



OFFICE OF JUDICIAL PERFORMANCE EVALUATION

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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
- C.R.S. 13-5.5-101 et seq.
- Supreme Court Rules Governing the Commissions on Judicial Performance (Volume 12, Chapter 37 C.R.S.)

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:

Chief Justice:	1 attorney & 2 non-attorneys
Governor:	1 attorney & 2 non-attorneys
Speaker of the House:	1 attorney & 1 non-attorney
President of the Senate:	1 attorney & 1 non-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

- Local commissions must use the following information in order to make recommendations to the voters regarding the retention of an individual judge:
 - Questionnaire results
 - Questionnaires are sent to a random number of attorneys including prosecutors, public defenders and private attorneys who have appeared before the judge, litigants, jurors, crime victims, guardians ad litem, court appointed special advocate volunteers, peace officers, social services caseworkers, probation officers, and staff attorneys.
 - The specific criteria used to evaluate a judge's performance include, but are not limited to:
 - Integrity
 - Control over judicial proceedings
 - Sentencing practices
 - Docket management
 - Punctuality
 - Legal ability
 - Communication skills
 - Prompt case disposition
 - Preparation
 - Attentiveness
 - Administrative skills
 - 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
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- Courtroom observations
 - Self-evaluation completed by judge
 - Review of decisions/opinions
 - Review of statistics, including caseload information, case types, open case reports, case aging reports, court trials, court trial days, jury trials, jury trial days, sentence modifications (18-1.3-406 C.R.S.)
 - Interview with the judge

- Local commissions may use the following information in order to make recommendations to the voters regarding the retention of an individual judge:
 - Oral or written information from any person who has appeared before the judge during the previous year if the person provides name and address
 - Information from Public hearings

Any information the commission uses must be made available to the judge being evaluated.

All commission interviews and deliberations concerning the retention of the judge are confidential.

- Commissions must meet with the chief judge in their judicial district prior to initiating the evaluation process for an informational briefing and overview of the court.
 - Once the evaluation process is complete, if a commission identifies one or more areas of significantly poor performance of a judge, it may recommend to the chief judge that the judge be placed on any improvement plan.
- 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”.
- Narrative profiles are released to the public on the first day following the deadline for judges to declare their intent to stand for retention.
- Following the creation of the Commissions on Judicial Performance in 1988 through the 2006 judicial retention cycle, there have been:
 - 14 recommendation to not retain
 - 10 no opinions
 - 6 judges were not retained by the voters, one of which received a DO RETAIN recommendation