



## Judicial Discipline

*By Juliann Jenson*

Judges are responsible for interpreting laws and making decisions that significantly affect people's lives. Because of this, judges must adhere to strict ethical codes in both their professional and personal lives to uphold public confidence in the integrity of the judicial system. When judges fail to meet these standards, judicial discipline systems investigate and address complaints of misconduct. This issue brief describes the judicial discipline process in Colorado.

### Colorado Commission on Judicial Discipline

The Colorado Commission on Judicial Discipline (Commission) was constitutionally established in 1966 and is an independent agency responsible for screening, investigating, and, when necessary, prosecuting complaints of judicial misconduct. Judicial misconduct involves unethical behavior that undermines public trust in the courts, such as improper behavior, substance abuse, dishonesty, retaliation, conflicts of interest, inappropriate communication, or mistreatment or harassment of staff, among others.

### Commission Members

The Commission is made up of ten volunteers, including two county court judges and two district court judges appointed by the Supreme Court; two lawyers appointed by the Governor; and, four citizens who are not currently lawyers or judges, also appointed by the Governor. Members meet bimonthly and serve staggered, four-year terms, not to exceed two terms. The Commission also appoints an Executive Director who manages and oversees the office and support staff.

### Jurisdiction

The Commission has jurisdiction over the conduct of county and district court justices (including senior judges), as well as justices serving on the court of appeals and the Colorado Supreme Court. The Commission does not have jurisdiction over Denver County Court judges, municipal court judges, administrative law judges, and magistrates.

### Complaints

Any person may file a complaint with the Commission by submitting a Request for Evaluation of Judicial Conduct (RFE), either online or by mail. The Commission is also authorized to initiate disciplinary proceedings on its own motion.

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After the complaint is received, the Executive Director and staff conduct an initial review and eliminate complaints that are outside the Commission's scope, such as those that ask to review a judge's rulings or order new trials. In 2024, the Commission received 368 RFEs and 318 (or 86 percent) were dismissed, primarily for disputed rulings.

## Investigations

The Commission further investigates complaints when there is sufficient evidence of misconduct. An investigation may include in-person interviews, review of court rulings and other related documents, and written requests for information.

Thereafter, the Commission may do one of the following: 1) dismiss the complaint; 2) impose private discipline, such as a warning letter; 3) hold an informal private hearing and set up a disciplinary plan (e.g., attend alcohol and drug treatment or anger management); or 4) initiate formal proceedings.

In 2024, the Commission reviewed 65 cases that passed the initial investigatory phase, with approximately half of them ultimately dismissed.

## Formal Proceedings

For the few select cases that advance to formal proceedings, the hearings are public and conducted by three members of the Independent Judicial Discipline Adjudicative

Board (board). The board is separate from the Colorado Supreme Court and Commission and consists of four district court judges, four attorneys, and four citizens appointed by the Colorado Supreme Court and Governor. Three formal proceedings took place in 2024, each resulting in public discipline.

The board's decisions are considered final unless there is proof of a legal or factual error upon appeal to the Colorado Supreme Court. If an appeal involves a Colorado Supreme Court justice, it is heard by a tribunal made up of randomly selected appellate and district court judges.

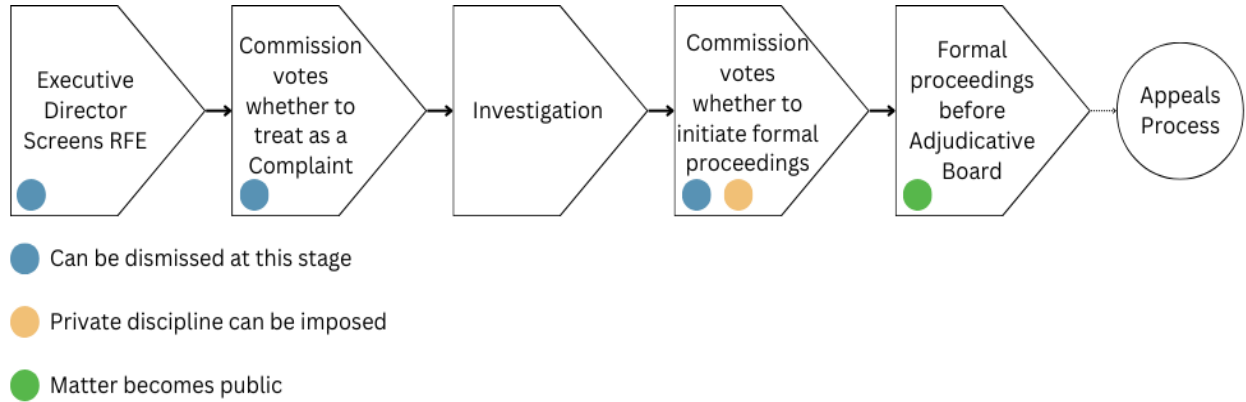
Figure 1 on the next page summarizes the discipline process.

## Recent Legislative Changes

In 2023, the Colorado Legislature passed three bipartisan bills reforming judicial discipline procedures and workplace culture, the first major update since the 1980s. Following extensive hearings with experts, stakeholders, and the public, the legislation included a constitutional amendment to overhaul how judicial discipline cases are handled and processed. The other two bills aimed to enhance confidentiality, transparency, complaint filing and reporting, and data collection. The constitutional amendment, Amendment H, was passed by the voters in 2024.

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**Figure 1**  
**Judicial Discipline in Colorado**



Source: Legislative Council Staff and Commission on Judicial Discipline