



DENVER PROBATE COURT
DENVER COUNTY
STATE OF COLORADO

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ADMINISTRATIVE ORDER	)	
REGARDING PROCEDURES FOR	)	2022-01
RECEIVING COMPLAINTS OF JUDICIAL	)	
MISCONDUCT FROM PERSONS OR	)	
ENTITIES WHO ARE NOT AN EMPLOYEE,	)	
VOLUNTEER, OR CONTRACTOR OF THE	)	
COLORADO JUDICIAL DEPARTMENT	)	)
	)	

Under C.R.S. §13-5.3-106(4), as enacted by the General Assembly in 2022 through Senate Bill 22-201, each judicial district must adopt a written policy for receiving complaints of judicial misconduct from an individual or entity that is not an employee, volunteer, intern, extern, or contractor for the Colorado Judicial Department. This Administrative Order sets forth the procedures adopted by the Denver Probate Court.

I. DEFINITIONS In accordance with C.R.S. §13-5.3-101, the following definitions shall apply to this policy for implementing the provisions of C.R.S., §13-5.3-106(4).

“**Commission**” means the Commission on Judicial Discipline, established pursuant to Section 23(3) of Article VI of the Colorado constitution.

“**Complaint**” means information in any form from any source that alleges or from which a reasonable inference can be drawn that a judge committed misconduct or is incapacitated.

“**Department**” means the Colorado State Judicial Department and all its subparts such as the Office of the State Court Administrator’s Office (SCAO); the Office of the Chief Justice of the Supreme Court; the Judicial Districts and their administrations, including Chief Judges

and Court Executives; the Human Resources (HR) Division at the SCAO; and other administrative subparts.

“Judge” means any justice or judge of any court of record of this state serving on a full-time, part-time, or senior basis; judge also includes any judge or justice who has retired within the jurisdictional limits for disciplinary proceedings established by Article 5.3 of Title 13, or the Colorado Supreme Court. Currently the jurisdictional limits are based on events that occurred while the Judge was an active or senior judge, if a request for evaluation of judicial conduct is received by the Commission (or a complaint is commenced on the Commission's motion):

1. during the Judge's term of office or within one year following the end of the judge's term of office or the effective date of the Judge's retirement or resignation, with respect to alleged misconduct or disability occurring during the Judge's term of office; or
2. during the Judge's service in the senior judge program or within one year following the end of the Judge's service in the senior judge program, with respect to alleged misconduct or disability occurring during the Judge's service in the senior judge program.

“Misconduct” means conduct by a judge that may reasonably constitute grounds for discipline under the Colorado Code of Judicial Conduct, the Colorado Rules of Judicial Discipline, or Section 23(3) of Article VI of the Colorado Constitution. Also encompassed in the term misconduct is a violation of the policies of Chief Justice Directive (CJD) 08-06, Directive Concerning Colorado Judicial Department Policies for Independent Contractors, Other Persons Conducting Business with the Judicial Department and Judicial Officers. This includes but is not limited to a violation of the anti-harassment policy or anti-violence in the workplace policy or, a violation of CJD 07-01, Directive Concerning the Colorado Judicial Department Electronic Communications Usage Policy: Technical, Security, And System Management Concerns.

“Office” means the Office of Judicial Discipline established pursuant to C.R.S. §13- 5.3-103.

II. REPORTING COMPLAINTS OF JUDICIAL MISCONDUCT RECEIVED FROM AN INDIVIDUAL THAT IS NOT AN EMPLOYEE, VOLUNTEER, INTERN, EXTERN, OR CONTRACTOR FOR THE DEPARTMENT.

The processes described in this administrative order for reporting judicial misconduct apply to complaints received by any member of the Denver Probate Court from an individual or entity that is not an employee, volunteer, intern, extern, or contractor for the Department.

A. Complaints that are received by any member of the Denver Probate Court will be provided to the Presiding Judge or Court Executive as soon as practicable. If the complaint is against the Presiding Judge, the report shall be made to the Court Executive and not to the Presiding Judge.

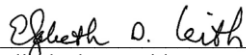
B. The Presiding Judge or Court Executive will communicate with the complainant no later than five business days after receiving notice of the complaint and provide a copy of Attachment A to the complainant.

C. If a complaint is received from an individual or entity that is NOT an employee, volunteer, intern, extern, or contractor for the Department, alleging misconduct, the complainant shall be informed of the role of the Commission and shall be provided the Commission's contact information, as set forth in Attachment A.

D. If the complainant submits written or electronic materials in connection with a complaint, the Presiding Judge or Court Executive shall promptly forward those materials to the Commission through the Office of Judicial Discipline.

Dated: September 16, 2022

BY THE COURT:



Elizabeth D. Leith
Presiding Judge
Denver Probate Court

ATTACHMENT A

Information to be provided to anyone who is NOT an employee, volunteer, intern, extern or contractor for the Department, if they complain of judge misconduct.

The Colorado Commission on Judicial Discipline has the constitutional authority to investigate any of the following acts:

1. willful misconduct by a judge, including misconduct which, although not related to judicial duties, brings the judicial office into disrepute or is prejudicial to the administration of justice;
2. willful or persistent failure of a judge to perform judicial duties, including the incompetent performance of judicial duties;
3. intemperance, including extreme or immoderate personal conduct, recurring loss of temper or control, abuse of alcohol, or the use of illegal narcotics or dangerous drugs;
4. any conduct on the part of a judge that constitutes a violation of the Colorado Code of Judicial Conduct; or
5. a disability, which is or is likely to become permanent, that interferes with the performance of judicial duties.

Judicial Discipline Contact Information:

website: www.coloradojudicialdiscipline.com

address: 1300 Broadway, Suite 210
Denver, CO 80203

phone: (303) 457-5131

Email: complaints@jd.state.co.us

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