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You and Your Colorado Courts

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The seal of the State of Colorado is a circular emblem. It features a central shield with a mountain range, a river, and a plow. Above the shield is a triangle containing an eye. The shield is flanked by two figures: a Native American on the left and a miner on the right. The shield is set against a background of a landscape with a sun and a mountain. The seal is surrounded by a circular border containing the text "STATE OF COLORADO" at the top and "1876" at the bottom. There are also stars on the sides of the border.

**You
and Your
Colorado
Courts**



**A MESSAGE FROM THE CHIEF JUSTICE
OF THE COLORADO SUPREME COURT
December 1, 1983**

Not a day passes that someone does not ask for information about the Colorado courts — what courts do we have; how do they function; how are jurors selected; what is the role of the judge, lawyers, litigants, jurors, and witnesses.

In this booklet produced by the Public Education Committee and revised and reprinted for the third time, we have tried to describe the work of the courts, the rights of all who come before the court, and the duties and responsibilities you have as citizens. Over 120,000 copies of the booklet, published in English and Spanish, have been distributed throughout the state. Schools, service clubs, libraries, and organizations of all types have found the booklet to be of great value in understanding our judicial system.

We have a progressive and innovative judicial system. Many new techniques have been developed in recent years to expedite and handle an ever-increasing number of cases. I feel honored to be Chief Justice of the Colorado Supreme Court and to further the proud tradition of excellence in our courts.

Our highest priority is to render fair and impartial justice to all who come before the courts. We work hard to strengthen the court structure and to improve the process. We are proud of our accomplishments to date, and invite your candid comments and suggestions.

William H. Erickson
Chief Justice
Colorado Supreme Court



A MESSAGE FROM THE STATE COURT ADMINISTRATOR

It is an honor for me to be associated with the Colorado court system which is 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.

During the past several years, the Public Education Committee of the Judicial Planning Council has taken great strides toward improving communication between the court system and you, the citizens of Colorado, for it is your court system. Our efforts have been realized through the establishment of speakers bureaus in each judicial district; the development of movies and slide presentations depicting the operation of our courts and the services which they provide for our citizens; and the publication of this booklet, the purpose of which is to present to you a simple, concise explanation of the various courts of Colorado. We hope that you find this informative and helpful. I should also like to take this opportunity to thank all of those persons whose contributions were significant in the production of *You and Your Colorado Courts*.


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 can protect your rights and can enforce your responsibilities. If you are the victim of a crime, are accused of committing a crime, or witness a crime you may be required to appear in a Colorado court. You may also be called upon to serve as a juror, one of the most important privileges we all share as citizens.

In addition to state courts there are federal courts in Colorado which deal with federal laws, such as bankruptcies and matters involving the United States Constitution. This pamphlet will not discuss federal courts. They are part of an entirely different judicial system.

This pamphlet is designed to answer questions which you, the citizens of Colorado, may have about your state court system. The following few pages present an overview of Colorado's courts—how they work and how they affect you. A glossary containing legal terms with which you may not be familiar is provided in the back of the book.



YOUR RIGHTS IN COURT

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

What are these rights?

. . . you have the right to remain silent and to refuse to answer any questions about the event asked by police officers or other officials. Anything you say may be used against you.

. . . you have the right to have a lawyer represent you; if you cannot afford to pay for a lawyer, you can ask the judge 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 not required to prove your innocence; instead, you are presumed innocent of any crime unless the District Attorney (or City Attorney in a Municipal Court) presents sufficient evidence to prove your guilt beyond a reasonable doubt;

. . . 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, and the judge can order any person you want as a witness to appear in court.

If you are found guilty, you have the right to appeal. You also have the right to make a statement or present additional information to the judge at the time of sentencing. The judge decides the sentence unless the death penalty is a possibility; in such a capital case, the jury decides what sentence shall be imposed—life imprisonment or death.



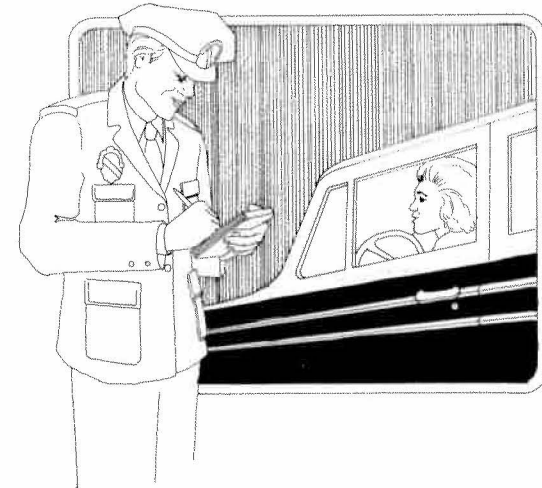
Violation of private rights and duties are considered civil cases. Suits can be brought for such matters as the recovery of damages from negligence, breach of contract, or violation of civil rights. The court does not appoint attorneys in civil cases; however, there are legal aid services available for people who cannot afford a lawyer to represent them in civil matters.

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, shoplifting, and offenses such as dog leash law violations and disturbances. In any case, you have the 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 \$5,000. 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 \$1,000. Court sessions are held during the day or 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.

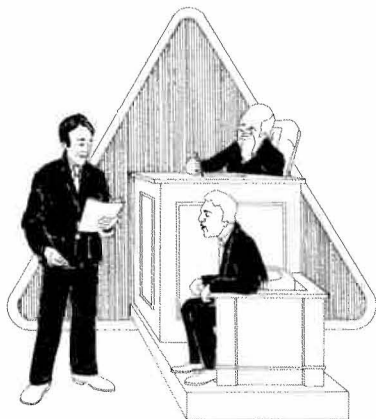
DISTRICT COURTS

District courts are organized into 22 judicial districts. Each district has one or more district judges and serves one or more counties.

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.

WATER COURTS

Colorado has seven Water Courts, one in each of the major river basins (the South Platte, the Arkansas, the Rio Grande, the Gunnison, the Colorado, the White and the San Juan Rivers). The Water Court is a division of the District Court, and a District Court Judge from within the Water Division is appointed by the Supreme Court to act as Water Judge. Other personnel are the Clerk of the Water Court and a Water Referee. The water court has exclusive jurisdiction of water rights, their adjudication, and litigation concerning such rights. Thus, cases relating to the determination of water rights and the uses and administration of water resources are determined by the water judges. There are no jury trials in the water courts, and all appeals from decisions from the water judges are filed directly with 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.

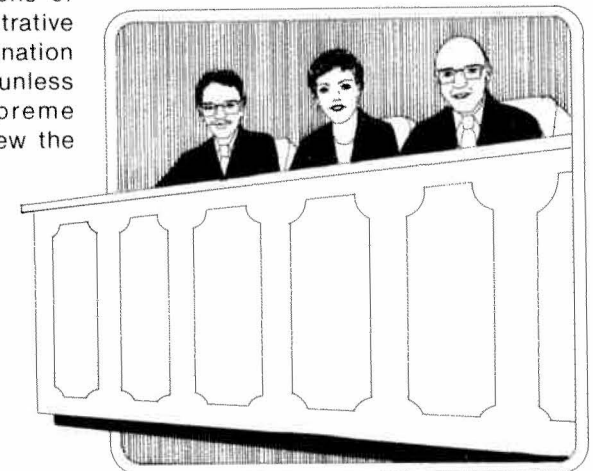
The Denver County Court functions as a municipal as well as a county court, and is paid for entirely by Denver taxes rather than by state taxes.

The Denver Superior Court, the only one of its kind now in Colorado, hears appeals of cases from the Denver County Court and also handles civil cases involving up to \$5,000, the same as the county courts. Denver also has the only separate Juvenile Court and separate 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. The Court acts in divisions which consist of three judges. Divisions of this court sometimes go to various parts of the state to hear oral arguments on cases which have been appealed from state trial courts.

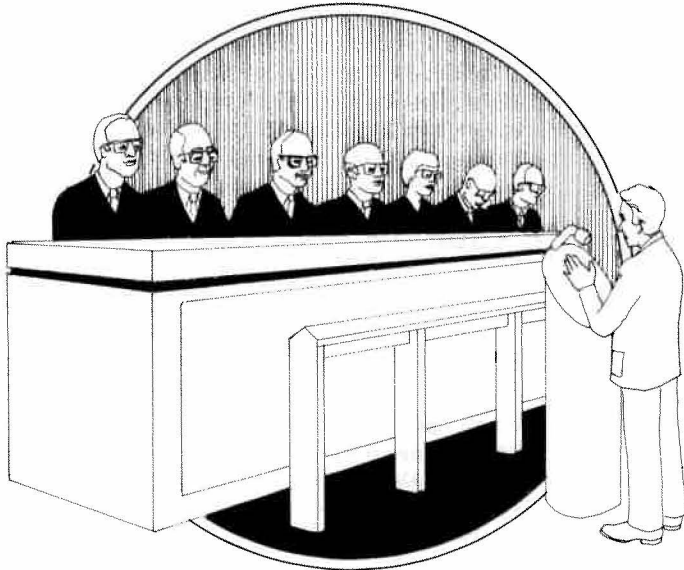
Unlike the other courts we have been discussing, the Court of Appeals is not a trial court. The Court of Appeals usually is the first court to hear appeals of decisions made by Colorado's District Courts and the Denver Probate, Juvenile and Superior Courts. In addition, it is responsible for reviewing the decisions of several state administrative agencies. Its determination of an appeal is final unless the Colorado Supreme Court agrees to review the matter.



THE SUPREME COURT

The Colorado Supreme Court has seven justices. A Chief Justice is elected by the court from its membership.

It is the court of last resort, or the final court in the Colorado court system. An individual who has appealed to the Court of Appeals and is still dissatisfied, may ask the Supreme Court to review the case. The Supreme Court has a right to refuse to do so. In some instances, individuals can petition the Supreme Court directly regarding a lower court's decision.



In addition to its legal duties, the Supreme Court has several supervisory and administrative responsibilities. Through several committees and commissions, the Supreme Court has supervisory power over all other state courts and over all attorneys practicing law in Colorado. The following bodies assist the Supreme Court in its duties:

State Board of Law Examiners

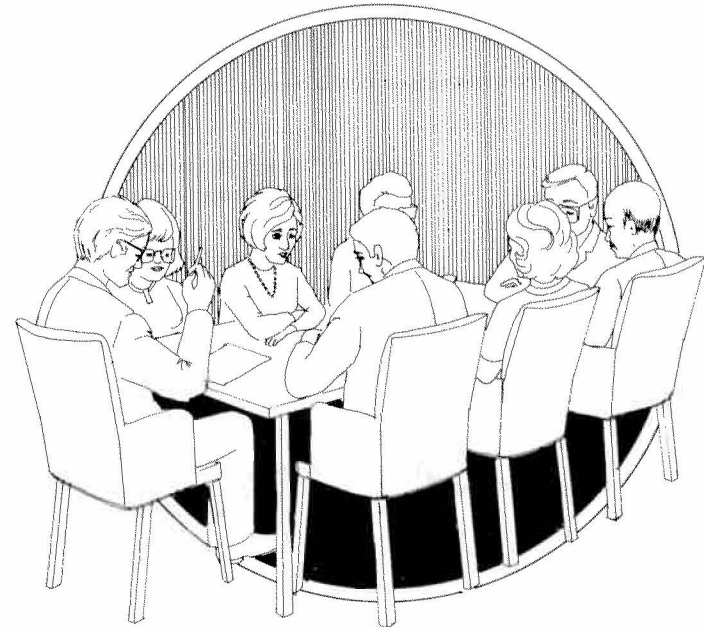
This board reviews the educational, professional, ethical and moral qualifications of people who want to be lawyers in Colorado. The board recommends qualified applicants to the Supreme Court. The court uses those recommendations to determine who may practice law in Colorado.

Grievance Committee

The Grievance Committee is composed of fifteen lawyers and four non-lawyers. The committee investigates complaints about lawyers. If it finds that a lawyer has acted improperly, it may recommend to the Supreme Court that the lawyer be censured or suspended, or that his license be taken away.

Public Defender Commission

This body of lawyers and citizens appoints the State Public Defender for five-year terms. The commission may also dismiss the State Public Defender for cause.

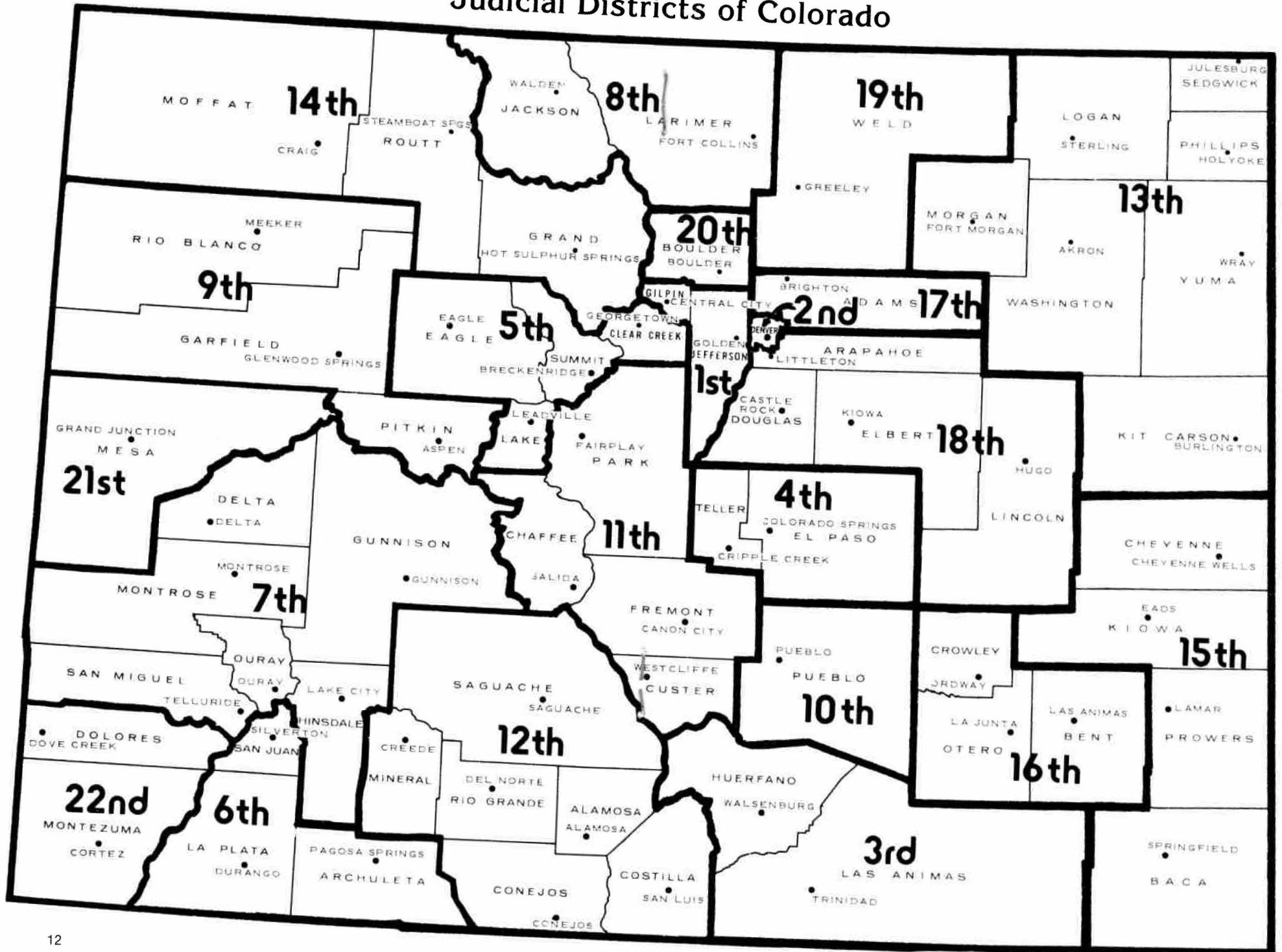


JUDGES

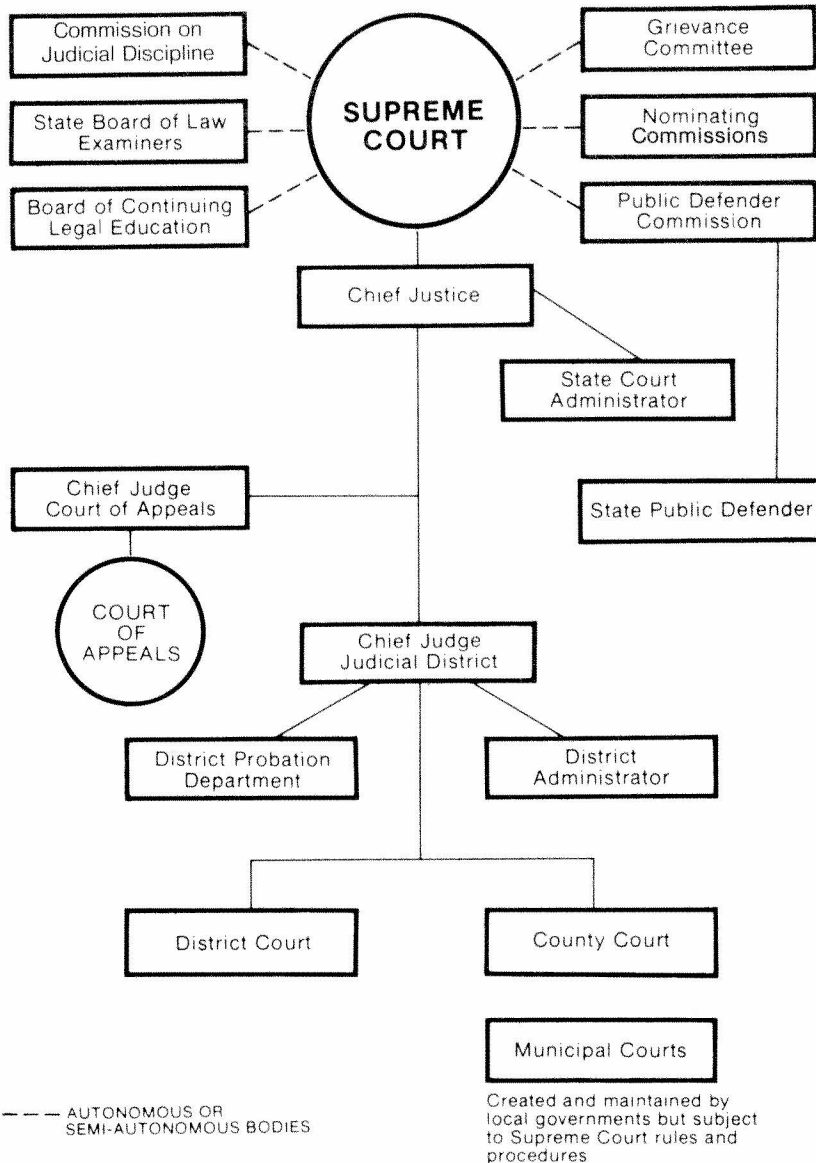
Colorado's population increases every year. As a result, the number of cases filed in your courts increases every year. Colorado judges are working hard to cope with the increased number of cases so that citizens may have prompt court hearings. This is not an easy task.

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.

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.

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 opinions, most of which are published and become part of the common law of Colorado.

HOW DOES A JUDGE BECOME A JUDGE?

A judge must be a special person: fair, just and knowledgeable in 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 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.

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

Commission on Judicial Discipline

The Colorado Constitution created a Commission on Judicial Discipline to Review and resolve written complaints against all state judges, except county judges in the City and County of Denver. The Commission is composed of ten members: two county judges and two district judges, who are appointed by the Chief Justice of the Colorado Supreme Court, plus two lawyers and four non-lawyer citizens appointed by the Governor and confirmed by the state senate.

Following an initial screening and investigation, the Commission has the power to dismiss a complaint, to issue private sanctions against a judge, or to recommend to the Supreme Court that a judge be reprimanded, censured, suspended, removed from office or retired for mental or physical disability.

The Commission does not have the authority to reconsider or review judicial decisions. For example, it cannot review sentences imposed in criminal cases, custody orders, divorce decrees, or any other orders or judgments entered by a court. Its jurisdiction is strictly limited to complaints asserting misconduct in office, persistent failure to perform judicial duties, intemperance, disability interfering with the performance of judicial duties, or violations of the Code of Judicial Ethics.

THE JURY SYSTEM

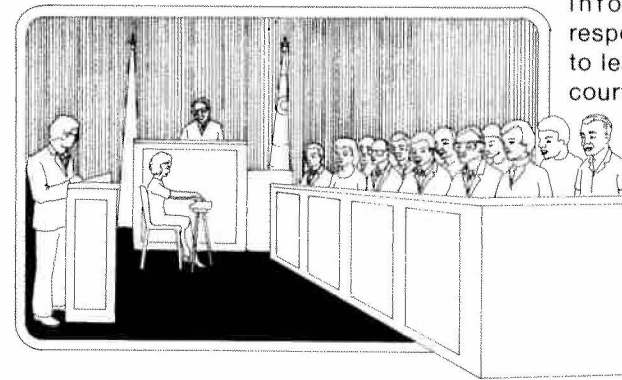
The jury system is a very important part of the Colorado court system. Persons accused of crimes have an absolute right to have a jury trial, and parties to a civil suit may choose to have their case decided by a jury.

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

Colorado's government includes three branches or departments: the executive, the legislative and the judicial. The responsibilities of each are defined by Colorado's Constitution. The state constitution also guarantees many specific legal rights to you and to all Colorado citizens, and provides for the establishment of state courts. Courts are part of the judicial branch of our government, and their major function is to resolve disputes.



CIVIL DISPUTES

Colorado's courts have power (called "jurisdiction") to decide two kinds of disputes — civil and criminal. Civil cases usually involve conflicts between private citizens, such as disputes over contracts, wills, personal injuries or family law matters. Government departments, agencies and officials may also be involved in civil cases. In deciding civil cases, judges often must interpret laws made by the legislative department or rules made by the government departments or agencies which are part of the executive branch.

CRIMINAL CASES

Criminal cases in state trial courts involve charges of violations of certain laws enacted by the legislature (called the "General Assembly" in Colorado). Criminal charges are usually filed by special government attorneys, called district attorneys, on behalf of the people of the State of Colorado. Some criminal charges—called indictments—are filed by grand juries, but this procedure is not used very often in Colorado state courts.

The General Assembly establishes the definitions of crimes and sets the penalties which trial judges may impose on convicted criminals. The Judicial Department is responsible for the state courts, the public defenders and probation services, as well as community corrections facilities. The Department of Corrections, which is under the executive branch, is responsible for the state prison system. The Department of Parole, also under the executive branch, is responsible for supervising convicted criminals after they are released from the state prison system. The Governor has the power to change the sentences of convicted criminals.

City (also called "municipal") governments are similar in organization to the state government. City councils pass ordinances which control the behavior of individuals within the city limits. Charges that certain ordinances have been violated may be filed by a city attorney, and trials on such charges are held in a municipal court before a municipal judge. Municipal courts are not part of the state court system, but the procedures are very similar to those followed in state courts.



CRIMINAL SENTENCES

Whenever a defendant in a criminal case pleads guilty to or is found guilty of a criminal charge, the judge must sentence the defendant according to the law. Before any defendant is sentenced (except in traffic or other less serious criminal matters) the judge is given a report from the probation department. This report contains information about the defendant and recommendations from the probation department and other professionals involved in the case as to the sentence that should be imposed.

A defendant may be sentenced to serve a stated period of time in a correctional facility. The Department of Corrections decides where, among several institutions, the defendant will serve the sentence.

Upon the recommendation of the district attorney, the judge may postpone sentencing a defendant for a stated period of time after he enters a plea of guilty. If the defendant is a law-abiding citizen for that time, the judge will dismiss the case and the criminal record of the defendant will be erased. This is called a "deferred sentence."

A defendant may be granted probation. If this is done, the judge places the defendant under the supervision of the probation department instead of imposing a sentence to a correctional institution. Most defendants who receive probation are first-time offenders involved in non-violent crimes. Payment to the victim for any losses (called "restitution") is usually a requirement of probation. A defendant who violates probation or a deferred sentence may be sent to a correctional facility.

Defendants who are sent to a correctional facility may be released prior to their sentence being fully served by being granted parole by the State Board of Parole. Defendants on parole must keep the parole officer advised of all their activities for the time required by the Board. Defendants who violate conditions of parole may be returned to a correctional facility.



ADMINISTRATION

The Colorado judicial system, with more than 230 judges and 1500 support staff members is centrally administered from Denver by the Colorado Supreme Court. To assist the Chief Justice in his role as chief executive officer of the system, the Court appoints the State Court Administrator. Each judicial district is supervised by a chief judge appointed by the Chief Justice. The judges within each district appoint district administrators, chief probation officers and clerks of court to assist them in the management of the individual districts. Modern business techniques and new procedures are constantly under evaluation for possible introduction throughout the court system at all levels in order to improve efficiency and to make the courts more accessible to the citizens of the State of Colorado.



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 to the court by a lawyer, to serve as the basis for argument. |
| CAPITAL CASE | A criminal case in which 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 a group of lawyers. |
| COURT OF RECORD | A court in 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 correctional facility, or death.

GRAND JURY A jury of from 12 to 23 citizens that investigates accusations concerning crimes. If there is sufficient evidence, the jury may return an indictment.

INDICTMENT A formal accusation against a person by a grand jury based upon probable cause that the person committed a crime.

INFORMATION A formal accusation of crime, based on an affidavit of a person allegedly having knowledge of the offense.

JEOPARDY Exposure to possible conviction, such as being on trial in court.

JURISDICTION The legal power to hear and decide cases; the territorial range of such power.

JURY A group of people sworn to hear evidence, to inquire into the facts in a law case, and to give a decision in accordance with their findings.

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. A guardian may be appointed 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 wills or estates.

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.

PROSECUTOR A lawyer who represents the government in bringing legal proceedings against an alleged wrongdoer.

PUBLIC DEFENDER A lawyer employed by the government to represent a person accused of a crime who cannot afford to hire a lawyer to defend him.

SUBPOENA A written legal order directing a person to appear in court.

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.

TESTIMONY A statement under oath made by a witness or a party to establish a fact.

TORT A wrongful act, other than breach of contract, for which civil action can be brought.

WARRANT A writ or order authorizing an officer to make an arrest, search or to perform some other designated act.

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