

RULE CHANGE 2021(15)

COLORADO CODE OF JUDICIAL CONDUCT

Rules 1.2, 2.3, 2.12, and 2.15

Rule 1.2: Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary, and shall avoid impropriety and the appearance of impropriety.

COMMENT

[1] Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge [and includes harassment and other inappropriate workplace behavior](#).

[2] - [6] [NO CHANGE]

Rule 2.3: Bias, Prejudice, and Harassment

(A) - (B) [NO CHANGE]

[\(C\) A judge shall not engage in retaliation for reporting of misconduct under this Code or other legal authority. The duty to refrain from retaliation includes retaliation against current and former Judicial Branch personnel as well as attorneys and other members of the public.](#)

[\(D\)](#) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

[\(E\)](#) The restrictions of paragraphs (B) and [\(D\)](#) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

COMMENT

[1] - [2] [NO CHANGE]

[3] Harassment, as referred to in paragraphs (B) and [\(E\)](#), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

[4] [NO CHANGE]

Rule 2.12: Supervisory Duties

(A) - (B) [NO CHANGE]

(C) A judge should practice civility by being patient, dignified, respectful, and courteous, in dealings with court personnel, including chambers staff. A judge should not engage in any type of harassment of court personnel. A judge should not engage in retaliation for reporting allegations of such misconduct. A judge should seek to hold court personnel who are subject to the judge's control to similar standards in their own dealings with other court personnel.

COMMENT

[1] [NO CHANGE]

[2] A judge does not violate this rule through communication and actions reasonably related to performance management, including, but not limited to instruction, counseling, corrective criticism, evaluation, duty assignments, and discipline.

[3] Public confidence in the judicial system depends upon timely justice. To promote the efficient administration of justice, a judge with supervisory authority must take the steps needed to ensure that judges under his or her supervision administer their workloads promptly.

Rule 2.15: Responding to Judicial and Lawyer Misconduct

(A) - (D) [NO CHANGE]

COMMENT

[1] Public confidence in the integrity and impartiality of the judiciary is promoted when judges take appropriate action based on reliable evidence of misconduct. Appropriate action depends on the circumstances, but the overarching goal of such action should be to prevent harm to those affected by misconduct and to prevent recurrence.

[2] Taking action to address known misconduct is a judge's obligation. Paragraphs (A) and (B) impose an obligation on the judge to report to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent.

[3] A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation

to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation, or reporting the suspected violation to the appropriate authority or other agency or body.

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COMMENT

[1] Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge and includes harassment and other inappropriate workplace behavior.

[2] - [6] [NO CHANGE]

Rule 2.3: Bias, Prejudice, and Harassment

(A) - (B) [NO CHANGE]

(C) A judge shall not engage in retaliation for reporting of misconduct under this Code or other legal authority. The duty to refrain from retaliation includes retaliation against current and former Judicial Branch personnel as well as attorneys and other members of the public.

(D) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

(E) The restrictions of paragraphs (B) and (D) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

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[1] - [2] [NO CHANGE]

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Amended and Adopted by the Court, En Banc, June 3, 2021, effective immediately.

By the Court:

**Brian D. Boatright
Chief Justice, Colorado Supreme Court**