

“U.S. and  
State  
Courts  
Serving  
Colorado”



OUR COURTS

*Colorado*



**Legislative**



# Three Branches

**Executive**



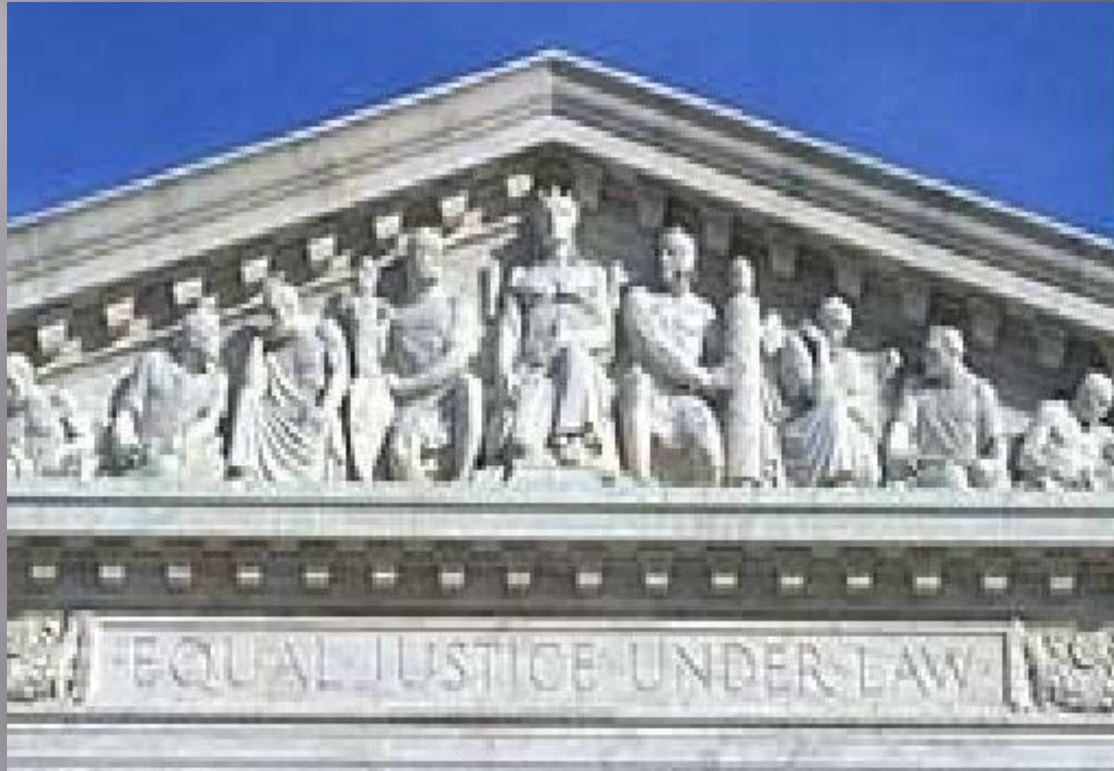
**Judicial**



# An Unexpected Event



Walker slips on ice, falls, and breaks a hip.



# EQUAL JUSTICE UNDER LAW

Entrance to the U.S. Supreme Court

# Our Dual Court System

United States Supreme Court



U.S. Courts of Appeals



Colorado Appellate Courts



U.S. District (Trial) Courts



Colorado District (Trial) Courts

Colorado State Courts  
can hear a wide variety of cases.

**Federal Courts  
can hear only certain types of  
cases:**

Federal Law

Disputes Between States or  
Between People from Different States

# **How U.S. Judges Are Selected and How Long They Serve**

# Judges of the U.S. Courts



Term: Good Behavior



# How State Court Judges Are Selected and How Long They Serve



Adams County Courthouse  
Brighton - 1998

Colorado is one of 25 states  
that uses nominating commissions  
as part of the  
judicial selection process.

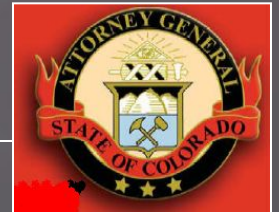
These states  
appoint judges based  
on comprehensive reviews of  
applicants'  
backgrounds & qualifications.

# Nominating Commissions County and District Courts

1 commission in each of 22 judicial districts



Governor



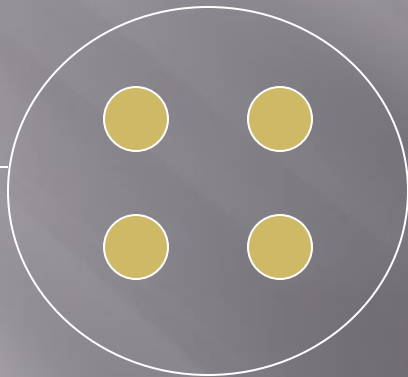
Attorney General



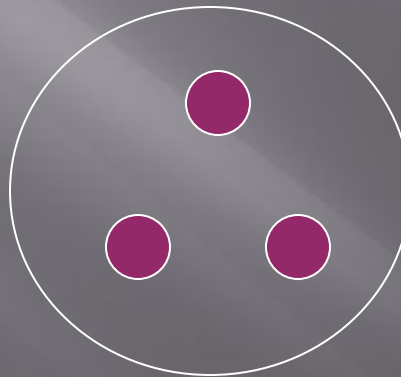
Chief Justice



Governor



4 Non Lawyers



3 Lawyers

Not more than 4 from same political party.

# **Nominating Commission** **Considers the Applications**

Reviews the applications

Checks each applicant's  
references & reputation

# Nominating Commission Supreme Court and Court of Appeals



**Governor**

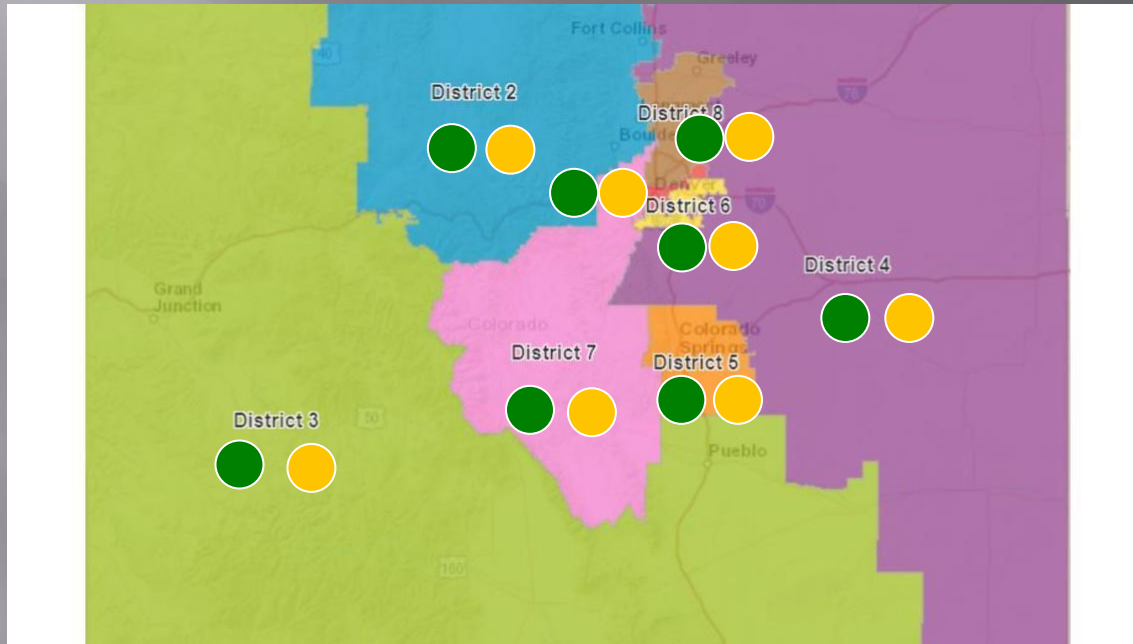


**+1 at-large**

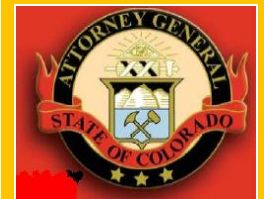
**9 Non Lawyers**

**8 Lawyers**

Not more than 9 from same political party.



**Governor**



**Attorney  
General**



**Chief  
Justice**

The commission nominates  
at least two, and  
not more than three applicants,  
whose names  
are sent to the Governor

# Governor's Office

Checks state and federal agency records to ensure no violations of law.

Solicits and receives information about each applicant.

Typically interviews each applicant.

Appoints one.



# Initial Term of State Judges

All state court judges must serve a provisional term of two years.

The voters then decide whether the judge or justice continues to serve.

# How We Decide Whether Our State Court Judges Should Continue to Serve



**Costilla County Courthouse  
San Luis – 1886**

**The oldest courthouse  
still in use in Colorado**

# Judicial Performance Commissions

## Review the Performance of Every Judge

### 22 District Commissions



**Governor  
appoints**

**2 Non Lawyers**

**2 Lawyers**



**Chief  
Justice  
appoints**



**Senate  
President &  
Minority Leader  
appoint**

**2 Non Lawyer**

**1 Lawyer**

**2 Non Lawyers**

**1 Lawyer**



**House Speaker  
& Minority  
Leader  
appoint**

# Judicial Performance Commissions

## Review the Performance of Every Judge

### 1 Statewide Commission



**Governor  
appoints**

**2 Non Lawyers**

**1 Lawyer**

**2 Lawyers**



**Chief  
Justice  
appoints**



**Senate  
President &  
Minority  
Leader  
appoint**

**2 Non Lawyers**

**1 Lawyer**

**2 Non Lawyers**

**1 Lawyer**



**House Speaker  
& Minority  
Leader appoint**

# Performance Criteria

Integrity, fairness & impartiality

Knowledge and understanding of the law

Communication skills

Temperament

Diligence

Service to the profession and the public

# Sources of Performance Information

Litigants & Lawyers

Other Judges and Court Staff

Jurors

Law Enforcement & Victims

Case Statistics

Unannounced Visits

Commission's interview of the judge

# Public Information About Judges' Performance

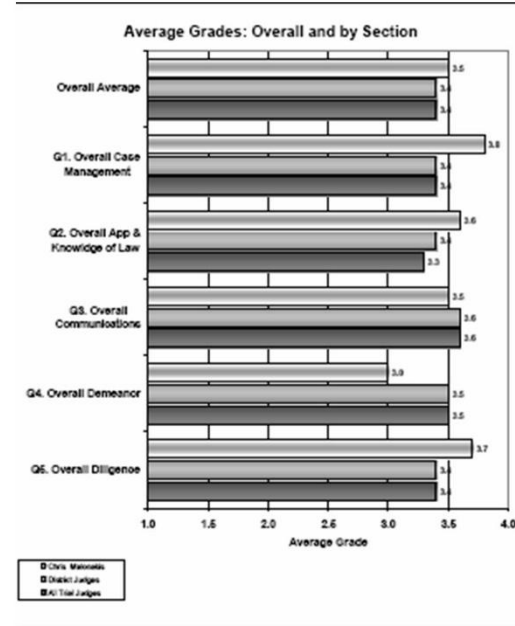
Reports are available on the Internet:

[www.coloradojudicialperformance.gov](http://www.coloradojudicialperformance.gov)

# Public Information

## Complete Performance Report

Often as many  
as 40 pages  
long.

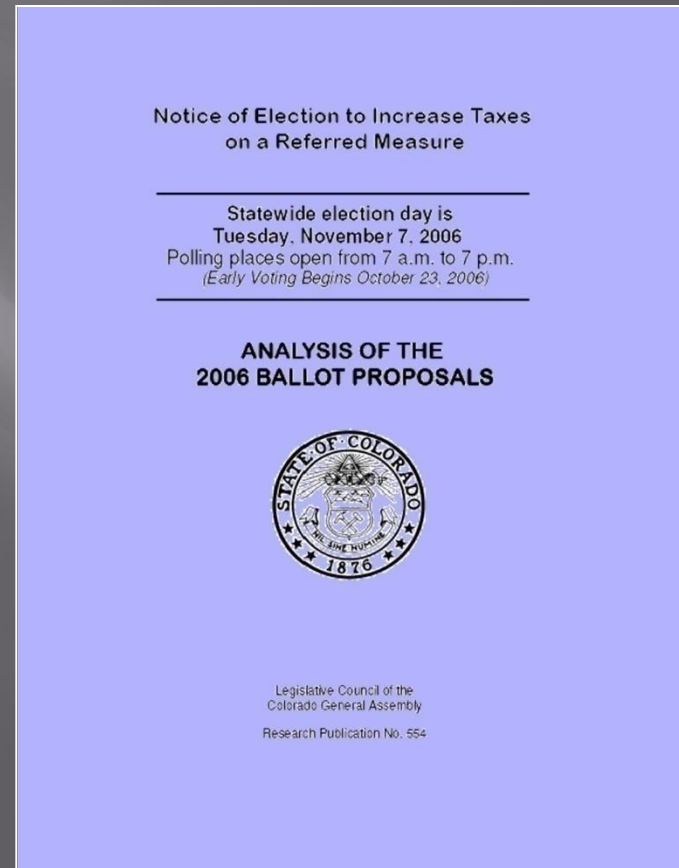




# Public Information

One-page  
summary of commission  
findings printed in  
Blue Book

Including a  
Recommendation as to  
whether the judge meets  
or does not meet  
performance standards



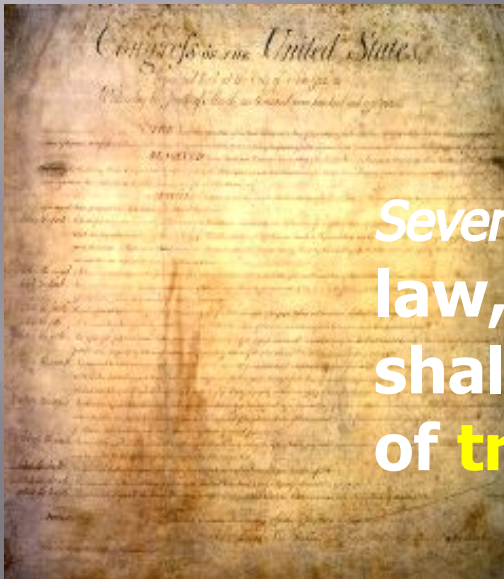
# How we keep our courts fair & impartial



Cheyenne County Courthouse  
Cheyenne Wells - 1908

# Fair & Impartial Juries

*Sixth Amendment* : In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an **impartial jury** of the state and district wherein the crime shall have been committed...



*Seventh Amendment* : In suits at common law, where the value in controversy shall exceed twenty dollars, the right of **trial by jury** shall be preserved...

# Judges Must

Not participate when they have a personal relationship with either party

Not participate in any case in which they have a personal interest in the outcome of the case

# Judges Must

Regularly disclose  
their personal financial interests

# “Recusal”



# Our Courts Must Apply the Law



Baca County Courthouse  
Springfield - 1930

# Our Courts Must Apply

U.S. & Colorado Constitutions

U.S. & Colorado Statutes

U.S. & Colorado Agency Regulations

U.S. & Colorado Rules of Procedure

U.S. & Colorado Rules of Evidence



# Binding Decisions of Higher Courts

U.S. Supreme Court

U.S. Circuit Court of Appeals

Colorado Supreme Court

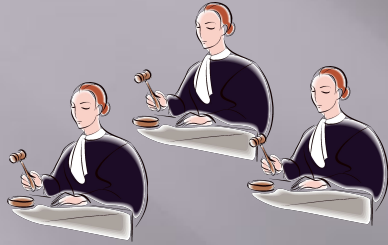
Colorado Court of Appeals

# Trial Courts Do Not Have the Last Word



**Byron R. White U.S. Courthouse  
10<sup>th</sup> Circuit**

# Appeals in U.S. Courts



10<sup>th</sup> Circuit Court  
of Appeals



Colorado Federal  
Trial Court



U.S. Supreme Court

Coney Barrett, Gorsuch, Kavanaugh, Jackson  
Sotomayor, Thomas, Roberts, Alito, Kagan

# Appeals in Colorado State Courts



Colorado District Courts



Colorado Court of Appeals



Colorado Supreme Court  
Samour, Gabriel, Hart, Berkenkotter  
Márquez, Boatright, Hood

Applying  
the Rule of Law

Equally to All

Equal  
Justice

Fair & Impartial Courts





# *Our Courts* Serving Colorado

Copyright © 2007 by Colorado Bar  
Association and Colorado Judicial  
Institute, Inc