

Media Alert

Colorado Judicial Branch

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Differentiation between Colorado's current Merit Selection System and the federal judicial selection system

Colorado Judges	Federal Judges
Terms of Office <ul style="list-style-type: none">• The term of office for a Supreme Court Justice is 10 years;• Court of Appeals Judge, 8 years;• District Court Judge, 6 years; and• County Court Judge, 4 years.	<ul style="list-style-type: none">• Article III of the Constitution states that judicial officers shall hold their offices during good behavior; no terms of office are specified.
Term Limits <ul style="list-style-type: none">• Justices and judges are subject to a retention election at the end of each term. They must receive a majority of the votes cast. Assuming they are retained, justices and judges may serve until age 72.	<ul style="list-style-type: none">• Federal judges are not term limited.
Judicial Selection Process <ul style="list-style-type: none">• County & district judgeships: Within 30 days of a vacancy, a local judicial nominating commission (made up of seven citizens [4 non-lawyers, 3 lawyers] residing in the judicial district, no more than 4 members can be from the same political party) interviews applicants and recommends 2 to 3 individuals to the governor for consideration. The governor must select one of the nominees within 15 days after receiving the list from the commission.• Court of appeals & supreme court: Within 30 days of a vacancy, a statewide commission (includes 1 citizen admitted to practice law in Colorado and 1 citizen not admitted to practice law residing in each of the state's 7 congressional districts, and 1 additional citizen not admitted to practice law in Colorado.) interviews applicants and recommends 3 individuals to the governor for consideration. The governor must select one of the nominees within 15 days after receiving the list from the commission.• More information is available at http://www.courts.state.co.us/supct/committees/supctnomincomm.htm• An applicant must be a licensed attorney in Colorado for at least five years to qualify for appointment to the district court, court of appeals, or supreme court.	<ul style="list-style-type: none">• Supreme Court justices, court of appeals judges, and district court judges are nominated by the President and confirmed by the United States Senate with 51 votes as stated in the Constitution. The names of potential nominees are almost always recommended by senators or sometimes members of the House who are of the President's political party. The Senate Judiciary Committee typically conducts confirmation hearings for each nominee. Article III of the Constitution states that these judicial officers are appointed for a life term. The federal Judiciary, the Judicial Conference of the United States, and the Administrative Office of the U.S. Courts play no role in the nomination and confirmation process. (http://www.uscourts.gov/faq.html)

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<p>Judicial Performance and Retention</p> <ul style="list-style-type: none"> • Upon appointment, justices and judges serve a two year provisional term of office. Their first retention election takes place in the next general election after the initial two year term expires. • The state judicial performance commission (10-members including four attorneys and six non-attorneys) prepares a narrative evaluation for each justice and court of appeals judge whose term is to expire following a given general election. Local commissions in each judicial district with the same non attorney/attorney balance prepare evaluations for county and district court judges. The evaluations are based on survey data collected from questionnaires completed by attorneys (including district attorneys and public defenders), jurors, litigants, probation officers, social services case workers, crime victims, court personnel and law enforcement officers who have appeared before the judicial officer. Evaluation data is also drawn from the following sources: a personal interview with the judge; a self-evaluation completed by the judge; public hearings, court statistics such as caseload and case types, interviews with other persons, and information from other appropriate sources, such as court observations. The narrative, a retention recommendation, survey results and any other relevant information are released to the public via the internet at least 45 days prior to the retention election. This information is also summarized in the ballot information booklet (blue book) that is distributed to all registered voters. Additional information is at http://www.courts.state.co.us/panda/judicialperformance/judperindex.htm • In a retention election, a vote greater than 50 percent retains a justice or judge for another term of office. • When a justice or judge is convicted of a felony, or other offense involving moral turpitude, the supreme court shall enter an order suspending the justice or judge in question without pay. If the conviction becomes final (after sentencing), the supreme court shall enter an order removing said justice or judge from office. 	<ul style="list-style-type: none"> • Appointments are for the life of the judge. Voters do not elect or retain judges. • The Federal system does have laws guiding the conduct of judges and mechanisms in place to respond to complaints about judges. • Does not apply in Federal system. • No mechanism for removal judges short of impeachment exists. There is standing precedent in Congress that judges can only be removed for acts of a criminal nature.
<p>Retired Judges</p> <ul style="list-style-type: none"> • The Senior Judge program assigns retired judges, at the request of trial courts, to hear cases in which judges have recused themselves or so the court's docket is not interrupted due to the absence of a judge, a judicial vacancy or an overscheduled docket. Senior judges contract to provide 60 or 90 days of service per year. In return, the judge's retirement benefit is temporarily increased. 	<ul style="list-style-type: none"> • Senior judges, who essentially provide volunteer service to the courts, typically handle about 15 percent of the federal courts' workload annually. (http://www.uscourts.gov/faq.html)