

COLORADO COMMISSION ON JUDICIAL DISCIPLINE



House Judiciary Committee 3/15/23 Hearing Re: HCR23-1001, HB23-1019, and LLS23-0724

- The Commission supports passage of the Interim Committee’s draft legislation.
- The Commission proposes the following narrow amendments:
 - Simplify the dual path, dual authority rulemaking structure to a single rulemaking committee whose members are representative of the major system stakeholders.
 - If rulemaking is amended, the prior focus on codifying subpoena power is of less importance.
 - Expand the “pool” from which the special court is drawn to provide a statewide as well as rural court perspective. This can be done by implementing the compromise negotiated between the Commission and the Supreme Court to include district court judges.
 - Clarify that both parties to a judicial misconduct case (complainant and judge) have rights of appeal, not just the respondent judge.
 - Repeal the constitutionally suspect C.R.S. 24-72-402 that established criminal penalties for breaching confidentiality.
 - Amend C.R.S. 13-5.3-105(3) to clarify that, once requested by the Commission, records held by an oversight agency related to a claim of judicial misconduct are to be provided to the Commission.
- The Commission strongly supports the Interim Committee’s recommendation that a judicial misconduct ombuds office be established to provide complainants a safe space for reporting judicial misconduct and support through the process. The Commission emphasizes the need for the judicial misconduct ombuds to be fully independent of the Judicial Department to serve its purpose.