

# HISTORY OF THE COLORADO COURTS

## Lesson Plan Summary



### OBJECTIVE

Students will be able to explain the role of courts in a democratic society, the history of the Colorado courts and how those courts have evolved over time.

### INQUIRY QUESTIONS

- What cultural and social forces impacted the development of Colorado's court system?
- What are the main differences between Indigenous legal customs and Western legal customs?
- How do the structures of the Colorado court system impact democratic decision making?

### COLORADO ACADEMIC STANDARDS

**SS.HS.4.2.EOf.** Evaluate the role of the judicial system in protecting life, liberty, and property for all persons in the United States.

### ACTIVITIES

Teacher lecture or reading, class discussion/Socratic seminar, optional extension activities

### MATERIALS

"History of Colorado Courts" reading

### GRADE LEVEL

High School

### TIME

One to two class periods, depending on lesson format

### KEY TERMS

- **Miners' Districts.** These districts were created when a group of miners settled in one area in the 1860s. The residents in the district established boundaries, defined property rights, elected officers, set up courts, tried lawsuits, and punished criminals.
- **Claim clubs.** Organized to settle land disputes and address other issues like water rights.
- **People's Courts.** These courts were not permanent or even official institutions, but were summoned to handle murders and other serious crimes. The courts followed general procedures, allowing for both prosecution and defense, but the sentence was usually death, and it was carried out immediately after the ruling.
- **Indigenous law.** It is not monolithic, but varies between different Indigenous nations and communities, reflecting their unique histories, cultures, and relationships with the land. Many Indigenous legal systems emphasize relationships between people, the natural world, and the spiritual realm, and prioritize restoring balance and harmony within the community, rather than solely focusing on punishment.
- **Tribal Courts.** They operate separately from the state or federal courts. Established in 1934, they focus on restorative justice and communal resolution.

*Find more legal terms in our Courts in the Community Teaching Materials.*

# HISTORY OF THE COLORADO COURTS

## Lesson Plan Background & Preparation; Class Lecture



### LESSON BACKGROUND

This lesson provides background about the History of the Colorado's Courts from early history to the present. The goal is to help students understand how the Colorado courts developed and what was left out of the court system.

This is a lesson from our Courts in the Community curriculum. Find out more about this program ([coloradojudicial.gov/courts-community](https://coloradojudicial.gov/courts-community)) and our lessons ([coloradojudicial.gov/community-and-educational-resources/lesson-plans](https://coloradojudicial.gov/community-and-educational-resources/lesson-plans)).

### CLASS PREPARATION

- Decide whether to lecture about the content or have students read the article. Because it is long, consider dividing the reading into sections and have students create a short presentation about different sections of the history.
- Make copies of readings if necessary.
- Review Tips for Diverse Learners on p. 13 to consider how best to engage your students with the content.
- Write the lesson objective and key terms on the board or screen.

### CLASS LECTURE

#### Early History

- For thousands of years, the land that is now Colorado was inhabited by Native Peoples.
- Spanish explorers arrived in the 1600s, followed by people of Mexican heritage who settled in Trinidad and other areas of southern Colorado. These groups brought their own customs and systems of justice.
- In 1803, the United States acquired territory that included the land that is now northern and eastern Colorado through the Louisiana Purchase.
- National borders changed again in 1848 at the conclusion of the Mexican-American War. Signed on February 2, the Treaty of Guadalupe Hidalgo officially ended the war and transferred the territory that is now southern and western Colorado from Mexico to the United States.
- U.S. government encouraged migration of white settlers to the newly acquired territory and made treaties with native populations to ensure that settlers could access this land.
- The government rarely adhered to these treaties and ignored Indigenous land use customs as it sought to overlay an economic system based on individual property ownership. Spanish and Mexican civil law that allowed women to own property was also ignored.

#### Gold Rush

- Discovery of gold in 1858 drew 1000s of would-be miners to the area.
- A fledgling judicial system developed along the Front Range to attempt to bring order to the rapidly expanding population.

# HISTORY OF THE COLORADO COURTS

## Class Lecture (con't)



### CLASS LECTURE

- Prior to 1861, most of what is now Colorado was part of Arapahoe County in the Territory of Kansas. In 1855, the Territory of Kansas' legislature appointed Allen P. Tibbitts as probate judge of Arapahoe County. Tibbitts was effectively Colorado's first judge.
- Residents of Arapahoe County held an election in March 1859 and elected S.W. Wagoner as probate judge. Shortly after, a restlessness to secede from Kansas began to grow. In response, an election held on October 24, 1859, established the extralegal Territory of Jefferson.
- This self-proclaimed government instituted the region's first Supreme Court with a chief justice and two associate justices. Within two months, Jefferson Territory's legislature expanded the judicial system to include district, county, and justice of the peace courts, in addition to the already established Supreme Court.
- The new "territory" was not recognized by the U.S. government, and many residents refused to acknowledge its presumed authority, or that of its courts.
- Conflict arose between the Arapahoe County courts and the Jefferson Territory courts. Neither had a good grip on its claimed jurisdiction, and criminals frequently slipped through gaping loopholes in the system. As a result, People's Courts emerged, which dealt with serious crimes, such as murders. The courts followed general procedures, allowing for both prosecution and defense, but the sentence was usually death, and it was carried out immediately after the ruling.

### Miners' districts and claim clubs

- Miners' districts, claim clubs, and other local government entities were also created to provide order.
- In the mountains, "Miners' Districts" sprung up whenever a large enough group of miners settled in one area. Residents established boundaries, defined property rights, elected officers, set up courts, tried lawsuits, and punished criminals. Among the first districts were Gold Hill near present day Boulder, Jackson Diggings in Clear Creek County, and Gregory District near Blackhawk, all established in 1859.
- Claim (or neighborhood) clubs provided a similar function, which defended land claims until a federal land survey made legal purchase possible. They settled land disputes and other issues like water rights. Two of the most prominent were the Arapahoe County Claim Club, which included the City of Denver, and the El Paso Claim Club, which included much of present day El Paso County.

# HISTORY OF THE COLORADO COURTS

## Class Lecture (con't)



### CLASS LECTURE

#### Colorado Territory

- In February 1861, Congress passed a bill creating the Territory of Colorado and all existing governing entities ceded power to the new government.
- The territory was divided into three judicial districts. President Abraham Lincoln appointed three justices to the first legal Supreme Court in the territory. The first case to be tried before the Territorial Supreme Court was *Gardner v. Dunn* on appeal from Park County.
- Colorado was admitted to the union as a state on August 1, 1876. The state's original constitution provided for a Supreme Court with a bench of three justices, as well as four judicial districts, with one judge serving each.

#### Colorado Supreme Court

- Colorado's highest court began before Colorado became the 38th state.
- The first Supreme Court was established in 1859 by the Territory of Jefferson, an extra-legal government.
- When Colorado became an official territory, a new Supreme Court was established. This court held its initial session in Denver on July 10, 1861.
- The court continued with the same structure when Colorado became a state. It moved into a grand courthouse in the state capitol's north wing in the early 1890s, and heard arguments there until 1977, when a new courthouse was built a block away at 2 E. 14th Avenue.
- That courthouse served the supreme court and the court of appeals until 2010, when it was razed to make way for the Ralph L. Carr Colorado Judicial Center, the court's current location.
- The Supreme Court grew to seven justices in 1905 to help address its heavy caseload, which is the number we have today.
- The Supreme Court is the highest court in Colorado. It is often referred to as the court of last resort.
- Requests to review decisions of the Colorado Court of Appeals constitute a majority of the Supreme Court's filings.
- The Supreme Court also has direct appellate jurisdiction over cases in which a statute has been held to be unconstitutional, cases involving decisions of the Public Utilities Commission, writs of habeas corpus, cases involving adjudication of water rights, summary proceedings initiated under the Election Code, and prosecutorial appeals concerning search and seizure questions in pending criminal proceedings.
- All of these appeals are filed directly with the Supreme Court, and, in these cases bypass the Court of Appeals.
- The Supreme Court also has exclusive jurisdiction to promulgate rules governing practice and procedure in civil and criminal actions.

# HISTORY OF THE COLORADO COURTS

## Class Lecture (con't)



### CLASS LECTURE

#### **Court of Appeals**

- Colorado's Court of Appeals has a fragmented history. The first Court of Appeals was established in 1891 by the Colorado General Assembly for an indeterminate term to help the Supreme Court with its heavy caseload. This court consisted of three judges and lasted until 1904, when it was no longer believed to be necessary.
- In 1913, a second Court of Appeals was created, this time with five judges, but with a pre-established term of only four years. Its mandate expired in 1917.
- In 1970, the third and present Court of Appeals was established, with six judges at its inception. In 1974, the number of judges increased to 10; on January 1, 1988, that number increased to 13. Effective July 1, 1988, three additional positions were created by the General Assembly, bringing the number of judges to 16. The most recent court expansion became effective on July 1, 2008, bringing the number of judges to 22.
- The court's location during its first two terms is unclear, but due to its close relationship with the Supreme Court, it may have been held in the same location. The third Court of Appeals began hearing cases in 1970 at the Supreme Court courtroom in the Capitol. When the court expanded to 10 judges in 1974, it moved to a new courtroom on the sixth floor of the Farmer's Union Building. In 1977 it joined the Supreme Court in the former Colorado Judicial Department Building at 14th and Broadway, and it now has two courtrooms in the Ralph L. Carr Colorado Judicial Center.
- The Court of Appeals has initial jurisdiction, with exceptions, over appeals from the Colorado District Courts, Denver Probate Court, and Denver Juvenile Court.
- The Court of Appeals has specific appellate jurisdiction over decisions originating from a number of state administrative boards and agencies, including the Industrial Claim Appeals Office. Reviews of the Court of Appeals' decisions are directed to the Colorado Supreme Court.

#### **Judicial Districts**

- When Colorado became a state on August 1, 1876, it was divided into four large judicial districts, each with a district court to hear major cases and crimes and a county court for lesser issues.
- Geographic barriers and widely spread populations were significant challenges for the new judicial system. The need for local courts became quickly evident, and justice of the peace courts were created to provide local law enforcement and to settle minor disputes.
- As the state grew, so too did the number of "j.p. courts."
- There was little or no coordination between these local courts, however, and the elected justices of the peace were often local residents who had minimal or sometimes no legal training.

# HISTORY OF THE COLORADO COURTS



## Class Lecture (con't)

### CLASS LECTURE

#### Judicial Districts (con't)

- Additional judicial districts added over time as state's population grew.
- In 1962, j.p. courts abolished. Supreme Court given the power to create uniform standards and procedures for the various courts.
- There are 23 judicial districts in the state today. Each district is a distinct geographic area that includes one or more of the state's 64 counties. Each judicial district has district and county courts:
  - District Courts hear civil cases in any amount, as well as domestic relations, criminal, juvenile, probate, and mental health cases.
  - District court decisions may be appealed to the Colorado Court of Appeals (in some cases directly to the Colorado Supreme Court).
  - County Courts handle civil cases under \$25,000, misdemeanors, traffic infractions, felony complaints (which may be sent to district court), protection orders, and small claims.
  - County court decisions may be appealed to the district court.

#### Tribal Courts

- Modern tribal courts were established in the United States in 1934 with passage of the Indian Reorganization Act.
- Tribes were encouraged to enact their own laws and establish their own governments, constitutions and justice systems.
- Many tribes, impoverished from years of Indian policy that had decimated their communities and culture, couldn't afford to adopt their own tribal codes or develop courts and chose to operate under provisions of the Code of Federal Regulations (CFR). Additional federal laws were passed to establish and strengthen tribal courts and police departments.
- Today, there are 400 tribal justice systems in the United States; they operate separately from federal and state courts and are governed by tribal law.
- Tribal courts in Colorado: the Southern Ute Indian Tribal Court in Ignacio and the Ute Mountain Ute Agency (Southwest Region) in Towaoc. These courts exercise and protect the sovereignty and jurisdiction of the tribes, providing a forum for the enforcement of tribal law and the administration of justice, while honoring tribal culture. Based in tribal traditions, they focus on restorative justice and communal resolution.



# HISTORY OF THE COLORADO COURTS

## Lesson Instructions



### INTRODUCTION (2 minutes)

Reviews lesson objective and key terms.

### WARM UP (10 minutes)

Divide students into small groups. Read the following scenario or project on a screen: *"You are a white settler who has recently arrived in the foothills (or mountains) of the western territory of the United States. As more people arrive, they start to disagree about who has access to land and water. They also want land that belongs to Indigenous people and Mexican people who already live here. What would you do to solve this problem without a court of law?"*

Have students briefly discuss the scenario in small groups. Call on groups to see how they solved this issue.

### DIGGING IN

#### Lecture/Reading (25 minutes)

Present class lecture about court history. Alternatively, have the students read the history out loud in groups and use a graphic organizer to record key events, people, terms and more. Or have each small group take a small section of the reading to discuss and present what they learned to the rest of the class.

#### Discussion (15 minutes)

Hold a class discussion stemming from the following questions:

- Why did the early systems of justice clash in Colorado (i.e. Indigenous tribal law, Miners Courts, People's Courts)?
- What are similarities and differences between how Indigenous people's solved problems and how Miners and People's courts solved problems?
- How would you have solved justice problems that arose among settlers and Indigenous peoples, or the conflict between the Territory of Jefferson and Arapahoe County?
- What was the impact of the Colorado court system on Indigenous ways of life?

### EXIT TICKET (2 minutes)

Have students write down one thing they learned about a system of justice discussed today.

### EXTENSION ACTIVITIES

#### Research Projects

- Assign the readings as homework. Have students research systems of justice that arose before the Territory of Colorado. How were disputes resolved? Who had rights within their legal system?
- Have them address one of the following questions:
  - Choose one early system of justice that arose before the Territory of Colorado. Compare that system to the system of justice white settlers arriving in the area would have used to solve disputes.
  - Compare one of the early systems of justice in this area to our current judicial system. In what ways are they similar? In what ways are they different?

# HISTORY OF THE COLORADO COURTS



## Reading: History of the Courts

### Early History

For thousands of years, the land that is now Colorado was inhabited by Native Peoples.<sup>1</sup> The original inhabitants included the Jicarilla Apache Nation (Haisndayin),<sup>2</sup> the Arapaho Tribe (Hinono'ei), the Cheyenne Tribe (Tsistsistas)<sup>3</sup>, the Ancestral Puebloans,<sup>4</sup> the Shoshone Tribe (Newe)<sup>5</sup> and the Ute people (Nuche)<sup>6</sup>. Spanish explorers arrived in the 1600s, followed by people of Mexican heritage who settled in Trinidad and other areas of southern Colorado. These groups brought their own customs and systems of justice.<sup>7</sup>

In 1803, the United States acquired territory that included land that is now northern and eastern Colorado through the Louisiana Purchase. National borders changed again in 1848 at the end of the Mexican-American War. Signed on February 2, the Treaty of Guadalupe Hidalgo officially ended the war and transferred the territory that is now southern and western Colorado from Mexico to the United States.<sup>8</sup> Eager to populate the new land, the U.S. government encouraged migration of primarily white settlers to the newly acquired territory and made treaties with native populations to ensure settlers could access this land. The government rarely adhered to these treaties and ignored Indigenous land use customs as it sought to overlay an economic system based on individual property ownership.<sup>9</sup> Spanish and Mexican civil law allowing women to own property was also ignored.<sup>10</sup>

### Gold Rush

The discovery of gold in 1858 drew thousands of would-be miners to the area.<sup>11</sup> "As many as 100,000 gold seekers may have started for the Pike's Peak goldfields over the course of 1859, but observers believed only 40,000 reached Denver."<sup>12</sup> A fledgling judicial system developed along the Front Range to attempt to bring order to the rapidly expanding population. Prior to 1861, most of what is now Colorado was part of Arapahoe County in the Territory of Kansas. In 1855, the Territory of Kansas' legislature appointed Allen P. Tibbitts as probate judge of Arapahoe County. Tibbitts was effectively Colorado's first judge, although he never visited Arapahoe County, much less held court there. He likely never claimed the bench because travel in this region could be treacherous.<sup>13</sup>

"Recognizing a need for a single judicial authority to cover the region, the residents [of Arapahoe County] organized an election" in March of 1859 and elected S.W. Wagoner as probate judge.<sup>14</sup> Shortly after, a restlessness to secede from Kansas began to grow. As a response, an election held on October 24, 1859, established the extralegal Territory of Jefferson. This self-proclaimed government instituted the region's first Supreme Court with a chief justice and two associate justices. Within two months, Jefferson Territory's legislature expanded the judicial system to include district, county, and justice of the peace courts, in addition to the already established Supreme Court.<sup>15</sup>

The new "territory" was not recognized by the U.S. government, and many residents refused to acknowledge its presumed authority, or that of its courts. Inevitably, conflict arose between the Arapahoe County courts and the Jefferson Territory courts. Neither had a good grip on its claimed jurisdiction, and criminals frequently slipped through gaping loopholes in the system. As a result, People's Courts emerged. These were not permanent, or even official institutions, but they were summoned to deal with serious crimes, such as murders. The courts followed general procedures, allowing for both prosecution and defense, but the sentence was usually death, and it was carried out immediately after the ruling.<sup>16</sup>



# HISTORY OF THE COLORADO COURTS



## Reading: History of the Courts

### Miners' districts and claim clubs

Miners' districts, claim clubs, and other local government entities were also created to "provide a sense of order until the United States government organized the region."<sup>17</sup> In the mountains, "Miners' Districts" sprung up whenever a large enough group of miners settled in one area. The residents in the district established boundaries, defined property rights, elected officers, set up courts, tried lawsuits, and punished criminals. Among the first districts were Gold Hill near present day Boulder, Jackson Diggings in Clear Creek County, and Gregory District near Blackhawk, all established in 1859.<sup>18</sup>

Claim clubs provided a similar function. "As on earlier frontiers, miners, farmers, and land boomers agreed amongst themselves to respect and defend each other's claims until the extension of the federal land survey made legal purchase possible."<sup>19</sup> Also referred to as neighborhood clubs, claim clubs were organized to settle land disputes and address other issue like water rights.<sup>20</sup> Two of the most prominent were the Arapahoe County Claim Club, which included the City of Denver, and the El Paso Claim Club, which included much of present day El Paso County.<sup>21</sup>

After Kansas made the transition from territory to state in January 1861, people living in the region recognized the necessity, and inevitability, of coming under United States authority. An application for territorial status was filed, and in February 1861 Congress passed a bill creating the Territory of Colorado. Immediately upon becoming an official territory, all existing governing entities ceded power to the new government.<sup>22</sup>

The territory was divided into three judicial districts. President Abraham Lincoln appointed three justices to the first legal Supreme Court in the territory. Chief Justice Benjamin F. Hall was given jurisdiction of the Denver District; Justice Charles Lee Armour, the Central City District; and Justice S. Newton Pettis, the Southern District, near Pueblo.<sup>23</sup> The first case to be tried before the Territorial Supreme Court was *Gardner v. Dunn* on appeal from Park County.<sup>24</sup>

Colorado was admitted to the union as a state on August 1, 1876. The state's original constitution provided for a Supreme Court with a bench of three justices, as well as four judicial districts, with one judge serving each.<sup>25</sup>

### Colorado Supreme Court

As discussed above, the history of Colorado's highest court began even before Colorado became the 38th state in the nation. The first Supreme Court was established in 1859 by the Territory of Jefferson, an extra-legal government existing prior to the Territory of Colorado. When Colorado became an official territory, a new Supreme Court was established. This court held its initial session in Denver on July 10, 1861. The court convened in a 7-by-9-foot room in the 12-by-25-foot Commonwealth Building on the corner of Larimer and 13th Street.<sup>26</sup>

The court continued with the same structure when Colorado became a state. It moved into a grand courthouse in the state capitol's north wing in the early 1890s, and heard arguments there until 1977, when a new courthouse was built a block away at 2 E. 14th Avenue. That courthouse served the Supreme Court and the Court of Appeals until 2010, when it was razed to make way for the Ralph L. Carr Colorado Judicial Center, the court's current location.

# HISTORY OF THE COLORADO COURTS



## Reading: History of the Courts

The Supreme Court grew to seven justices in 1905 to help address its heavy caseload. That number remains the same today. The Supreme Court is the highest court in Colorado. It is often referred to as the court of last resort. The justices sit en banc, or in a full panel, for every case. Requests to review decisions of the Colorado Court of Appeals constitute a majority of the Supreme Court's filings. The Supreme Court also has direct appellate jurisdiction over cases in which a statute has been held to be unconstitutional, cases involving decisions of the Public Utilities Commission, writs of habeas corpus, cases involving adjudication of water rights, summary proceedings initiated under the Election Code, and prosecutorial appeals concerning search and seizure questions in pending criminal proceedings. All of these appeals are filed directly with the Supreme Court, and, in these cases bypass the Court of Appeals. The Supreme Court also has exclusive jurisdiction to promulgate rules governing practice and procedure in civil and criminal actions.<sup>27</sup>

### Colorado Court of Appeals

Colorado's Court of Appeals has a fragmented, yet fascinating, history.

- The first Court of Appeals was established in 1891 by the Colorado General Assembly for an indeterminate term to help the Supreme Court with its heavy caseload. This court consisted of three judges and lasted until 1904, when it was no longer believed to be necessary.<sup>28</sup>
- In 1913, a second Court of Appeals was created, this time with five judges, but with a pre-established term of only four years. Its mandate expired in 1917.<sup>29</sup>
- In 1970, the third and present Court of Appeals was established, with six judges at its inception. In 1974, the number of judges increased to 10; on January 1, 1988, that number increased to 13. Effective July 1, 1988, three additional positions were created by the General Assembly, bringing the number of judges to 16. The most recent court expansion became effective on July 1, 2008, bringing the number of judges to 22.<sup>30</sup>

The court's location during its first two terms is unclear, but due to its close relationship with the Supreme Court, it may have been held in the same location. The third Court of Appeals began hearing cases in 1970 at the Supreme Court courtroom in the Capitol. When the court expanded to 10 judges in 1974, it moved to a new courtroom on the sixth floor of the Farmer's Union Building on 16th and Sherman.<sup>31</sup> In 1977 it joined the Supreme Court in the former Colorado Judicial Department Building at 14th and Broadway, and it now has two courtrooms in the Ralph L. Carr Colorado Judicial Center.

The Court of Appeals has initial jurisdiction, with exceptions, over appeals from the Colorado District Courts, Denver Probate Court, and Denver Juvenile Court. In addition, the Court of Appeals has specific appellate jurisdiction over decisions originating from a number of state administrative boards and agencies, including the Industrial Claim Appeals Office. Reviews of the Court of Appeals' decisions are directed to the Colorado Supreme Court.<sup>32</sup>

### Judicial Districts

When Colorado became a state on August 1, 1876, it was divided into four large judicial districts, each with a district court to hear major cases and crimes and a county court for lesser issues.<sup>33</sup> Geographic barriers and widely spread populations were significant challenges for the new judicial system. The need for local courts became quickly evident, and "justice of the peace courts were organized in each community to provide local law enforcement and to settle minor disputes." As the state grew, so too did the number of "j.p. courts".<sup>34</sup> "There was little or no coordination between these local courts.

# HISTORY OF THE COLORADO COURTS



## Reading: History of the Courts

The elected justices of the peace were often local residents who had minimal or sometimes no legal training.”<sup>35</sup> Additional judicial districts were added over time as the state’s population grew. By 1962, the inadequacies of the j.p. courts had grown to a level that prompted the state legislature to refer “to the voters a constitutional amendment that provided for the first major reorganization of the court system since 1876.”<sup>36</sup> The adopted amendment abolished the justices of the peace and gave the Supreme Court the power to create uniform standards and procedures for the various courts. “This court plan went into effect in 1965 and provided an integrated statewide rather than localized focus for the state judicial system.”<sup>37</sup>

There are 23 judicial districts in the state today. Each district is a distinct geographic area that includes one or more of the state’s 64 counties. Each judicial district has district and county courts to serve the judicial needs of its population. District Courts hear civil cases in any amount, as well as domestic relations, criminal, juvenile, probate, and mental health cases. District court decisions may be appealed to the Colorado Court of Appeals (in some cases directly to the Colorado Supreme Court). County Courts handle civil cases under \$25,000, misdemeanors, traffic infractions, felony complaints (which may be sent to district court), protection orders, and small claims. County court decisions may be appealed to the district court.<sup>38</sup>

### **Tribal Courts**

Modern tribal courts were established in the United States in 1934 with passage of the Indian Reorganization Act. Tribes were encouraged to enact their own laws and establish their own governments, constitutions, and justice systems. Many tribes, impoverished from years of Indian policy that had decimated their communities and culture, couldn’t afford to adopt their own tribal codes or develop courts and chose to operate under provisions of the Code of Federal Regulations (CFR). Additional federal laws were passed to establish and strengthen tribal courts and police departments.

Today, there are 400 tribal justice systems in the United States; they operate separately from the federal and state courts and are governed by tribal law. There are two tribal courts in Colorado: the Southern Ute Indian Tribal Court in Ignacio and the Ute Mountain Ute Agency (Southwest Region) in Towaoc. These courts exercise and protect the sovereignty and jurisdiction of the tribes, providing a forum for the enforcement of tribal law and the administration of justice, while honoring tribal culture. Based in tribal traditions, they focus on restorative justice and communal resolution.

# HISTORY OF THE COLORADO COURTS



## Reading: Footnotes

<sup>1</sup>Carl Ubbelohde et al., *A Colorado History* 20 (10<sup>th</sup> ed. 2015).

<sup>2</sup>Jicarilla Apache Nation, <https://tentribespartnership.org/tribes/jicarilla-apache-nation/> (last visited May 29, 2025).

<sup>3</sup>Tisististas/Hinono'ei Cheyenne and Arapaho Tribes, Language and Culture, <https://www.cheyenneandarapaho-nsn.gov/> (last visited May 29, 2025).

<sup>4</sup>Indian Pueblo Cultural Center, <https://tinyurl.com/yk3adeh4> (last visited March 28, 2025).

<sup>5</sup>Eastern Shoshone Tribe, History, <https://easternshoshone.org/about/> (last visited March 28, 2025).

<sup>6</sup>Southern Ute Indian Tribe, History, <https://www.southernute-nsn.gov/history/> (last visited March 28, 2025); Ute Mountain Ute Tribe, <https://www.utemountainutetribes.com/> (last visited March 28, 2025); History Colorado, Ute Tribal Paths, <https://exhibits.historycolorado.org/ute-tribal-paths> (last visited March 28, 2025).

<sup>7</sup>Carl Abbott et al., *Colorado: A History of the Centennial State* 14 (5<sup>th</sup> ed. 2013).

<sup>8</sup>*Id.* at 23-24. See generally Virginia Sánchez, *Pleas and Petitions: Hispano Culture and Legislative Conflict in Territorial Colorado*, (2020).

<sup>9</sup>Thomas J. Noel and William J. Hansen, *Boom and Bust Colorado* 8-9 (2021).

<sup>10</sup>Carol Archer, "El Amparo de la Ley" Hispanas' Use of Spanish Mexican and Anglo American Law in Northern New Mexico and Southern Colorado, 1848-1912 (Doctoral thesis, University of Calgary, Calgary, Canada) (<http://hdl.handle.net/11023/1986>).

<sup>11</sup>Robert G. Athearn, *The Coloradans* 7 (1976).

<sup>12</sup>Abbott, *supra* note 7, at 52.

<sup>13</sup>*Id.* at 57; Fred Y. Holland, *Early Colorado Courts and Judges*, 9 *Dicta* 22, 22 (1931).

<sup>14</sup>Barbara Bintliff, *A Jurisdictional History of the Colorado Courts*, 65 *U. Colo. L. Rev.* 577, 585 (1994).

<sup>15</sup>Ubbelohde, *supra* note 1, at 108-10; Denver Public Library Special Collections and Archives, Brian K. Trembath, *Jefferson Territory: The Renegade State that Almost Replaced Colorado* (June 24, 2020), <https://history.denverlibrary.org/news/literary-research/jefferson-territory-renegade-state-almost-replaced-colorado#:~:text=Back%20then%2C%20much%20of%20what,been%20located%20on%20another%20planet>, (last visited May 30, 2025).

<sup>16</sup>Bintliff, *supra* note 14, at 582-83.

<sup>17</sup>*Id.* at 585.

<sup>18</sup>*Id.* at 580-81.

<sup>19</sup>Abbott, *supra* note 7, at 54.

<sup>20</sup>Bintliff, *supra* note 14, at 582.

<sup>21</sup>*Id.*

<sup>22</sup>Holland, *supra* note 13, at 25.

<sup>23</sup>David L. Erickson, *Early Justice and the Formation of the Colorado Bar* 24 (2008).

<sup>24</sup>*Gardner v. Dunn*, 1 *Colo.* 1 (1864).

<sup>25</sup>Erickson, *supra* note 23, at 53-56.

<sup>26</sup>The United States Court of Appeals for the 10<sup>th</sup> Circuit, *Building History*, <https://www.ca10.uscourts.gov/building-history>, (last visited June 1, 2025).

<sup>27</sup>Colorado Judicial Branch, Supreme Court, <https://www.coloradojudicial.gov/supreme-court> (last visited June 1, 2025).

<sup>28</sup>Jeanie Towle Mellinger and Molly Wingate, *The Colorado Court of Appeals: History of Colorado's Intermediate Appellate Court* 9-20 (2008).

<sup>29</sup>*Id.* at 21.

<sup>30</sup>*Id.* at 33-76.

<sup>31</sup>*Id.* at 57.

<sup>32</sup>Colorado Judicial Branch, Court of Appeals, <https://www.coloradojudicial.gov/court-appeals> (last visited June 1, 2025).

<sup>33</sup>Thomas e. Cronin and Robert D. Loewy, *Colorado Politics and Policy: Governing a Purple State*, 238 (2012).

<sup>34</sup>*Id.*

<sup>35</sup>*Id.*

<sup>36</sup>*Id.*

<sup>37</sup>*Id.*

<sup>38</sup>Colorado Judicial Branch, *Trial Courts by County*, <https://www.coloradojudicial.gov/trial-courts-county> (last visited June 2, 2025).

# TIPS FOR DIVERSE LEARNERS



- Post key terms on the board or on the screen for students to revisit.
- Introduce key vocabulary the day before the lesson and review before teaching the content, either through a handout or a document you create using your school's virtual classroom tool.
- Consider having students make a drawing or sketch about the concepts being taught, which could be posted in the room to add with learning. Prompt students to use these drawings and other visuals to remember vocabulary words or skills that have been taught.
- Combine students with varying learning abilities, interests, language proficiencies, or other skill strengths into groups of two or more for the reading activity to provide peer support throughout a lesson. You may want to alter the makeup of working groups according to the activity at hand, e.g. sometimes heterogeneous grouping is appropriate, where at other times, same-language or more homogenous groups may work best.
- Provide a T-chart or graphic organizer for note taking, or project one as you are teaching the content to help students track on the content.
- Allow students to demonstrate their knowledge through a range of options, such as written responses, presentations, projects or oral assessments.
- Empower students to share their thoughts and experiences about how the concept being taught has impacted Americans throughout history.
- Work with a partner or in a small group.
- Assign roles to students to help them in completing activities.
- Add pictures, photos or other visual aids to help explicitly teach skills.
- Try different discussion techniques, including jigsaw, fishbowl or wrap around.



# EDUCATIONAL RESOURCES



## COLORADO JUDICIAL DEPARTMENT RESOURCES

Lesson Plans: [coloradojudicial.gov/community-and-educational-resources/lesson-plans](https://coloradojudicial.gov/community-and-educational-resources/lesson-plans)

Supreme Court or Court of Appeals tours: [cjlcolorado.gov/book-a-tour-of-the-ralph-l-carr-judicial-center](https://cjlcolorado.gov/book-a-tour-of-the-ralph-l-carr-judicial-center)

Visit the Judicial Learning Center: [cjlcolorado.gov](https://cjlcolorado.gov)

## JUDICIAL DEPARTMENT INFORMATION

Colorado Supreme Court: [coloradojudicial.gov/supreme-court](https://coloradojudicial.gov/supreme-court)

Colorado Court of Appeals: [coloradojudicial.gov/court-appeals](https://coloradojudicial.gov/court-appeals)

Map of Colorado Judicial Districts: [coloradojudicial.gov/colorado-judicial-district-map](https://coloradojudicial.gov/colorado-judicial-district-map)

Supreme Court Library: [cjlcolorado.gov/colorado-supreme-court-library](https://cjlcolorado.gov/colorado-supreme-court-library)

## OTHER EDUCATIONAL RESOURCES

Glossary of Legal Terms: [uscourts.gov/glossary](https://uscourts.gov/glossary)

Ben's Guide to the U.S. Government: [bensguide.gpo.gov](https://bensguide.gpo.gov)

Bill of Rights Institute: [billofrightsinstitute.org](https://billofrightsinstitute.org)

Center for Civic Education: [civiced.org](https://civiced.org)

Digital Civics Toolkit: [digitalcivicstoolkit.org](https://digitalcivicstoolkit.org)

iCivics: [vision.icivics.org](https://vision.icivics.org)

Colorado Council for the Social Studies: [coloradocouncilforthesocialstudies.org](https://coloradocouncilforthesocialstudies.org)

Annenberg Guide to the Constitution: [annenbergclassroom.org/constitution](https://annenbergclassroom.org/constitution)

Constitution Annotated: [constitution.congress.gov](https://constitution.congress.gov)

The Constitutional Sources Project (ConSource): [consource.org](https://consource.org)

Teach Democracy: [teachdemocracy.org/curriculum](https://teachdemocracy.org/curriculum)

The Rendell Center for Civics and Civic Education: [rendellcenter.org](https://rendellcenter.org)