

Judicial Discipline Interim Committee Areas of Study

Senate Bill 22-201, independent oversight of matters concerning judicial discipline, outlines the following topics for the interim committee to study:

- **Effectiveness.** Effectiveness of investigating and addressing the allegations of mishandling judicial misconduct complaints published in 2021;
- **Independence.** How to achieve a system of judicial discipline in which individual cases are investigated and determined independent of undue influence by the judiciary, to be overseen by the community, the bar, and the judiciary;
- **Balancing public confidence and judicial control.** Whether a system of judicial discipline can be effective and inspire public confidence while retaining judicial control of final decision-making authority over judicial discipline cases;
- **Initial decisions.** Whether the existing commission should be authorized to make initial decisions on discipline cases for public and private discipline that are then subject to appellate review before a separate review board that is independent of the judiciary;
- **Rulemaking authority.** Best method of assigning rulemaking authority over the judicial discipline system to achieve effectiveness and independence while inspiring public confidence;
- **Supreme Court Justice misconduct.** How to address judicial discipline effectively and credibly when members, actions, or decisions of the supreme court are being evaluated for potential judicial misconduct;
- **Judicial appointments.** Whether the supreme court should continue to control the appointment of the four judge members of the commission;
- **Disqualification standards.** The appropriate method for defining a consistent and clear set of disqualification standards for each of the decision makers, including supreme court justices, commission members, special counsel, and special masters, and for determining disqualification issues;
- **Confidentiality and transparency.** The best method of balancing the values of confidentiality and transparency for judicial discipline matters;
- **Accessing information.** How to ensure that the commission can obtain unfettered access to information and files in the custody or control of the department relevant to judicial misconduct complaints;

- **Screening misconduct complaints.** Whether rule 13 of the rules, which assigns the role of screening misconduct complaints, should be modified to authorize the department to pre-screen judicial misconduct complaints before reporting them to the commission;
- **Victim -centered approach.** Benefits of a victim-centered approach to judicial misconduct complaints that allows the victim to have a voice in how complaints are handled and resolved;
- **Enforcement.** An effective enforcement mechanism for any disclosure obligation related to judicial discipline;
- **Funding.** How best to fund the system for judicial discipline;
- **Models.** Relative benefits of the models for achieving independent judicial discipline adopted by other states and the American Bar Association's model rules for judicial disciplinary enforcement or any other model addressing the final decision-maker conflict that arose in Colorado in 2021;
- **Recommendations.** Recommendations from the department, the commission, and any other stakeholders the interim committee deems appropriate; and
- **Amendments.** What amendments to constitutional, statutory, or rule-based law are advisable to address the interim committee's findings.