

**SUPREME COURT OF THE STATE OF COLORADO
OFFICE OF THE CHIEF JUSTICE**

**PROCEDURAL RULES FOR
THE COLORADO JUDICIAL ETHICS ADVISORY BOARD
Amended August 2024**

I. Scope, Purpose, and Title

The Colorado Judicial Ethics Advisory Board (“board”) provides advisory opinions to state justices, judges, magistrates, judicial employees, municipal judges subject to the Colorado Code of Judicial Conduct (“Code”), and members of the board seeking opinions concerning the compliance of intended, future conduct with the Code. Promulgation of this Chief Justice Directive is not intended to prohibit justices, judges, magistrates, judicial employees or members of the board from seeking ethics advice from other sources.

II. Composition

- A. The board is composed of seven members who are appointed by the Chief Justice.
- B. Four members will be state judges. When possible, at least one judge will be from a rural area court. Judge members may be active or retired.
- C. One member will be a citizen, who is not an attorney or judge, now or in the past.
- D. One member will be an attorney, who is not a justice or judge, now or in the past. The attorney member must have been admitted to the practice of law in the state of Colorado for at least ten years.
- E. One member will be a law professor, with an interest in ethics.
- F. The board members will elect a chair.
- G. The Chief Justice may appoint one or more persons to provide staff assistance to the board.

III. Terms of Office

Board members will serve for three-year terms from their date of appointment.

IV. Vacancies

The Chief Justice will fill vacancies on the board for an unexpired term for the remainder of the term.

V. Restrictions on Membership

No member will serve simultaneously on the board and the Colorado Commission on Judicial Discipline.

VI. Board Business

The board may transact any business, including the issuance of any advisory opinion in person, by telephone conference, video conference, e-mail, or by circulated writing.

VII. Expenses

Members of the board will be reimbursed for their actual and necessary expenses incurred in the discharge of their official duties as board members.

VIII. Promulgation of Rules and Procedures

The board may promulgate additional rules of procedure consistent with these rules subject to approval of the Colorado Supreme Court.

IX. Requests for Advisory Opinions

A. A request for a judicial ethics advisory opinion must be directed to any board member or appointed staff assisting the board. Requests may be received from:

1. Colorado state justices, judges or magistrates who are serving in active status or as members of the Colorado senior judge program, or
2. Municipal judges, if the request is accompanied by documentation verifying that the Code applies to the judge as provided by statute, municipal ordinance, or municipal charter.
3. A court executive or clerk of court, making a request on behalf of the judicial officers in the district or court served, or
4. The state court administrator or legal counsel for the judicial branch, or
5. A member of the board.

B. The board on its own motion may adopt advisory opinions issued in other states and reissue them as advisory opinions from the board on issues of general interest without being asked for an opinion by an individual.

X. Contents of Requests for Advisory Opinions

A. Requests for judicial ethics advisory opinions must relate to prospective conduct only and must contain a complete statement of all facts pertaining to the intended course of conduct together with a clear, concise question of judicial ethics. The identity of the individual making the request will be disclosed to the board members and the staff assisting the board. Board members and staff will not disclose the identity of the person making the request to anyone outside the board unless the requesting person consents.

B. The requesting individual must state that the opinion is not sought with respect to past or present conduct and that the request is not the subject of a past or pending disciplinary proceeding before the Colorado Commission on Judicial Discipline. Requests will not be accepted by the board or referred for opinion unless accompanied by this supporting statement.

XI. Content of Advisory Opinions

A. Advisory opinions will set forth the facts upon which the opinion is based. Unless the requesting person consents to be identified, an opinion will not include the name of the requesting party or identifying information if such information can reasonably be deleted. Advisory opinions will address only whether an intended, future course of conduct violates or does not violate the Code and will provide an interpretation of the Code only with regard to the factual situation presented. The opinion will not address other issues of law nor will it address the ethical propriety of present conduct or past conduct.

B. If the facts, circumstances, or questions presented by the requesting individual are unclear, vague, or insufficient in detail to enable the board to render an advisory opinion, the board may refuse to consider the matter or may request that the requesting individual provide supplementary information to the board.

C. If the supplementary information is still unclear, vague, insufficient in detail, or is not provided within a reasonable time, the board will inform the requesting individual that it will not render an advisory opinion.

D. The board may respond to requests for an advisory opinion by referring the requesting individual to any prior advisory opinion and by so doing will not publish a new advisory opinion.

XII. Distribution of Advisory Opinions

A. The board will provide a copy of each advisory opinion to the requesting individual, the Chief Justice, the Colorado Commission on Judicial Discipline, the Colorado Supreme Court law library, the University of Colorado law library, the University of

Denver law library, the journal entitled *The Colorado Lawyer*, and the Colorado judicial branch web site.

B. The board may repeal an advisory opinion issued in the past, may issue a cautionary statement concerning a past advisory opinion, or may amend a past advisory opinion in consideration of an opinion from the Colorado Supreme Court, action by the Judicial Discipline Commission, or amendments to the Code.

XIII. Binding Effect of Advisory Opinions

A. All opinions are advisory in nature only. No opinion is binding on the Colorado Commission on Judicial Discipline or the Colorado Supreme Court in the exercise of their judicial disciplinary or other responsibilities. However, compliance with a written advisory opinion of the board will be considered evidence of a good faith effort to comply with the Code.

B. An opinion given to a requesting individual in an oral conversation is neither binding on the board nor evidence of a good faith effort to comply with the Code.

Amended this 13th day of August 2024, amendments effective upon signature.

 /s/
Monica M. Márquez, Chief Justice