial Conduct (RFE),” can be submitted via email, postal mail, or fax. The RFE form can be accessed [here](#).

²Colo. Const. art. VI, § 23 (3).

Judicial Performance Evaluation and Retention

All judges in Colorado are periodically evaluated for performance and placed on the ballot in an election for retention.³ Voters can decide whether to retain or dismiss the judges who are up for retention in their judicial districts.

Commissions on judicial performance. Performance evaluations of judges are conducted by the Commissions on Judicial Performance. There is a State Commission on Judicial Performance, which evaluates the performance of the Supreme Court justices and judges of the Court of Appeals, as well as a district commission on judicial performance in each of the state’s 22 judicial districts.⁴ Each commission includes attorney and non-attorney members.

The commissioners evaluate judges and make recommendations as to whether they should be retained or dismissed. The evaluations are based on reviews of judicial opinions and orders, information collected from courtroom observation, interviews with the judges, self-evaluations, and performance surveys completed by selected individuals who recently appeared before a judge. While not everyone who appears before a judge can be selected to complete a survey, anyone who believes they can provide information about a judge’s skills and abilities may complete an online citizen feedback form.

The evaluations and recommendations are published online and in the State Ballot Information Booklet (the “Blue Book”), which is mailed to every voter household prior to an election.

More information can be found on the Colorado Office of Judicial Performance Evaluation website:

<http://www.coloradojudicialperformance.gov/>.

³Every judge stands for retention after a two-year provisional term; thereafter, county court judges stand for retention every four years, district court judges every six years, Court of Appeals judges every eight years, and Supreme Court justices every ten years.

⁴Section 13-5.5-104, C.R.S.