



Interim Committee on Judicial Discipline

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Staff Introductions

LCS

- Juliann Jenson
- Hamza Syed
- Will Clark
- Marie Garcia

OLLS

- Conrad Imel
- Chelsea Princell

Important Information

- 5 hearings
- Introduce up to a total of 3 bills, joint resolutions, and concurrent resolutions.

Timeline:

- **August 19:** Last day to request bills
- **September 30:** Last day to vote on bill draft requests (42 days between the bill draft request and voting)
- **October 14:** Leg Council hearing

Judicial Discipline Overview

- All 50 states and D.C. have an oversight agency or commission that investigates judicial misconduct complaints.
- No legal authority to reverse rulings or order new trials
- Review complaints about a judge's behavior and may pursue disciplinary actions, ranging from private reprimands to removal

Other Oversight Entities

- **Office of Judicial Performance Evaluation:** Evaluation of judges, periodic feedback, and publishes reports to the public during election years
- **Nominating commissions:** Review judicial applicants
- **Attorney Regulation Counsel:** Disciplines lawyers not serving in a judicial capacity.

Colorado Commission on Judicial Discipline

- Monitors the conduct of state court judges, including those from county and district courts, court of appeals, and justices of the Supreme Court. It does not review judicial rulings or case outcomes.
- Authority and procedures are in Colorado Constitution - Article VI, Section 23 (3) - and the canons regarding judicial conduct found in the Colorado Code of Judicial Conduct.
- State Supreme Court promulgates rules governing commission procedures
- One-tier system that operates confidentially



Structure – Commissions on Judicial Discipline

Colorado operates as a one-tier commission that:

- Receives and investigates complaints
- Brings formal charges
- Conducts hearings
- Disciplines the judge or recommends disciplinary sanctions to the supreme court

Two Tier Commissions (8 states)

- First entity receives and investigates complaints and determines to proceed or dismiss
- If proceed, first tier entity presents findings before a second body that has different name, membership, etc.
- Decision is reviewable by the state supreme court

Confidentiality



Fact-finding hearings

- All states require confidentiality in complaint investigation stage.
- Colorado is one of 15 states that conducts judicial disciplinary hearings in private until a recommendation for a public disciplinary sanction is made. Other states allow proceedings to become public once charges are filed or judges have formally responded

Document accessibility

- Some states post documents online as cases move through proceedings, including outcomes of private admonitions
- Colorado does not share any case-related information with the public, or on its website, except by reference in its annual report.

Judicial Discipline Commission

Members and Exec. Director

10 members appointed by the Chief Justice of the Supreme Court and the Governor, serve 4 year terms and may be reappointed

- 2 county court judges (Supreme Court)
- 2 district court judges (Supreme Court)
- 2 lawyers (Governor)
- 4 citizens (Governor)

Executive Director

- Commission appoints the Executive Director who manages the office, oversees operations, and reviews initial complaints

Meetings

- As needed to consider complaints and other business, generally bi-monthly

Case Flow



Complaints and Investigations

- Any person may file a complaint or request for evaluation of judicial misconduct
- Executive Director conducts a preliminary review and may forward to commission members for further review
- If complaint is deemed reasonable, judge is notified and asked to respond
- Commission conducts investigation – may use investigators and special counsel – advances only if preponderance of evidence is met.

2020 Stats

- High number of complaints are dismissed early
 - 126 out of 199 dismissed (63 percent)
 - 73 cases investigated
 - Of the 73, 64 dismissed because no violation could be established

Findings of Judicial Misconduct - Private Disciplinary Actions

Examples of Private Disciplinary Actions

- Letter of admonition
- Reprimand
- Censure
- Training or counseling
- Docket management reports
- Medical treatment
- Initiate disability proceedings



Findings of Judicial Misconduct - Formal

Formal Proceedings



- Trial to address misconduct
- Special counsel issues the formal complaint and acts as the “prosecutor”
- Hearing conducted by Commission or special masters appointed by the Supreme Court
- Case is dismissed or recommendation to the Supreme Court for removal, retirement, public reprimand, public censure.
- Confidential until recommendations filed
- 6 cases since 2014 (examples: discriminatory, criminal proceedings, multiple incidents)

Questions?

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