

DENVER DISTRICT COURT SECOND JUDICIAL DISTRICT OVERVIEW - 2014

The Second Judicial District is unique in that it has a separate District Court, Juvenile Court, Probate Court, and County Court serving the citizens of the State of Colorado. The Denver District Court handles civil, criminal, and domestic relations cases.

The Denver District Court serves a population of over 634,000 residents plus many other people who work in Denver. In addition, since Denver is the State's capital, any lawsuit involving the constitutionality of a statute, an election, or a review of an administrative agency's action is usually filed in Denver. In 2013, Denver District Court docketed 4,991 felony criminal cases, 4,485 domestic relations cases, and 23,447 civil lawsuits. In the last fiscal year, the judges presided over 185 jury trials and 66 court trials.

There are twenty- three district court judges and five magistrates who hear specialized dockets. Eight judges preside over the felony criminal cases, four judges hear domestic relations cases, and eleven judges handle civil cases. Four half-time magistrates preside over the drug court and hear cases with criminal charges involving drugs. One magistrate hears post-decree domestic relations cases, and some name change matters. About one-third of the judges change assignments annually with the usual rotation being one year in domestic relations, three years in criminal, and three years in civil.

In addition to the judges and magistrates, there are 147 full and part-time employees who provide clerical support, legal research, accounting expertise, and administrative support. Last fiscal year the Denver District Court summoned 143,075 citizens to jury service and the Denver Adult Probation Department supervised 4840 people on probation.

In July of 2010 the District Court Criminal and Drug Court courtrooms moved into the new Lindsey Flanigan Courthouse. This state of the art facility handles Criminal and Juvenile cases in a safe and efficient manner. Civil and Domestic Relations courtrooms remain in the City and County Building.

The Denver District Court is constantly striving to enhance the services provided to the public, to provide an efficient and effective case processing system and to minimize the difficulties people experience in having to go to court. Visitors and school groups are always welcome to observe court proceedings.

For further information concerning Denver District Court, contact:

Kelly Boe, District Administrator
Room 256 City and County Building
Denver Colorado 80202
720-865-8301

DENVER JUVENILE COURT SECOND JUDICIAL DISTRICT OVERVIEW - 2014

The Denver Juvenile Court is the only separate juvenile court in the State of Colorado in that it was constitutionally created, as was the separate and independent Denver Probate Court. The Denver Juvenile Court has exclusive jurisdiction over all juvenile matters within the Denver county limits.

The population served by the Denver Juvenile Court is over 634,000. Not all have direct contact with the court, but many may be affected by the disposition of juvenile court cases. The Court hears delinquency, dependency and neglect, paternity, support, truancy, adoption and relinquishment cases. In 2013, the court heard approximately 3,835 cases. The judges presided over 23 court trials and 4 jury trials.

Denver District and Juvenile Court are combined administratively; however, the presiding judge, D. Brett Woods, oversees the Juvenile Court. In addition, this court has two other judges and two full time magistrates. This court was one of the first to implement the 'one family, one judge' concept. To that end, the judicial officers hear all of the case types listed above for families that are assigned to their courtroom.

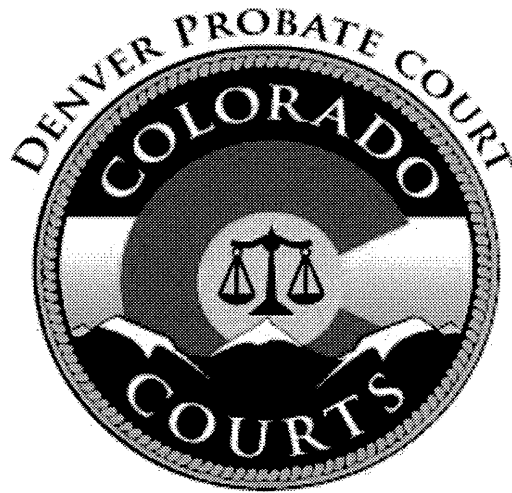
In 2004, the Court implemented three different drug courts with federal grant money. In 2010, only two drug courts remain due to lack of funding. The presiding judge hears Family Integrated Drug Court matters involving parents with criminal cases and a case in juvenile court. The magistrates operate the Youth Development Court which is a delinquency drug court docket, involving repeat offenders with substance abuse issues.

In July 2010, the court moved into the Lindsey Flanigan Courthouse a new state of the art facility. The new courthouse provides safe and efficient courtrooms and facilities in which to resolve juvenile matters.

In addition to judges and magistrates, there are approximately 25 support staff positions consisting of a law clerk, judicial assistants and two court reporters in the courtrooms, and a court facilitator, pro se case manager, supervisors, judicial assistants and the clerk of court in the clerk's office.

For further information, please contact Matthew Forbes, Clerk of Court, Room 125 Lindsey Flanigan Courthouse, 520 W Colfax, Denver, CO 80204, 720-337-0586. Court proceedings, with some exceptions, are open to the public and you are welcome to visit.

<u>JUDGE</u>	<u>DATE SWORN IN</u>	<u>EXPIRATION DATE OF CURRENT TERM</u>
D. Brett Woods	October, 2007	January, 2017
Donna J. Schmalberger	October, 2007	January, 2017
Laurie Clark	December, 2013	January, 2017



Denver Probate Court January 2014

The Colorado Constitution Article VI § 9(3) created the Denver Probate Court effective January 1965. The Denver Probate Court is the only separate probate court. It is sometimes referred to as the 24th Judicial District. The Denver Probate Court serves a population of over 630,000 residents in the City and County of Denver, Colorado.

The Colorado Constitution defines the jurisdiction of the court. The Probate Court has exclusive jurisdiction over "all matters of probate, settlements of estates of deceased persons, appointment of guardians, conservators and administrators, and settlement of their accounts, the adjudication of the mentally ill, and such other jurisdiction as may be provided by law".

Jurisdiction

Matters of probate include **trusts**, which are governed by Article 16 of Title 15 of the Colorado Revised Statutes, and powers of appointment, which are governed by Article 2 of Title 15 of the Colorado Revised Statutes. Cases relating to trusts can involve claims for improper investments, distributions to beneficiaries and complex litigation involving trustees' duties and obligations to trust beneficiaries. The Probate Court is called upon to create trusts for protected persons or to make transfers to or from trusts on behalf of persons unable to act for themselves due to disability.

The settlement of **estates of deceased persons** is governed by Articles 10 through 13 of Title 15 of the Colorado Revised Statutes. Probate filings include informal openings of decedent's estates initiated through the Court registrar. Some estates are opened in formal proceedings with notice. Most probate cases in Colorado proceed through closing with limited judicial involvement. Supervised administration, involving limited or extensive Court supervision, may be ordered. The personal representative of a decedent's estate or any interested person may request instructions from the Court or use the Court to resolve conflict among parties. Each year numerous estates require litigation to determine the validity of wills, the identity of the decedent's heirs, paternity, common law or putative spouse claims, creditors' claims against the decedent or the estate, disputes over payment and amount of the fee payable to fiduciaries, attorneys, accountants, and the like. Many of these conflicts are complex and involve multiple parties, lengthy pre-trial and trial time, and can be heard by a jury.

The appointment of **guardians and conservators** is governed by Article 14 of Title 15 of the Colorado Revised Statutes. A conservator is an individual or institution appointed to supervise the financial affairs of an impaired person. While most conservatorships involve adult protected persons, some involve children. Like many matters that fall under the jurisdiction of the Probate Court, conservatorships require long-term Court supervision. Colorado law requires fiduciaries to submit to the court regular accountings or other types of reports. Frequently, the Court adds a layer of protection by prohibiting withdrawals from the protected person's accounts or sale of the protected person's property without Court approval.

Increasingly, the Probate Court confronts issues of physical or mental disability and is called upon to appoint a guardian for individuals, who, because of illness, accident, or other circumstances, have lost the ability to make responsible decisions about their own living arrangements and medical needs. As with protective proceedings, these cases can generate family conflict and focus the Court's attention on the balance between the desire for individual liberty and the best interests of a person at risk.

Under Rule 16 of the Colorado Rules of Probate Procedure, the Court also reviews petitions for approval of **personal injury settlements for persons under disability**, such as minors or incapacitated persons. The Court reviews whether the settlement is in the disabled person's best interest, whether the attorney's fees are reasonable, and provides protection for the net settlement amount so that it can be used or set aside for the injured person.

Although the Probate Court no longer adjudicates persons as mentally ill, the Court does review Petitions for **Certification for Treatment** filed by a mental health professional. Article 65 of Title 27 of the Colorado Revised Statutes governs these and other related matters. Mental health cases involve the short-term and long-term certification of persons whom a physician determines is so mentally ill as to represent a danger to themselves or to others and who are found by the Court to be gravely disabled.

While certified, a mentally ill person may be treated, involuntarily if necessary, at a State approved facility. The Court may be called upon to determine whether medications or therapies should be administered to a certified mentally ill person. In addition to reviewing the treatment of mentally ill persons, the Court also considers requests to commit persons for **involuntary alcohol or drug treatment**. The Court also reviews the Petition to **remove a legal right from a person with a developmental disability** as defined in section 27-10.5-102. These proceedings are handled under Article 10.5 of

Title 27 of the Colorado Revised Statutes. These cases involve implementing an individualized plan developed for a person with a developmental disability who, due to the disability, poses a probable threat to himself or others.

Caseload and Staff

In calendar year 2013, the following number of cases and matters were filed with the Denver Probate Court:

- 3,389 Probate and Mental Health New Actions
 - 298 Protective Proceedings New Actions
 - 1108 Mental Health New Actions
 - 545 Trust Registration Statements Filed
 - 691 Wills Lodged with the Court

The Court currently monitors approximately 1,600 Protective Proceedings cases.

The caseload is the responsibility of one probate judge and one three-quarter-time probate magistrate. Judge Elizabeth Leith was sworn in July 1, 2011; her provisional term expires January, 2015. Magistrate Ruben Hernandez was sworn in June 15, 2010; he is appointed by the probate judge.

In addition to the Judge and Magistrate, the court has a District Administrator and Clerk of Court. There are 12.50 F.T.E. additional support staff positions in the court. These positions include division clerk, law clerk, registrar, court facilitator, an administrative assistant and front counter/phone/clerical clerks. There are also two Protective Proceedings Monitors and a 1.0 F.T.E Self-Represented Litigant Coordinator that supports staffing for the Denver Pro Se Resource Center.

A Court Culture of Service

The Denver Probate Court does not maintain paper files. The court operates with an electronic record in all cases commencing January 1, 2003 and thereafter. Attorneys are required to submit all documents, including trial exhibits, in an electronic format. (*See* Colo. R. Civ. P. 121). Documents submitted by non-represented clients are scanned into electronic form by court staff. Working with an electronic record allows for a more efficient and environmentally supportive operation while providing prompt and efficient services for citizens using the Court.

The Denver Probate Court strives to continually enhance the services provided to the public by increasing access to the courts, improving the ability of people to represent themselves, and increasing understanding of the judicial process for all participants. With no charge to those they help, the Denver Pro Se Resource Center helps unrepresented litigants with finding and correctly filling out court forms, finding community resources, and with being better prepared for court hearings, which saves the time of both the court and the litigants.

For further information regarding Denver Probate Court, contact:
Amber Roth
Clerk of Court/District Administrator
Room 230 City and County Building
720-865-8389

Second Judicial District Nominating Commission

(City and County of Denver)
Updated January, 2014

Name	Party	Atty. or Non-Atty	Term of Office		County of Residence
			Beginning	Ending	
John Rodman	U	Attorney	01/01/12	12/31/17	Denver
Allen Nelson	R	Non-Atty	05/17/12	12/31/17	Denver
Trey Rogers	D	Attorney	10/07/10	12/31/15	Denver
Jim Garcia	D	Non-Atty	01/01/11	12/31/16	Denver
Andrew Schneider	U	Non-Atty	05/17/12	12/31/17	Denver
Kelly Nordini	D	Non-Atty	01/01/11	12/31/16	Denver
Christina Habas	D	Attorney	01/01/14	12/31/19	Denver

Rules of Procedure for Second Judicial District Nominating Commission

I. Notification and Proposals of Names

- A. When a judicial vacancy occurs, the commission chairman shall notify each commission member of the vacancy and shall call a meeting of the commission. (Nothing herein shall prevent the chairman or commission from acting before actual occurrence of a vacancy where an impending vacancy becomes known.)
- B. Persons may submit to any member of the commission their own names or the names of others by letter filed by a given date (and members of the commission may submit the names of others).
- C. Without delay after a vacancy has occurred, the chairman shall issue a press release as to how and when names may be submitted for consideration. The commission shall publicize the press release by such means as the commission may determine will be reasonably calculated to bring the vacancy to the attention of all persons qualified to apply for appointment to fill the vacancy.
- D. Members of the commission may request persons to permit their names to be considered.

II. Commission Procedures

- A. The commission shall elect one of its members as secretary. The secretary's term shall be for one year or until a successor is elected.
- B. A quorum for the commission shall be four voting members. The commission may act by majority vote of voting members present except in the selection of nominees, when it must act by a majority of all voting members, and in interviewing, when it may act through subcommittees of two or more.
- C. Every proposed nominee shall receive and submit a questionnaire substantially in the form prescribed by the commission.
- D. The commission may conduct investigations of the personal and professional qualifications of the proposed nominees.
- E. The secretary shall keep a record of the commission's official actions. The record shall show when and where meetings were held and persons present at each meeting.
- F. After nominations to fill a vacancy are presented to the Governor, the secretary shall seal and forward to the Clerk of the Supreme Court the record required by Paragraph II E above. The Clerk shall maintain these materials as a confidential record, to be opened only upon order of the Judicial District Nominating Commission, and then only after approval of a majority of the voting members. Five years after the Governor's appointment to fill a vacancy, the record of proceedings for that vacancy may be destroyed.
- G. When selecting nominees, the commission should consider the following factors and questions, among others:
 - 1. Integrity and moral courage.
 - 2. Legal ability and experience.

3. Intelligence and wisdom.
 4. Will the applicant be deliberate and fair minded in reaching decisions?
 5. Will the applicant be industrious and prompt in performing his or her duties as a judge?
 6. Are the applicant's personal habits and outside activities compatible with judicial office?
 7. Will the applicant be courteous and considerate on the bench?
- H. All commission records, proceedings and business, including the names of applicants, shall be confidential and may not be discussed outside commission meetings except among commission members, or as made necessary by II D above. The names of nominees forwarded to the Governor shall be released publicly coincidentally with the transmittal of the names to the Governor.
- I. The Special Instructions to the Application to be submitted to the Second Judicial District Nominating Commission shall contain the following requirement:
1. You must submit the names of not fewer than three nor more than five individuals from whom you are requesting a letter of reference. Such letters of reference shall be strictly confidential. All such letters shall be sent directly to the Judicial Nominating Commission, c/o Clerk of the Supreme Court. You are instructed to tell your reference not to send the original or a copy to you.

III. Transmittal to the Governor

- A. At the time nominees for any vacancy are selected by the commission, it also shall determine the extent of information concerning the nominees which shall be submitted to the Governor and whether any preferences among the nominees will be expressed to the Governor.
- B. After names of nominees for any vacancy have been submitted to the Governor (together with the information which the commission concluded also to submit to him), if the Governor shall express a desire for further information from the commission, the secretary of the commission shall make arrangements so that any conference with the Governor in this connection shall be attended by not less than three members of the commission and not less than three members shall agree upon any answers otherwise submitted to the Governor.

(Amended 12/20/96)