

Colorado Commission on Judicial Discipline  
FY 2024 Budget Request



Christopher S.P Gregory,  
Executive Director



## COLORADO COMMISSION ON JUDICIAL DISCIPLINE

### *Fiscal Year 2023-24 Decision Item Request*

Christopher S.P. Gregory  
Executive Director

November 1, 2022

Department Priority: R-01, R-02, R-03  
 Request Title: Maintaining Independent, Adequate, and Conflict-Free Funding for the Colorado Commission on Judicial Discipline and Office of Judicial Discipline  
 Constitutional and Statutory Authority: Colo. Const. art. VI, § 23; §13-5.3-103, C.R.S.

Summary of Incremental Funding Change for FY24	Total Funds	General Fund	Cash Funds	General Fund FTE	Cash Fund FTE
<b>Total Program:</b>	\$ 178,977	\$ 178,977	\$ -	0.0	0.0
Office of Judicial Discipline					
Office of Judicial Discipline	\$ 178,977	\$ 178,977	\$ -	0.0	0.0

**Summary of Request:**

The Colorado Commission on Judicial Discipline (“the CCJD”) requests the adjustment of its FTE funding to reflect salaries competitive with those provided by the Colorado Supreme Court’s Office of Attorney Regulation Counsel (OARC), which previously supported the CCJD’s special counsel and investigation needs. The salary of the CCJD’s Staff Attorney-Special Counsel will be made equivalent to a County Court Judge. An adjustment of FTE funding is also necessary to reflect an expansion of the role of the CCJD’s Executive Assistant as an Office Manager. The request for FTE adjustments will add \$128,977 to the CCJD’s FY 2023-24 budget. In addition to these FTE adjustments, the CCJD requests \$25,000 for information technology support following a transition of this support from OARC to the CCJD. The CCJD further requests \$25,000 to consult with a nationally recognized organization to review and propose revisions to the Colorado Rules of Judicial Conduct.

In addition, the CCJD requests replenishment of its Special Cash Fund with the amount of funding to be determined according to § 13-5.3-104(7), C.R.S.

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The CCJD requests a total appropriation increase (exclusive of replenishment of its Special Cash Fund), as described above, of \$178,977 for FY24.

## Background

Originally, Colorado's Judiciary developed as a "frontier" system of decentralized courts with the Colorado Supreme Court, a limited number of District Courts, and a larger number of justices of the peace. This system relied upon partisan elections to select judges. Through this politicized system, there were frequent problems with incompetent, corrupt, and biased judges. In 1962, the Colorado Legislature referred a constitutional amendment to reform the structure of the Judiciary to voters. The amendment passed with an overwhelming majority. Implemented in 1965, the amendment abolished justices of the peace, defined higher qualifications for judges, and provided the Colorado Supreme Court with authority to define uniform standards, rules, and procedures for all lower courts.

In 1966, the League of Women Voters with the support of the Colorado Bar Association used Colorado's initiative process to present a second amendment directly to the voters. Through this amendment (Amendment 3), Colorado adopted the Missouri Plan for judicial selection. Amendment 3 passed with a 53% majority. According to Amendment 3, Colorado's current process for judicial selection requires nominating commissions to select up to 3 nominees for a judicial vacancy. In turn, the nominees are considered for appointment by the Governor. Following appointment, all judges serve a provisional 2-year term. Then, if retained by voters, judges serve regular terms with retention elections at the end of each term.<sup>1</sup> Supreme Court Justices serve 10-year terms, Court of Appeals Judges serve 8-year terms, District Court Judges serve 6-year terms, and County Court Judges serve 4-year terms. The Colorado Commission on Judicial Discipline was created through Amendment 3 in conjunction with Colorado's evolution to an appointive system of judicial selection. The overriding purpose of Colorado's merit-based system of judicial selection, retention, and oversight is to reinforce judicial independence through an ongoing and reliable verification of judicial qualifications. The CCJD's unique function is to protect the public interest in circumstances where, due to disability or violation of ethical standards, a judge is unable to perform the duties of his or her office. To effectively perform its function, the CCJD requires insulation from external pressures, including the discretion of other entities to constrain the CCJD's funding and resources.

The CCJD's general authority and function are defined by Colorado Constitution Art. VI, § 23. The CCJD is composed of 10 uncompensated members (2 district court judges, 2 county court judges, 2 attorneys, and 4 non-lawyer/non-judge citizens). The judicial members of the CCJD are selected by the Colorado Supreme Court. The attorney and lay members of the CCJD are selected by the Governor and confirmed by the Senate. All Commissioners serve on a volunteer

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<sup>1</sup> A system of Commissions on Judicial Performance was statutorily created in 1988 to provide voters with relevant information and recommendations in retention elections. § 13-5.5-101, et. seq., C.R.S.; H.B. 1079 (1988).

## **C.R.S. 13-5.3-103**

### **Copy Citation**

Statutes current through Chapter 275 from the 2023 Regular Session and effective as of May 30, 2023.

The text of this section is not final. It will not be final until compared to, and updated from, the text provided by the Colorado Office of Legislative Legal Services later this year.

**Colorado Revised Statutes Annotated Title 13. Courts and Court Procedure (§§ 13-1-101 — 13-100-102) Courts of Record (Arts. 1 — 9) Article 5.3 Commission on Judicial Discipline (§§ 13-5.3-101 — 13-5.3-110)**

13-5.3-103. Office of judicial discipline - created - executive director - duties - oversight - repeal.

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**(1)**

**(a)** The office of judicial discipline is established as an independent office housed within the department. The commission shall oversee the office.

**(b)** Subject to the commission's supervision, the office shall:

**(I)** Staff and support the commission's operations. The initial staffing includes the executive director, a full-time administrative support person, an attorney, and an investigator.

**(II)** Receive requests for evaluation involving justices and judges;

**(III)** Conduct public education efforts concerning the judicial discipline process and the recommendations made by the commission;

**(IV)** Engage in and provide educational background to the public, the department, judicial nominating commissions, and judicial performance commissions regarding the requirements of the code and the commission; and

**(V)** Complete any other duties as assigned by the commission.

**(2)**

**(a)** The commission shall appoint an executive director of the office. The executive director:

**(I)** Shall be admitted to practice law in the courts of this state and have practiced law in this state for at least ten years;

**(II)** Shall not be involved in the private practice of law while serving as the executive director; and

**(III)** Shall not appear as an attorney before the commission for a period of five years following service as the executive director.

**(b)** The executive director serves at the pleasure of the commission. The executive director's compensation is the same as the compensation the general assembly establishes for district court judges. The executive director shall hire additional staff for the office as necessary and as approved by the commission.

**(c)** The executive director has the following duties:

**(I)** Establish and maintain a permanent office;

**(II)** Respond to inquiries about the commission or the code;

**(III)** Advise the commission on the application and interpretation of the code and the rules;

**(IV)** Process requests for evaluation of judicial conduct;

**(V)** Conduct or supervise evaluations and investigations as directed by the commission;

**(VI)** Advise the commission as to potential dispositional recommendations as may be requested by the commission;

**(VII)** Maintain commission records;

**(VIII)** Maintain statistics concerning the operation of the commission and make them available to the commission;

**(IX)** Prepare the commission's budget and, once approved by the commission, submit it to the joint budget committee of the general assembly;

**(X)** Administer commission money and resources, including money in the commission on judicial discipline special cash fund;

**(XI)** Supervise commission staff;

**(XII)** Notify the appropriate appointing authority of vacancies on the commission;

**(XIII)** Assist the commission in preparing an annual report of the commission's activities for presentation to the commission, the supreme court, and the public;

**(XIV)** Supervise special counsel, investigators, other experts, or personnel as directed by the commission, as they investigate and process matters before the commission and before the supreme court; and

**(XV)** Perform such other duties as required by the rules, this article 5.3, the rules promulgated by the commission, or the commission.

**(3)** The department shall provide the commission and the office with office space in the Ralph L. Carr Colorado judicial center.

(4)

(a) Through June 30, 2024, the judicial department shall provide the commission and the office with accounting, budgeting, human resources, information technology, and payroll support to the same extent, without cost to the commission or the office, until those services can be provided to the commission and the office through the office of administrative services for independent agencies, created in section 13-100-102.

(b) This subsection (4) is repealed, effective July 1, 2024.

## History

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**Source:** L. 2022:Entire article added,(SB 22-201), ch. 201, p. 1347, § 2, effective May 20.; L. 2023:(SB228), ch. 97, § 2, effective April 20, 2023.

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### ▼ Annotations

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## State Notes

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## Research References & Practice Aids

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### Cross references:

For the legislative declaration in SB 22-201, see section 1 of chapter 201, Session Laws of Colorado 2022.

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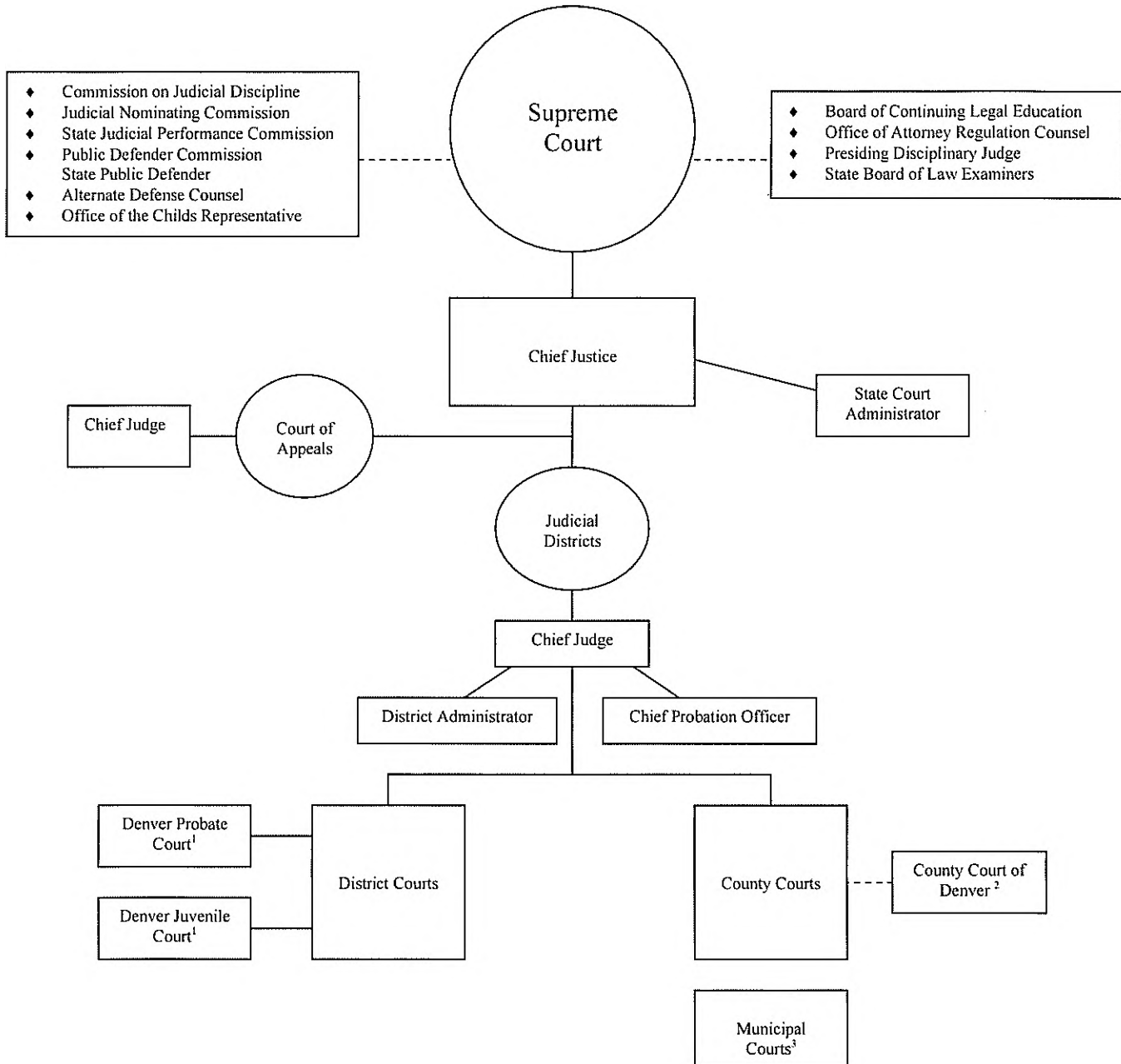
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# Organization Chart of the Judicial Department

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.



1 - Exclusive to the City and County of Denver. In the rest of the state, the district court is 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 - The Colorado Judicial Branch has no control over the ALJ (Administrative Law Judges) who report to the Executive Branch.

5 - The Colorado Judicial Branch has no control over the Federal Court System.