

Lesson: How the Colorado Judicial Branch Works

Objective: For students to develop an understanding of the structure and function of their local, district, and state judicial system. (*Colorado Model Content Standards: Civics, Standard 2.1, grades 9-12*)

Activities: Teacher lecture (background material, lecture outline, and overhead slide provided); class participation activity (worksheet/answers provided); and homework assignment.

Outcomes: Students acquire a foundational understanding of the Colorado judicial system upon which more detailed knowledge of this system can be built.

Grade Level: Grades 9-12

Anticipated classroom time: 45-60 minutes

Message from Colorado Court of Appeals Judge James S. Casebolt:

The Colorado Judicial Branch works by providing multi-level forums to resolve disputes among its citizens. Each court has a special function or purpose.

Almost all court matters originate in a Trial Court or agency. There, judges and juries listen to witnesses, resolve issues of fact, and apply the law to the facts they have found. This results in a decision in favor of one party and against the other.

An unhappy trial participant then has the right to have an appellate court review what the judge and jury did. This first-level appellate court must hear every appeal properly presented to it, ensuring that a litigant's case is reviewed at least once. In most instances, the district court acts as the appellate court for county and municipal trial courts. The Court of Appeals is the reviewing court for district court cases and matters originating from administrative agencies.

Appellate courts correct errors that the trial judge may have made, such as by incorrectly allowing certain evidence to be introduced. Appellate courts do not hear witnesses and do not decide facts. Instead, they review transcripts of the proceedings, research the law, and decide how the law should apply to the facts the trial judge, jury, or agency determined to be true. Appellate courts may require the Trial Court or the agency to hold a new trial when errors have substantially affected the fairness of the first trial.

Following a decision from the first-level appellate court, a party can request review by the Supreme Court. This court, which primarily hears matters of great public importance or those that may have universal application to the dispute-resolution system as a whole, has discretion in determining which cases it wants to hear, with some exceptions. As with other appellate courts, the Supreme Court reviews transcripts of the trial proceedings and then determines what the law is or should be for that particular matter. It typically renders far-reaching opinions that serve as guides for the Court of Appeals and Trial Courts.

The multiple levels of our court system ensure that a litigant has his or her day in court, protected by the rule of law. Because the system functions fairly and impartially, the people accept and abide by its decisions. Knowledge of how it functions and protects the rights of everyone enhances citizen acceptance of its work.

Teacher background information:

Colorado Judicial Department Fact Sheet

Court Facts FY 2012

- There are [22 Judicial Districts](#) within the state of Colorado as established by the [state Legislature](#) in 1963. The last major revision was November 2001 with the consolidation of Broomfield in the 17th Judicial District. Changes in district boundaries require a two-thirds vote of each house of the Legislature.
- As of July 1, 2012, the Colorado Judicial Branch had 319 authorized positions for justices and judges: [seven Supreme Court justices](#), [22 Court of Appeals judges](#), [176 District Court judges](#), and [114 County Court judges](#). This excludes [Denver County Court judges](#) (17), who are appointed by the mayor of Denver.
- The Judicial Branch employs 84 district, county and drug court Magistrates, some of whom are full-time and some of whom are part-time employees. Magistrates do not preside in jury trials but do preside in hearings in all areas covered by [district](#) and [county](#) trial courts.
- There are seven [water courts](#), one in each of the major river basins ([South Platte](#), [Arkansas](#), [Rio Grande](#), [Gunnison](#), [Colorado](#), [White](#), and [San Juan](#) rivers). They are divisions of the district court in that basin.
- As of July 1, 2012, justices and judges are paid: chief justice of the Supreme Court, \$142,708; associate Supreme Court justices, \$139,660; chief judge of the Court of Appeals, \$137,201; Court of Appeals judges, \$134,128; District Court judges, \$128,598; County Court judges, \$123,067; Magistrates \$110,040.
- [Probation](#) is also the responsibility of the Colorado Judicial Branch. Managed by the chief probation officer in each judicial district, probation employees prepare assessments and pre-sentence information for the courts, supervise the offenders sentenced to community programs, give notification and support services to victims, and provide special program services. As of July 1, 2012, there were more than 54,600 adults and juveniles on probation. In addition, more than 25,500 adults were on private probation or DUI monitoring.
- Forty-three senior judges, who are retired from the bench, each hear cases approximately 60 days per year in districts where there are vacancies, a backlog of cases, conflicts of interest, etc.
- The head of the Colorado Judicial Branch is the [chief justice](#) of the [Supreme Court](#), who is elected to the position by the justices of the Court. The justices select a [state court administrator](#) to oversee the daily administration of the branch.
- Courts funded by the state's General Fund include: [Supreme Court](#), [Court of Appeals](#), [District Courts](#), and [County Courts](#). Municipal and Denver County courts are funded by their respective local governments.
- [County Court](#) is a court of limited jurisdiction, handling misdemeanors, criminal traffic violations, civil traffic infractions, small claims, felony complaints (which may be sent to District Court), and civil cases of under \$15,000.
- [District Court](#) is a court of general jurisdiction, handling criminal, civil, domestic relations, juvenile, probate, mental health, and water cases.
- In Fiscal Year 2012, there were 484,371 cases filed statewide at the County Court level, 288,877 cases filed in District Court, 2,711 in the Court of Appeals and 1,494 in the Supreme Court. There were 1,076 cases filed in the water courts.
- In the past 10 years, [County Court](#) filings have grown 2.92 percent. The growth was primarily in civil cases. [District Court](#) filings have grown 70.47 percent. The greatest occurred in civil distraint warrant (tax lien) filings during Fiscal Year 2012.

Organization Chart of the Judicial Branch

Please see the chart attached to this lesson plan for the organizational structure of Colorado's judicial branch.

Colorado Supreme Court

Description

The Colorado Supreme Court is composed of seven justices serving ten-year terms and is the Colorado court system's court of last resort. The Chief Justice is selected by the justices from the membership of the Supreme Court. Pursuant to Article VI, Section 5(2) of the Colorado Constitution, the Chief Justice serves as the executive head of the Colorado Judicial System and is the ex-officio chair of the Supreme Court Nominating Commission. The Chief Justice also appoints the Chief Judge for the Court of Appeals and for each judicial district.

Requests to review decisions of the Colorado Court of Appeals constitute a majority of the Supreme Court's filings. The Supreme Court has direct appellate jurisdiction over cases involving decisions of the Public Utilities Commission, writs of habeas corpus (a judicial directive to a prison official ordering that the prisoner be brought to court to determine if he or she is being lawfully held), cases involving adjudication (affirmation) of water rights, and prosecutorial appeals concerning search and seizure questions in pending criminal proceedings. All of these appeals are filed directly with the Supreme Court, bypassing the Court of Appeals. The Supreme Court also has exclusive jurisdiction to promulgate rules governing practice and procedure in civil and criminal actions.

The Supreme Court also licenses and disciplines Colorado attorneys. The court's attorney regulation system, funded by attorney registration fees, polices the profession. In addition, the court oversees the State Court Administrator, Board of Continuing Legal Education, Board of Law Examiners, Commission on Judicial Discipline, and Unauthorized Practice of Law Committee.

Workload

Colorado Supreme Court

WORKLOAD	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Pending July 1	391	475	372	461	425	372
New Filings	1534	1657	1643	1518	1387	1494
Caseload	1925	2132	2015	1979	1812	1866
Terminations	1450	1760	1554	1554	1440	1612

Colorado Court of Appeals

Description

The Colorado Court of Appeals, consisting of 22 judges who are retained by the public to serve eight-year terms, is the state's intermediate appellate court. The Court sits in three-member divisions to decide cases. The Chief Judge, appointed by the Chief Justice of the Supreme Court, assigns judges to the divisions and rotates their assignments. The mission of the Court of Appeals is to provide the citizens of Colorado with clear, impartial, and timely resolutions of appealed orders and judgments as provided by law. The Court of Appeals was created by statute; accordingly, jurisdiction is limited to the areas specified by state statute, together with the inherent powers granted to all courts.

Established under Section 1 of Article VI of the Colorado Constitution and Section 13-4-101, et seq., C.R.S. (Colorado Revised Statutes), the Court of Appeals has initial jurisdiction, with exceptions, over appeals from the Colorado District Courts, Denver Probate Court, and Denver Juvenile Court. In addition, the Court of Appeals has specific appellate jurisdiction over decisions originating from a number of state administrative boards and agencies, including the Industrial Claim Appeals Office. Reviews of the Court of Appeals' decisions are directed to the Colorado Supreme Court.

Workload

Court of Appeals.

WORKLOAD	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Pending June 30	2688	2680	2495	2760	2812	2758
New Filings	2548	2753	2809	2890	2742	2711
Terminations	2810	2761	2994	2625	2690	2765

Colorado Trial Courts

Description

Established pursuant to Article VI of the Colorado Constitution, Colorado’s state trial courts consist of county courts, district courts, and water courts (municipal courts are not part of the state court system). Colorado’s district courts serve citizens of each county in the state. There are currently 175 district judges serving Colorado’s 22 judicial districts. District judges preside over felony criminal matters, civil claims in any amount, juvenile matters (including adoption, dependency and neglect matters, juvenile delinquency, and paternity actions), probate, mental health, divorce proceedings, and water cases. Additionally, district judges handle appeals from Colorado municipal and county courts, and review decisions of some administrative boards and agencies.

Colorado’s county courts serve the citizens of each county in the state as well. County judges handle cases involving serious public safety issues such as misdemeanor cases, felony advisements, setting bonds, and preliminary hearings. There are 115 county court judges. County judges also issue restraining orders in cases involving domestic violence arrest, issue search warrants, and preside over traffic cases and civil actions involving no more than \$15,000.

The Water Right Determination and Administration Act of 1969 created seven water divisions according to drainage patterns of various rivers in Colorado. Each water division is staffed with a division engineer, appointed by the state engineer; a water judge, appointed by the Supreme Court; a water referee, appointed by the water judge; and a water clerk, assigned by the district court. Water judges are district judges appointed by the Supreme Court and have jurisdiction in the determination of water rights, the use and administration of water, and all other water matters within the jurisdiction of the water divisions.

Workload

District and County Courts

WORKLOAD	FY 2010						FY 2011		
	District	County	Water	District	County	Water	District	County	Water
New Filings	236671	541591	1215	246728	505265	956	288877	484371	1076
Terminations	238465	527946		247752	499320		286419	470431	

* County court case terminations do not include felony complaints.

* County court filings and terminations do not include cases from Denver County Court.

Classroom activities:

- Discuss and explain the different levels of Colorado's court system. A separate 1-page copy of the organization chart of the Judicial Branch has been included to facilitate reproduction as a handout. This diagram can also be a valuable overhead to reference during the lesson.
** Contents of this diagram can be intermittently blanked-out, and re-filling in the blanks could be a good quiz.
- Complete the included worksheet (individual or in groups).
- Hold a class discussion stemming from the following questions: What are some current cases that you have heard about on TV or read about in the newspaper? Why are they in the court where they are currently being held?

Homework assignment:

Answers to these questions can be found in the class outline.

1. Compare county courts to district courts. In what ways are they similar? In what ways are they different? Some areas to consider include the types of cases they handle, their jurisdiction, and placement in Colorado's judicial structure.
2. Compare trial courts (including both county and district) to the appellate courts (Court of Appeals and Supreme Court). What are their different functions? How does each type handle cases?

Class outline:

General Structure of the Courts

The Colorado judicial system is modeled after the U.S. judicial system.

- Trial courts
- Court of Appeals
- Supreme Court

1) There are three main kinds of trial courts in Colorado: county courts, district courts, and water courts

A. County courts are courts of limited jurisdiction. In FY 2012, Colorado's county courts issued rulings in 470,431 cases. They handle cases involving:

- misdemeanors
- traffic infractions
- small claims
- felony complaints (which may be sent to the district court)
- civil cases under \$15,000

B. District courts are courts of general jurisdiction. In FY 2012, Colorado's district courts finished rulings on 286,419 cases. There are 22 judicial districts in Colorado, composed of between one and seven counties. These courts handle cases involving:

- felony criminal offenses
- civil cases in any amount
- domestic relations
- juvenile issues, including adoption, dependency and neglect, juvenile delinquency, and paternity actions
- probate issues
- mental health
- water cases

C. Colorado's seven water courts were established to have jurisdiction over water issues in the state's seven different river basins (South Platte, Arkansas, Rio Grande, Gunnison, Colorado, White, and San Juan). In FY 2012, 1,076 cases were filed in Colorado's water courts. Case issues include:

- water rights
- the use and administration of water
- all other water matters within the jurisdiction of water divisions

2) Court of Appeals

The Colorado Court of Appeals is the state's intermediate appellate court.

Altogether there are 22 judges serving in this court, and they sit in panels of three to hear cases. The chief judge assigns these panels and regularly rotates them. These judges serve terms of eight years.

The Court of Appeals was created by statute, so its jurisdiction is limited to specifically defined areas. It has initial jurisdiction over appeals from Colorado District Courts, Denver Probate Court, and Denver Juvenile Court. Some types of cases skip the Court of Appeals and go directly to the Colorado Supreme Court for their first appeal.

In FY 2012, 2,711 new cases were sent to the Court of Appeals.

3) Supreme Court

The Colorado Supreme Court is Colorado's court of last resort. There are seven justices that make up the Supreme Court, and all of them hear every case, with limited exceptions; this is referred to as sitting en banc. These justices serve terms of 10 years.

The Supreme Court has the authority to accept or refuse cases on appeal from decisions in the Court of Appeals. It also is the court of first appeal in some circumstances, thereby skipping the Court of Appeals. These circumstances include cases involving:

- capital punishment
- water rights
- decisions of the Public Utilities Commission
- writs of habeas corpus
- summary proceedings initiated under Election Code
- search and seizure questions in pending criminal proceedings

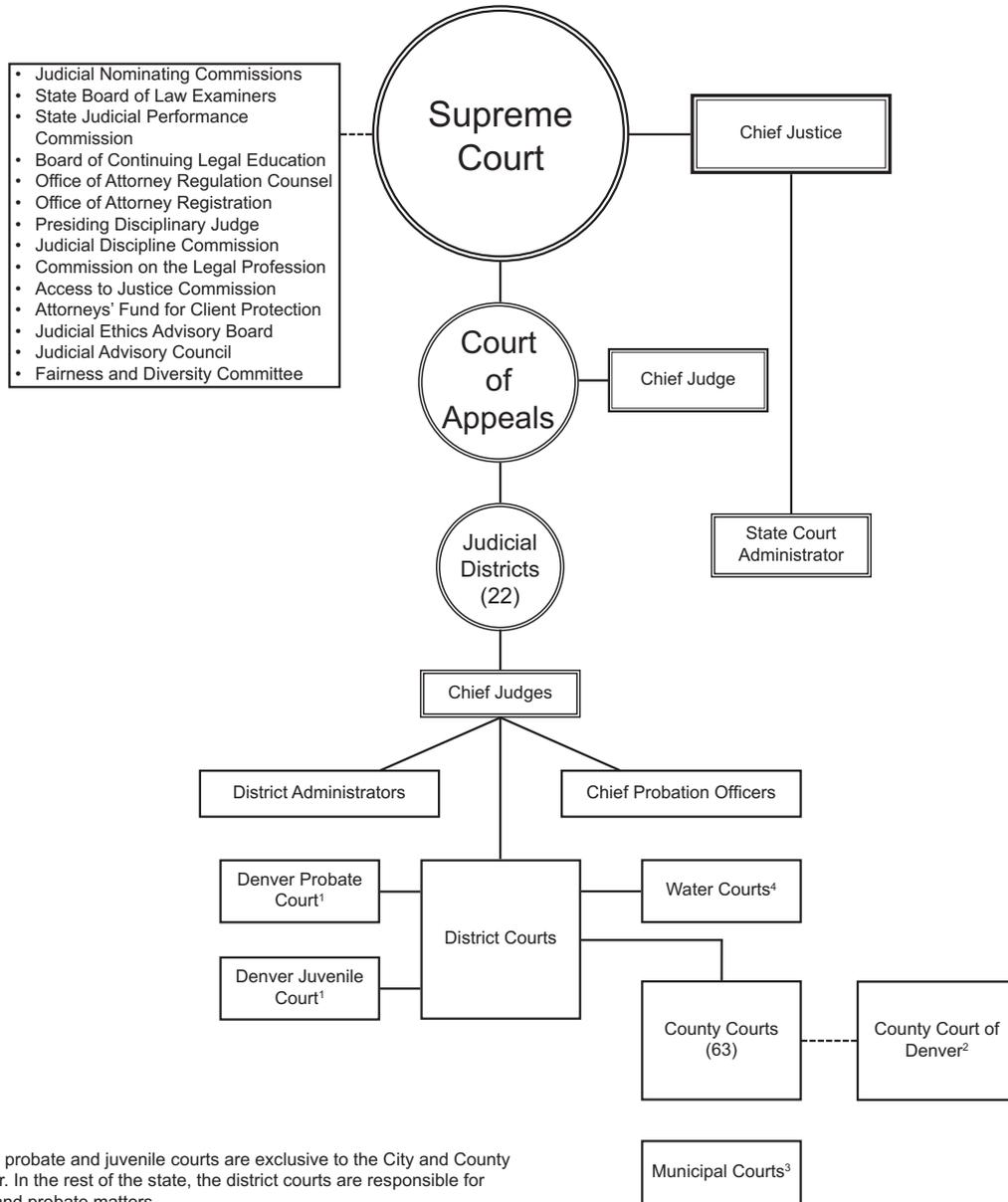
Decisions made in the Colorado Supreme Court can only be further appealed to the U.S. Supreme Court, and then generally only when there is a question of constitutionality with regard to the federal constitution.

In FY 2012, 1,494 new cases were sent to the Supreme Court.

Annual Statistical Reports dating back to Fiscal Year 2002 are available online at <http://www.courts.state.co.us/Administration/Unit.cfm/Unit/annrep>

Colorado Judicial Department Organizational Chart

The Colorado court system consists of the Supreme Court, an intermediate Court of Appeals, district courts and county courts. Each county is served both by a district court and a county court. Special probate and juvenile courts exist in the City and County of Denver. Colorado statutes also authorize locally funded municipal courts with jurisdiction limited to municipal ordinance violations.



- 1 – Separate probate and juvenile courts are exclusive to the City and County of Denver. In the rest of the state, the district courts are responsible for juvenile and probate matters.
- 2 – The Denver County Court functions as a municipal as well as a county court and is separate from the state court system.
- 3 – Created and maintained by local government but subject to Supreme Court rules and procedures.
- 4 – There are seven water courts, one for each of Colorado's major river basins, which are divisions of District Court.

Colorado Judicial Branch

Directions: Fill in the blanks in each of the following sentences. Put the letter from each numbered space in the corresponding space at the bottom of the page. The resulting name will answer the question.

1. Colorado has 22 judicial "regions," or _____
11

2. A Supreme Court "judge" is called a _____
6

3. In the Court of Appeals, _____ judges hear each case.
4 9

4. A _____, a panel of 12 community members, is used only
13
at the trial court level, not in the Court of Appeals or Supreme Court.

5. One situation in which a case would skip the Court of Appeals and go directly to the Supreme Court is if a law has been ruled

2 7

6. In the _____ Court, each justice serves a 10-
1
_____ term after serving a provisional two-year term and having been
5

_____ by Colorado voters. Each justice can stand for retention
12

for additional terms until he or she is 72 years old.

7. A _____ court handles cases involving local or city
10 3
ordinances and is not a part of the state Judicial _____
8

Question: Who is Colorado's Supreme Court Chief Justice?

Answer: _____
1 2 3 4 5 6 7 8 9 10 11 12 13

Colorado Judicial Branch

Directions: Fill in the blanks in each of the following sentences. Put the letter from each numbered space in the corresponding space at the bottom of the page. The resulting name will answer the question.

1. Colorado has 22 judicial "regions," or districts

11

2. A Supreme Court "judge" is called a justice

6

3. In the Court of Appeals, three judges hear each case.

4 9

4. A jury, a panel of 12 community members, is used only

13

at the trial court level, not in the Court of Appeals or Supreme Court.

5. One situation in which a case would skip the Court of Appeals and go directly to the Supreme Court is if a law has been ruled unconstitutional.

2 7

6. In the Supreme Court, each justice serves a 10-year term after serving a

1

5

provisional two-year term and voted to be retained by Colorado voters. Each

12

justice can stand for retention for additional terms until he or she is 72 years old.

7. A municipal court handles cases involving local or city

10 3

ordinances and is not a part of the state Judicial Branch.

8

Question: Who is Colorado's Supreme Court Chief Justice?

Answer: M i c h a e l B e n d e r

1 2 3 4 5 6 7 8 9 10 11 12 13