

# Colorado Tea Party Patriots Judicial Evaluation Tool Kit

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## Overview

In Colorado, our judges are not elected directly. Judges at the county, district and appellate court levels are appointed by the Governor. (See the Appendix, Pertinent Websites, How a Judge Becomes a Judge.) Once appointed, the judges “stand for retention” according to a set schedule. That is, judges do not run for reelection like sheriff or district attorney. Periodically, a judge’s name is put forward on a ballot, and the electorate is asked to vote Yes or No whether the judge should stay on the bench (or, “be retained”).

In Colorado, judges stand for retention in November of even-numbered years. As voters, we are provided some information on the performance of judges standing for retention in the Blue Books which are mailed to every household prior to Election Day. The information in the Blue Books about judges is a composite recommendation by a judicial review commission. The judicial review commission gathers subjective input from a variety of sources analyzes it and condenses the results into a few paragraphs for the voter. Although this information is more than voters in other states generally have to make a decision, in its boiled down version, it may not be the best information by which to make your decision. As a famous TV and radio personality often admonishes, you really need to do your own homework on the judges in your district to make an informed decision on retention.

This “tool kit” is intended to provide a roadmap as to how to “do your own homework” when preparing to make a decision on retaining or not retaining a judge. I ask two things of you:

1. Start to use the tool kit early in the election year. That will give you the chance to observe the judge in several different types of proceedings, and will provide a more accurate view of the judge’s typical performance on the bench.
2. When you use the tool kit to gather information on judges standing for retention in your county or judicial district, please share our observations as blog entries to the Colorado Tea Party Patriots web site. This makes your observations about judges available to other people who will vote on the same judges.

Thank you for taking the time to use this tool kit and share your observations. It is our responsibility to make sure our government functions as it should. Your efforts in this manner are how it is done.

## Which Judges In My Districts Are Standing For Retention?

Before you go observe proceedings in courtrooms, you want to find out which judges in your county and judicial district are standing for retention. The steps below start with the court administrator, because the court administrator is supposed to be the repository of that information. However, the method to gather the names on your own is also provided, in the event that the court administrator does not provide the information, or if you trust your own work more than someone else's.

### Identify your court administrator

Go to the Colorado State Judicial website (See Appendix, Pertinent Websites).

Select the **Courts** tab.

Select **Courts by District** from Trial Courts list on the left-hand sidebar.

Select your Judicial District (find your county, and select the district above).

Select **Judges and Staff** from District Information list on the left-hand sidebar.

Select the **Administration** tab under the Judges and Staff header (not the one on the top set of tabs).

Record the contact information of the **District Administrator**.

### Contact your Court Administrator

Request names of all judges (district and your county) standing for retention this election year. That is, for judicial districts that include multiple counties, you would request the names of all the district court judges and the names of the county court judges for just one of the counties in that district – presumably the county in which you reside.)

### Do Your Own Research

#### County Court Judges

Identify the judges in your county

Go to the Colorado State Judicial website. (See Appendix, Pertinent Websites).

Select the **Courts** tab at the top of the page.

Select **Courts By County** from Trial Courts list on the left-hand sidebar.

Select your county.

Select **Judges and Staff** from your County Home page list on the left-hand sidebar.

Select the **COUNTY JUDGES** tab.

Record the last names of all the judges listed.

Identify which judges are standing for retention this election year

Go to the Colorado Office of Judicial Performance Evaluation website. (See Appendix, Pertinent Websites).

Select **Judge Name Search** from the options on the left sidebar.

Enter the Last Name of one of the judges from your list.

If the date of the last review for this judge was **FOUR YEARS** ago, **this county court judge is standing for retention this year.**

**Note:** If there are NO previous reviews listed, this judge has been recently appointed, and *may* be up for a retention vote following the initial two year term. To find the judges appointment date to see if they would be up for retention this year:

Go to the Colorado State Judicial website. (See Appendix, Pertinent Websites).

Select the **MEDIA** tab

Select **Judge Appointments** from the options on the left sidebar.

Choose a year from the drop down menu. Select two years prior to the current election year. If the judge is not listed, check the year three years prior, as an odd year appointment may result in an extended initial term to allow the judge a full two years on the bench before a retention vote.

### **District Court Judges**

Identify what judicial district you live in

Go to the Colorado State Judicial website. (See Appendix, Pertinent Websites).

Select **Find your Home Judicial District** from e-court list on the left-hand sidebar.

Find your county and select the district listed above the name of your county.

Select your judicial district.

Identify the judges in your district

Select **Judges and Staff** from the District Information on the left sidebar (on your Judicial District Home page).

Select the **DISTRICT JUDGES** tab.

Record the last names of all the judges listed.

Identify which judges are standing for retention this election year

Go to the Colorado Office of Judicial Performance Evaluation website. (See Appendix, Pertinent Websites).

Select **Judge Name Search** from the options on the left sidebar.

Enter the Last Name of one of the judges from your list.

If the date of the last review for this judge was **SIX YEARS** ago, **this district court judge is standing for retention this year.**

**Note:** If there are NO previous reviews listed, this judge has been recently appointed, and *may* be up for a retention vote following the initial two year term. To find the judges appointment date to see if they would be up for retention this year:

Go to the Colorado State Judicial website. (See Appendix, Pertinent Websites).

Select the **MEDIA** tab

Select **Judge Appointments** from the options on the left sidebar.

Choose a year from the drop down menu. Select two years prior to the current election year. If the judge is not listed, check the year three years prior, as an odd year appointment may result in an extended initial term to allow the judge a full two years on the bench before a retention vote.

## Make Your Observations

First, plan when you will observe the proceedings in the courtroom. The schedule (“docket”) for the courtroom (referred to as the “division”) may be posted on line, but the most up-to-date information about the docket will be available from the division clerk. Below are the steps to gather the contact information for both the County Court and District Court Divisions.

### County Court Divisions

- Go to the Colorado State Judicial website. (See Appendix, Pertinent Websites).
- Select the **COURTS** tab at the top of the page.
- Select **Courts By County** from Trial Courts list on the left-hand sidebar.
- Select your county.
- Select **Judges and Staff** from your County Home page list on the left-hand sidebar.
- Select the **COUNTY JUDGES** tab.
- Find the judge’s name who is up for retention, and record the phone number and division.

### District Court Divisions

- Go to the Colorado State Judicial website. (See Appendix, Pertinent Websites).
- Select the **COURTS** tab at the top of the page.
- Select **Courts By District** from Trial Courts list on the left-hand sidebar.
- Select your judicial district. (You recorded earlier, right?)
- Select **Judges and Staff** from your District Home page list on the left-hand sidebar.
- Select the **DISTRICT JUDGES** tab.
- Find the judge’s name who is up for retention, and record the phone number and division.

### Contact the Division to determine which days to go to the courtroom

Call the division and find out when the judge will be holding the following proceedings:

- Criminal trial, jury
- Civil trial, with or without jury
- Motions hearings, civil or criminal; pleadings or sentencing hearings, criminal

Confirm with the division staff the division number and the location of the courtroom.

### What to watch for when you get to the courtroom

Take notes about the following during the proceedings you watch:

1. Does the judge start the session on time?
2. Does the judge seem to have control of the courtroom?
3. When the judge and counsel (the lawyers) interact respectfully?
4. Does the judge address the parties (i.e., defendant or plaintiff)? How is it done?
5. How does the judge address the jury (if any)?
6. Does the judge seem to be following the proceedings and attentive?
7. How does the judge interact with the others in the courtroom (e.g., witnesses, recorder, clerk, sheriff or police officers)?
8. When the judge makes decisions from the bench, does he speak clearly and can he be understood?

### Interview the judge

Contact the judge by phone (see the Division Contact Information instructions) to see if (s)he would be willing to answer a couple of questions on their judicial philosophy. Many may decline, but that is their prerogative.

If the judge is willing to interview on the phone, make sure you request a mutually acceptable time. Otherwise, ask the judge if you may send the questions in by email or letter.

Note: If you serve jury duty in the courtroom of a judge that is standing for retention, ask if you can interview the judge AFTER the case has been completed.

You should make up your own questions, but here are a couple to get you started.

1. What is your view on specialty courts?
2. What is your view on legislated sentencing guidelines?
3. What is your “affirmed” ratio on cases reviewed by your court’s appellate level court(s)?
4. How would you improve the way you staff your division?
5. What type of case do you prefer to hear, and which are the most difficult to hear? Why?
6. What additional community service do you perform that is related to your position as a judge (e.g., preside over moot court competitions, guest lecturer on topics of the law, etc.)

### **Publish Your Observations**

The information and observations you gather using this toolkit are certainly of value to you in making your decision on whether to vote to retain a judge in your county or judicial district. Don’t you think it would be valuable to others who will be voting on the same judge(s)? This sharing can be accomplished in several ways. Here are some suggestions:

1. Post a blog entry on CTPP’s web site. I have provided a sample blog entry (see the Appendix) to give you an idea how to put all your information together. (***THIS IS STRONGLY ENCOURAGED.***)
2. Post a blog entry on Clear The Bench Colorado.
3. Write a guest column for your local newspaper, weekly, or Your Hub sites (Denver Post).
4. Present your observations at a community meeting. This could be at neighborhood association meeting, meetings of your political party or discussion group meetings.
5. E-mail others you know in your neighborhood or county, as they will vote in the same judicial retention elections you do.
6. Post an item on your social media page.

Please share the information you gathered. It is valuable for others when considering their vote on judicial retention.

## Appendix

### Pertinent Websites

How a Judge Becomes a Judge

<http://www.courts.state.co.us/userfiles/File/Media/Brochures/howajudge.pdf>

Colorado State Judicial Website (Home page)

<http://www.courts.state.co.us/Index.cfm>

Colorado Office of Judicial Performance Evaluation Website (Home Page)

<http://www.coloradojudicialperformance.gov/index.cfm>

### Sample Blog Entry

Observations about Judge XYZ

I observed Judge XYZ on mm/dd/yyyy, while (s)he was presiding over a criminal trial. On the day I observed, the trial was in the jury selection stage. Here is what I watched for, and what I observed:

1. Does the judge start the session on time?  
The judge started within 15 minutes of the time posted on the docket.
2. Does the judge seem to have control of the courtroom?  
The judge had good control of the courtroom. There was one disruptive person in the audience, and the judge quickly took action to end the disruption.
3. When the judge speaks to the lawyers, is it respectfully? Does counsel interact with the judge respectfully?  
The judge used a respectful manner when addressing the lawyers. One lawyer had to be reminded to stand when addressing the judge.
4. How does the judge address the jury? When the judge speaks from the bench, does he speak clearly and can he be understood?  
The judge seemed to read from a prepared document when addressing the jury as a group, but looked at and spoke directly to jurors individually when necessary. The judge was clear and audible, and used easily understood language.
5. Does the judge seem to be following the proceedings and attentive?  
The judge seemed to be looking at some documents when the lawyers were interviewing the prospective jurors. These may have been the juror questionnaires.
6. How does the judge interact with the other staff in the courtroom?  
The judge's interaction with other courtroom staff was minimal, so I could not evaluate it.

I also interviewed Judge XYZ by email, and below are the questions and answers I received.

(Include the questions and answers in a similar fashion to the observation notes you wrote, above. Use the judge's answers verbatim; DO NOT EDIT.)

Based on these observations, I plan to vote to retain Judge XYZ in November.