



Colorado Justice: Celebrating 40 years of fair
and impartial courts through merit selection

media alert

Colorado Judicial Branch

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2006 judicial performance program outline for reporters

Judicial performance commissions are making voter recommendations prior to the November, 2006 election for every state judge standing for retention election. The following is background information on the commissions and their work leading up to the profiles they will be providing voters and judges prior to November, 2006.

Since its inception in 1988, there have been nine evaluation cycles of judges (one in each general election year since 1988). More than 1,035 citizens have participated on the various judicial performance evaluation commissions. Nationally, no other state has a judicial performance evaluation program that provides for local citizens, sitting as commissions, to evaluate the judges in their own community or judicial district.

From the creation of the Commissions on Judicial Performance in 1988 through 2004, 742 judges (including Denver County judges) have stood for retention. There have been 14 recommendations of "do not retain" and 10 of "no opinion." Six judges have not been retained by the voters.

Additional information is available online at www.cojudicialperformance.com

Judicial performance fact sheet

Purpose

- Commissions on Judicial Performance were created in 1988 by the Colorado General Assembly for the purpose of providing voters with fair, responsible and constructive evaluations of judges and justices seeking retention. The results also provide judges with information to help improve their professional skills as judicial officers.

Authority

- Article VI, Colorado Constitution
- Section 13-5.5-101, C.R.S. et seq.
- Supreme Court Rules Governing the Commissions on Judicial Performance (Colorado Revised Statutes, Court Rules, Book 2, Chapter 37)

Commission

- There is one commission in each judicial district and one state commission. Each commission consists of 10 members: six non-attorneys and four attorneys. Appointments to the commission are made by the chief justice, governor, speaker of the house and president of the senate as follows:

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| Chief Justice: | two non-attorneys & one attorney |
| Governor: | two non-attorneys & one attorney |
| Speaker of the House: | one non-attorney & one attorney |
| President of the Senate: | one non-attorney & one attorney |

- Commission members serve a four-year term with a maximum of two terms served. If the initial appointment is to fill a vacancy then the commission member is eligible to serve the balance of this term plus two full terms
- The term of any member shall expire on November 30 of the year in which the term is scheduled to expire.
- The original appointing authority shall fill vacancies on the commissions within 45 days of the vacancy. The State Commission on Judicial Performance shall make the appointment if the vacancy is not filled within 45 days of the vacancy.

Process

- Questionnaires are sent to a random number of attorneys (including district attorneys and public defenders), litigants, jurors, crime victims, law enforcement personnel, social services caseworkers, probation officers and court personnel. Deputy sheriffs assigned to the courthouse are also surveyed.
- The specific criteria used to evaluate a judge's performance include, but are not limited to:

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| Integrity | Communication skills |
| Control over judicial proceedings | Prompt case disposition |
| Sentencing practices | Preparation |
| Attentiveness | Docket management |
| Punctuality | Administrative skills |
| Legal ability | |
| Knowledge and understanding of substantive, procedural and evidentiary law | |
| Effectiveness in working with participants in the judicial process | |
| Service to the legal profession and the public | |
- Additional areas of inquiry include whether a judge:
 - Is courteous
 - Treats all parties who appear in the courtroom equally
 - Provides clear written and oral decisions
 - Displays appropriate demeanor
- Local commissions must use the following information in order to make recommendations to the voters regarding the retention of an individual judge:

- Questionnaire results
 - Courtroom observation
 - Interview with the judge
 - Self-evaluation completed by judge
- Local commissions may use the following information in order to make recommendations to the voters regarding the retention of an individual judge:
 - Caseload statistics
 - Oral interviews with people appearing before the judge on a regular basis
 - Public hearings
 - Documentation from interested parties
 - Number of court trials and court trial days
 - Number of jury trials and jury trial days
 - Information from prior evaluations of the judge
 - Effective for the 2006 judicial performance evaluations and evaluations thereafter, open case reports and case aging reports

Any information the commission uses must be made available to the judge being evaluated. All commission meetings and interviews concerning the retention of the judge are confidential.

- Commissions must request a meeting with the chief judge in their judicial district prior to initiating the evaluation process for an informational briefing on the judicial district. Once the evaluations are complete the commissions shall provide the chief judge with the statistical report generated by the independent firm for each judge, along with the narrative profile and recommendation for each judge. If a commission identifies a particular weakness for a judge, the commission may forward recommendations for improvement to the chief judge together with the report.
- Commissions complete a written narrative profile for each judge standing for retention. The commissions must provide one of the following recommendations: "retain", "do not retain," or "no opinion."¹
- Narrative profiles are released to the public on the first day following the deadline for judges to declare their intent to stand for retention.

Timeline for 2006 Commissions on Judicial Performance

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| Feb. – April | Organizational meetings of each commission in preparation of training. Elect chair and public information liaison. Meet with Chief Judge. |
| Feb. 6 – April 1 | Train state and district commission members. |

¹ A "no opinion" recommendation shall be made only when the state commission concludes that results are not sufficiently clear to make a firm recommendation and shall be accompanied by a detailed explanation; §13-5.5-106(1)(b) and §13-5.5-106(2)(b), C.R.S.

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| May 1 – May 5 | Survey reports delivered to judges and commissions. |
| March – June 16 | Conduct public hearings, conduct courtroom observations, interview other interested parties, receive documented information from interested parties, review self-evaluation of judges, conduct interviews with judges, prepare draft of narrative profiles. |
| June 16 | Deadline for all judges to receive draft of narrative profiles from state and district commissions. |
| June 16 - July 14 | Judges have opportunity to respond to proposed narrative profile. Additional interview, if requested by judge. |
| July 17 | District Commission submits final narrative profiles to state commission. |
| July 24 | Submit narrative profiles to Legislative Council for publication in Blue Book. |
| August 7² | Last day for judicial candidate to declare intent to stand for retention. |
| August 8 | Release narrative profiles to public on Internet. (Released on first day following the deadline for judges to declare their intent to stand for retention.) |
| November 7 | General Election. |

This information is provided as an e-mail service of the Colorado Judicial Department, Office of State Court Administrator, 1301 Pennsylvania Street, Suite 300, Denver, Colo. 80203. To discontinue this service or update your e-mail address, please respond to this message with your name, contact information and any comments.

² Pursuant to Article VI, sec. 25 of the Colorado Constitution, judges must declare intent to stand for retention not more than 6 or less than 3 months prior to the General Election.