

Media Alert

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Media guide to judicial nominating and performance commissions

Actions surrounding the selection, performance review and retention recommendation of judges in the state judicial system (county, district, court of appeals and supreme court) have spurred a number of media requests. The following is provided as a guide in covering these processes.

There will be a number of media information items for statewide consideration available through this office and items specifically targeting individual judicial districts for the remainder of 2002.

Pursuant to the Colorado Constitution, court of appeals and supreme court vacancies activate the Supreme Court Nominating Commission. Local commissions, one in each of the state's 22 judicial districts, are put into action to fill all county and district judgeships. Each commission is made up of a cross-section of citizens. Although county and district judge retirements are on-going, some vacancies are already established. On July 1, 2002, there will be a vacancy on the court of appeals, as well as the need to fill six new judgeships added by the state legislature.

A number of judges who are eligible for retention in the November 2002 general election are being evaluated by the State Commission on Judicial Performance and local judicial performance commissions in each judicial district. These citizen-member commissions are in the process of conducting reviews and preparing recommendations that will be available to the public on Aug. 6 for the November 2002 ballot. These reports will be available at www.courts.state.co.us, www.cobar.org and in the Legislative Council Blue Book. The commissions are currently reviewing more than 100 judges.

The following is information on the Colorado nomination and performance processes.

Judicial nominating commissions: Colorado merit selection system

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 county or district judgeship, the judicial district nominating commission interviews applicants and recommends individuals to the governor for consideration and appointment. Three nominees must be submitted to the governor for judgeships on the court of appeals or supreme court; two or three names can be submitted for county or district vacancies. Denver County does not use this process.

There are two types of nominating commissions: (1) Supreme Court Nominating Commission and (2) judicial district nominating commissions. The Supreme Court Nominating Commission recommends candidates to serve as judges for the supreme court and the court of appeals. The chief justice of the supreme court chairs the commission and is a non-voting member. This commission includes one citizen admitted to practice law in Colorado and one citizen not admitted to practice law residing in each of the state's seven congressional districts, and one additional citizen not admitted to practice law in Colorado.

In contrast, there is a judicial district nominating commission for each of Colorado's 22 judicial districts that selects nominees for district and county judicial vacancies. 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 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 of 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, attorney general and chief justice how many, if any, of the remaining three members will be persons admitted to practice law in Colorado.

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

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; select its nominees based on written applications, recommendations, and personal interviews; and submit the names to the governor.

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. The judge must then stand for retention at the next general election.

If retained by voters after serving an initial two-year term, state court judges serve the following terms: county court, four years; district court, six years; court of appeals, eight years; and 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.

The State Commission on Judicial Performance evaluates court of appeals and supreme court judges. Each judicial district has a performance commission which evaluates its county and district judges. 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 develops evaluation techniques for district and county judges, court of appeals judges, and supreme court justices. According to the law, evaluation 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.

A judge's evaluation results from surveys; a personal interview with the judge; a self-evaluation completed by 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 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. More information is available at <http://www.courts.state.co.us/scao/crtsvc/judperf/JudicialPerformancePage.htm>.

This information is provided as an e-mail service of the Colorado State Judicial Branch, 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.