

JUDICIAL NOMINATING COMMISSIONS INFORMATION SHEET*

In 1996, the people of Colorado passed a constitutional amendment which provides that state judges be appointed rather than elected on a political ticket. Now, when a vacancy occurs in a county or district judgeship, the judicial district nominating commission interviews applicants and recommends individuals to the governor for consideration and appointment. Three nominees must be submitted to the governor for judgeships on the court of appeals or supreme court; two or three names can be submitted for county or district vacancies. Denver County is not part of the state system and this process does not apply to their judges.

There are two types of nominating commissions: (1) Supreme Court Nominating Commission, and (2) judicial district nominating commissions. The Supreme Court Nominating Commission recommends candidates to serve as judges for the Supreme Court and the Court of Appeals. The chief justice of the Supreme Court chairs the commission and is a non-voting member. This commission includes one citizen admitted to practice law in Colorado and one citizen not admitted to practice law residing in each of the state's seven congressional districts, and one additional citizen not admitted to practice law in Colorado.

In contrast, there is a judicial district nominating commission for each of Colorado's 22 judicial districts that selects nominees for district and county judicial vacancies. Each district nominating commission is chaired by a justice of the Supreme Court, who is a non-voting member of the commission.

Each judicial district nominating commission consists of seven citizens residing in that judicial district. No more than four members can be from the same political party, and there must be at least one voting member from each county in the district. In all districts with populations of more than 35,000, the voting members consist of three people admitted to practice law in Colorado and four people not admitted to practice law in Colorado. In judicial districts with populations under 35,000, at least four voting members are people not admitted to practice law in Colorado. It is determined by majority vote of the governor, attorney general and chief justice how many, if any, of the remaining three members will be persons admitted to practice law in Colorado.

Commission members serve six-year terms. Non-lawyers, who are the majority of every nominating commission, are appointed by the governor. Lawyer members are appointed by joint action of the governor, attorney general and chief justice.

Colorado's method for appointment of judges focuses on the qualifications of judges and has specific time limits controlling when the commission and governor must act. Within 30 days after a vacancy occurs, the commission must meet; select its nominees based on written applications, recommendations, and personal interviews; and submit the names to the governor.

The governor must select one of the nominees within 15 days after receiving the list of nominees. If the governor does not appoint someone within those 15 days, then the chief justice of the Colorado Supreme Court appoints one of those individuals to fill that vacancy. The judge so chosen serves an initial term of two years. The judge must then stand for retention at the next general election.

If retained by voters after serving an initial two-year term, state court judges serve the following terms: county court, four years; district court, six years; Court of Appeals, eight years; and Supreme Court, 10 years. All Colorado judges must retire by age 72.

**Information provided by Colorado Supreme Court:
https://www.courts.state.co.us/Courts/Supreme_Court/Nominating.cfm*

Colorado Constitution, Article VI, Section 24.

Section 24. Judicial nominating commissions.

- (1) There shall be one judicial nominating commission for the supreme court and any intermediate appellate court to be called the supreme court nominating commission and one judicial nominating commission for each judicial district in the state.
- (2) The supreme court nominating commission shall consist of the chief justice or acting chief justice of the supreme court, ex officio, who shall act as chairman and shall have no vote, one citizen admitted to practice law before the courts of this state and one other citizen not admitted to practice law in the courts of this state residing in each congressional district in the state, and one additional citizen not admitted to practice law in the courts of this state. No more than one-half of the commission members plus one, exclusive of the chief justice, shall be members of the same political party. Three voting members shall serve until December 31, 1967, three until December 31, 1969, and three until December 31, 1971. Thereafter each voting member appointed shall serve until the 31st of December of the 6th year following the date of his appointment.
- (3) Each judicial district nominating commission shall consist of a justice of the supreme court designated by the chief justice, to serve at the will of the chief justice who shall act as chairman ex officio, and shall have no vote, and seven citizens residing in that judicial district, no more than four of whom shall be members of the same political party and there shall be at least one voting member from each county in the district. In all judicial districts having a population of more than 35,000 inhabitants as determined by the last preceding census taken under the authority of the United States, the voting members shall consist of three persons admitted to practice law in the courts of this state and four persons not admitted to practice law in the courts of this state. In judicial districts having a population of 35,000 inhabitants or less as determined above, at least four voting members shall be persons not admitted to practice law in the courts of this state; and it shall be determined by majority vote of the governor, the attorney general and the chief justice, how many, if any, of the remaining three members shall be persons admitted to practice law in the courts of this state. Two voting members shall serve until December 31, 1967, two until December 31, 1969, and three until December 31, 1971. Thereafter each voting member appointed shall serve until the 31st of December of the 6th year following the date of his appointment.
- (4) Members of each judicial nominating commission selected by reason of their being citizens admitted to practice law in the courts of this state shall be appointed by majority action of the governor, the attorney general and the chief justice. All other members shall be appointed by the governor. No voting member of a judicial nominating commission shall hold any elective and salaried United States or state public office or any elective political party office and he shall not be eligible for reappointment to succeed himself on a commission. No voting member of the supreme court nominating commission shall be eligible for appointment as a justice of the supreme court or any intermediate appellate court so long as he is a member of that commission and for a period of three years thereafter; and no voting member

of a judicial district nominating commission shall be eligible for appointment to judicial office in that district while a member of that commission and for a period of one year thereafter.



STATE OF COLORADO

APPLICATION - 2013
BOARDS AND COMMISSIONS
OFFICE OF GOVERNOR JOHN W. HICKENLOOPER

FOR OFFICE USE ONLY

DB _____

SLOT _____

Please attach a resume and fill ALL fields.

Please be advised that applications will not be processed if unsigned or resume is not attached and a board or commission is not specified.

BOARD OR COMMISSION FOR WHICH YOU ARE APPLYING: (Only one per application, Your application will not be processed if left blank.)

Name (Last, First Middle) (Please Print)		County	Cong. District	Senate District	House District
Home Address		City		State	Zip Code
Mailing Address (if different from home address)		City		State	Zip Code
Date of Birth	Driver's License #	Gender	Registered Voter? <input type="checkbox"/> Y <input type="checkbox"/> N	Ethnicity: <input type="checkbox"/> African American <input type="checkbox"/> Caucasian <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian	
	SSN #		Party Affiliation? D <input type="checkbox"/> R <input type="checkbox"/> Un <input type="checkbox"/>	Other _____	
Present Employer/Title			Business Phone # ()	Home Phone # ()	
			Cell Phone # ()	E-mail	
Business Address			City	State	Zip Code

EDUCATION AND GENERAL QUALIFICATIONS

LEVEL	NAME OF SCHOOL	LOCATION	No. Years Attended	Did You Graduate?	Major Course of Study
High School					
College					
Graduate Studies -or- Trade/Business/Correspondence					
Memberships in Organizations And Offices Held (Indicate if Past or Present)					

REFERENCES (List three persons, not related to you, who you have known for at least one year.)

NAME	ADDRESS	PHONE #

Have you ever been a party to or the subject of or otherwise involved in any legal proceeding that might adversely affect your qualifications to serve on this board or commission? Is there anything in your background that might be an embarrassment to the Governor or you if it were to become public?

YES NO (If YES, please explain in attachment to this application)

If appointed, you are expected to attend fully to the duties of the position. How much time are you capable of committing? _____

Please explain why you wish to serve on a board or commission. _____

I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize investigation of all statements contained herein and the references listed above to obtain any and all pertinent information, personal and otherwise. I further authorize the Office of the Governor to conduct a criminal background check, including requesting a criminal history from the Colorado Bureau of Investigation. I release all parties for all liability for any damage that may result from furnishing such information.

I understand that the Colorado Open Records Act may require that certain information contained in this application be available for inspection by the general public.

RETURN COMPLETED FORM TO:
Romaine Pacheco, Director
Governor's Office of Boards and Commissions
36 State Capitol Bldg.
Denver, CO 80203
Fax: 303.866.6368
boards@state.co.us

SIGNATURE _____ DATE _____

**COLORADO BAR ASSOCIATION FAMILY LAW SECTION REQUEST FOR
COMMENTS RELATIVE TO COLOADO JUDICIAL NOMINATING COMMISSION
EXPERIENCE**

by

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Thank you very much for asking me to participate in your project. Specifically, you have asked me to provide some general comments relating to my experience as a Commissioner on the First Judicial District Judicial Nominating Committee. It is not only my pleasure to do so but I also invite any interested Family Law attorneys to contact me if they have further questions.

I was appointed by Governor Owens to serve on the First Judicial District Judicial Nominating Commission (the "Commission") in 2006. I served the full six-year term; terminating in 2012. The initial application process is fairly straight forward. Upon learning of a vacancy, an attorney can obtain the necessary application from the state judicial offices. Several references are needed and it is certainly helpful, in my opinion, that those references include individuals who are of the opposite political party than of your own affiliation. The reason I state this is because each Nominating Commission itself consists of seven individuals. Three of those individuals are licensed Colorado attorneys and four individuals are "lay people". Of those seven individuals, there is a requirement that there be diversification with respect to political affiliation. I am a registered Democrat and, thus, I applied for the open vacancy created by the departure of an attorney who was also a Democrat. I then sought the endorsement of some of my Republican friends due to the fact that Governor Owens was a Republican at the time of my nomination.

With respect to my expectations, prior to appointment, certainly the most surprising aspect of my term on the Commission was the fact that there were multiple judicial vacancies that occurred during my term and, certainly, far more than I expected. In the decade prior to my appointment, there had not been much turnover on the Jefferson County District Court Bench. However, for various reasons, my tenure involved "seating" over a dozen District Court and County Court judges in the course of my six-year term. In one year, we actually had three vacancies to fill.

The reason I discuss this is that any potential candidate for appointment to a Commission needs to understand the work load. When a vacancy occurs, each of the Commissioners is notified and a very short time table is configured by the Supreme Court. The Commissioners are expected to comply with the time table regardless of their own personal or business schedules. For example, one of the Supreme Court Justices, through a rotation process, is designated as the "chair" of each sitting Commission looking at each individual vacancy. That Supreme Court

Justice's clerk then creates the application and interview schedule. The Commissioners are notified that they will receive all applications within a certain designated time table. The Commissioners are then expected to carefully review the lengthy and voluminous applications and perform their due diligence on the candidates. This can include many phone calls to references and many discussions with other Commission members. Thereafter, the Commissioners are expected to create a "short list" of the candidates that they wish to interview. We sometimes sifted through 30 or more applications. Typically, that short list consists of anywhere between 8-12 candidates (this applies to the metropolitan area where there are usually larger pools of candidates as opposed to rural areas). After the list of candidates to be interviewed is created, the actual interview date is scheduled, (usually about a week later). During this week, the Commission usually interfaces by phone or e-mail to discuss questions, concerns or exchange information received about the various candidates. The interview day usually can last anywhere from 6-10 hours. When the interviews are completed, the Commission deliberates and then votes that same day in an effort to narrow the candidates to three applicants whose names will be sent to the Governor for the Governor's review and selection.

Potential candidates for any Judicial Nominating Commission need to understand that the process described above can occur suddenly and requires commitment by each Commissioner to drop whatever they are doing (i.e. vacations, business commitments etc.) to provide their full participation in this process. I can say that on more than one occasion, I had to re-schedule trips or airline travel because of the sudden revelation that a vacancy had occurred that needed to be filled which meant that the next 2-4 weeks of my schedule would be consumed, to some degree, with this process. Certainly, this is not the type of commitment where one can indicate that you are "busy" and can't attend the interview day.

The process itself is absolutely transparent and extremely gratifying. My experience with the Commissioners that served during my term was fulfilling and meaningful. Not only did I enjoy working with other lawyers who do not practice family law but my experiences with the lay people opened up an entirely new perspective as to how our citizens view the Bench and Bar. I thought that part was invaluable to me. In addition, I was exposed to interaction with all of the sitting Supreme Court Justices who acted, in rotation, as chair of the various Commission deliberations. Again, this provided an unusual and fascinating perspective as to how the Supreme Court views the importance of our District and County Court and what roles the Supreme Court believes these judicial officers should fulfill.

Finally, the interviewing process itself exposed me to many colleagues and peers who I would not otherwise have come in contact with due to my specialization in family law. It was humbling and in some instances, mind boggling, to see the level of expertise, experience and dedication that exists in our profession as associated with the many candidates that we interviewed. It was also interesting to note reasons why our colleagues applied to the Bench which varied from looking for a place to "retire" and draw steady paycheck benefits etc. to attorneys who had life long ambitions associated with aspiration to the Bench.

Unfortunately, there is always a downside to these experiences as well. My greatest concerns were associated with the fact that there were more unqualified candidates than qualified candidates. Most alarmingly very few, if any, candidates from our area of practice, Family Law, choose to apply for the bench. The vast majority of candidates come from either the Public Defender or the District Attorneys Office and, unfortunately, these candidates appear to get more attention from the Commissioners who are lay people due to the perception that they are “better” trial lawyers or that they will be “tougher” on criminal defendants. Frankly, a huge part of my experience on the Commission was geared towards attempting to educate my fellow Commissioners about the necessity for appointing civil attorneys who had a experience in civil litigation and domestic relations due to the huge gaps in knowledge and experience in those areas on the Bench.

In conclusion, I would highly encourage those of you in Family Law who are considering applying for a position on a Nominating Commission to do so in order to advocate for appointment of judges with significant experience in family law and who also understand the importance of family law in our judicial system. I also think it is important, as Justice Boatright recently stated, that our more experienced Family Law attorneys consider applying for the Bench as District Court Judges and Magistrates. Another consideration in weighing a decision to apply for appointment as a Commissioner is that it is a “high stakes” environment. The debate over selection of the “final three” candidates can be intense and heated. The reaction of non-selected candidates can be emotional and, thus, a Commissioner needs to have thick skin. A Commissioner also needs to exercise extreme discretion and maintain confidences – there is a strong obligation and duty to refrain from discussion of potential candidates and to refrain from revealing Commission “business” to anyone for any reason.

Thank you, once again, for asking me to participate in this project.