



IN THE 13th JUDICIAL DISTRICT
IN AND FOR THE STATE OF COLORADO

SECOND AMENDED ORDER REGARDING 13TH JUDICIAL DISTRICT PROCEDURES FOR RECEIVING EXTERNAL COMPLAINTS OF JUDICIAL MISCONDUCT FROM INDIVIDUALS OR ENTITIES WHO ARE NOT EMPLOYEES, VOLUNTEERS, OR CONTRACTORS OF THE COLORADO JUDICIAL DEPARTMENT

2022-2

There is no place in the 13th Judicial District for a work climate that allows sexual assault, sexual harassment, gender or race discrimination, or any other form of discrimination, bullying, or intimidation to occur. If you perceive any such conduct anywhere, you are encouraged to report it. The 13th Judicial District takes such allegations seriously.

Pursuant to Colorado Revised Statutes section 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 and procedures for receiving external complaints of judicial misconduct from an individual or entity who is not an employee, volunteer, intern, extern, or contractor for the Colorado Judicial Department. This Administrative Order serves as the policy and procedures adopted by the 13th Judicial District.

Internal complaints of judicial misconduct shall follow the procedures set forth in Chief Justice Directive (CJD) 22-01. Internal complaints of judicial misconduct are those complaints made by an employee, volunteer, intern, extern, or contractor of the Colorado Judicial Department. 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 in CJD 22-01 or the Commission as soon as practicable.

I. DEFINITIONS

In accordance with Colorado Revised Statutes section 13-5.3-101, the following definitions apply to this policy and these procedures in order to implement the provisions of Colorado Revised Statutes section 13-5.3-106(4).

“COMMISSION” means the Commission on Judicial Discipline, established pursuant to article VI, section 23(3) 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 within the State of Colorado and their administrations, including chief judges, court executives, and chief probation officers; the Human Resources 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 title 13, article 5.3 of the Colorado Revised Statutes 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 own motion:

A. 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

B. 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 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 Colorado Revised Statutes section 13-5.3-103.

II. REPORTING EXTERNAL COMPLAINTS OF JUDICIAL MISCONDUCT RECEIVED FROM INDIVIDUALS OR ENTITIES THAT ARE NOT EMPLOYEES, VOLUNTEERS, INTERNS, EXTERNS, OR CONTRACTORS FOR THE DEPARTMENT

Below are the processes for reporting judicial misconduct or complaints from any individual or entity who is not an employee, volunteer, intern, extern, or contractor for the Department and that are received by any member of the 13th Judicial District:

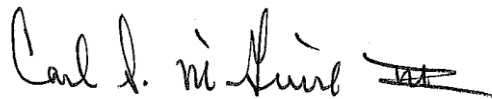
A. Complaints received by any member of the 13th Judicial District will be provided to the Chief Judge, the Court Executive, or the Chief Probation Officer as soon as practicable. If the complaint is against the Chief Judge, the report shall be made to the Court Executive or the Chief Probation Officer and not to the Chief Judge.

B. The Chief Judge, the Court Executive, or the Chief Probation Officer will communicate with the complainant as soon as possible, but no later than seven days after receiving notice of the complaint. The Chief Judge, the Court Executive, or the Chief Probation Officer shall provide a copy of Attachment A to the complainant.

C. If a complaint alleging misconduct is received from an individual or entity that is NOT an employee, volunteer, intern, extern, or contractor for the Department, 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, the Court Executive, or the Chief Probation Officer shall promptly forward those materials to the Commission through the Office of Judicial Discipline.

Done this 21st day of November, 2022.



CARL S. McGUIRE III
Chief Judge
13th Judicial District

ATTACHMENT A

If you believe the actions of a judge constitutes judicial misconduct as defined in Administrative Order 22-2: Order Regarding 13th Judicial District Procedures for Receiving Complaints of Judicial Misconduct from Individuals or Entities Who Are Not Employees, Volunteers, or Contractors of the Colorado Judicial Department, you may contact the Colorado Commission on Judicial Discipline. The Colorado Commission on Judicial Discipline has the authority to investigate any of the following acts:

- A. 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;
- B. Willful or persistent failure of a judge to perform judicial duties, including the incompetent performance of judicial duties;
- C. 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;
- D. Any conduct on the part of a judge that constitutes a violation of the Colorado Code of Judicial Conduct; or
- E. A disability, which is or is likely to become permanent, that interferes with the performance of judicial duties.

Judicial Discipline Contact Information:

Address:
1300 Broadway
Suite 210
Denver, CO 80203
Telephone: 303-457-5131
Website: www.coloradojudicialdiscipline.com
Email: complaints@jd.state.co.us

INFORMATION TO BE PROVIDED TO EMPLOYEES, VOLUNTEERS, INTERNS,
EXTERNS, WITNESSES INTERVIEWED, OR CONTRACTORS FOR THE
DEPARTMENT IF THEY COMPLAIN OF JUDICIAL MISCONDUCT.

The Commission on Judicial Discipline is a constitutionally created independent entity that has the authority to investigate allegations that a judge is not properly performing their official duties because of willful misconduct, ethical violations, or a permanent disabling health condition. The Commission has the authority to investigate any of the following acts:

- A. 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;
- B. Willful or persistent failure of a judge to perform judicial duties, including the incompetent performance of judicial duties;
- C. 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;
- D. Any conduct on the part of a judge that constitutes a violation of the Colorado Code of Judicial Conduct; or
- E. A disability, which is or is likely to become permanent, that interferes with the performance of judicial duties.

Communications may be made directly to the Commission. Information given to the Commission is confidential unless and until a recommendation is made to the Supreme Court. However, information will be provided to the subject judge if disciplinary action is brought by the Commission. The Department has a duty to disclose all information related to potential judicial misconduct to the Commission.

The Department is prohibited from discouraging a person from sharing information with the Commission, including entering into a nondisclosure agreement that would have that effect. Rule 2.16(B) of the Code of Judicial Conduct prohibits retaliation by a judge against any person assisting the Commission.