

ADMINISTRATIVE ORDER THIRD JUDICIAL DISTRICT

22-09

ORDER REGARDING 3rd JUDICIAL DISTRICT PROCEDURES FOR RECEIVING COMPLAINTS OF JUDICIAL MISCONDUCT FROM PERSONS OR ENTITIES WHO ARE NOT AN EMPLOYEE, VOLUNTEER, OR CONTRACTOR OF THE COLORADO JUDICIAL DEPARTMENT

Under C.R.S. §13-5.3-106(4), as enacted by the General Assembly in 2022 through Senate Bill 22-201, each judicial district must adopt a written policy for receiving complaints of judicial misconduct from an individual or entity that is *not* an employee, volunteer, intern, extern, or contractor for the Colorado Judicial Department. This Administrative Order shall serve as the procedures adopted by the 3rd Judicial District.

I. DEFINITIONS

In accordance with C.R.S. §13-5.3-101, the following definitions shall apply to this policy for implementing the provisions of C.R.S., §13-5.3-106(4).

“Commission” means the Commission on Judicial Discipline, established pursuant to Section 23(3) of Article VI of the Colorado constitution.

“Complaint” means information in any form from any source that alleges or from which a reasonable inference can be drawn that a judge committed misconduct or is incapacitated.

“Department” means the Colorado State Judicial Department and all its subparts such as the Office of the State Court Administrator’s Office (SCAO); the Office of the Chief Justice of the Supreme Court; the Judicial Districts and their administrations, including Chief Judges and Court Executives; the Human Resources (HR) Division at the SCAO; and other administrative subparts.

“Judge” means any justice or judge of any court of record of this state serving on a full-time, part-time, or senior basis; judge also includes any judge or justice who has retired within the jurisdictional limits for disciplinary proceedings established by Article 5.3 of Title 13, or the Colorado Supreme Court. Currently the jurisdictional limits are based on events that

occurred while the Judge was an active or senior judge, if a request for evaluation of judicial conduct is received by the Commission (or a complaint is commenced on the Commission's motion):

1. during the Judge's term of office or within one year following the end of the judge's term of office or the effective date of the Judge's retirement or resignation, with respect to alleged misconduct or disability occurring during the Judge's term of office; or
2. during the Judge's service in the senior judge program or within one year following the end of the Judge's service in the senior judge program, with respect to alleged misconduct or disability occurring during the Judge's service in the senior judge program.

“Misconduct” means conduct by a judge that may reasonably constitute grounds for discipline under the Colorado Code of Judicial Conduct, the Colorado Rules of Judicial Discipline, or Section 23(3) of Article VI of the Colorado Constitution. Also encompassed in the term misconduct is a violation of the policies of Chief Justice Directive (CJD) 08-06, Directive Concerning Colorado Judicial Department Policies for Independent Contractors, Other Persons Conducting Business with the Judicial Department and Judicial Officers. This includes but is not limited to a violation of the anti-harassment policy or anti-violence in the workplace policy or, a violation of CJD 07-01, Directive Concerning the Colorado Judicial Department Electronic Communications Usage Policy: Technical, Security, And System Management Concerns.

“Office” means the Office of Judicial Discipline established pursuant to C.R.S. §13-5.3-103.

II. REPORTING COMPLAINTS MADE BY EMPLOYEES, VOLUNTEERS, INTERNS, EXTERNS OR CONTRACTORS

Reporting complaints of judicial misconduct by an employee, volunteer, intern, extern, or contractor of the Colorado Judicial Department may be made to the Chief Judge, the Court Executive, Clerk of Court, Chief Probation Officer or

their supervisor, or the person may choose to make the complaint directly to the Commission on Judicial Discipline through the contact information contained in Attachment A to this Administrative Order. Employees, interns, externs, volunteers, and contractors of the Department are encouraged to bring this information to the attention of any one or more of the persons listed above or the Commission as soon as practicable.

III. REPORTING COMPLAINTS OF JUDICIAL MISCONDUCT RECEIVED FROM AN INDIVIDUAL THAT IS NOT AN EMPLOYEE, VOLUNTEER, INTERN, EXTERN, OR CONTRACTOR FOR THE DEPARTMENT

The processes described below for reporting judicial misconduct applies to complaints received by any member of the 3rd Judicial District Courts or Probation, from an individual or entity that is **not** an employee, volunteer, intern, extern, or contractor for the Department.

- A. Complaints that are received by any member of the 3rd Judicial District will be provided to the Chief Judge or Court Executive as soon as practicable. **If the complaint is against the Chief Judge, the report shall be made to the Court Executive and not the Chief Judge.**
- B. The Chief Judge or Court Executive will communicate with the complainant no later than five business days after receiving notice of the complaint and provide a copy of Attachment A to the complainant.
- C. The complainant shall be informed of the role of the Commission and shall be provided the Commission's contact information, as set forth in Attachment A.
- D. If the complainant submits written or electronic materials in connection with a complaint, the Chief Judge or Court Executive shall promptly forward those materials to the Commission through the Office of Judicial Discipline.

Dated: August 28, 2022.

BY THE COURT:

A handwritten signature in cursive script, reading "Leslie J. Gerbracht". The signature is written in black ink on a white background.

Leslie J. Gerbracht, Chief Judge, 3rd Judicial District

ATTACHMENT A TO ADMINISTRATIVE ORDER 2022-09

A copy of this Attachment A will be provided to anyone who is NOT an employee, volunteer, intern, extern, or contractor for the Department, if they have made a complaint of judge misconduct.

The Colorado Commission on Judicial Discipline has the constitutional authority to investigate any of the following acts:

1. 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;
2. willful or persistent failure of a judge to perform judicial duties, including the incompetent performance of judicial duties;
3. 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;
4. any conduct on the part of a judge that constitutes a violation of the Colorado Code of Judicial Conduct; or
5. a disability, which is or is likely to become permanent, that interferes with the performance of judicial duties.

Judicial Discipline Contact Information:

1. website: www.coloradojudicialdiscipline.com
2. address: 1300 Broadway, Suite 210
Denver, CO 80203
3. phone: (303) 457-5131
4. Email: complaints@jd.state.co.us