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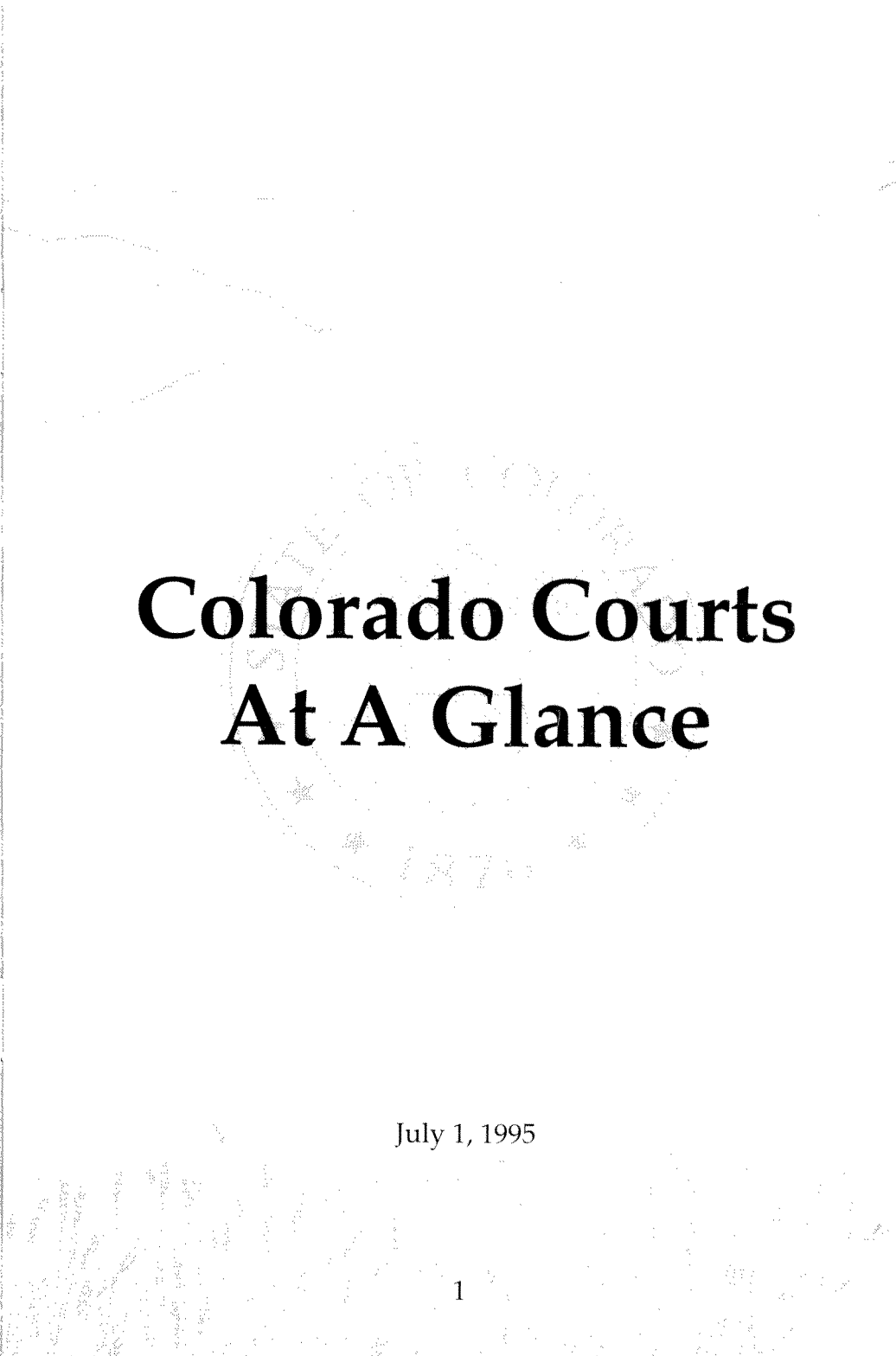
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# Colorado Courts At A Glance





# Colorado Courts At A Glance

July 1, 1995

SUPREME COURT OF COLORADO  
STATE JUDICIAL BUILDING  
2 EAST 14TH AVENUE  
DENVER, COLORADO 80203

ANTHONY F. VOLLACK  
CHIEF JUSTICE

(303) 837-3765

### A MESSAGE FROM THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT

*Colorado Courts At A Glance* is designed to give you a better understanding of your courts and the justice system. In a free society, it is important that citizens have an independent judiciary to protect their constitutional rights. To maintain an independent judiciary, it is important that all citizens understand the constitutional role and the functions of their courts. It is with this objective in mind that the Judicial Branch has published this booklet which provides an overview of your courts in Colorado. It is my firm belief that an informed citizenry is necessary to sustain a viable and effective justice system. We hope this pamphlet will assist you in being better informed about your Colorado courts, their functions and responsibilities, and about your rights in the courts.



### Office Of The State Court Administrator Colorado Judicial Department

STEVEN V. BERSON  
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### A MESSAGE FROM THE STATE COURT ADMINISTRATOR

It is a pleasure for me to introduce you to this booklet, *Colorado Courts At A Glance*. I know that you will find it to be an informative and helpful guide to the Colorado Judicial Branch. We are fortunate in Colorado to have a judiciary made up of judges and support staff who are extremely talented and dedicated to their work. I am honored to be associated with the Judicial Branch of government in this state.

Although we do a good job, we still always strive to do better. As you experience the courts, if you have comments or suggestions for improvement, please let me hear from you. Also, if you need information beyond what is contained in this book, feel free to call my office or the court nearest you.



## 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 you die, 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 booklet will not discuss federal courts. They are part of an entirely different judicial system.

This booklet is designed to answer questions which you, the people of Colorado, may have about your state judicial branch. The following few pages present an overview of the Colorado Judicial Branch — how it works and how it affects 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 asked by police officers and other officials about the event. 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 (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.

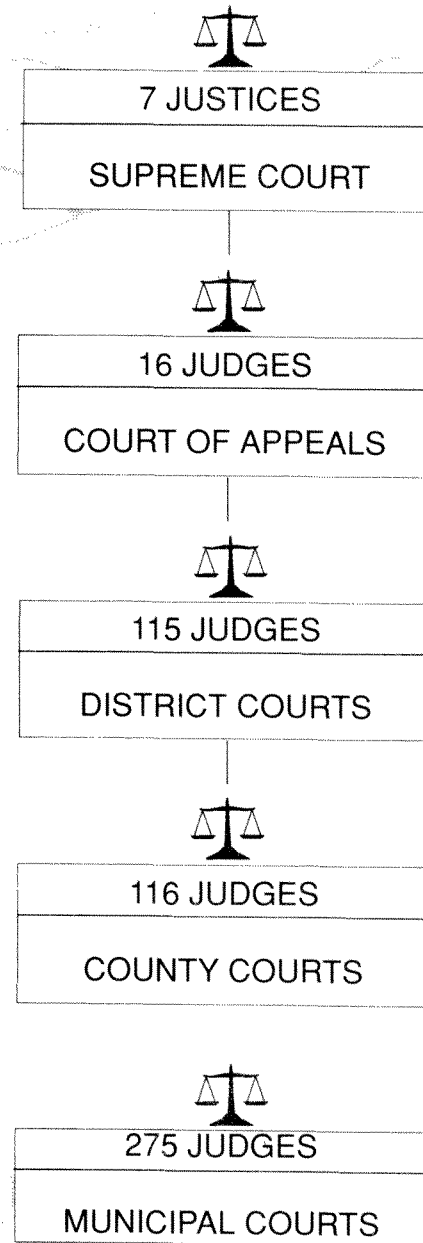
- ◆ You are allowed to bring in witnesses, and the judge can order any person you want as a witness to appear in court.

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, a panel of three judges decides what sentence shall be imposed—life imprisonment without parole or death.

Violations 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, legal aid services may be available for people who cannot afford a lawyer to represent them in civil matters.

## TYPES OF COURTS



# 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. For some cases, you may have the right to a jury trial and to tell your side of the story in municipal court. Municipal courts are not state courts; however, you may appeal a municipal court decision to a state court.

## 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 \$10,000. You may have a jury trial in many types of county court cases. An appeal from a county court decision may be made to the district court.

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

## SMALL CLAIMS COURTS

Small claims courts are divisions of county court. Individuals are allowed to argue their own cases and to have speedy decisions on civil matters involving no more than \$3,500\*. Court sessions are held during the day or evening to accommodate the public. There are no jury trials in small claims

\* \$5,000 beginning January 1, 1996.

courts, and sometimes a magistrate hears the cases instead of a judge. Normally, neither side can be represented by an attorney. No plaintiff may file more than two claims per month or 18 claims per year in small claims courts.

## DISTRICT COURTS

Each county in the state has a district court. Both district and county courts are organized into judicial districts. However, unlike county courts, where there is at least one judge per county court, district judges are assigned to the judicial district and may serve more than one district court within that judicial district, particularly in rural areas of the state.

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 matters. 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 is in each of the major river basins (South Platte, Arkansas, Rio Grande, Gunnison, Colorado, White, and San Juan Rivers). Water court is a division of district court, and the Supreme Court appoints a district court judge from within the water division to act as water judge. Other personnel include the clerk of the water court and a water referee. Water court has exclusive jurisdiction over 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

## TYPES OF COURTS

water judges. There are no jury trials in water courts, and all appeals from water judges' decisions 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 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.

Denver 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 juvenile and probate courts are state courts, along with the Denver District Court.

### COURT OF APPEALS

The Colorado Court of Appeals, located in Denver, has 16 judges. One is a chief judge. The court sits in divisions consisting 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 discussed, 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 district courts and Denver's probate and juvenile 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.

### 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 supervisory and administrative responsibilities. 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 individuals 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 15 lawyers and four non-lawyers. The committee investigates complaints about lawyers. If it finds that a lawyer has acted improperly, the committee may recommend to the Supreme Court that the lawyer be censured or suspended or that the lawyer's 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 discharge 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 work hard to cope with the increased number of cases so that individuals may have prompt court hearings. This is not an easy task.

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.

Trial judges have many responsibilities in addition to being in the courtroom and presiding over trials. The judges frequently must meet with lawyers to discuss and decide questions of law that are involved in a case. The trial judges 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 on the Court of Appeals and Supreme Court justices do not handle trials. They decide an appealed case by reading the printed record of the trial and by considering written "briefs" and hearing the arguments of the 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 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 individuals to the Governor for consideration. The Governor then appoints one of these as a judge to fill the vacancy.

Every judicial district has a nominating commission. Each judicial nominating commission consists of three attorneys and four non-attorney members. 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. A state commission recommends individuals for the Court of Appeals and the Supreme Court vacancies.

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. Vote "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.



## JUDICIAL PERFORMANCE

In 1988, the Colorado General Assembly created judicial performance commissions for the purpose of providing voters with fair, responsible, and constructive evaluations of trial and appellate judges and justices seeking retention in general elections. The results of the evaluations also provide judges with information that can be used to improve their professional skills.

The state commission developed evaluation techniques for district and county judges, justices of the Supreme Court, and judges of the Court of Appeals. Those criteria included: integrity; knowledge and understanding of substantive, procedural, and evidentiary law; communication skills; preparation, attentiveness, and control over judicial proceedings; sentencing practices; docket management and prompt case disposition; administrative skills; punctuality; effectiveness in working with participants in the judicial process; and services to the legal profession and the public.

The Chief Justice, the Governor, the President of the Senate, and the Speaker of the House jointly appoint state and local commission members. Each commission is a ten-member body comprised of four lawyers and six non-lawyers.

Narrative profiles and recommendations concerning retention are available no later than 45 days before each general election for those judges subject to the retention vote.

## COMMISSION ON JUDICIAL DISCIPLINE

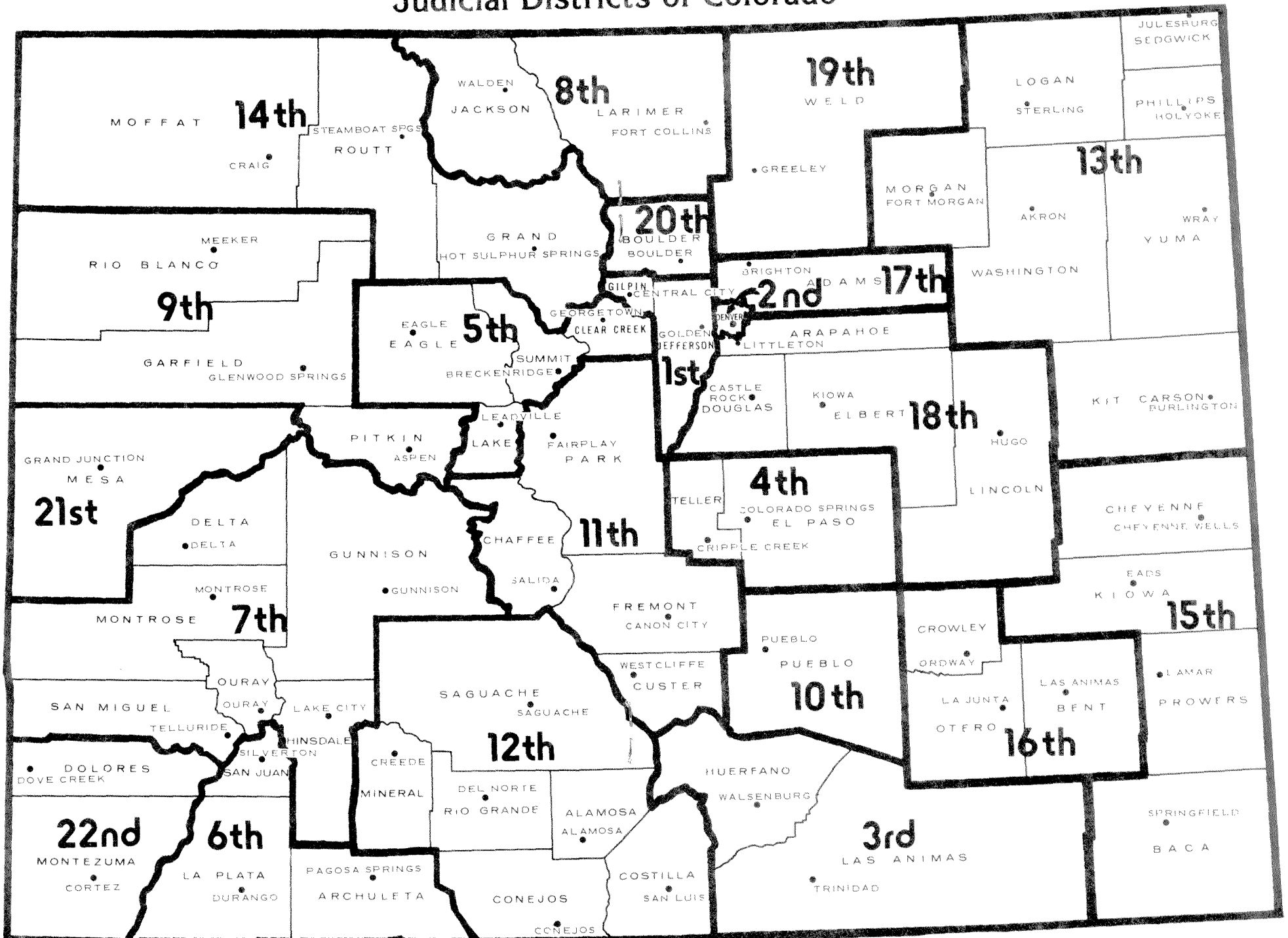
The Colorado Commission on Judicial Discipline oversees the ethical conduct and behavior of state court judges, justices and senior judges. Created in 1966, the commission is composed of ten members: four citizens, two attorneys, two district court judges, and two county court judges. The citizen and attorney members are appointed by the Governor and must be approved by the Colorado Senate. The judge members are appointed by the Colorado Supreme Court. Commission members serve staggered four-year terms.

The commission does not have jurisdiction over Denver County Court judges or over municipal court judges. Complaints against these judges go to the mayors of the respective cities.

The commission has the constitutional authority to investigate any of the following acts:

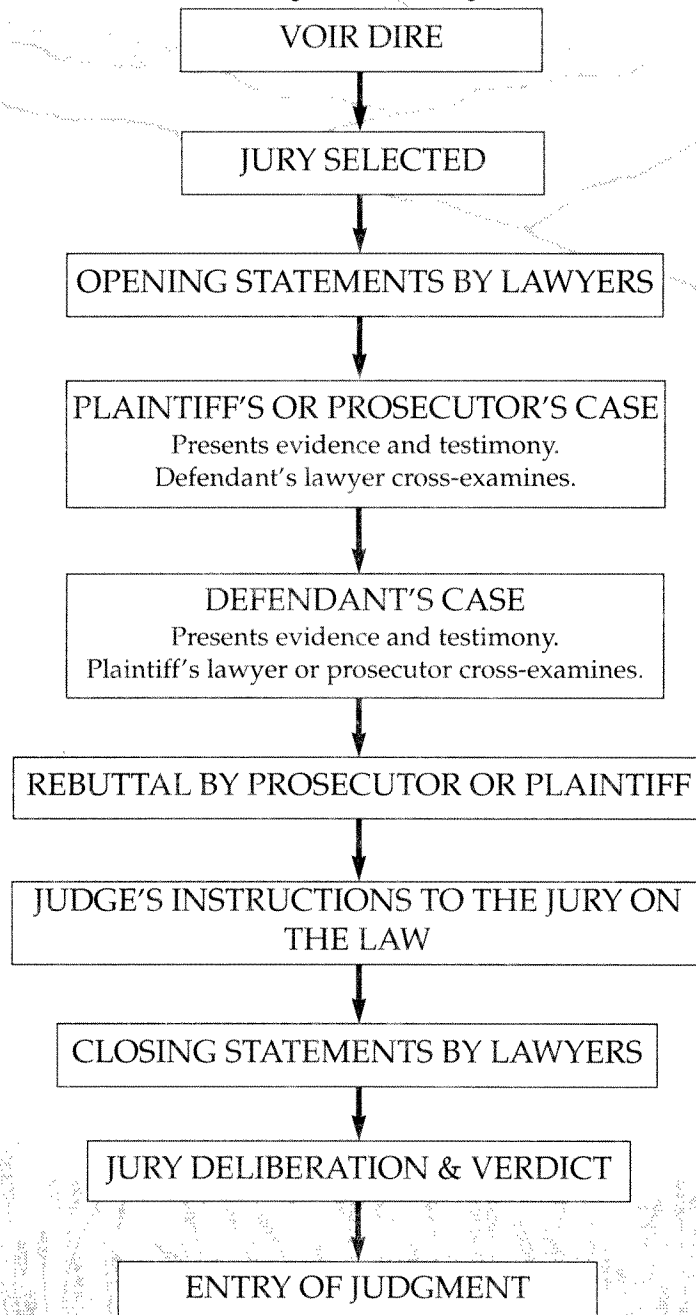
- ◆ Willful misconduct by a judge, including misconduct which, although not related to judicial duties, brings the judicial office into disrepute or is prejudicial to the administration of justice;
- ◆ Willful or persistent failure of a judge to perform judicial duties, including the incompetent performance of judicial duties;
- ◆ Intemperance, including extreme or immoderate personal conduct, recurring loss of temper or control, abuse of alcohol, or the use of illegal narcotics or dangerous drugs;
- ◆ Any conduct on the part of a judge that constitutes a violation of the Colorado Code of Judicial Conduct; or
- ◆ A disability, which is or is likely to become permanent, that interferes with the performance of judicial duties.

# Judicial Districts of Colorado



# THE COLORADO JURY SYSTEM

## Anatomy of a Jury Trial



# THE JURY SYSTEM

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

Jurors are selected at random from a computerized list of names taken from voter and driver license registration records. Juror summonses are then sent to the people selected, informing them when and where they are to appear for jury service.

About 95 percent 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 in and respect for our system of justice and an appreciation for the opportunity to be part of the judicial process.

Efforts to streamline the jury system are continuing. Jurors in Colorado now serve for only one day or one trial in any 12-month period. Employers must pay employed jurors their regular wages for the first three days of a trial. Unemployed jurors may claim a reimbursement for expenses. The state pays \$50 per day to all jurors after the third day.

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 State of Colorado has three branches of government: executive, legislative, and judicial. The Colorado Constitution defines each branch's responsibilities. The constitution also guarantees many specific legal rights to you and to all Coloradoans 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 Branch or rules made by government departments or agencies which are part of the Executive Branch.

## CRIMINAL CASES

Criminal cases in state trial courts involve charges or violations of certain laws enacted by the legislature (called the "General Assembly" in Colorado). Criminal charges are filed by 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 definition of crimes and sets the penalties which trial judges may impose on convicted criminals. The Judicial Branch is responsible for the state courts and probation services. The Department of Corrections, which is under the Executive Branch, is responsible for the state prison system and community corrections facilities. 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. City attorneys may file charges when certain ordinances have been violated, 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

## PROBATION

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 in which institution the defendant will serve the sentence.

Upon the recommendation of a district attorney, the judge may postpone sentencing a defendant for a stated period of time after the defendant enters a plea of guilty. If the defendant is a law-abiding citizen for that time, the judge may dismiss the case and the criminal record of the defendant may 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.

Each judicial district has a probation department, which is managed by a chief probation officer.

The mission of probation is two fold: supervision of offenders sentenced to community programs and protection of the community. Supervision includes counseling, referral of defendants to treatment facilities, collection of restitution, drug and alcohol testing, and home detention. Special needs offenders are referred to specialized programs. These programs are designed for female offenders, sexual perpetrators, and drug offenders. Certain high-risk offenders are referred to intensive supervision probation programs. This may include home monitoring. Defendants who fail to comply with conditions of probation can be returned to court.

Another function of probation is to provide assessments and pre-sentence information to the court. Pre-sentence investigation reports, or PSIs, are prepared to present information necessary for the judge to sentence the offender. PSI reports typically contain information regarding details of the current offense, circumstances of the victim such as restitution, the offender's criminal record and social background, and recommendations for sentencing. If the offender is granted probation, these reports are also helpful to the supervising probation officer in assisting in the development of case planning. If the offender is to be incarcerated, the report is forwarded to the Department of Corrections or Department of Institutions where it is used in the diagnostic and placement process. Eventually, it may be reviewed by the parole board if the offender applies for parole. Over the years the incidence of alcohol and drug-related traffic offenses has dramatically increased. In Colorado, almost half of all traffic fatalities are alcohol-related. This has prompted the creation of a special unit under the umbrella of probation.

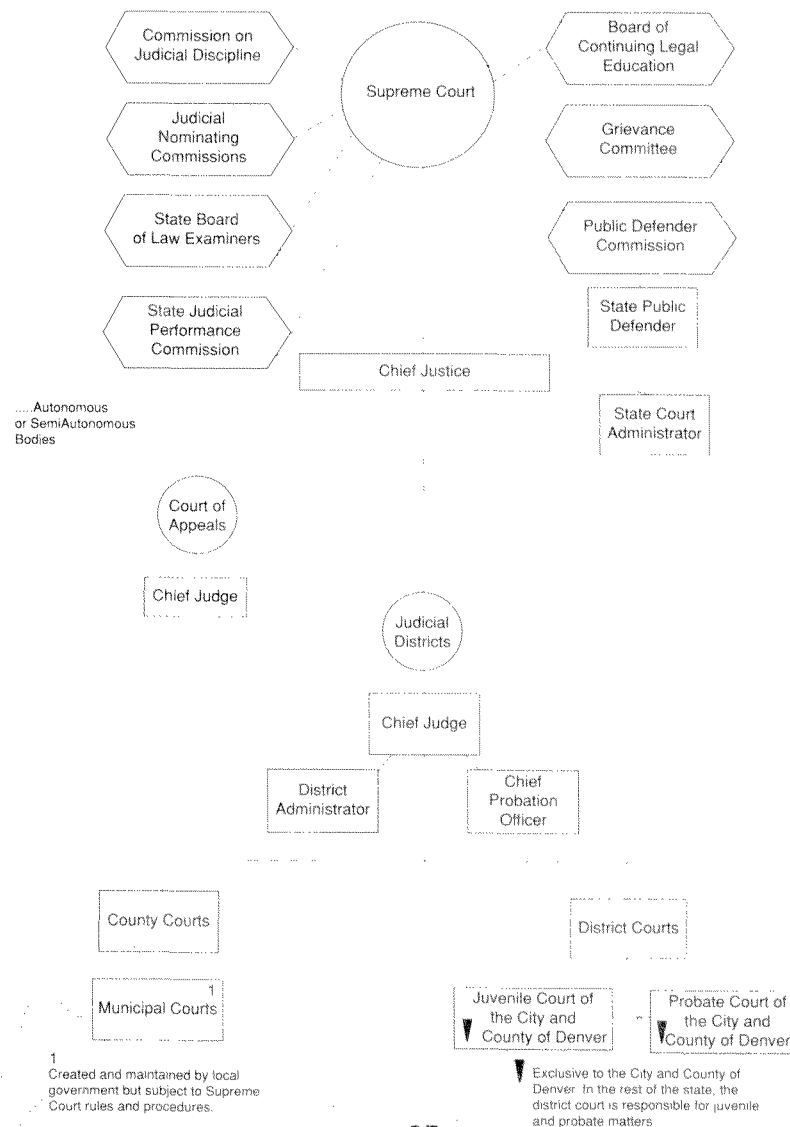
# Organization Chart of the Judicial Branch

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

Within the auspices of a probation department is an alcohol/drug unit which evaluates and recommends treatment for defendants convicted of alcohol or drug-related driving offenses. Alcohol evaluators make assessments based on in-depth interviews and diagnostic testing. Due to the complexity of substance abuse problems, evaluators select programs for offenders from a variety of referrals. These referrals can range from weekly outpatient groups or individual therapy to daily outpatient sessions. More chronic problems and addictions may require more intense treatment. Often substance abusers cannot stop using drugs or alcohol on their own so they must be hospitalized. An evaluator may assist with this process. To augment treatment and promote abstinence, antabuse treatment or urinalysis is often recommended. Evaluators receive and maintain yearly certification through the Colorado Health Department/Alcohol and Drug Abuse Division.

## ADMINISTRATION

The Colorado Judicial Branch, with more than 250 judges and 2250 support staff members, is centrally administered by the Chief Justice. To assist the Chief Justice as chief executive officer of the Judicial Branch of government, the Supreme Court appoints the State Court Administrator. Judicial districts are supervised by chief judges, appointed by the Chief Justice. The chief judge within each district appoints a district administrator, a chief probation officer, and clerks of court to assist in the management of the district. Innovative business techniques and new procedures are constantly under evaluation for possible introduction throughout the branch at all levels in order to improve efficiency and to make the courts more accessible to the citizens 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. No new evidence may be introduced during the appellate process; the reviewing court considers whether errors occurred during prior proceedings.

**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 the 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 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 due to the fault of someone else.

**DEFENDANT** A person sued or accused.

**DISTRICT ATTORNEY** A lawyer elected or appointed in a specified judicial district to serve as a prosecutor for the state in criminal cases.

**DOCKET** A list of cases to be tried by a court.

## GLOSSARY

**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 crime punishable by death or by imprisonment in a state penal institution.

**GRAND JURY** A jury of 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 who swear or affirm to hear evidence, to inquire into the facts in a 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 the person's affairs.

**MISDEMEANOR** Less serious criminal offense punishable by a sentence of one year or less.

**OPINION** A formal statement by a judge or justice hearing a case.

**ORDINANCE** A law passed by a city or town legislative body.

**PLAINTIFF** A person who brings a suit in a court of law.



## GLOSSARY

**PRE-SENTENCE INVESTIGATION REPORTS** Reports, by probation officers, which present information necessary for the judge to sentence the offender.

**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 agrees to behave properly, the person 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 an accused person who cannot afford to hire a lawyer.

**RESTITUTION** The act of making good or of giving the equivalent for any loss, damage, or injury.

**SENTENCING** When the defendant is brought before the court for imposition of the punishment, such as fines and costs, time in jail, or probation.

**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 civil cases, it is a notice that a case has been filed and that an answer is required.

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

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

*Colorado Courts At A Glance* is published by the Colorado Judicial Branch, Office of the State Court Administrator, 1301 Pennsylvania Street, #300, Denver, CO 80203.

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