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You and Your Colorado Courts

You  and Your
Colorado
Courts



**A MESSAGE FROM THE CHIEF JUSTICE
OF COLORADO, August 1, 1980**

On this anniversary of 104 years of statehood, the Colorado court system is proud to present for your information a brochure to let you know exactly what our judicial system is all about: the courts we have and what they do; your rights and responsibilities as citizens, litigants, jurors and witnesses; how judges obtain their positions; the relationship of other agencies; the administration of the system.

Your interest in our courts is appreciated. Colorado has a good court system and we constantly strive to make it better. We invite your comments and suggestions.

I pledge to you our best efforts to guarantee certain and prompt justice for all, in the most efficient and economical manner. My door is always open to every one of you.

A handwritten signature in cursive script that reads "Paul V. Hodges". The signature is written in dark ink and is positioned above the printed name.

Paul V. Hodges
Chief Justice
Colorado Supreme Court



A MESSAGE FROM THE STATE COURT ADMINISTRATOR

I am proud to be a member of the Colorado court system outlined in this brochure. We are confident that we have a good judiciary with efficient administration; however, we are dedicated to making the future even better. Your interest in our work is appreciated, and your comments and ideas are always welcome.

We want to extend special thanks to the Public Education Committee of the Judicial Planning Council, chaired by District Judge Dorothy Binder, and including Judges Howard Kirshbaum, Robert Johnson and Joseph Studholme, Representative Martha Ezzard, Kathy Busch, Susan Adkins and Paul Holdeman; to Barbara Gletne and Carl Jacobson of the State Court Administrator's Office; to Florence Gilbert, well-known Denver area writer, for her narrative and consultation. Our gratitude is also due Ann Lockhart, Information Specialist with the State Department of Health, and Representative Carol Edmonds, an experienced journalist, who were most helpful in editorial consultation. All of their contributions were significant in the production of this publication.

A handwritten signature in cursive script that reads "James D. Thomas".

James D. Thomas
State Court Administrator

Introduction

Colorado's courts play important roles in your life.

When you buy or sell goods or property, get married or divorced, have children, work, retire, drive a car, and even after your death, your state courts are available to protect your rights and to enforce your responsibilities. If you are the victim of crime, are accused of committing a crime, or witness a crime, you may be required to appear in a Colorado court.

Federal courts are also available to you, of course. The magistrates, bankruptcy referees, district and circuit court judges and United States Supreme Court justices who make up the system of United States courts play very important parts in your life.

This pamphlet does not discuss the federal court system. It is designed to answer questions you, the citizens of Colorado, may have about your court system. The following few pages present an overview of Colorado's courts—how they work and how they affect you.



Your Rights in Court

If you are charged with a crime, even a traffic violation, you have certain constitutional rights. It is wise to exercise these rights even if you decide to plead guilty to the charges later.

What are your rights?

.... You have the right to remain silent and to refuse to answer any questions by police officers.

.... you have the right to have an attorney represent you; and if you are poor and unable to pay an attorney, you may ask the court to appoint one for you.

.... you have the right to a public and speedy trial, either to a jury or to a judge only.

You are presumed innocent of any crime until the District Attorney (or City attorney in a Municipal Court) presents sufficient evidence to prove your guilt beyond a reasonable doubt. You are not required to prove your innocence. You are entitled to testify in your own defense, if you want to, but you cannot be forced to testify. You and your attorney may cross-examine any person who testifies against you. You are allowed to bring in witnesses. The judge can order any person you want as a witness to appear in court.

If you should be found guilty, you have the right to appeal. You also have the right to make a statement or present additional information to the judge to support the granting of probation or the imposition of a light sentence or fine. The judge determines the kind of sentence, but in capital cases the jury makes the decision.

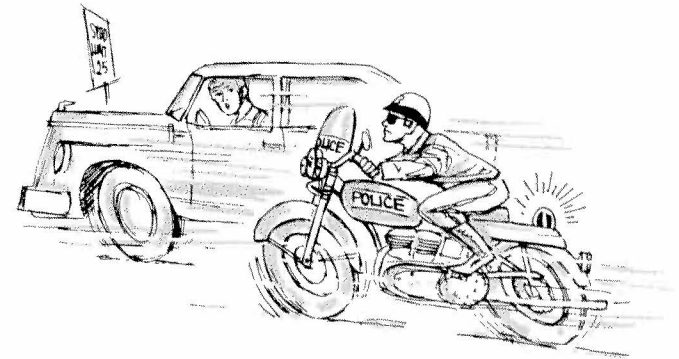


Types of Courts

Several different courts in Colorado handle various kinds of cases. These courts are —

MUNICIPAL COURTS

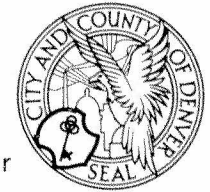
Municipal (city) Courts deal with violations of city laws committed within the city limits. Generally, these laws involve traffic and other minor offenses such as dog leash law violations and disturbances. In any case, you have a right to a jury trial and to tell your side of the story in the Municipal Court. You can appeal a decision of a Municipal Court to a state court, if you like.



COUNTY COURTS

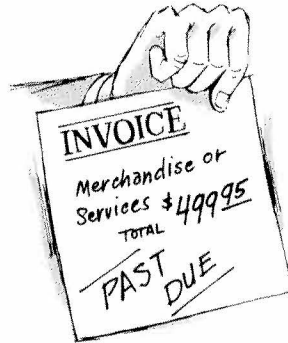
Every county in the state has a County Court, with one or more County Judges. These courts handle traffic cases and minor criminal matters, as well as civil actions involving no more than \$1,000. Again, you may have a jury trial if you choose. An appeal from a County Court decision may be made to the District Court.

Denver's court system differs somewhat from the courts in other counties, as will be explained later.



SMALL CLAIMS COURTS

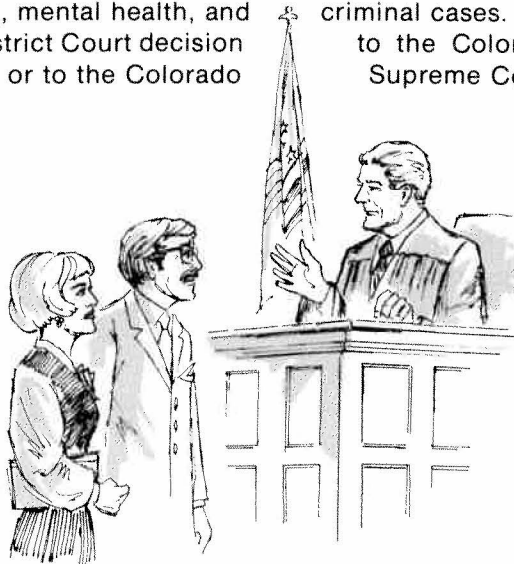
The Small Claims Court is a division of the County Court. Individuals are allowed to argue their own cases and to have speedy decisions on civil matters involving no more than \$500. Court sessions are held during the day or in the evening, to accommodate working people. There are no jury trials in the Small Claims Courts and sometimes a referee hears the cases instead of a judge. Neither side can be represented by an attorney.



DISTRICT COURTS

Colorado is divided into 22 judicial districts, each having a District Court with one or more district judges.

District Courts have authority to handle many types of cases including divorces, civil claims in any amount, juvenile matters, probate (estates), mental health, and criminal cases. You may appeal a District Court decision to the Colorado Court of Appeals or to the Colorado Supreme Court.



DENVER COURTS

Denver's court system differs from those in the rest of the state, in part because Denver is both a city and a county—the only one in Colorado.

The Denver County Court functions as a municipal as well as a county court, and is paid for entirely by Denver taxes, rather than by state taxes.

The Denver Superior Court, the only one of its kind in Colorado, hears appeals of cases from the Denver County Court and also handles civil cases, within certain monetary limits. Denver also has the only separate Juvenile Court and Probate Court in the state. In other parts of Colorado District Courts handle juvenile and probate matters. The Denver Superior, Juvenile and Probate Courts are state courts.

THE COURT OF APPEALS

The Colorado Court of Appeals has ten judges, one of whom is Chief Judge. It is located in Denver and is one of the busiest courts in the state. Unlike the other courts we have been discussing, the Court of Appeals and the Supreme Court are not trial courts. Judges from this court sometimes go to various parts of the state to hear oral arguments.

The Court of Appeals usually is the first court to hear appeals of decisions made by District Courts and the Denver Probate, Juvenile and Superior Courts. In addition, this court is responsible for reviewing the actions of several administrative agencies. The Court sits in departments of three members each when deliberating.



THE SUPREME COURT

The Colorado Supreme Court has seven justices, one of whom is the Chief Justice. It is the final court in the Colorado court system. The Supreme Court has supervisory power over all other state courts and over all attorneys practicing in Colorado.

An individual who has appealed to the Court of Appeals and is still dissatisfied may ask the Supreme Court to review the case. However, the Supreme Court has the right to refuse to do so. In some instances, individuals can petition the Supreme Court directly regarding a lower court's decision.



Judges

Colorado's population increases every year. As a result, the number of cases filed in your courts increases every year. Colorado judges are working hard to cope with the increased number of cases so that citizens may have prompt court hearings. This is not an easy task.

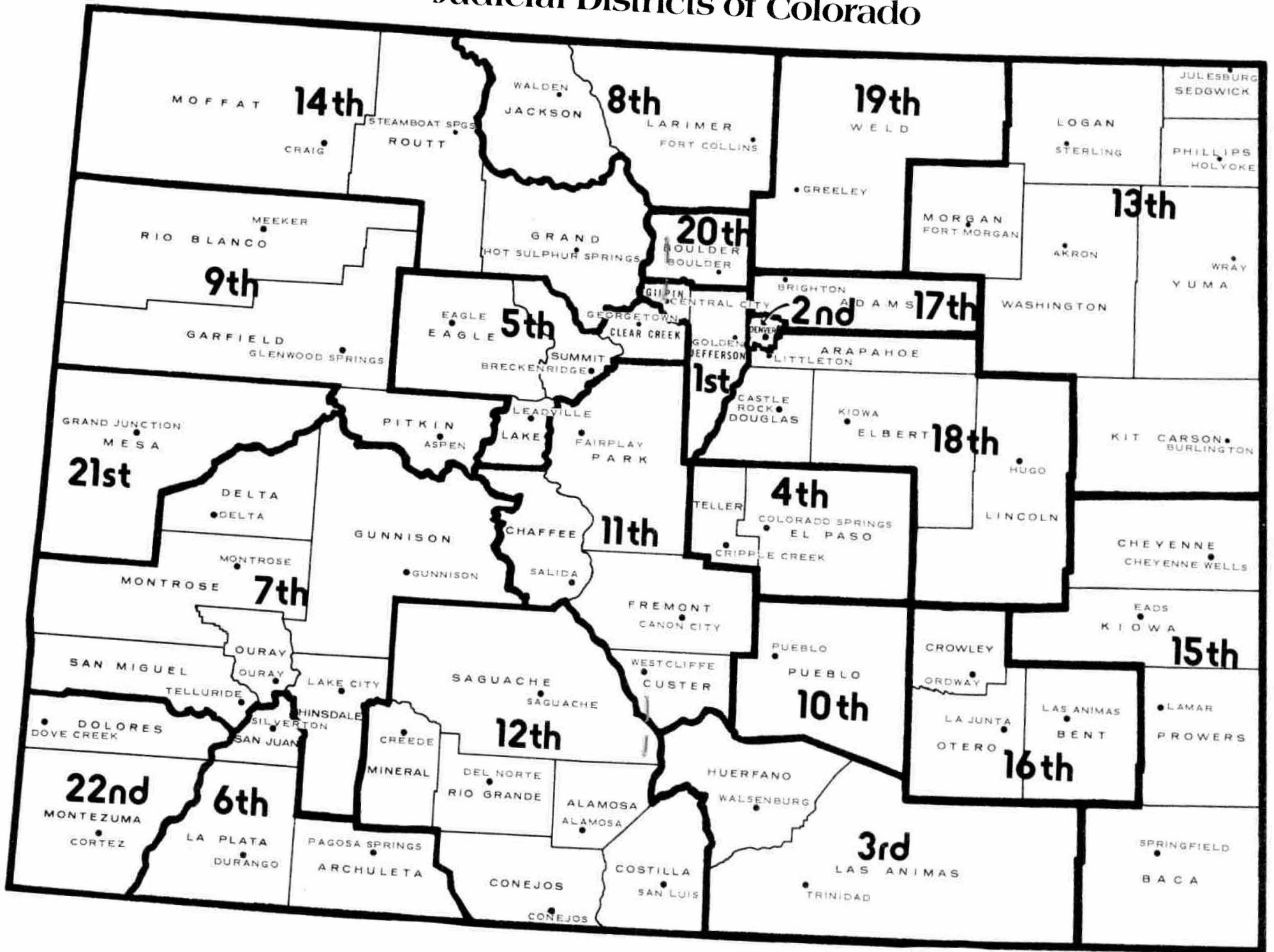
The trial judge has many responsibilities in addition to being in the courtroom and presiding over trials. The judge frequently must meet with lawyers to discuss and decide questions of law that are involved in a case, and also must spend considerable time researching legal matters and writing orders and opinions. Trial judges also have the responsibility of advising people of their constitutional rights when they are charged with a crime.

Judges do their best to move cases through their courts as fast as possible while still making certain that everyone has a fair hearing. The sheer number of cases sometimes makes this difficult.

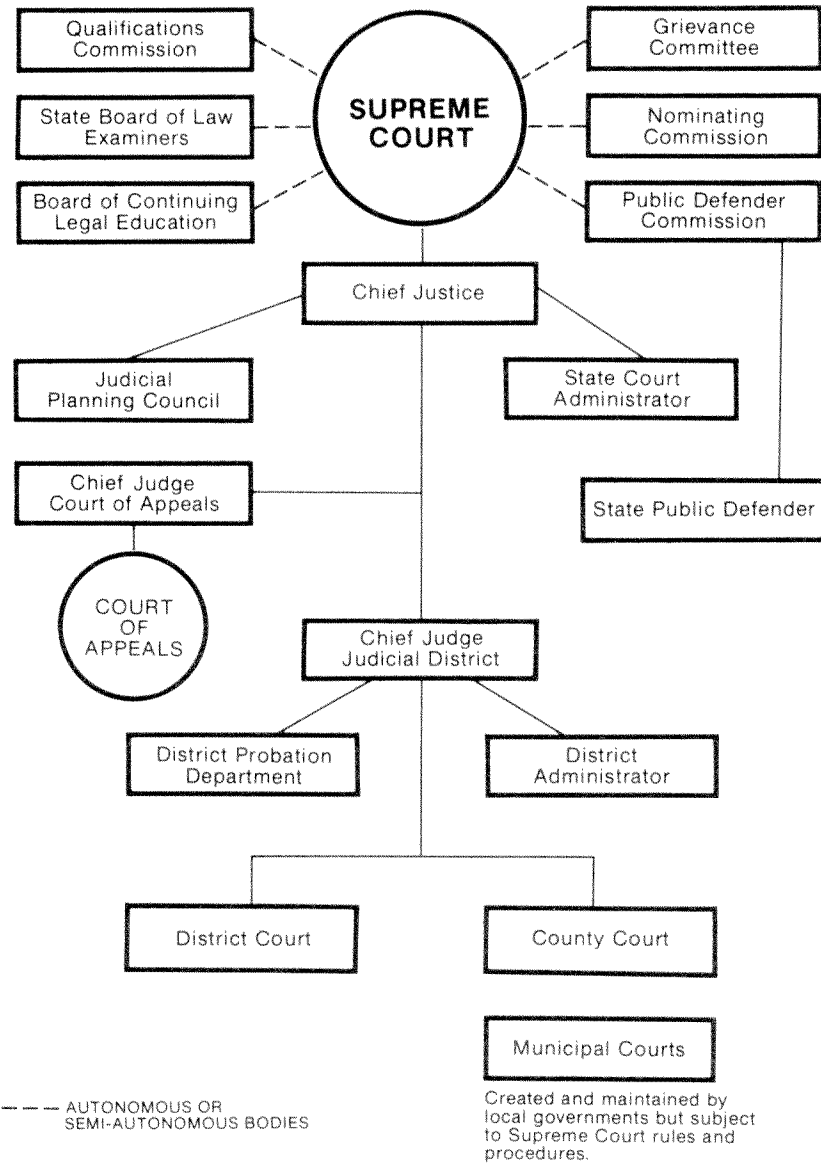
Judges on the Court of Appeals and Supreme Court Justices do not handle trials. They decide an appealed case by reading a printed record of the trial, and by considering written "briefs" and hearing the arguments of lawyers. They research and review the law involved in the case and then write an opinion, which is published and becomes part of the common law of Colorado.



Judicial Districts of Colorado



Organizational Chart of the Colorado Judicial System



This is a composite representation of 22 judicial districts. The Second Judicial District, which includes the Denver District, Juvenile, Superior, County and Probate Courts, varies substantially from this composite.

HOW DOES A JUDGE BECOME A JUDGE?

A judge must be a special person, fair and just, and with wide knowledge of the law. How do judges attain their places on the bench?

The people of Colorado passed a constitutional amendment in 1966 which provides that state judges should be appointed rather than elected on a political ticket. Now, when a vacancy occurs in a state court, a Judicial Nominating Commission interviews applicants and recommends two or three persons to the Governor for consideration. The governor then appoints one of these as a judge to fill the vacancy.

Judicial Nominating Commissions are made up of both lawyers and non-lawyers. Every nominating commission has one more non-lawyer member than there are lawyers, and no political party may have a majority of more than one on a commission.

Every election year you will see the names of judges on the ballot. You vote "Yes" if you wish the judge to have another term in office, or "No" if you think the judge should not be retained in office.

Municipal judges are usually appointed by the City Council, and most municipal judges are part-time judges. County judges in the larger counties must be lawyers. Some smaller counties in Colorado still have non-lawyer county judges. Judges of the District Courts, the Court of Appeals and the Supreme Court in Colorado must be lawyers who have had not less than five years of experience in the law.

A county judge serves for a four-year term, a district judge for a six-year term, a Court of Appeals judge for an eight-year term, and a Supreme Court Justice has a ten-year term.



THE JUDICIAL QUALIFICATIONS COMMISSION

Colorado has a Judicial Qualifications Commission that hears complaints of citizens and lawyers about judges. This Commission is composed of judges, lawyers and lay members. It investigates all complaints and has the power to reprimand a judge and to recommend that a judge who is not properly performing the responsibilities and duties of office be removed.



THE JUDICIAL PLANNING COUNCIL

The Judicial Planning Council is a group of judges, attorneys, legislators, court officers and lay persons from several walks of life, appointed by the Chief Justice, to study the needs and problems of the judicial system, to recommend improvements and suggest priorities for achieving them, to provide policy guidance and coordinate planning. The Council meets six times a year or upon call, and operates with a number of committees, such as the Public Education Committee which created this booklet.



The Jury System

The jury system is a very important part of the Colorado court system. Persons accused of crimes have an absolute right to have a jury trial, and parties to a civil suit may choose to have their case decided by a jury.

Jury lists are made up of names selected from various directories, voter registration lists and motor vehicle registrations. These names are placed in a computer. When a jury panel is needed, the computer is used to draw a number of names. Juror summonses are then sent to those persons whose names are drawn, and they may be called into court to serve on a trial jury. The pay for jury services is small, but the responsibility is great.

About 95% of all jury trials in the world take place in the United States. Those who have served as jurors often express a feeling of pride and respect for our system of justice and an appreciation of the chance to be part of the judicial process. The responsibility of deciding the fate of the accused in a criminal trial or resolving a dispute between parties in a civil trial is a difficult one. Since a jury verdict must be unanimous in Colorado, the process of reaching a verdict is a unique lesson in democracy.

Efforts to streamline the jury system are continuing, with the aim of reducing the amount of time that a citizen is asked to contribute to jury service.

The opportunity to serve on a jury allows you to become a better-informed and more responsible citizen, and to learn more about your courts and the law.



The Legal System

THE DISTRICT ATTORNEY AND THE PUBLIC DEFENDER

The District Attorney has the duty of prosecuting persons charged with violations of Colorado criminal law. (In municipal courts, the City Attorney performs the same functions.) It is the District Attorney's responsibility to decide whether evidence obtained by the police justifies the filing of a criminal charge so that the court system can determine guilt or innocence. If a charge is filed, the District Attorney prosecutes the case, presenting all the evidence against the accused before a judge and jury as a representative of the people of the State of Colorado. He is also responsible for seeing that no one is unjustly accused and that criminal trials are conducted fairly.

Colorado has a Public Defender's Office, funded by the state to safeguard the rights of persons accused of crimes who cannot afford to hire their own attorneys. Public Defenders represent indigent criminal defendants, providing the same vigorous defense as private attorneys would provide.

It is important to remember that the District Attorney and the Public Defender deal only with criminal cases. If a case involves differences between two persons, such as a breach of contract, the District Attorney and the Public Defender have nothing to do with it. There are a number of legal aid services available for people who cannot afford a lawyer to represent them in civil matters.



PROBATION AND PAROLE

Probation and parole are similar, except that probation is granted by the court in place of a sentence, and parole is granted by the Parole Board *after* a person has served a prison sentence.

Persons who are placed on probation must meet strict conditions of conduct and are almost always required to repay the victim's financial loss. In one recent year, Colorado probationers repaid over \$1.5 million restitution to victims.

The main reason for granting probation is to allow the defendant to show that he can be a law-abiding citizen. Certain defendants, particularly those with two previous felony convictions, are not eligible for probation.

Under Colorado's new sentencing law, every person sentenced to prison must serve one year on parole after release. He must follow conditions of conduct similar to probationers.



DEFERRED DISPOSITIONS

Some defendants are granted deferred prosecution. Deferred prosecution means that the Judge and the District Attorney permit the accused person to delay going to trial for a period of time, usually one year. During this period the accused is supervised by a Probation Officer. If the accused complies with all the requirements of deferred prosecution, the charges may be dismissed. Deferred prosecution is usually granted only to first offenders for non-violent crimes.

A defendant who has pleaded guilty to a crime may be given a deferred sentence. This means that the Judge does not impose a sentence immediately but continues the case for up to two years, placing the defendant under supervision of the Probation Department. If the defendant complies with all of the requirements of the Probation Department, the charges against him will be dismissed.

This special way of handling criminal cases is normally available only to first-time non-violent offenders.

Administration

The Colorado judicial system, with more than 300 judges, requires a central administrative staff to assure efficient and responsive operation.

The State Court Administrator has the responsibility of hiring staff to manage the State Judicial Department. The statewide staff includes district administrators, court clerks, court reporters, probation officers, fiscal personnel and attorneys.

Each judge's staff usually consists of a court reporter, a clerk, and a bailiff.



Glossary

Law has a special language. Some familiar words have a different meaning when used in connection with our courts. This list will help you understand them.

APPEAL	a request to take a case to a higher court for review
APPELLATE JURISDICTION	the power of a court to review a case that has already been tried by a lower court
BRIEF	a written document presented by counsel to the court, to serve as basis for argument on a case before an appellate court or to support motions in a trial court
CAPITAL CASE	a criminal case where a death sentence may be imposed
CIVIL MATTERS	matters or cases pertaining to the private rights of individuals
COMMON LAW	the law of a country based on custom, usage and the decisions of law courts
CONTEMPT OF COURT	the punishable act of showing disrespect for the authority or dignity of a court
CONVICTION	the finding that a person is guilty beyond a reasonable doubt of committing a crime
COUNSEL	a lawyer or group of lawyers
COURT OF RECORD	a court for which a permanent record of proceedings is made
CRIMINAL MATTERS	matters or cases concerned with acts considered harmful to the general public that are forbidden by law and are punishable by fine, imprisonment, or death
DAMAGES	money claimed by, or ordered paid to, a person who has suffered injury or loss due to the fault of someone else
DEFENDANT	a person sued or accused
DISTRICT ATTORNEY	a lawyer elected or appointed in a specified district to serve as a prosecutor for the state in criminal cases
DOCKET	a list of cases to be tried by a law court
DOMESTIC RELATIONS	refers to dissolution of marriage (divorce); custody of children and their support; maintenance (alimony) and property division
EVIDENCE	a fact presented before a court, such as a statement of a witness, an object, etc., that bears on or establishes a point in question

FELONY	a major crime such as murder, arson, sexual assault, etc. The penalty can be imprisonment in a state or federal prison, or death	PROSECUTOR	a lawyer who represents the government in bringing legal proceedings against a wrongdoer
GRAND JURY	a jury of from 12 to 23 citizens that investigates accusations against persons charged with crime to establish probable cause and indicts them for trial if there is sufficient evidence	PUBLIC DEFENDER	a lawyer employed by the government to represent a person accused of a crime who cannot afford a lawyer to defend him
INDICTMENT	a formal accusation against a person on the basis of positive legal evidence, usually by a grand jury	SUBPOENA	a written legal order directing a person to appear in court
INFORMATION	a formal accusation of crime, differing from an indictment, in that it is filed by a prosecutor instead of being presented by a grand jury	SUMMONS	an official order to appear in court in a criminal case. In a civil case it is a notice that a case has been filed, and that an answer is required
JEOPARDY	exposure to possible conviction, such as being on trial in court	TESTIMONY	a statement under oath made by a witness or a party to establish a fact
JURISDICTION	the legal power to hear and decide cases; the territorial range of such power	TORT	a wrongful act, other than breach of contract, for which civil action can be brought
JURY	a group of people sworn to hear the evidence, to inquire into the facts in a law case, and to give a decision in accordance with their findings	WARRANT	a writ or order authorizing an officer to make an arrest, seizure, or search, or to perform some other designated act
JUVENILE CASES	cases involving delinquent children (under 18), children needing oversight, and dependent or neglected children (including abused children)		
MENTAL HEALTH CASES	cases involving actions in which a mentally ill person is committed to a hospital or other institution for treatment, and/or receives a guardian to handle his affairs		
MISDEMEANOR	a minor offense. The penalty can be a fine or imprisonment for a short time in a local jail		
OPINION	a formal statement by a judge or justice of the law bearing on a case		
ORDINANCE	a law passed by a city or town lawmaking body		
PLAINTIFF	a person who brings a suit in a court of law		
PROBATE MATTERS	matters or cases having to do with a will or estate left by a person deceased		
PROBATION	an alternative form of sentencing for one convicted of a crime. After the convicted person promises to behave properly, he is placed under the supervision of a probation officer, rather than being put in jail or prison		

ACKNOWLEDGMENT

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