



ADMINISTRATIVE ORDER

For the 5th Judicial District of Colorado

CLEAR CREEK COUNTY – EAGLE COUNTY – LAKE COUNTY – SUMMIT COUNTY

CONCERNING 5th JUDICIAL DISTRICT PROCEDURES FOR HANDLING OF COMPLAINTS OF JUDICIAL MISCONDUCT BY NON-JUDICIAL EMPLOYEES

Effective: August 25, 2022, *nunc pro tunc* May 20, 2022

Expiration: Indefinite:

Order Number: 2:1:2-1

I. Adoption of Written Policy

On May 20, 2022, Governor Polis signed into law Senate Bill 22-201, *Concerning Oversight of Matters Concerning Judicial Discipline*. According to Section 5 of Senate Bill 22-201, the Bill took effect immediately upon execution by the Governor. In relevant part for this Chief Judge Administrative Order, the Bill requires each Judicial District to adopt a written policy to implement the provisions of law concerning complaints of judicial misconduct received from an individual or entity that is not an employee, volunteer, extern, intern or contractor for the department. Specifically, the written policy must address the manner in which the Judicial District acts upon receipt of “a complaint alleging judicial misconduct from an individual or entity that is not an employee, volunteer, or contractor for the department.” Upon receipt of such complaint, the department shall notify the complainant of the role of the commission and provide the complainant with the commissions contact information. If the complainant submits written or electronic materials in connection with a complaint, the department shall forward those materials to the commission.’ *See* C.R.S. § 13-5.3-106(4).

This Chief Judge Order is that policy.

II. Definitions

In accordance with §13-5.3-101, C.R.S. the following definitions shall apply to this policy for implementing the provisions of C.R.S., §13-5.3-106(4):

- A. **“Commission”** means the Commission on Judicial Discipline, established pursuant to Section 23(3) of Article VI of the Colorado constitution.
- B. **“Department”** means the Colorado State Judicial Department and all its subparts such as the Office of the State Court Administrator’s Office (SCAO); the Office of the Chief Justice of the Supreme Court; the Judicial Districts and their administrations, including Chief Judges and Court Executives; the Human Resources (HR) Division at the SCAO; and other administrative subparts.
- C. **“Judge”** means any justice or judge of any court of record of this state serving on a full-time, part-time, or senior basis; judge also includes any judge or justice who has retired within the jurisdictional limits for disciplinary proceedings established by Article 5.3 of Title 13, or the Colorado Supreme Court. Currently the jurisdictional limits are based on events that occurred while the Judge was an active or senior judge, if a request for evaluation of judicial conduct is received by the Commission (or a complaint is commenced on the Commission's motion):
1. during the Judge's term of office or within one year following the end of the judge's term of office or the effective date of the Judge's retirement or resignation, with respect to alleged misconduct or disability occurring during the Judge's term of office; or
 2. during the Judge's service in the senior judge program or within one year following the end of the Judge's service in the senior judge program, with respect to alleged misconduct or disability occurring during the Judge's service in the senior judge program.
- D. **“Complaint”** means information in any form from any sources that alleges or from which a reasonable inference can be drawn that a judge committed misconduct or is incapacitated.
- E. **“Misconduct”** means conduct by a judge that may reasonably constitute grounds for discipline under the Colorado Code of Judicial Conduct, the Colorado Rules of Judicial Discipline, or Section 23(3) of Article VI of the Colorado Constitution. Also encompassed in the term misconduct is a violation of the policies of Chief Justice Directive (CJD) 08-06, Directive Concerning Colorado Judicial Department Policies for Independent Contractors, Other Persons Conducting Business with the Judicial Department and Judicial Officers. This includes but is not limited to a violation of the anti-harassment policy or anti-violence in the workplace policy or, a violation of CJD 07-01, Directive Concerning the Colorado Judicial Department Electronic Communications Usage Policy: Technical, Security, And System Management Concerns.
- F. **“Office”** means the Office of Judicial Discipline established pursuant to C.R.S., section 13-5.3-103.

III. Implementation of Policy

The process for reporting a complaint of judicial misconduct received by any member of the 5th Judicial District from an individual or entity that is NOT an employee, volunteer, intern, extern or contractor for the Department is as follows:

- A. Any court staff member who receives a complaint of judicial misconduct or who receives written or electronic material in connection with the complaint shall immediately notify the Clerk of the Court of the complaint and/or of the written or electronic material received in connection with the complaint. The Clerk of Court shall then notify the Chief Judge and the Court Executive of the complaint and/or of the written or electronic material received in connection with the complaint.
- B. Any probation staff member who receives a complaint of judicial misconduct or who receives written or electronic material in connection with the complaint shall immediately notify the Chief Probation Officer of the complaint and/or of the written or electronic material received in connection with the complaint. The Chief Probation Officer shall then notify the Chief Judge and the Court Executive of the complaint and/or of the written or electronic material received in connection with the complaint.
- C. If a complaint is received from an individual or entity that is NOT an employee, volunteer, intern, extern, or contractor for the Department, alleging misconduct, the Court Executive shall communicate with the complainant and shall provide the complainant information as to the role of the Commission and the Commission's contact information, as set forth in Attachment A.
- D. If the complainant submits written or electronic materials in connection with a complaint of judicial misconduct, the Chief Judge shall forward those materials to the Commission through the Office of Judicial Discipline. If the complaint involves the Chief Judge, it shall be the responsibility of the Court Executive to forward the materials to the Commission through the Office of Judicial Discipline.

IV. Effective Date

This Order is entered on August 25, 2022 effective May 20, 2022 and shall remain in effect unless modified or rescinded.

SO ORDERED this 25th day of August, 2022.

BY THE COURT:



Paul R. Dunkelman
Chief District Judge, 5th Judicial District

ATTACHMENT A

The Colorado Commission on Judicial Discipline has the constitutional authority to investigate any of the following acts:

1. willful misconduct by a judge, including misconduct which, although not related to judicial duties, brings the judicial office into disrepute or is prejudicial to the administration of justice;
2. willful or persistent failure of a judge to perform judicial duties, including the incompetent performance of judicial duties;
3. intemperance, including extreme or immoderate personal conduct, recurring loss of temper or control, abuse of alcohol, or the use of illegal narcotics or dangerous drugs;
4. any conduct on the part of a judge that constitutes a violation of the Colorado Code of Judicial Conduct; or
5. a disability, which is or is likely to become permanent, that interferes with the performance of judicial duties.

Judicial Discipline Contact Information:

1. Website: www.coloradojudicialdiscipline.com
2. Address: 1300 Broadway, Suite 210
Denver, CO 80203
3. Phone: (303) 457-5131
4. Email: complaints@jd.state.co.us