



Colorado Justice: Celebrating 40 years of fair
and impartial courts through merit selection

news

Colorado Judicial Branch
Mary J. Mullarkey, Chief Justice
Gerald Marroney, State Court Administrator

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Merit selection of judges to mark 40-year anniversary in Colorado Year-long celebration begins May 1

In November 1966, Colorado voters adopted an amendment to the state constitution changing how judges are selected. As a result, the state's judges are selected through merit selection. May 1, 2006, through April 30, 2007, Colorado will celebrate the 40-year anniversary of merit selection of judges in Colorado.

"Forty years ago, Colorado took a great step forward in building a better state," says Chief Justice Mary Mullarkey. "Voters abandoned the partisan political election of judges that had prevailed since statehood, and adopted the merit selection of judges.

"It was a bold and visionary move," continues Mullarkey. "No longer would judges be subject to political whims, from that time on judges have been held accountable to the constitution and laws."

Passage of the constitutional amendment implementing merit selection in Colorado capped a 26-year effort to reform how judges are chosen. The process was developed to remove judges from all forms of political activity including holding political office, making or receiving campaign contributions, endorsing political candidates and participating in political campaigns.

The merit selection process as it now exists has three important components. The first establishes a nominating commission in each of the state's 22 judicial districts for trial court vacancies and one statewide commission for the appellate vacancies. When a vacancy occurs, the appropriate nominating commission solicits applications through notices sent to the media, local bar associations and the state judicial website (www.courts.state.co.us/exec/media/vacancy.htm). The commission meticulously reviews the applications and interviews the candidates. The top two or three nominees, dependant upon the vacancy, are then forwarded to the governor. The governor has 15 days to select from these candidates.

Each local judicial district has a seven-member citizen nominating commission to select candidates for trial court vacancies. Non-attorneys, who are the majority of every nominating

commission, are appointed by the governor. Attorney members are appointed by joint action of the governor, attorney general and chief justice. No one political party can be represented by more than a majority plus one member on any commission.

Vacancies on the court of appeals or supreme court are handled in a parallel statewide process involving the supreme court nominating commission. This commission includes one non-attorney and one attorney from each congressional district plus one member-at-large for a total membership of 15. As in the local commissions, non-attorney members are appointed by the governor, and attorney members are appointed by joint action of the governor, attorney general and chief justice. Again, no one political party can be represented by more than a majority plus one member on the commission.

The second component of merit selection is the Judicial Discipline Commission that oversees the conduct of judges. All judges must comply with the Colorado Code of Judicial Conduct or are subject to discipline or removal from the bench. The commission is composed of 10 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 state senate. The judge members are appointed by the Colorado Supreme Court.

The third component of merit selection is the evaluation of judges. In 1987, the Colorado Supreme Court proposed adding performance evaluations as a way to make the retention elections more effective. The court requested the legislature enact legislation establishing performance commissions.

In 1988, the Colorado General Assembly created commissions on judicial performance to provide voters with fair, responsible evaluations of trial, as well as appellate judges and justices seeking retention. The evaluations also provide judges with constructive information that can be used to improve their professional skills as judicial officers.

Today, prior to retention elections, citizen judicial performance commissions in each judicial district evaluate every judge standing for retention to develop voter recommendations. Each commission is a 10-member body comprised of six non-attorneys and four attorneys. The chief justice, governor, president of the senate and speaker of the house appoint state and local commission members.

Thousands of surveys are sent to people who have appeared before the judge, and interacted with his/her court or work in the court. Once the evaluation process is completed, written recommendations are developed and made available to the public. It was not until recently that the commissions received sufficient funding to do professional surveys and print the

evaluations in the legislative Blue Book. Evaluations are also posted at www.cojudicialperformance.com.

Once appointed, each judge serves a provisional two-year term before standing for retention in the next general biennial election. County court judges then serve a term of four years if retained; district court judges, six years; court of appeals, eight years; and supreme court 10 years. All judges must retire on their 72nd birthday.

“Looking back over the past four decades, we can see that the merit selection of judges has been the key to developing a fair and impartial state court system that is able to adapt to the changing times,” adds Mullarkey.

Editor's note: Additional resources available online.

40th Anniversary of Merit Selection webpage: <http://www.courts.state.co.us/40/>

Article from *Colorado Attorney*, May 2006, “Colorado Judicial Merit Selection, A Well-Deserved 40th Anniversary Celebration” by Justice Gregory Hobbs:

<http://www.courts.state.co.us/40/cojudicialmeritselection.pdf>

Governor's proclamation, “40th Anniversary of Colorado's Judicial Merit Selection System”:

<http://www.courts.state.co.us/40/governorsproclamation.pdf>

Merit selection general information resource including information on each of the 23 judicial nominating commissions including membership rosters:

<http://www.courts.state.co.us/supct/committees/supctnomincomm.htm>

Judicial performance general resource including information on each of the 23 commissions (includes local commission rosters): www.cojudicialperformance.com

Judicial Discipline Commission website:

<http://www.courts.state.co.us/supct/committees/judicialdiscipline.htm>

Fact sheet on judicial selection and performance processes:

http://www.courts.state.co.us/exec/media/notices/judicial_facts_4-04.doc

FY2005 judicial department fact sheet:

<http://www.courts.state.co.us/exec/pubed/courtfactspage.htm>