

Answers to Your Questions About

How a Judge Becomes a Judge



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Colorado Judicial Branch

<http://www.courts.state.co.us>

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The Colorado Merit Selection System

Judicial Nominating Commissions

In 1966, the people of Colorado passed a constitutional amendment which provides that state judges be appointed rather than elected on a political ticket. Now, when a vacancy occurs in a state court (county court, district court, court of appeals, or supreme court), a judicial nominating commission interviews applicants and recommends two or three individuals to the governor for consideration. Three nominees must be submitted for an appellate judgeship.

Colorado's method for appointment of judges focuses on the qualifications of judges and has specific time limits controlling when the commission and the governor must act. Within 30 days after a vacancy occurs, the commission must meet and select its nominees based on written applications, recommendations, and personal interviews.

The governor must select one of the nominees for the appointment within 15 days after receiving the list of nominees. If the governor does not appoint someone within those 15 days, then the chief justice of the Colorado Supreme Court appoints one of those individuals to fill that vacancy. The judge so chosen serves an initial term of two years. Then the judge must stand for retention at the next general election.

There are two types of nominating commissions in Colorado: (1) the Supreme Court Nominating Commission and (2) judicial district nominating commissions. There is only one Supreme Court Nominating Commission, which nominates candidates to serve as judges for the supreme court and the court of appeals. The chief justice of the supreme court chairs the Supreme Court Nominating Commission. This commission includes one citizen admitted to practice law in Colorado and one other citizen not admitted to practice law in Colorado residing in each congressional district in the state, and one additional citizen not admitted to practice law in Colorado.

In contrast, there is a judicial nominating commission for each of the 22 judicial districts in Colorado. Each district nominating commission is chaired by a justice of the supreme court, who is a non-voting member of the commission.

Each judicial district nominating commission consists of seven citizens residing in that judicial district. No more than four of these members can be from the same political party, and there must be at least one voting member from each county in the district. In all districts with populations more than 35,000, the voting members consist of three people admitted to practice law in Colorado and four people not admitted to practice law in Colorado. In judicial districts with populations under 35,000, at least four voting members are people not admitted to practice law in Colorado. It is determined by majority vote of the governor, the attorney general and the chief justice how many, if any, of the remaining three members will be persons admitted to practice law in Colorado.

Nominating commissioners serve six-year terms. Non-lawyers, who are the majority of every nominating commission, are appointed by the governor. Lawyer members are appointed by majority action of the governor, the attorney general, and the chief justice.

If retained by voters after serving the initial term, state court judges serve the following terms:

County Court	Four years
District Court	Six years
Court of Appeals	Eight years
Supreme Court	Ten years

All Colorado state judges must retire by age 72.

Judicial Performance Commissions

In 1988, the Colorado Legislature created the commissions on judicial performance. The purpose of these commissions is to provide voters with fair, responsible, and constructive evaluations of trial and appellate judges and justices seeking retention in general elections. The results of the evaluations also provide judges with information that can be used to improve their professional skills as judicial officers.

Judicial performance commission members may serve two four-year terms. Each commission is a 10-member body. The chief justice and the governor each appoint one attorney and two non-attorneys. The president of the senate and the speaker of the house each appoint one attorney and one non-attorney.

The State Commission on Judicial Performance developed evaluation techniques for district and county judges, judges of the court of appeals, and justices of the supreme court. According to the law, those criteria include the following:

- integrity;
- knowledge and understanding of substantive, procedural, and evidentiary law;
- communication skills;
- preparation, attentiveness, and control over judicial proceedings;
- sentencing proceedings;
- docket management and prompt case disposition;
- administrative skills;
- punctuality;
- effectiveness in working with participants in the judicial process; and
- service to the legal profession and the public.

Every district judicial performance commission and the state judicial performance commission provide voters with evaluations of trial court and appellate court judges and justices seeking retention in general elections.

The judges' evaluations result from surveys; a personal interview with the judge; and information from other appropriate sources, such as court observations, letters submitted by interested parties, oral interviews with people appearing before the judge on a regular basis, and public hearings. The commissions then develop a narrative provide for each judge with a recommendation stated as "retain," "do not retain," or "no opinion." The law requires a detailed explanation with a "no opinion" recommendation.

Questions and Answers

What are the qualifications for serving as a justice or judge? Colorado Supreme Court or Colorado Court of Appeals — A nominee must be a qualified elector of the state of Colorado, licensed to practice law in Colorado for at least five years, and under the age of 72 at the time his or her name is submitted to the Governor.

District Court or County Court — A nominee must be a qualified elector in the judicial district, and a county court nominee must be a resident of that county, at the time of the election or selection; licensed to practice law in Colorado for at least five years; and under the age of 72 at the time his or her name is submitted to the Governor. In small counties, no person is eligible unless he or she has graduated from high school or has attained the equivalent of a high school education.

How can I get information about the judges in my judicial district?

The best way to get information about your local county court and district court judges is to call your local judicial district administrator. See the Colorado Courts homepage: www.courts.state.co.us.

How do I know which judges are up for retention during an election year?

Your local judicial district administrator will know which judges are up for retention in the election.

How can I be an informed voter when I go to vote at the election?

Narrative profiles are published in the Legislative "Blue Book" Analyses of Ballot Issues and mailed to every voter household prior to the election. Copies of the Blue Book are available at most courthouses and public libraries.

Whom do I contact if I have a complaint about a state court justice or judge?

The Colorado Commission on Judicial Discipline oversees the ethical conduct of state justices and judges. The 10-member commission is comprised of four citizens, two attorneys, two district court judges, and two county court judges. For information, contact the commission at (303) 894-2110 in Denver.

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