



## COLORADO JUDGES

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Colorado's state court system is comprised of many different courts, including the Supreme Court, the Court of Appeals (COA), and district courts. Colorado law also governs county courts and jurisdiction-specific courts in Denver.<sup>1</sup> This *issue brief* describes the qualification requirements and appointment, retention, and disciplinary processes for Colorado judges.

### State and County Courts

The Colorado Supreme Court and COA generally serve as appellate courts, and district and county courts serve as trial courts. The Supreme Court is comprised of seven justices, while judges serve on the other courts.

**Qualifications.** Justices and COA judges must be qualified electors of Colorado, and have been licensed to practice law in Colorado for at least five years. A district court judge must be a qualified elector of that district at the time of appointment, be a resident of the district during the term, and have been licensed to practice law in Colorado for five years.

Counties are specifically classified for county court purposes.<sup>2</sup> A county court judge must be a qualified elector of the county at the time of appointment, and be a resident of the

county during his or her term. Class A and B county judges must be admitted to practice law in Colorado. In Class C and D counties, judges must have graduated high school or passed a high school equivalency exam. Judges who have not been admitted to practice law are required to attend an institute on the duties and functioning of county court.

**Appointments.** The Governor appoints justices and judges from recommendation lists compiled by nominating commissions. When there is a vacancy on the Supreme Court or COA, the Supreme Court Nominating Commission creates a list of three candidates from which the Governor chooses. For district and county court vacancies, the judicial district nominating commission for the district in which there is a vacancy prepares a list of two or three candidates for the Governor. If the Governor does not make an appointment within 15 days of receiving a candidate list, the Chief Justice of the Supreme Court must appoint a candidate from the same list.

The Supreme Court justices select a chief justice, who also serves as the executive head of the judicial system. The Chief Justice of the Supreme Court selects a COA judge to serve as chief judge of the COA, and selects a judge from each judicial district to serve as the chief judge for that district.

**Terms.** An appointee serves a provisional term that is a minimum of two years. The provisional term continues beyond two years

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<sup>1</sup>Many provisions of the state constitution do not apply to Denver county judges. The number, selection, qualifications, terms, tenure, and removal of such judges are governed by the charter and ordinances of the city and county of Denver.

<sup>2</sup>Classifications may be found in Section 13-6-201, C.R.S.

until the appointee faces a retention vote at the next scheduled general election.

Following provisional terms, and if retained, Supreme Court justices serve ten-year terms, COA judges serve eight-year terms, district judges serve six-year terms, and county court judges serve four-year terms. Following each term, the justices and judges face a retention vote.

**Retention.** In order to continue serving at the end of each term, the justice or judge must face a retention election. In a retention election, the justice or judge does not run against another candidate; voters determine whether to retain the justice or judge. A candidate must receive a simple majority of votes to be retained. If a candidate is not retained, a vacancy is created, and the appointment process described above is used to fill the vacancy. Justices and COA judges are retained by statewide vote; district and county court judges are retained by voters in their respective jurisdictions.

**Judicial disqualification.** In civil cases, under the Colorado Rules of Civil Procedure adopted by the Supreme Court, judges are disqualified when the judge has a personal or financial interest in the subject matter of the case, is prejudiced, has been of counsel for any party, is or has been a material witness, or is so related or connected with any party or attorney as to render it improper for the judge to sit on the trial. A judge may disqualify himself or herself, or any party may move for disqualification, supported by affidavit.

In criminal cases, by law, Colorado judges are disqualified from hearing a case if: the judge is related to the defendant or attorney; the offense charged is alleged to have been committed against the judge or the judge's relative; the judge has been counsel in the case; or the judge is in any way interested or prejudiced with respect to the case, parties, or counsel. A judge who knows of any disqualifying circumstances is required to disqualify himself or herself on his or her own motion. A party may file a motion for a judge to

be disqualified, and that motion must be supported by two affidavits.

**Discipline.** The Commission on Judicial Discipline, established in the state constitution, provides oversight of all Colorado justices and judges. The commission is charged with investigating allegations against a judge of willful misconduct in office, willful or persistent failure to perform his or her duties, intemperance, ethical misconduct, or a disability interfering with the performance of his or her duties. Upon finding good cause, the commission may take informal remedial action against a judge, or it may recommend to the Supreme Court that the judge be removed, retired, suspended, censured, reprimanded, or disciplined. The Supreme Court may follow or reject the commission's recommendation. If the justice or judge is removed or retired, the office is deemed vacant.

Justices and judges may also be impeached by the General Assembly for high crimes, misdemeanors, or malfeasance in office. Impeachment is not a criminal trial; it extends only to removal from office and disqualification from holding future offices.

**Retirement.** Justices and judges may not hold their offices past the age of 72. Upon reaching 72 years old, justices and judges must retire, and the office becomes vacant.

## Other Courts

Administrative law judges (ALJ) operate within the Colorado Department of Personnel and Administration (DPA), and are appointed in accordance with the state personnel system. Additionally, ALJs are subject to the standards of the Colorado Code of Judicial Conduct. Complaints against ALJs are handled by DPA, and may be referred to the state ethics board.

The constitution establishes special probate and juvenile courts in the city and county of Denver. Qualification standards, appointment processes, and term lengths are the same as those for state district court judges.