

COLORADO COMMISSION ON JUDICIAL DISCIPLINE



Commission Support for Legislative Interim Committee on Judicial Discipline Draft Legislation and Recommendations

December 2022

- The Commission supports passage of the Interim Committee’s draft legislation, developed from a series of hearings in the summer of 2022.
- The Commission proposes the following narrow amendments:
 - Simplify the dual path, dual authority rulemaking structure to a single rulemaking committee whose members are appointed in equal numbers by the three major stakeholders, the judiciary, the new adjudicative body, and the existing investigative body (the Commission).
 - 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 include district court judges to address conflict and independence issues as well as implement the compromise negotiated between the Commission and the Supreme Court.
 - Clarify that both parties to a judicial misconduct case (complainant and judge) have rights of appeal, not just the respondent judge.
- 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.
- The Commission is advised that some lawmakers propose moving disciplinary authority over magistrates from the Supreme Court’s Office of Attorney Regulation to the Discipline Commission. The Commission would accept and support such a change if pursued. This would result in a more efficient system and consistency in the implementation of the Code of Judicial Conduct.