

West's Colorado Revised Statutes Annotated
Colorado Court Rules
Chapters 1--24. Rules of Civil Procedure
Chapter 24. Rules of Judicial Discipline
Part A. General Provisions

C.R.J.D. Rule 1

Rule 1. Scope, Objectives, and Title

Currentness

(a) Scope. The Colorado Rules of Judicial Discipline (the “Rules”) apply to all of the responsibilities and proceedings of the Colorado Commission on Judicial Discipline (the “Commission”), pursuant to [Article VI, Section 23\(3\) of the Colorado Constitution](#) (the “Constitution”), involving the removal, retirement, suspension, censure, reprimand, or other discipline of judges, and disabilities affecting the performance of their judicial duties.

(b) Constitutional Mandate. The Constitutional mandate of the Commission is to protect the public from improper conduct of judges; preserve the integrity of the judicial process; maintain public confidence in the judiciary; create a greater awareness of proper judicial behavior on the part of the judiciary and the public; and provide for the fair and expeditious disposition of complaints of judicial misconduct or judicial disabilities.

(c) Title. These Rules shall be known and cited as the Colorado Rules of Judicial Discipline or Colo. RJD.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 1, CO ST J DISC Rule 1

Current with amendments received through March 15, 2023.

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C.R.J.D. Rule 2

Rule 2. Definitions

Effective: July 1, 2021

[Currentness](#)

In these rules, unless the context or subject matter otherwise requires:

(a) **The term “Judge”** means any justice or judge of any court of record of this state serving on a full time, part-time, senior, or retired basis against whom a complaint has been filed or initiated or who has been convicted of a felony or an offense involving moral turpitude. This definition does not include judges of the county court of the City and County of Denver, whose conduct is monitored and disciplined by the Denver County Court Judicial Discipline Commission; municipal judges; magistrates; or administrative law judges. The conduct of an attorney serving as a municipal judge, magistrate, or administrative law judge is subject to the disciplinary and disability jurisdiction of Attorney Regulation under [C.R.C.P. 241-243](#).

(b) **“Attorney Regulation”** means the Office of Attorney Regulation Counsel.

(c) **“Chair”** means a member elected by the Commission to administer the business of the Commission and preside at all meetings of the Commission, any member appointed to preside at a hearing, or any person designated as “acting chair.”

(d) **“Code,” “Canons,” or “Canon Rules”** mean the provisions of the Colorado Code of Judicial Conduct as amended.

(e) **“Colo. RPC”** means the Colorado Rules of Professional Conduct.

(f) **“Complaint”** means allegations that provide grounds for the Commission to conduct disability or disciplinary proceedings.

(g) **“Complainant”** means a person who initiates a complaint by requesting an evaluation of judicial conduct.

(h) **“C.R.C.P.”** means the Colorado Rules of Civil Procedure.

(i) **“Disability”** means a Judge's physical or mental condition that adversely affects the Judge's ability to serve as a judicial officer or to assist with his or her defense in disciplinary proceedings.

(j) **“Executive director”** means the person appointed by the Commission whose duties and responsibilities are described in Rule 3(d).

(k) **“Formal proceedings”** means disciplinary proceedings that could result in a recommendation for a public sanction.

(l) **“Grounds”** means the basis for disciplinary proceedings in Rule 5 or for disability proceedings in Rule 33.5.

(m) **“Hearing”** means a meeting of the Commission or special masters convened for the purpose of taking evidence or considering legal arguments.

(n) **“Informal proceedings”** means proceedings that could result in informal remedial action or the appointment of special counsel to advise the Commission regarding other options, including advice on whether there is probable cause to commence formal proceedings.

(o) **“Mail”** or **“mailed”** means first-class mail, personal delivery, or delivery by commercial mail service.

(p) **“Meeting”** means an assembly of the Commission or special masters in person or by conference call or any combination thereof.

(q) **“Member”** means a member or special member of the Commission.

(r) **“Misconduct”** means conduct by a Judge that does not comply with the Code or Colo. RJD.

(s) **“Notice”** means a letter or other writing sent by mail, unless otherwise specified in the Rules, to a Judge at the Judge's chambers or last known residence, to an address designated by the Judge, or to the Judge's counsel of record.

(t) **“Participant”** means a member, special member, the executive director, Commission staff, complainant, Judge, the Judge's counsel, special counsel, special master, witness, investigator, or any other person who obtains knowledge of a proceeding in the course of an investigation or prosecution by the Commission.

(u) **“Party”** means the Commission, special counsel, the Judge, or the Judge's counsel.

(v) **“Presenter”** means one or more members who are designated by the Commission or by the executive director to evaluate and report on a complaint to the Commission.

(w) **“Proceedings”** means informal or formal proceedings, including, but not limited to, consideration of a request for evaluation of judicial conduct; the investigation of a complaint; a meeting or hearing of or with the Commission, its staff, special counsel, or special masters; a disciplinary disposition; a disciplinary sanction; a disability disposition; or a communication with respect thereto.

(x) “SCAO” means the Office of the State Court Administrator.

(y) “Request for evaluation of judicial conduct” or “request” means a request by a complainant for the Commission to consider whether there is a reasonable basis for the commencement of disciplinary or disability proceedings.

(z) “Rules” as cited herein means Colo. RJD.

(aa) “Special counsel” means an attorney or attorneys appointed by the Commission to serve as counsel to the Commission on such matters as the Commission may request including, but not limited to, the investigation or disposition of a complaint, a motion for temporary suspension of a Judge under Rule 34, and the prosecution of a complaint in formal proceedings.

(bb) “Special master” means a person appointed by the Supreme Court to preside over hearings.

(cc) “Special members” are persons appointed by the Commission to serve as alternates to members.

(dd) “Supreme Court” or “Court” means the Colorado Supreme Court.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017; May 20, 2021, effective July 1, 2021.

Judicial Discipline Rule 2, CO ST J DISC Rule 2

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C.R.J.D. Rule 3

Rule 3. Organization and Administration

Effective: October 12, 2021

[Currentness](#)

(a) Composition. The Commission shall be made up of ten members as provided in the Constitution.

(b) Officers. The Commission shall elect from its membership a chair, a vice-chair, and a secretary, each of whom shall serve renewable one-year terms from January 1 to December 31 each year. The vice-chair shall act as chair in the absence of the chair, and in the absence of both, the members present may select an acting chair. An officer's position and authority shall continue beyond his or her term of office until a successor is duly elected.

(c) Special Members. The Commission may appoint a special member to serve in the place of a member who recuses or is disqualified with respect to a complaint, or who may be temporarily unable to perform his or her duties as a member.

(d) Executive Director. The Commission shall appoint an executive director whose duties and responsibilities, subject to general oversight by the Commission, shall be to:

- (1) Establish and maintain a permanent office;
- (2) Respond to inquiries about the Commission or the Canons;
- (3) Process requests for evaluation of judicial conduct;
- (4) Conduct investigations;
- (5) Recommend dispositions;
- (6) Maintain Commission records;
- (7) Maintain statistics concerning the operation of the Commission and make them available to the Commission and to the Supreme Court;

(8) Prepare the Commission's budget and administer its funds;

(9) Employ the Commission's staff;

(10) Prepare an annual report of the Commission's activities for presentation to the Commission, to the Supreme Court, and to the public;

(11) Employ special counsel, investigators, or other experts as necessary to investigate and process matters before the Commission and before the Supreme Court; and

(12) Perform such other duties as these Rules, the Commission, or the Supreme Court may require.

(e) Evaluation of the Executive Director. The members should evaluate the performance of the Executive Director periodically, but no less frequently than annually.

(f) Meetings. Meetings shall be held at the call of the chair, the vice-chair, or the executive director, or at the request of three members of the Commission. The Commission may conduct meetings in person or by conference call.

(g) Quorum. Six members must be present in person or by conference call for the transaction of business by the Commission.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017. Amended effective October 12, 2021.

Judicial Discipline Rule 3, CO ST J DISC Rule 3
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C.R.J.D. Rule 3.5

Rule 3.5. Code of Conduct for Members

Effective: October 12, 2021

[Currentness](#)

(a) General. The Commission is responsible for maintaining the integrity and independence of the judiciary. The conduct of each member, the Executive Director, and staff of the Commission in the performance of their duties shall be in accordance with this Rule 3.5.

(b) Consent and Enforcement.

(1) *Acknowledgement and Consent.* By accepting appointment to the Commission and participating in its meetings and other activities, each member acknowledges and agrees to abide by the provisions of this Rule 3.5. The Chair should remind the members of their obligations under this Rule and their duty to disqualify themselves when necessary.

(2) *Enforcement.* If a member fails to comply with this Rule, or fails to regularly attend Commission meetings, the Chair or the Executive Director may refer the matter to the Commission as a whole for appropriate corrective action. The Commission may, by the majority vote of a quorum of its members at a meeting, during a conference call, or by email, reprimand the member or temporarily suspend the member from the Commission. In addition, a member who fails to attend three consecutive meetings shall be deemed to have resigned, as provided in [Colo. Const. Article VI, Section 23\(3\)\(b\)](#).

(3) *Removal.* If the situation involves a violation of this Rule which, in the Commission's view cannot be adequately addressed internally, the Commission may recommend to the Governor's office that the appointment of an attorney member or non-attorney member should be rescinded and the member removed from the Commission; or recommend to the Supreme Court that the appointment of a judge member should be rescinded and the judge removed from the Commission.

(c) Confidentiality.

(1) *General Application.* All disciplinary proceedings of the Commission are confidential in accordance with [Article VI, Section 23\(3\) of the Colorado Constitution](#) and Colo. RJD 6.5.

(2) *Communications.* Neither the Executive Director, Commission staff, nor any member should communicate on behalf of the Commission with the public or news media regarding Commission business, except as provided in this Rule. Members, the Executive Director, and staff may provide general information to educate judges, the public, and the news media about the

Commission's Rules and proceedings, but without reference to allegations of misconduct that are pending or that may become pending before the Commission. The Executive Director and staff may describe the allegations and explain the Commission's Rules and procedures to a judge who is the subject of disciplinary proceedings. Inquiries about actions or positions of the Commission shall be referred to the Executive Director, the Chair, or a Commission member designated by the Chair to speak on behalf of the Commission.

(3) *File Destruction.* Members shall ensure that all confidential documents in their possession are secured; that hard copies of documents received at meetings are destroyed; and that materials sent or received by secure email are protected from disclosure.

(4) *Family, Friends, and Associates.* Members and staff shall take appropriate measures to protect the confidentiality of the Commission's proceedings from disclosure to their family, friends, and business and professional associates.

(5) *Former Members and Staff.* These confidentiality rules will continue to apply to former Commission members and staff with respect to information to which they had access while serving the Commission.

(d) Appearance of Impropriety.

(1) *Private Conduct.* Each member should respect and comply with federal and state laws and conduct the member's personal and professional business at all times in a manner that promotes public confidence in the integrity and impartiality of the Commission.

(2) *Representation before Commission.* No member may represent a judge concerning disciplinary proceedings that are pending or known to be contemplated against the judge. No member shall establish or maintain a professional relationship with a complainant or witness in disciplinary proceedings that are pending or known to be contemplated against a judge.

(3) *Independent Judgment.* In discharging his or her responsibilities, a member should not allow the member's business, professional, family, social, or other relationships to influence the member's conduct or judgment.

(4) *Prestige of the Office.* A member should not lend the prestige of the member's office to advance the private interests of the member; nor should a member convey to another person that such person's relationship with the member could influence the decisions of the Commission.

(5) *Business Dealings.* Each member should refrain from professional, financial, and business dealings that may adversely reflect, directly or indirectly, on the member's impartiality, interfere with the proper performance of Commission duties, or exploit his or her position as a member.

(6) *Staff Obligations.* The provisions of this Rule 3.5(d) also shall apply to the conduct of the Executive Director and staff.

(e) Political Activity.

(1) *Judicial Campaigns.* No member, staff, or the Executive Director shall participate in or contribute to a campaign for or against the retention of a judge for another term in office.

(2) *Non-Judicial Campaigns.* No member, staff, or the Executive Director shall take any action in non-judicial campaigns that would be construed as the Commission's viewpoint for or against a candidate or a public referendum.

(f) Use of State Resources.

(1) *Judicial Branch Policies.* Members and Commission staff who utilize information technology, electronic communications, computers, or other resources provided by the state shall comply with the judicial branch policies applicable to the use thereof by judicial branch employees.

(2) *Staff Services.* Members shall not use Commission staff for their own personal, financial, business, or professional matters.

(g) Disqualification.

(1) *Conditions for Disqualification.* A member shall be disqualified, on the member's own motion or by a majority vote of the other members, from the Commission's consideration of allegations of judicial misconduct or judicial disability if the member's ability to participate fairly and impartially could reasonably be questioned, including, for example and without limitation, where the member:

(A) is the judge whose conduct is the subject of a Request for Evaluation of Judicial Conduct, an investigation, a complaint, or other disciplinary or disability proceedings;

(B) was involved in events relating to the allegations;

(C) has personal knowledge of evidence that is relevant to the allegations;

(D) is or expects to be a material witness regarding the subject judge's conduct;

(E) is a close personal friend of the subject judge;

(F) has a personal bias for or against the subject judge or the person who has alleged judicial misconduct; or

(G) has a personal or professional relationship with a complainant or witness in the proceedings.

(2) *Disclosure.* Each member should disclose to the Commission any present or past family, personal, social, professional, financial, or business relationship with the subject judge, a lawyer who is representing the subject judge, the complainant, or

a witness; and either recuse from participation in the proceedings or defer to the remainder of the Commission members to determine whether the member should be disqualified from the proceedings in order to avoid the appearance of impropriety. A member who recuses from participation shall notify the Commission and the subject judge of the recusal and the date of the recusal, and shall certify to the subject judge that the member has had no involvement in any aspect of the proceedings after the date of recusal. The recusal shall also be immediately communicated to the supreme court. The Commission's annual report shall include information regarding all member recusals including the member's name and the date of the recusal.

(3) *Appearance before the Subject Judge.* A lawyer member may disqualify himself or herself from the Commission's consideration of the conduct of a subject judge before whom the lawyer or the lawyer's firm has one or more pending cases. A lawyer member with concerns about a subject judge's ability to remain impartial in presiding over a pending case in which the lawyer member or the lawyer member's firm is counsel, a case in which the lawyer member or the lawyer member's firm is counsel that occurs subsequent to a disciplinary proceeding against the subject judge, or about a judge to whom the subject judge's case was reassigned may disclose the circumstances involving the Commission's proceedings in a motion for disqualification under [C.R.C.P. 97](#) or [Crim.P. 21\(b\)](#).

(4) *Written Materials and Decisions.* A disqualified member shall not receive, view, respond to, or comment on written materials provided by the Commission to its members that are relevant to the allegations regarding the conduct of the subject judge, nor shall such member critique the decision of the remaining members regarding the judge's conduct.

(5) *Previous Complaints.* A member is not disqualified by having considered a previous complaint or a related complaint against the subject judge.

(6) *Excused from Meeting.* A disqualified member shall be excused from the meeting room before the Commission begins its consideration of the allegations and shall return to the meeting after the remaining members have reached a decision. A member judge, however, need not leave during the staff's summary of routine dismissals of Requests for Evaluation that include allegations against the member judge but do not provide a reasonable basis for disciplinary proceedings. A disqualified member and the other members shall not speak with one another or otherwise communicate regarding the allegations or any aspect of the proceedings.

(7) *Special Members.* In accordance with [Article VI, Section 23\(3\)\(b\) of the Colorado Constitution](#), the Commission may appoint a special member to sit on the Commission solely for the purpose of deciding the matter in which a member is disqualified.

(h) Complaints Regarding the Executive Director and Staff.

(1) *Complaints Regarding the Executive Director.* If a member receives a complaint about the conduct of the Executive Director, the member shall refer the complaint to the Chair or Vice-Chair, who shall appoint a subcommittee of the members to conduct an investigation and report their findings to the other members and the Executive Director.

(2) *Complaints Regarding Staff.* If a member receives a complaint about the conduct of a staff member, other than the Executive Director, the member shall refer the complaint either to the Executive Director, the Chair, or the Vice-Chair.

Credits

Adopted effective October 12, 2021.

Judicial Discipline Rule 3.5, CO ST J DISC Rule 3.5
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C.R.J.D. Rule 4

Rule 4. Jurisdiction and Powers

Currentness

(a) Jurisdiction.

(1) *Filing Date.* The Commission has jurisdiction over a Judge regarding allegations of misconduct or a disability and the application of dispositions and sanctions thereto, 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) (A) 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 (B) 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.

(2) *Continuing Jurisdiction.* The jurisdiction of the Commission to fulfill its Constitutional mandate under of Rule 1(b) regarding a pending disciplinary or disability proceeding shall not terminate upon the expiration of the Judge's term of office, the Judge's retirement or resignation, or the appointment or reappointment of the Judge to the senior judge program. Such jurisdiction shall continue until a disposition or sanction is determined.

(b) Attorney Regulation. Conduct by a Judge or former Judge that involves grounds for disciplinary action under Rule 5 and/or may involve grounds for a violation of Colo. RPC may be referred by the Commission to Attorney Regulation. Such referral shall not preclude the Commission from proceedings concerning conduct under its jurisdiction coincident with Attorney Regulation's jurisdiction over violations of Colo. RPC. Nothing in these Rules shall be construed to limit the jurisdiction of Attorney Regulation over an attorney with respect to conduct subject to Colo. RPC, which occurred before, during, or after the attorney's service as a judge.

(c) General Powers. The Commission shall have the authority and duty to investigate and resolve complaints in accordance with the Constitution and these Rules.

(d) Evidentiary Powers. Any member or special master may administer oaths and affirmations, compel by subpoena the attendance and testimony of witnesses, including the Judge as a witness, and provide for the inspection of documents, books, accounts, and other records.

(e) Contempt Powers. A Judge's refusal to comply with a disposition ordered under Colo. RJD 35 or the willful misconduct of a Judge or any other person during any stage of the Commission's investigation or consideration of a complaint in informal, formal, or disability proceedings, including, but not limited to, misrepresentation of a material fact, resistance to or obstruction of any lawful process, disruptive behavior, breach of confidentiality, or failure to comply with any of these Rules, may be grounds for direct or indirect contempt, as provided in [C.R.C.P. 107](#). In formal proceedings or disability proceedings, direct contempt may be addressed summarily by the special masters. To address allegations of indirect contempt, the Commission shall request the Supreme Court to appoint a special master. The Commission shall be represented in contempt proceedings by special counsel who shall file a motion with the special master, verified by the executive director or a member of the Commission, alleging the grounds for contempt. The special master may ex parte order a citation to issue to the person charged to appear and show cause at a designated date, time, and place why the person should not be held in contempt. The motion and citation shall be served on the person charged at least seven days before the time required for the person to appear before the special master. The special master shall conduct a hearing and file recommended findings of fact and conclusions of law regarding the alleged contempt with the Supreme Court. The Supreme Court shall consider the special master's recommendations and dismiss the citation or order remedial or punitive sanctions as it deems appropriate under [C.R.C.P. 107](#).

(f) Administrative Powers. The Commission may adopt administrative policies, procedural rules, or forms for its internal operation or proceedings that do not conflict with the provisions of these Rules.

(g) Communications. The Commission may distribute information to the judiciary and the public concerning its authority and procedures.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

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C.R.J.D. Rule 5

Rule 5. Grounds for Discipline

Currentness

(a) In General. Grounds for judicial discipline shall include:

- (1) Willful misconduct in office, 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 to perform judicial duties, including incompetent performance of judicial duties;
- (3) Intemperance, including extreme or immoderate personal conduct; recurring loss of temper or control; abuse of alcohol, prescription drugs, or other legal substances; or the use of illegal or non-prescribed narcotic or mind-altering drugs; or
- (4) Any conduct that constitutes a violation of the Code.

(b) Failure to Cooperate During Proceedings. A Judge's failure to cooperate with the Commission during the investigation or consideration of a complaint may be grounds for discipline.

(c) Failure to Comply with a Commission Order. A Judge's failure or refusal to comply with an order issued under these Rules during disciplinary proceedings or with a disciplinary order resulting from such proceedings may be (i) grounds for initial or supplemental disciplinary measures or (ii) probable cause to proceed with formal proceedings.

(d) Contempt Proceedings not Precluded. Determinations by the Commission under sections (b) and (c) of this Rule are in addition to and do not preclude contempt proceedings under Rule 4(e).

(e) Misconduct Distinguished from Disputed Rulings. A dispute regarding a Judge's rulings on motions, evidence, procedure, or sentencing; a Judge's findings of fact and conclusions of law; or other matters that are within the jurisdiction of the trial or appellate courts to resolve shall not provide a basis for disciplinary proceedings, unless the Judge's conduct in presiding over the case involves one or more of the grounds provided in this Rule.

Credits

Repealed and readopted effective March 22, 2012. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 5, CO ST J DISC Rule 5
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C.R.J.D. Rule 6

Rule 6. [Reserved effective March 22, 2012]

Currentness

Judicial Discipline Rule 6, CO ST J DISC Rule 6
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C.R.J.D. Rule 6.5

Rule 6.5. Confidentiality and Privilege

Currentness

(a) Confidentiality. The proceedings of the Commission and special masters, including all papers, investigative notes and reports, pleadings, and other written or electronic records, shall be confidential unless and until the Commission files a recommendation with the Supreme Court under Rule 37. The recommendation and the record of proceedings shall thereupon become public, subject to the limitations provided in Rule 37. The Supreme Court may enter a protective order requiring that certain portions of the record remain confidential upon a showing of good cause by the Commission, special counsel, special masters, or the Judge.

(b) Privilege. Papers or pleadings filed with the Commission, the work product of investigations, testimony given in proceedings, minutes and decisions of the Commission, records of special counsel, hearings conducted by the special masters, and the report of the special masters are privileged and, therefore, cannot be the subject of any legal action against a participant, including a claim for defamation.

(c) Disability Proceedings. In disability proceedings, all orders transferring a Judge to or from disability inactive status shall be matters of public record; otherwise, disability proceedings shall remain confidential and shall not be made public, except by order of the Supreme Court.

(d) Disclosures. Subject to certification, when required by subsection (e)(2) of this Rule, confidentiality does not apply to (i) the disclosure of the records and proceedings reasonably necessary for the Commission or the executive director to fulfill the Commission's Constitutional mandate under Rule 1(b) or (ii) disclosures in the interest of justice or public safety, including the following:

(1) Disclosure of the allegations in a complaint and related materials reasonably necessary to conduct the investigation of the complaint;

(2) When the Commission has determined that there is a demonstrated need to notify another person in order to protect that person; or to notify an appropriate government agency, including law enforcement or Attorney Regulation, in order to protect the public or the judiciary or to further the administration of justice;

(3) In response to an inquiry by the Supreme Court or SCAO concerning the qualifications of a Judge for appointment or reappointment to other judicial responsibilities (including the senior judge program), by an agency or official authorized to evaluate the qualifications of a Judge who has applied for or has been nominated for another judicial position, or by the Governor

with respect to the qualifications of a Judge recommended by a nominating commission for appointment to another judicial position, the Commission shall disclose disciplinary dispositions under Rule 35 (other than complaints resulting in dismissals) and sanctions under Rule 36, together with the status of any pending complaints directed at the Judge which the Commission, as of the date of such request, is investigating under Rule 14;

(4) In response to an inquiry by the Office of Judicial Performance Evaluation (“Judicial Performance”) if the Commission determines, in its discretion, that disclosure to Judicial Performance is consistent with its Constitutional mandate under Rule 1(b) and on the condition that Judicial Performance will not publicly disclose such information or its source without independent verification by Judicial Performance;

(5) When a Judge has been convicted of a crime or has become subject to disciplinary measures taken by Attorney Regulation or a similar agency in another jurisdiction;

(6) Upon request of an agency authorized to investigate the qualifications of persons for admission to practice law;

(7) Upon request of any attorney discipline enforcement agency;

(8) Upon request of any law enforcement agency;

(9) Upon a Judge's written waiver of confidentiality and consent to disclosure; or

(10) When the Commission or the executive director has knowledge of potential grounds for misconduct under state or federal law, a chief justice directive, or other rule applicable to the conduct of an employee of the state judicial branch (other than a Judge) and provides such information to SCAO.

(e) When Certification Required.

(1) The Commission is permitted to disclose nonpublic information pursuant to subsections (d)(1) through (d)(5) of this Rule without prior notice to, or waiver and consent by, the Judge.

(2) The Commission is permitted to provide nonpublic information requested pursuant to subsections (d)(6) through (d)(8) of this Rule without prior notice to, or waiver and consent by, the Judge, only if a senior official of the requesting agency provides a verified certificate to the Commission on the agency's letterhead in support of its request, which addresses:

(i) Whether there is an ongoing investigation of (A) alleged misconduct by the Judge, (B) an alleged violation of federal or state law, or (C) the Judge's qualifications to practice law;

(ii) The reasons the information is essential to that investigation;

(iii) Whether the agency has attempted to obtain the Judge's waiver of confidentiality and consent to disclosure or why a request for waiver and consent would be inappropriate or impractical;

(iv) Why disclosure of the existence of the investigation to the Judge would significantly prejudice the investigation; and

(v) Other factors relevant to the request.

(3) If an agency authorized to request disclosure by subsections (d)(6) through (d)(8) of this Rule has not obtained a waiver and consent from the Judge or provided the certification required in subsection (e)(2), then the Commission may decline the request or may notify the Judge in writing of the request which identifies the requesting agency and describes the information proposed to be released. The notice shall advise the Judge that the Commission will release the information, unless the Judge objects to the disclosure within fourteen days after mailing of the notice. If the Judge objects to the disclosure, then the information shall remain confidential unless, upon motion by the requesting agency or the Commission with notice to the Judge, the Supreme Court enters an order requiring release.

(f) Prior Discipline. In investigating a complaint, determining a disposition under Rule 35, or in recommending a sanction under Rule 36, the Commission and special masters may consider the record of any discipline previously imposed on the Judge by the Commission or the Supreme Court.

(g) Public Knowledge. The Commission or the Judge, by motion filed with the Supreme Court, may assert that allegations of misconduct, the commencement of informal or formal proceedings, and/or the disposition of such proceedings have become generally known to the public and, in the interest of justice, should be publicly disclosed. The Judge or the Commission shall have 14 days to object to or request modifications to the proposed disclosure. The Supreme Court, in its discretion, may deny such motion or order the disclosure as proposed or with such modifications as it deems necessary. Notwithstanding the disclosure of the nature, status, and result of the proceedings, the Commission's records, including but not limited to investigative reports, correspondence, and pleadings, shall remain confidential unless and until the Commission files a recommendation for sanctions in formal proceedings to the Supreme Court under Rule 37(c) or the Commission and the Judge stipulate to the resolution of formal proceedings under Rule 37(e).

(h) Summaries. In the annual report required by Rule 3(d)(10), the Commission may publish summaries of proceedings which have resulted in disciplinary dispositions or sanctions. A summary may include a brief statement of facts, references to the applicable Canons or Canon Rules, and a description of the disciplinary action taken, but shall not disclose the date or location of the factual basis for the disciplinary measures or the identity of the Judge, the complainant, witnesses, or other parties to the proceedings.

(i) Duty of Officials and Employees. All officials and employees within the Commission, the executive director's office, special counsel's office, special masters' offices, and the Supreme Court shall conduct themselves in a manner that maintains the confidentiality mandated by these Rules.

Credits

Formerly Rule 6. Renumbered Rule 6.6, amended effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 6.5, CO ST J DISC Rule 6.5
Current with amendments received through March 15, 2023.

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C.R.J.D. Rule 7

Rule 7. Notice of Action

Currentness

Upon termination of any proceedings hereunder, the Judge, the Judge's counsel, special counsel, and the complainant shall be notified of the action taken by the Commission or the Supreme Court and all participants shall be advised of the confidentiality of Commission proceedings.

Credits

Repealed and readopted effective March 22, 2012.

Judicial Discipline Rule 7, CO ST J DISC Rule 7

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C.R.J.D. Rule 8

Rule 8. Service

Currentness

(a) Service on Judge. All papers and pleadings in proceedings may be served on a Judge in person or by mail, except that a notice of formal charges served by mail must be served by certified mail. Mail shall be sent to the chambers or last known residence of a Judge, or to an address designated by the Judge. If counsel has been designated for a Judge, all notices, papers, and pleadings may be served on the Judge's counsel in lieu of service upon the Judge.

(b) Service on Commission. Service of papers and pleadings on the Commission or any member shall be by delivering or mailing the papers to the Commission's office.

(c) Service on Special Counsel. Service of papers and pleadings on special counsel shall be by delivery or mail to special counsel's office.

(d) When Service Accomplished. When service is by mail, a pleading or other document is timely served if mailed within the time permitted for service.

Credits

Repealed and readopted effective March 22, 2012. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 8, CO ST J DISC Rule 8
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C.R.J.D. Rule 8.5

Rule 8.5. Procedural Rights of Judge

Currentness

(a) Counsel. A Judge may confer with and be represented by counsel at any stage of disciplinary or disability proceedings. If counsel has entered an appearance, all communications and pleadings from the Commission, the executive director, and special counsel shall be directed to the Judge's counsel. In formal proceedings and disability proceedings, a Judge may testify, introduce evidence, and examine and cross-examine witnesses, and the Judge's counsel may introduce evidence and examine and cross-examine witnesses.

(b) Guardian Ad Litem. If it appears to the Commission at any time that a Judge may not be competent to act, the Commission shall appoint a guardian ad litem for the Judge at the Commission's expense. The guardian ad litem may claim and exercise any right or privilege that could be claimed or exercised by the Judge, including the selection of counsel, a request for an independent medical examination, or the commencement of disability proceedings under Rule 33.5. Any notice to be served on the Judge shall also be served on the guardian ad litem.

Credits

Adopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 8.5, CO ST J DISC Rule 8.5

Current with amendments received through March 15, 2023.

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C.R.J.D. Rule 9

Rule 9. Disqualification of an Interested Party

Currentness

A Judge who is a member shall be disqualified from participation in any proceedings involving the Judge's own discipline or disability. A justice of the Supreme Court shall be disqualified from participating in formal proceedings concerning the justice's own discipline or disability. A member or the executive director may recuse himself or herself in any proceeding involving a Judge who is a close personal acquaintance, their current or recent professional or business associate, or where there are other actual or potential conflicts of interest.

Credits

Repealed and readopted effective March 22, 2012.

Judicial Discipline Rule 9, CO ST J DISC Rule 9

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C.R.J.D. Rule 10

Rule 10. Immunity

Currentness

Members, the executive director, Commission staff, its investigators, special counsel, and special masters shall be absolutely immune from suit for all conduct in the course of their official duties.

Credits

Repealed and readopted effective March 22, 2012.

Judicial Discipline Rule 10, CO ST J DISC Rule 10

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C.R.J.D. Rule 11

Rule 11. Amendment of Rules

Currentness

The Commission may petition the Supreme Court to amend or alter these Rules as may be necessary to implement the Commission's Constitutional mandate. Any person may request the adoption, amendment, or repeal of a Rule by filing a petition with the Commission describing the proposed change.

Credits

Repealed and readopted effective March 22, 2012.

Judicial Discipline Rule 11, CO ST J DISC Rule 11

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C.R.J.D. Rule 12

Rule 12. Request for Evaluation of Judicial Conduct

Currentness

To initiate a complaint, any person or organization may request that the Commission examine a Judge's conduct. The request should identify the Judge, the person or organization making the request, and describe conduct by the Judge that may involve grounds for disciplinary or disability proceedings. A request may be in any format; however, the Commission shall prepare and distribute printed forms to guide a complainant in making a request for evaluation of judicial conduct. Commission staff will make reasonable accommodations for a person with disabilities in preparing and filing a request.

Credits

Repealed and readopted effective March 22, 2012. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 12, CO ST J DISC Rule 12

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C.R.J.D. Rule 13

Rule 13. Preliminary Proceedings

Currentness

(a) Evaluation of the Request. The executive director or one or more members of the Commission, upon receipt and without undue delay, shall evaluate each request to determine whether it alleges sufficient grounds for the Commission to consider disciplinary or disability proceedings. The evaluation may include a preliminary review of documentation, including court records.

(b) Complaint. If the members of the Commission, based on an evaluation of the request, conclude that there is a reasonable basis for disciplinary or disability proceedings, the Commission shall process the request as a complaint under these Rules.

(c) Absence of a Reasonable Basis for a Complaint. The executive director or members of the Commission shall close the matter without further consideration, if:

- (1) The request does not allege sufficient grounds for disciplinary or disability proceedings;
- (2) The request disputes a Judge's rulings on motions, evidence, procedure, or sentencing; a Judge's findings of fact and conclusions of law; or other matters that are within the jurisdiction of the trial or appellate courts to resolve, without providing grounds for disciplinary or disability proceedings;
- (3) The allegations are frivolous; or
- (4) The allegations involve subject matter that is not within the jurisdiction of the Commission.

(d) Reply to the Request. The executive director or a member of the Commission shall provide a written explanation to the complainant of the results of its evaluation.

(e) Reports from Other Offices. In its evaluation and any subsequent proceedings, the Commission may consider relevant information contained in (1) a report of an investigation by SCAO regarding the conduct of a Judge and/or other employees of the judicial branch or (2) a report by Attorney Regulation regarding (i) the misconduct of an attorney who has been appointed as a Judge or (ii) attorney misconduct that involves a Judge.

(f) Complaints Initiated by the Commission. The Commission on its own motion, based on information it deems reliable, may determine that there is a reasonable basis on which to initiate a complaint. The Commission shall process such a complaint in the same manner as other complaints.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 13, CO ST J DISC Rule 13
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C.R.J.D. Rule 14

Rule 14. Investigation and Notice to Judge

Currentness

(a) Notice to Judge. As soon as practicable, after the members of the Commission have concluded that the allegations are sufficient to be processed as a complaint, the Commission shall provide written notice to the Judge of the allegations and commence an investigation. A copy of the Rules shall be included with the notice or incorporated by reference into the notice. The Commission is not required to notify a Judge of a request for evaluation that the Commission determined to be insufficient for consideration as a complaint.

(b) Investigation. The Commission's investigation may include interviews; an examination of pleadings, orders, transcripts, and other court records; and consideration of other evidence relevant to the allegations. The Commission or the executive director, in its, his, or her discretion, may determine when the complainant should be notified of the investigation.

(c) Expedited Notice and Investigation. If the request alleges an unreasonable delay in performing judicial duties or other circumstances which, in the good faith judgment of the executive director, require immediate commencement of disciplinary or disability proceedings, the executive director may process the request as a complaint, notify the Judge, and begin the investigation without the prior approval of the members of the Commission.

(d) Judge's Response. The Judge shall be afforded a reasonable opportunity to provide a written response to the allegations or to appear before the Commission.

(e) Temporary Suspension. The Commission may request the temporary suspension of a Judge under Rule 34 during an investigation.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 14, CO ST J DISC Rule 14
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C.R.J.D. Rule 15

Rule 15. Independent Medical Examination

Currentness

If the preliminary evaluation or the investigation indicates that a Judge may have a physical or mental condition which significantly impairs his or her performance of judicial duties, the Commission may order the Judge to submit to one or more independent examinations by physicians or other persons with appropriate professional qualifications, who shall report their findings and recommendations to the Commission.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 15, CO ST J DISC Rule 15

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C.R.J.D. Rule 16

Rule 16. Determination

Currentness

(a) Summary. The executive director or the Commission shall appoint a member to serve as the presenter who shall provide a summary of an investigation, including the allegations, the Judge's response, and other relevant evidence, to the other members.

(b) Decision. The Commission shall consider the summary of the investigation and by majority vote of the members participating in person and by conference call, exclusive of the presenter, dismiss the complaint under Rule 35(a) or take one of, or a combination of any of, the following measures:

(1) Apply a private disciplinary disposition under subsections (c) through (i) of Rule 33.5;

(2) Initiate disability proceedings under Rule 33.5;

(3) Request a temporary suspension of the Judge under Rule 34; or

(4) Appoint special counsel to review the summary, conduct such further investigation as may be appropriate, and advise the Commission regarding its options to address the allegations; and, upon consideration of special counsel's advice, dismiss the complaint, adopt a private disciplinary disposition, initiate disability proceedings, request a temporary suspension of the Judge pending further proceedings, determine that probable cause exists for the commencement of formal proceedings, or continue the investigation.

(c) Standard of Proof. The standard of proof for a decision under section (b) of this Rule shall be the preponderance of the evidence.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 16, CO ST J DISC Rule 16
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C.R.J.D. Rule 17

Rule 17. Disqualification of a Judge

Currentness

When a complaint is filed against a Judge, the Commission may order the Judge disqualified, on request of the complainant or on the Commission's own motion, in any litigation in which the complainant is involved. Disqualification will be ordered only when the circumstances warrant such relief. After completion of the disqualifying litigation, the order for disqualification shall terminate unless extended by the Commission.

Credits

Repealed and readopted effective March 22, 2012. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 17, CO ST J DISC Rule 17

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C.R.J.D. Rule 18

Rule 18. Statement of Charges, Notice, and Pleadings in Formal Proceedings

Currentness

(a) Commencement of Formal Proceedings, Statement of Charges, and Notice. Special counsel shall commence formal proceedings in the name of the People of the State of Colorado by serving a statement of charges together with a notice of formal charges on the Judge. The case shall be captioned “In re the Matter of the People of the State of Colorado, Complainant, and Judge [name], Respondent.”

(1) The statement of charges shall state in ordinary and concise language the grounds for the charges with specific reference to the alleged misconduct and applicable Canons, Canon Rules, or Colo. RJD. The notice shall advise the Judge of his or her right to file an answer to the statement of charges, which shall include a response to each allegation together with applicable affirmative defenses or mitigation factors.

(2) Pleadings in formal proceedings shall follow the general format for civil pleadings. The statement of charges, notice of formal charges, the originals of all pleadings, and the orders of the special masters shall be filed in the office of the executive director, who shall maintain the record of proceedings.

(b) Role of Special Counsel in Formal Proceedings. At all times during formal proceedings, special counsel shall represent the People and shall inform the Commission periodically concerning the status of the proceedings.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 18, CO ST J DISC Rule 18
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C.R.J.D. Rule 18.5

Rule 18.5. Special Masters

Currentness

(a) Appointment. After special counsel has served the statement of charges and notice of formal charges on the Judge and filed copies thereof with the executive director, the Commission shall request the Supreme Court to appoint three special masters to preside over formal proceedings who shall hear and take evidence concerning the charges and provide a report to the Commission in accordance with the Constitution and these Rules. The appointees may be retired justices or active or retired judges of courts of record, who have no conflicts of interest and who are able to serve diligently and impartially as special masters. Unless otherwise designated, the judge or justice first named in the Supreme Court's order shall be the presiding special master. The presiding special master is authorized to act on behalf of the special masters in resolving pre-hearing issues, including but not limited to discovery disputes; conducting pre-hearing conferences; and ruling on evidentiary, procedural, and legal issues that arise during hearings.

(b) One Special Master. The Commission may request the Supreme Court to appoint one special master for designated purposes in any proceeding.

Credits

Formerly Rule 24. Renumbered Rule 18.5, effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 18.5, CO ST J DISC Rule 18.5

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C.R.J.D. Rule 19

Rule 19. Response of Judge

Currentness

The Judge shall file a response to the statement of charges with the executive director within 21 days after service of the statement of charges and notice of formal charges. The special masters may consider the failure or refusal to respond as an admission of the charges.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 19, CO ST J DISC Rule 19

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C.R.J.D. Rule 20

Rule 20. Setting for Hearing

Currentness

After the filing of the Judge's response under Rule 19, or if the Judge does not file a response under Rule 19, the presiding special master shall order that the formal proceedings are at issue and shall schedule a hearing regarding the matters contained in the statement of charges and the response, if any. The special masters shall serve notice on all parties of the location and date of the hearing, which shall begin no later than 91 days after the at issue date, unless extended for good cause by order of the presiding special master.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 20, CO ST J DISC Rule 20
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C.R.J.D. Rule 21

Rule 21. [Reserved effective March 22, 2012]

Currentness

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C.R.J.D. Rule 21.5

Rule 21.5. Discovery

Currentness

(a) Purpose and Scope. Rule 21.5 shall govern discovery in judicial discipline and disability proceedings. [C.R.C.P. 26](#) shall not apply to such proceedings, except as provided in this Rule or as ordered by the presiding special master.

(b) Meeting. A meeting of the parties shall be held no later than 14 days after the case is at issue to confer with each other about the nature and basis of the claims and defenses and discuss the matters to be disclosed.

(c) Disclosures. No later than 21 days after the case is at issue, the parties shall disclose:

(1) The name and, if known, the address, and telephone number of each person likely to have discoverable information relevant to disputed facts alleged in the pleadings, and the nature of the information;

(2) A listing, together with a copy or description of all documents, written or electronic records, and tangible things in the possession, custody, or control of the Commission or the Judge that are relevant to the disputed facts in the proceedings; and

(3) A statement of whether the parties anticipate the use of expert witnesses, identifying the subject areas of the proposed experts.

(d) Limitations. Except upon order by the presiding special master for good cause shown, discovery shall be limited as follows:

(1) Special counsel may take one deposition of the Judge and two other persons in addition to the depositions of experts. The Judge or the Judge's counsel may take one deposition of the complaining witness and two other persons in addition to the depositions of experts. The scope and manner of proceeding by way of deposition and the use thereof shall otherwise be governed by [C.R.C.P. 26, 28, 29, 30, 31, 32, and 45](#).

(2) A party may serve on the adverse party 30 written interrogatories, each of which shall consist of a single question. The scope and manner of proceeding by means of written interrogatories and the use thereof shall otherwise be governed by [C.R.C.P. Rules 26 and 33](#).

(3) When the mental or physical condition of the Judge has become an issue in the proceeding, the presiding special master, on motion of any party or any of the special masters, may order the Judge to submit to a physical or mental examination by a

suitable licensed or certified examiner. The order may be made only upon a determination that reasonable cause exists and after notice to the Judge. The Judge will be provided the opportunity to respond to the motion; and the Judge may request a hearing before the special masters. The hearing shall be held within 14 days of the date of the Judge's request, and shall be limited to the issue of whether reasonable cause exists for such an order.

(4) A party may serve the adverse party requests for production of documents pursuant to [C.R.C.P. 34](#), except such requests for production shall be limited to 20 in number, each of which shall consist of a single request.

(5) A party may serve on the adverse party 20 requests for admission, each of which shall consist of a single request. The scope and manner of proceeding by means of requests for admission and the use thereof shall otherwise be governed by [C.R.C.P. 36](#).

(e) Good Cause. In determining good cause pursuant to section (d) of this Rule, the presiding special master shall consider the following:

(1) Whether the scope of the proposed discovery is reasonable and likely to produce evidence that is material to the issues in the proceedings;

(2) Whether the discovery sought is unreasonably cumulative, unreasonably duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive;

(3) Whether the burden or expense of the proposed discovery outweighs its likely benefit; and

(4) Whether the party seeking discovery has had ample opportunity by disclosure or discovery in the proceedings to obtain the information sought.

(f) Supplementation of Disclosures and Discovery Responses. A party is under a duty to supplement its disclosures under section (c) of this Rule when the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the disclosure or discovery process. A party is under a duty to amend a prior response to an interrogatory, request for production, or request for admission when the party learns that the prior response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process. With respect to experts, the duty to supplement or correct extends to information contained in the expert's report or summary disclosed in pre-hearing proceedings and to information provided through any deposition of or interrogatory responses by the expert. Supplementation shall be provided in a timely manner.

(g) Protective Orders. Upon motion by a party or by the person from whom disclosure is due or discovery is sought, accompanied by a certificate that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute, and for good cause shown, the special masters may take any action which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including the issuance of one or more of the following orders:

(1) That the disclosure or discovery not be had;

- (2) That the disclosure or discovery may be had only on specified terms and conditions, including designation of the time or place;
- (3) That the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- (4) That certain matters not be inquired into, or that the scope of the disclosure or discovery be limited to certain matters;
- (5) That discovery be conducted with no one present except persons designated by the special masters; and
- (6) That a deposition, if sealed, be opened only by order of the special masters.

If the motion for a protective order is denied in whole or in part, the special masters, on such terms and conditions as are just, may order that any party or other person provide or permit discovery. The provisions of [C.R.C.P. 37\(a\)\(4\)](#) apply to an award of expenses incurred with regard to the motion.

Credits

Formerly Rule 21. Repealed and renumbered effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 21.5, CO ST J DISC Rule 21.5
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C.R.J.D. Rule 22

Rule 22. Subpoena and Inspection

Currentness

Special counsel and the Judge shall be entitled to compel by subpoena the attendance and testimony of witnesses, including the Judge as witness, and to provide for the production and inspection of documents, books, accounts, and other records. Subpoenas may be issued by the chair, the executive director, special counsel, the Judge's counsel, or a special master and shall be served in the manner provided by law for the service of subpoenas in a civil action. A party requesting or issuing a subpoena shall file a copy of each subpoena with the special masters; shall notify all parties of the issuance and service of each subpoena; and shall not cancel any subpoena without the approval of the presiding special master or the agreement of the parties.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 22, CO ST J DISC Rule 22

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C.R.J.D. Rule 23

Rule 23. Witness Fees and Expenses

Currentness

All witnesses in formal proceedings shall receive fees and expenses in the amount allowed by law for civil litigation in the district courts, except as provided in this Rule. Fees and expenses of witnesses shall be borne by the party calling them. The Commission may, upon a showing of good cause, reimburse a Judge for reasonable expenses incurred for consultations with or testimony by a physician or mental health professional with respect to whether the Judge's conduct is adversely affected by a physical or mental condition. If the Judge is exonerated of allegations of misconduct in a matter that does not involve disability issues and the Commission determines that the Judge's payment of witness fees and expenses would work a financial hardship or injustice upon the Judge, then it may pay or reimburse such fees and expenses.

Credits

Repealed and readopted effective March 22, 2012. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 23, CO ST J DISC Rule 23

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C.R.J.D. Rule 24

Rule 24. [Reserved effective March 22, 2012]

Currentness

Judicial Discipline Rule 24, CO ST J DISC Rule 24
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C.R.J.D. Rule 25

Rule 25. Prehearing Procedures

Currentness

The special masters may direct the parties to appear in person or by telephone for prehearing procedures which shall generally follow C.R.C.P. 16, but in a manner suitable for formal proceedings.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 25, CO ST J DISC Rule 25

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C.R.J.D. Rule 26

Rule 26. Hearing

Currentness

(a) In General. At the time and place designated by notice, the special masters shall hear and take evidence, as required by [Article VI, Section 23\(3\)\(e\) of the Constitution](#). Special counsel shall present the case in support of the formal charges. The presiding special master shall rule on all motions and objections made during the hearing, subject to the right of the Judge, the Judge's counsel, or special counsel to appeal a ruling to all of the special masters. The special masters shall provide a report to the Commission, as required by [Article VI, Section 23\(3\)\(e\) of the Constitution](#) and Rule 32, which shall be approved by majority vote of the special masters. In the event that a majority of the special masters cannot agree on the content of the report, each special master shall issue a report.

(b) Failure to Appear. The special masters may determine, in their discretion, whether the failure of the Judge to appear at the hearing may be considered an admission of the allegations in the statement of charges, unless such failure was due to circumstances beyond the Judge's control.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 26, CO ST J DISC Rule 26
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C.R.J.D. Rule 27

Rule 27. Procedures and Rules

Currentness

The hearing in formal proceedings shall be conducted in accordance with C.R.C.P., except where the special masters determine that certain provisions of C.R.C.P. would be impractical or unnecessary. The order of presentation in a hearing shall be the same as in civil cases. All witnesses shall give testimony under oath, and rules of evidence applicable in civil proceedings shall apply. Procedural errors or defects not affecting the substantive rights of a Judge shall not be grounds for invalidation of the proceedings.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 27, CO ST J DISC Rule 27

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C.R.J.D. Rule 28

Rule 28. [Reserved effective March 22, 2012]

Currentness

Judicial Discipline Rule 28, CO ST J DISC Rule 28
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C.R.J.D. Rule 29

Rule 29. Amendment to Pleadings

Currentness

The special masters may in the interest of justice allow or require amendments to pleadings at any time in accordance with C.R.C.P.

Credits

Repealed and readopted effective March 22, 2012.

Judicial Discipline Rule 29, CO ST J DISC Rule 29

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C.R.J.D. Rule 30

Rule 30. Additional Evidence

Currentness

The special masters may order a hearing for the taking of additional evidence at any time while the matter is pending before it. The order shall set the time and place of the hearing and shall indicate matters on which the evidence is to be taken. A copy of such order shall be served on the Judge and special counsel at least 14 days prior to the date of hearing.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 30, CO ST J DISC Rule 30
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C.R.J.D. Rule 31

Rule 31. Standard of Proof

Currentness

The standard of proof in all formal proceedings and disability proceedings shall be clear and convincing evidence.

Credits

Repealed and readopted effective March 22, 2012.

Judicial Discipline Rule 31, CO ST J DISC Rule 31

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C.R.J.D. Rule 32

Rule 32. Report of the Special Masters

Currentness

At the conclusion of the hearing in formal proceedings, the special masters shall issue and file with the executive director a report which shall include written findings of fact regarding the evidence in support of and in defense to the allegations in the complaint, a report of any prior disciplinary action by the Commission against the Judge, and its recommendations to the Commission for dismissal of the charges, a private disposition, or one or more sanctions. The executive director shall certify the special masters' report as part of the record of proceedings to be filed with the Supreme Court, in accordance with Rule 37.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 32, CO ST J DISC Rule 32

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C.R.J.D. Rule 33

Rule 33. Record of Proceedings

Currentness

The record of proceedings shall consist of the report of the special masters together with pleadings, motions, verbatim electronic or written transcripts of proceedings, affidavits, exhibits, findings of fact and conclusions of law, legal briefs, and any other documentation designated by the Commission for the Supreme Court's consideration. The special masters shall determine whether the verbatim record will be made by court reporter or electronic recording. The Judge shall be provided, on request and without cost, copies of electronic recordings that are made of any portion of the proceedings. The Judge may, in addition, have all or any portion of the testimony in the proceedings transcribed at the Judge's own expense. Special counsel's work product, the investigation file, discovery, and deliberations of the Commission or the special masters shall not be included in the record of proceedings unless so ordered by the Court.

Credits

Repealed and readopted, effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 33, CO ST J DISC Rule 33

Current with amendments received through March 15, 2023.

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C.R.J.D. Rule 33.5

Rule 33.5. Disability Proceedings

Effective: July 1, 2021

[Currentness](#)

(a) Initiation of a Disability Proceeding. A disability proceeding can be initiated by a request for evaluation of judicial conduct, by the Commission, by a Judge or the Judge's counsel, by a claim of inability to defend in a disciplinary proceeding, by an order of involuntary commitment or adjudication of incompetency, or as a result of information discovered during the course of disciplinary proceedings.

(b) Proceedings to Determine Disability Generally. The Commission shall conduct all disability proceedings in accordance with the procedures for disciplinary proceedings, except:

(1) The purpose of the disability proceedings shall be to determine whether the Judge suffers from a physical or mental condition that adversely affects the Judge's ability to perform judicial functions or to assist with his or her defense in disciplinary proceedings;

(2) All of the proceedings shall be confidential;

(3) The Commission may appoint a lawyer to represent the Judge if the Judge is without representation;

(4) In lieu of a Rule 18.5 appointment of three special masters, the Supreme Court may, in its discretion, appoint one special master, who is qualified to oversee disability proceedings (and who need not be a judge of a court of record), to conduct a hearing to take and consider evidence, promptly transmit a report concerning the alleged disability to the Supreme Court, and otherwise act as provided in this Rule for action by three special masters; and

(5) If the Supreme Court concludes that the Judge is incapacitated to hold judicial office, it may enter orders appropriate to the nature and probable length of the period of disability, including:

(i) Retirement of the Judge for a disability interfering with the performance of his or her duties which is, or is likely to become, of a permanent character;

(ii) Transfer of the Judge to temporary judicial disability inactive status. Such transfer shall be for a period of 182 days (the “temporary transfer period”). The special master(s) shall take appropriate measures to review the Judge's disability status during the temporary transfer period, and issue a report to the Supreme Court on the degree of the Judge's disability no later than 70 days after the beginning of the temporary transfer period. If the special master(s) find that the Judge remains disabled, the special master(s) shall again review the Judge's condition within the 35 days preceding the end of the temporary transfer period and report to the Supreme Court on or before expiration of the 182 days. The Court may order more frequent reports during the temporary transfer period, in its discretion. For good cause, the Court may extend the temporary transfer period, but not to exceed an additional 182 days, and require periodic reports from the special master(s) during and at the end of the extension. In each report, the special master(s) shall determine whether the Judge is no longer disabled or that the disability is continuing, and shall recommend whether the Judge should be returned to active status or, retired due to a disability under subsection (b)(5)(i) of this Rule. The Court shall consider the recommendations and enter any order appropriate under the circumstances;

(iii) Transfer of the Judge to lawyer disability inactive status, if the Supreme Court concludes that the Judge is unable to practice law; or

(iv) Suspension of the disciplinary proceeding, pursuant to subsection (c)(2) of this Rule.

(c) Inability to Properly Defend in a Disciplinary Proceeding.

(1) If, in the course of a disciplinary proceeding, a Judge, the Judge's counsel or personal representative, or special counsel, if appointed, alleges that the Judge is unable to assist in his or her defense due to mental or physical disability, the Commission shall promptly notify the Supreme Court and suspend the disciplinary proceeding. The Supreme Court shall immediately transfer the Judge to lawyer and judicial disability inactive status and appoint a special master, or special masters, under subsection (b)(4) of this Rule, who shall consider all relevant factors and/or stipulations of the parties, conduct a hearing if necessary, and report to the Supreme Court concerning the Judge's alleged disability. The 182 day temporary transfer period, provided in subsection (b)(5)(ii) of this Rule, shall not commence until and unless the special master(s) determine that the Judge cannot assist with his or her defense under subsection (c)(2) of this Rule.

(2) The Supreme Court shall consider the report of the special master(s) to determine whether the Judge can assist in such defense. If it finds that the Judge can assist, the disciplinary proceeding shall be resumed but the Judge shall remain on lawyer and judicial inactive status, pending the results of the disciplinary proceeding. If it finds that the Judge cannot assist, the disciplinary proceeding shall remain in suspension and the Judge shall be placed on (i) temporary judicial disability inactive status, subject to the provisions of subsection (b)(5)(ii) of this Rule, and (ii) on lawyer disability inactive status. If the Supreme Court, under subsection (b)(5)(ii), subsequently determines that the Judge is no longer disabled, the Judge shall be restored to lawyer and judicial active status and the Commission may resume the disciplinary proceeding.

(d) Involuntary Commitment or Adjudication of Incompetency. If a Judge has been declared incompetent by judicial order or has been involuntarily committed to an institution by judicial order on the grounds of incompetency or disability, the Supreme Court shall, after considering all relevant factors, enter an order appropriate in the circumstances, including but not limited to: (i) retiring the Judge under subsection (b)(5)(i) of this Rule; (ii) transferring the Judge to temporary judicial disability inactive status and evaluating the Judge's disability under provisions of subsection (b)(5)(ii); and/or (iii) transferring the Judge to lawyer disability inactive status under subsection (b)(5)(iii). A copy of the order shall be served on the Judge, his or her guardian, and the director of such institution. All such orders shall be public, in accordance with section (i) of this Rule.

(e) Stipulated Disposition for Disability.

(1) The special masters may designate one or more experts whom the special masters deem, in their discretion, to be appropriately qualified in medicine, psychiatry, or psychology, and who shall examine the Judge prior to considering evidence of the alleged disability.

(2) After receipt of the examination report, the Commission or special counsel and the Judge may agree upon a stipulated disposition which includes proposed findings of fact, conclusions of law, and an order. The stipulated disposition shall be submitted to the special master(s) who shall forward it to the Supreme Court for approval or rejection.

(3) If the Supreme Court approves the stipulated disposition, it shall enter an order in accordance with its terms. If the stipulated disposition is rejected by the Supreme Court, the disability proceedings shall resume, but any statements by or on behalf of the Judge in the proposed disposition shall not be used as an admission of any material fact.

(f) Interim Appointment. The Supreme Court may designate another judge to assume the Judge's duties during the Judge's disability inactive status.

(g) Reinstatement from Judicial Disability Inactive Status.

(1) A Judge may petition the Court at any time, on good cause, for reinstatement to active judicial and lawyer status.

(2) Upon the filing of a petition for transfer to active judicial status, the Supreme Court may take or direct whatever action it deems necessary or proper to determine whether the disability has been removed, including but not limited to an examination of the Judge by a physician or mental health practitioner designated by the Supreme Court or consideration of the findings of the special master(s) under subsection (b)(5)(ii) of this Rule.

(3) With the filing of a petition for reinstatement to active judicial status, the Judge shall be required to disclose the name of each physician or mental health practitioner and hospital or other institution by whom or in which the Judge has been examined or treated since the transfer to judicial disability inactive status. The Judge shall furnish to the Supreme Court written consent to the release of information and records relating to the disability, if requested by the Supreme Court or by court-appointed experts. The Judge shall bear the burden of proof to establish grounds for reinstatement.

(4) A Judge who is returned to active judicial status will be eligible to apply for another judicial position or for the senior judge program.

(5) Reinstatement to active lawyer status shall be under the jurisdiction of Attorney Regulation, pursuant to [C.R.C.P. 243.10](#).

(h) Waiver of Medical Privilege. Asserting a mental or physical condition as a defense to or in mitigation of judicial misconduct constitutes a waiver of medical privilege in any disciplinary proceeding.

(i) Public Orders. All recommendations of the special master(s) and orders of the Supreme Court under this Rule shall be public. However, the pleadings, briefs, and evidence considered by the special master(s), including but not limited to testimony, medical reports, and other documentation, shall remain confidential.

Credits

Adopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017; May 20, 2021, effective July 1, 2021.

Judicial Discipline Rule 33.5, CO ST J DISC Rule 33.5
Current with amendments received through March 15, 2023.

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Part D. Dispositions and Sanctions

C.R.J.D. Rule 34

Rule 34. Temporary Suspension

Currentness

(a) Request to Supreme Court. The Commission, by its chair, the executive director, or special counsel, may request the Supreme Court to order temporary suspension of a Judge, with pay, pending the resolution of preliminary or formal proceedings. The request shall include a statement of the reasons in support of the suspension, which may include the Judge's failure to cooperate with the Commission. Upon receipt of such a request, the Court may require additional information from the Commission.

(b) Order to Show Cause. Upon a finding that the Supreme Court has been fully advised and that a temporary suspension is appropriate, the Court (1) shall issue an order for temporary suspension; (2) direct the Commission to issue an order to the Judge to show cause to the Commission in writing, within 21 days, why the Judge should not continue to be temporarily suspended from any or all judicial duties pending the outcome of preliminary or formal proceedings before the Commission; and (3) appoint an active, retired, or senior judge or a retired justice as special master to preside over a show cause hearing. The Court may issue an order for temporary suspension and an order to show cause to the Commission on its own motion.

(c) Hearing. The special master shall conduct a hearing on the order to show cause within 28 days of the Judge's response to such order or such later date ordered by the special master, at which the executive director, special counsel, the Judge, Judge's counsel, and witnesses may appear and participate. Within seven days following the conclusion of the hearing, the special master shall file its findings and conclusions with the Supreme Court. Within the seven days thereafter, special counsel and the Judge or the Judge's counsel may file exceptions with the Court regarding the findings and conclusions. Upon its consideration of the findings, conclusions, and exceptions, the Court may affirm, modify, or terminate the temporary suspension.

(d) Further Order. The Supreme Court may issue further orders concerning the suspension, as it may deem appropriate.

(e) Voluntary Suspension. The Commission may inquire whether a Judge will voluntarily submit to temporary suspension, and a written consent, if obtained, shall be filed with the Supreme Court.

(f) Public Notice. An order by the Supreme Court for temporary suspension shall become public upon its issuance. However, the Commission's investigation, pleadings, and other records with respect to the temporary suspension and its record of proceedings in preliminary or formal proceedings shall remain confidential unless and until a recommendation for sanctions or a recommendation for approval of a stipulated resolution is filed with the Court under Rule 37.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 34, CO ST J DISC Rule 34
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C.R.J.D. Rule 35

Rule 35. Dispositions

Currentness

Upon consideration of all the evidence and the report of the presenter(s), the Commission may order any of the following dispositions:

(a) Dismissal. Dismiss an unjustified or unfounded complaint, which may include an appropriate expression of concern by the Commission regarding the circumstances;

(b) Disability Proceedings. Initiate disability proceedings under Rule 33.5 or stipulate to voluntary retirement by the Judge for a disability under Rule 33.5(e);

(c) Diversion Plan. Direct the Judge to follow a diversion plan, including but not limited to education, counseling, drug and alcohol testing, medical treatment, medical monitoring, or docket management, which may be accompanied by the deferral of final disciplinary proceedings;

(d) Private Admonishment. Admonish the Judge privately for an appearance of impropriety, even though the Judge's behavior otherwise meets the minimum standards of judicial conduct;

(e) Private Reprimand. Reprimand the Judge privately for conduct that does not meet the minimum standards of judicial conduct;

(f) Private Censure. Censure the Judge privately for conduct which involves a substantial breach of the standards of judicial conduct;

(g) Costs and Fees. Assess costs or fees of an investigation, examination or proceeding; or

(h) Stipulated Disposition. Agree with the Judge to a stipulated private disposition which may include the Judge's resignation, retirement, or agreement not to stand for retention; disciplinary measures under sections (c) through (g) of this Rule; and/or dismissal of the complaint with or without such disciplinary measures. A stipulated private disposition shall remain confidential, subject to Rule 6.5(g).

(i) Other Action. Take or direct such other action, including any combination of dispositions that the Commission believes will reasonably improve the conduct of the Judge. A Judge who disagrees with a disposition under this Rule has the right to request that the complaint be resolved through formal proceedings.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 35, CO ST J DISC Rule 35
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C.R.J.D. Rule 36

Rule 36. Sanctions

Currentness

After considering the record of proceedings and the report of the special masters, in accordance with [Article VI, Section 23\(3\)\(e\) of the Constitution](#), the Commission, by majority vote of the members meeting in person or by conference call, including the vote of any member who served as a presenter in prior proceedings, shall recommend that the Supreme Court dismiss the charges or order one or more of the following sanctions, except that a recommendation for removal shall require a majority vote of all members of the Commission:

- (a) Removal.** Remove the Judge from office;
- (b) Retirement.** Order the retirement of the Judge;
- (c) Suspension.** Suspend the Judge without pay for a specified period;
- (d) Disability Proceedings.** Remand the matter to the Commission for disability proceedings or stipulate to voluntary retirement by the Judge for a disability under Rule 33.5(e);
- (e) Public Reprimand or Censure.** Reprimand or censure the Judge publicly, either in person or by written order;
- (f) Diversion or Deferred Discipline.** Require compliance with a diversion plan or deferred discipline plan;
- (g) Costs and Fees.** Assess costs and fees incurred by the Commission, which may include a recommendation for reimbursement of its reasonable attorney fees, provided the recommendation includes grounds for such reimbursement that the Court determines to be appropriate and equitable in the circumstances; or
- (h) Other Discipline.** Impose any other sanction or combination of sanctions, including dispositions under Rule 35, that the Court determines will curtail or eliminate the Judge's misconduct.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 36, CO ST J DISC Rule 36
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C.R.J.D. Rule 36.5

Rule 36.5. Conviction of a Crime

Currentness

(a) Suspension. Whenever a Judge has been found guilty, by a verdict or a plea of guilty in any state or federal court of the United States, of a felony or an offense involving moral turpitude, the Supreme Court on its own motion or upon petition filed by any person and a finding that such a finding of guilty was had, shall enter an order suspending the Judge from office and suspending the payment of the Judge's salary until such time as the Judge is sentenced.

(b) Removal. Upon the sentencing of the Judge, the Supreme Court shall enter an order removing the Judge from office and declaring the Judge's office vacant; and also forfeiting the Judge's salary, retroactive to the date of the finding of guilty.

(c) Reversal or Acquittal. If the judgment of guilty is reversed and a judgment of acquittal or a dismissal is then entered, the Judge shall recover the salary that had been forfeited pursuant to section (b) of this Rule together with the salary that would have accrued through the date of acquittal or dismissal. While reversal of a conviction does not entitle the Judge to resume his or her previous judicial office or to be paid a salary beyond the date of acquittal or the date of dismissal, the Judge will be eligible for consideration by a judicial nominating commission for open positions and will be eligible to apply for the senior judge program.

(d) Effect of Pleas. A plea of guilty or *nolo contendere* shall be equivalent to a finding of guilty for the purpose of this Rule.

Credits

Adopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 36.5, CO ST J DISC Rule 36.5
Current with amendments received through March 15, 2023.

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Part E. Supreme Court Action

C.R.J.D. Rule 37

Rule 37. Recommendations

Currentness

(a) Filing the Record of Proceedings and Recommendation. Upon the Commission's consideration of the report of the special masters, the executive director shall file, with the clerk of the Supreme Court, the record of the proceedings and the Commission's recommendation to the Court for dismissal, sanctions, a private disposition, or a stipulated resolution.

(b) Dismissal. If the Commission recommends dismissal, the dismissal and the record of proceedings shall remain confidential, unless the Supreme Court orders public disclosure under Rule 6.5(g).

(c) Sanctions. The Commission may recommend one or more of the sanctions provided in Rule 36. The Commission's recommendation for sanctions and the record of proceedings shall become public upon filing the recommendation with the Supreme Court, and the clerk shall docket the recommendation for the Court's expedited consideration. The executive director shall promptly serve a copy of the recommendation and notice of the date of its filing on the Judge (or the Judge's counsel) and on special counsel. The executive director shall file proof of service of the recommendation and the notice with the clerk. Exceptions to the recommendation may be filed under Rule 38.

(d) Private Disposition. As an alternative to sanctions, the Commission may recommend a private disposition under Rule 35. The executive director shall notify the Judge (or the Judge's counsel), special counsel, and the Supreme Court of the Commission's recommendation. Exceptions to the recommendation may be filed under Rule 38. The recommendation, exceptions, and any disposition resulting therefore shall remain confidential subject to the provisions of Rule 6.5(g). If the Court does not approve the disposition, the case shall be remanded to the Commission and the record shall remain sealed pending the Commission's further action.

(e) Stipulated Resolution of Formal Proceedings. Special counsel and the Judge may propose that the Commission adopt a stipulated resolution of formal proceedings, which shall include summaries of the principal allegations, the Judge's response, and material facts that are agreed or remain disputed; relevant Canons, Canon Rules, or provisions of Colo. RJD; recommendations for dismissal or sanctions; and an acknowledgement that the stipulated resolution and the record of proceedings will become public. If the Commission finds that the terms of the stipulated resolution comply with these requirements, it shall file the stipulated resolution with the Supreme Court as its recommendation under this Rule. The recommendation, the stipulated resolution, the record of proceedings, and any sanctions proposed in the stipulated resolution shall become public upon the Commission's filing of the recommendation with the Court. However, if it provides for dismissal, the stipulated resolution and the record of proceedings shall be confidential pending the Court's consideration, and if approved by the Court, the stipulated resolution and the record of proceedings shall remain confidential, subject to the provisions of Rule 6.5(g).

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 37, CO ST J DISC Rule 37
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C.R.J.D. Rule 38

Rule 38. Exceptions

Currentness

Exceptions to a recommendation under Rule 37(c) or 37(d) may be filed by the Judge, the Judge's counsel, or special counsel with the clerk of the Supreme Court and served on each other party to the proceedings within 21 days after service of the notice required by Rule 37(c) or 37(d). Exceptions shall be supported by an opening brief based on the record of the proceedings. A party opposing the exceptions shall have 14 days after the filing of the opening brief within which to file an answer brief, a copy of which shall be served on all parties. A party shall have 7 days after the filing of the answer brief within which to file a reply brief, a copy of which shall be served on all parties. If no exceptions are filed, the matter will stand submitted upon the Commission's recommendation and the record. In other respects, the filing and consideration of exceptions to the special masters' recommendation shall be governed by the Colorado Appellate Rules, unless the Court determines that the application of a particular rule would be impracticable, inappropriate, or inconsistent in disciplinary proceedings.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 38, CO ST J DISC Rule 38

Current with amendments received through March 15, 2023.

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C.R.J.D. Rule 39

Rule 39. Additional Findings

Currentness

If the Supreme Court desires an expansion of the record or additional findings as to certain issues or the entire matter, it may remand the proceedings to the Commission with appropriate directions and continue the proceedings pending receipt of the additional information. The Commission shall refer the remand to the special masters for additional findings and forward the additional findings to the Court. The Court may order oral argument, in its discretion.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014.

Judicial Discipline Rule 39, CO ST J DISC Rule 39

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C.R.J.D. Rule 40

Rule 40. Decision

Currentness

The Supreme Court shall consider the evidence and the law, including the record of the proceedings and additions thereto; the special masters' report; the Commission's recommendation; and any exceptions filed under Rule 38. The Court shall issue a decision, in which it may dismiss the complaint; adopt or reject the recommendation of the Commission; adopt the recommendation of the Commission with modifications; or remand the proceedings to the Commission for further action. Provided, however, that if the Commission has recommended a stipulated resolution, the Court shall order it to become effective and issue any sanction provided in the stipulated resolution, unless the Court determines that its terms do not comply with Rule 37(e) or are not supported by the record of proceedings. The decision of the Court, including such sanctions as may be ordered, shall be final. Unless confidentiality is required under Rule 37, the decision shall be published.

Credits

Repealed and readopted effective March 22, 2012. Amended effective December 10, 2014. Amended April 20, 2017, effective July 1, 2017.

Judicial Discipline Rule 40, CO ST J DISC Rule 40
Current with amendments received through March 15, 2023.

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Part F. Special Tribunal

C.R.J.D. Rule 41

Rule 41. Proceedings Involving a Current or Former Justice of the Colorado Supreme Court

Effective: January 19, 2023

[Currentness](#)

(a) In any proceeding in which any of the circumstances described in part (b) of this rule are present, the entire Supreme Court shall recuse itself, and a special tribunal composed of seven Colorado Court of Appeals judges shall replace the Supreme Court for the limited purpose of exercising any authority conferred by law to the Supreme Court as to the proceeding giving rise to recusal. The State Court Administrator, or the Administrator's designee, shall randomly select members of the tribunal from among all active, non-senior-status Court of Appeals judges who are not the subject of a current disciplinary investigation or proceeding pending before the Commission; have not received a disciplinary sanction from the Commission or Supreme Court; and are not otherwise required by law, court rule, or judicial canon to recuse themselves from the tribunal. The random selection of tribunal members is a purely administrative function.

(b) The special tribunal shall replace the Supreme Court in the following circumstances:

- (1) When the proceeding involves a complaint against a current or former Supreme Court justice;
- (2) When a current or former Supreme Court justice is a complainant or material witness in the proceeding;
- (3) When a staff member to a current Supreme Court justice is a complainant or material witness in the proceeding;
- (4) When a family member of a current Supreme Court justice is a complainant or material witness in the proceeding;
- (5) When any other circumstances exist due to which more than two Supreme Court justices have recused themselves from the proceeding.

Credits

Adopted effective January 19, 2023.

Judicial Discipline Rule 41, CO ST J DISC Rule 41
Current with amendments received through March 15, 2023.

West's Colorado Revised Statutes Annotated
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Colorado Code of Judicial Conduct (Appendix to Chapter 24)

Code of Jud.Conduct, Preamble

Preamble

Currentness

[1] An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

[2] Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

[3] The Colorado Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by the Code. The Code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Preamble, CO ST CJC Preamble
Current with amendments received through March 15, 2023.

West's Colorado Revised Statutes Annotated
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Colorado Code of Judicial Conduct (Appendix to Chapter 24)

Code of Jud.Conduct, Scope

Scope

Currentness

[1] The Colorado Code of Judicial Conduct consists of four Canons, numbered Rules under each Canon, and Comments that generally follow and explain each Rule. Scope and Terminology sections provide additional guidance in interpreting and applying the Code. An Application section establishes when the various Rules apply to a judge or judicial candidate.

[2] The Canons state overarching principles of judicial ethics that all judges must observe. Although a judge may be disciplined only for violating a Rule, the Canons provide important guidance in interpreting the Rules. Where a Rule contains a permissive term, such as “may” or “should,” the conduct being addressed is committed to the personal and professional discretion of the judge or candidate in question, and no disciplinary action should be taken for action or inaction within the bounds of such discretion.

[3] The Comments that accompany the Rules serve two functions. First, they provide guidance regarding the purpose, meaning, and proper application of the Rules. They contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. Comments neither add to nor subtract from the binding obligations set forth in the Rules. Therefore, when a Comment contains the term “must,” it does not mean that the Comment itself is binding or enforceable; it signifies that the Rule in question, properly understood, is obligatory as to the conduct at issue.

[4] Second, the Comments identify aspirational goals for judges. To implement fully the principles of this Code as articulated in the Canons, judges should strive to exceed the standards of conduct established by the Rules, holding themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the judicial office.

[5] The Rules of the Colorado Code of Judicial Conduct are rules of reason that should be applied consistent with constitutional requirements, statutes, other court rules, and decisional law, and with due regard for all relevant circumstances. The Rules should not be interpreted to impinge upon the essential independence of judges in making judicial decisions.

[6] Although the black letter of the Rules is binding and enforceable, it is not contemplated that every transgression will result in the imposition of discipline. Whether discipline should be imposed should be determined through a reasonable and reasoned application of the Rules, and should depend upon factors such as the seriousness of the transgression, the facts and circumstances that existed at the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the judicial system or others.

[7] The Code is not designed or intended as a basis for civil or criminal liability. Neither is it intended to be the basis for litigants to seek collateral remedies against each other.

Credits

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Code of Jud. Conduct, Scope, CO ST CJC Scope
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Code of Jud.Conduct, Terminology

Terminology

Currentness

The first time any term listed below is used in a Rule in its defined sense, it is followed by an asterisk (*).

“Appropriate authority” means the authority having responsibility for initiation of disciplinary process in connection with the violation to be reported. In Colorado, the Commission on Judicial Discipline is the authority responsible for investigating judicial misconduct and disciplining judges, except with respect to Denver County court and municipal judges, over whom it has no jurisdiction pursuant to [Colo. Const. Article VI § 26; § 13-10-105, C.R.S.](#); C.J.R.D. 4(a). See Rules 1.1, 2.14 and 2.15.

“Contribution” means both financial and in-kind contributions, such as goods, professional or volunteer services, advertising, and other types of assistance which, if obtained by the recipient otherwise, would require a financial expenditure. See Rule 3.7.

“De minimis,” in the context of interests pertaining to disqualification of a judge, means an insignificant interest that could not raise a reasonable question regarding the judge's impartiality. See Rule 2.11.

“Domestic partner” means a person with whom another person maintains household and an intimate relationship, other than a person to whom he or she is legally married. See Rules 2.11, 3.13, and 3.14.

“Economic interest” means ownership of more than a one percent legal or equitable interest in a party, or a legal or equitable interest in a party of a fair market value exceeding \$5,000, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:

- (1) Ownership in a mutual or common investment fund that holds securities, or of securities held in a managed fund, is not an “economic interest” in such securities unless the judge participates in the management of the fund;
- (2) securities held by an educational, religious, charitable, fraternal, or civic organization in which the judge or the judge's spouse, domestic partner, parent, or child serves as a director, an officer, an advisor, or other participant is not an “economic interest” in securities held by the organization;
- (3) the proprietary interest of a policy holder in a mutual insurance company, of a depositor in a financial institution, or deposits or proprietary interests the judge may maintain as a member of a mutual savings association or credit union, or a similar proprietary interest is an “economic interest” in the organization only if the outcome of the proceeding could substantially affect the value of the interest; and
- (4) ownership of government securities is an “economic interest” in the issuer only if the outcome of the proceeding could substantially affect the value of the securities. See Rules 1.3 and 2.11.

“**Fiduciary**” includes relationships such as executor, administrator, trustee, or guardian. See Rules 2.11, 3.2, and 3.8.

“**Impartial,**” “**impartiality,**” and “**impartially**” mean absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge. See Canons 1, 2, and 4, and Rules 1.2, 2.2, 2.10, 2.11, 2.13, 3.1, 3.12, 3.13, 4.1, and 4.2.

“**Impending matter**” is a matter that is imminent or expected to occur in the near future. See Rules 2.9, 2.10, 3.13, and 4.1.

“**Impropriety**” includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge's independence, integrity, or impartiality. See Canon 1 and Rule 1.2.

“**Independence**” means a judge's freedom from influence or controls other than those established by law. See Canons 1 and 4, and Rules 1.2, 3.1, 3.12, 3.13, and 4.2.

“**Integrity**” means probity, fairness, honesty, uprightness, and soundness of character. See Canon 1 and Rule 1.2.

“**Judicial candidate**” means a sitting judge who is seeking selection for judicial office by appointment or retention. See Rules 2.11, 4.1, 4.2, and 4.3.

“**Knowingly,**” “**knowledge,**” “**known,**” and “**knows**” mean actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances. See Rules 2.11, 2.15, 2.16, 3.6, and 4.1.

“**Law**” encompasses court rules and orders as well as statutes, constitutional provisions, and decisional law. See Rules 1.1, 2.1, 2.2, 2.6, 2.7, 2.9, 3.1, 3.4, 3.9, 3.12, 3.13, 3.14, 3.15, 4.1, 4.2, and 4.4.

“**Member of the judge's family**” means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. See Rules 3.7, 3.8, 3.10, and 3.11.

“**Member of a judge's family residing in the judge's household**” means any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family, who resides in the judge's household. See Rules 2.11 and 3.13.

“**Nonpublic information**” means information that is not available to the public. Nonpublic information may include, but is not limited to, information that is sealed by statute or court order or impounded or communicated in camera, and information offered in grand jury proceedings, presentencing reports, dependency cases, or psychiatric reports. See Rule 3.5.

“**Pending matter**” is a matter that has commenced. A matter continues to be pending through any appellate process until final disposition. See Rules 2.9, 2.10, 3.13, and 4.1.

“**Personally solicit**” means a direct request made by a judge or judicial candidate for financial support or in kind services, whether made by letter, telephone, or any other means of communication. See Rule 4.1.

“**Political organization**” means a political party or other group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for political office. For purposes of this Code, the term does not include a judicial candidate's retention committee created as authorized by Rule 4.3. See Rule 4.1.

“**Public election**” includes primary and general elections, partisan elections, nonpartisan elections, and retention elections. See Rule 4.2.

“**Third degree of relationship**” includes the following persons: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece. See Rule 2.11.

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Code of Jud.Conduct, Application

Application

Currentness

The Application section establishes when the various Rules apply to a judge or judicial candidate.

I. Applicability of This Code

(A) The provisions of the Code apply to all full-time judges. Parts II through V of this section identify those provisions that apply to three distinct categories of part-time judges. The three categories of judicial service in other than a full-time capacity are necessarily defined in general terms because of the widely varying forms of judicial service. Canon 4 applies to judicial candidates.

(B) A judge, within the meaning of this Code, is anyone who is authorized to perform judicial functions, including an officer such as a magistrate, referee, or member of the administrative law judiciary.

II. Senior and Retired Judges. Senior judges, while under contract pursuant to the senior judge program, and retired judges, while recalled and acting temporarily as a judge, are not required to comply:

(A) with Rule 3.9 (Service as Arbitrator or Mediator); or

(B) with Rule 3.8 (Appointments to Fiduciary Positions).

III. Part-Time Judges. A judge who serves on a part-time basis

(A) is not required to comply:

(1) with Rules 3.8 (Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), 3.11(A) and (B) (Financial, Business, or Remunerative Activities); and

(B) shall not practice law in the court on which the judge serves or in any comparable level court in the same judicial district on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves, and shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto;

(C) shall not practice law with respect to any controversies which will or appear likely to come before the court on which the judge serves or any court of the same or comparable jurisdiction within the same judicial district on which the judge serves.

IV. Appointed Judges. An Appointed Judge who serves pursuant to [C.R.C.P. 122](#) and [section 13-3-111, C.R.S.](#), for the period of the appointment, and in his or her capacity as Appointed Judge,

(A) is not required to comply with the following canons:

(1) 2.10 (A) (Judicial Statements on Pending and Impending Cases), except as to the case where he or she is appointed, and should require similar abstention from comment on the part of those personnel who are subject to the Appointed Judge's direction and control;

(2) 3.2 (Appearances Before Governmental Bodies and Consultation with Governmental Officials); 3.3 (Testifying as a Character Witness); 3.4 (Appointments to Governmental Positions); 3.7 (Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities); 3.8 (Appointments to Fiduciary Positions); 3.9 (Service as Arbitrator of Mediator); 3.10 (Practice of Law); 3.11 (Financial, Business, or Remunerative Activities); 3.12 (Compensation for Extrajudicial Activities); 3.13(C) (Reporting of Certain Gifts, Loans, Bequests, Benefits, or Other things of Value); 3.14 (Reimbursement of Expenses and Waivers of Fees or Charges); and 3.15 (Reporting Requirements);

(3) 4.1(A)(5, 12, 13) (Political and Campaign Activities of Judges in General); 4.2 (Political and Campaign Activities of a Judge Standing for Retention); and 4.4 (Campaign Committees).

(B) should refrain as follows:

(1) from financial and business dealings that relate directly to any issues in the case to which the Appointed Judge is appointed;

(2) from accepting any gift, bequest, favor or loan from any party to or the lawyer appearing in the case to which the appointed judge is appointed, and should require a spouse, domestic partner or family member residing in the judge's household to refrain from accepting gifts, bequests, favors, or loans in the same manner as the judge.

V. Time for Compliance. A person to whom this Code becomes applicable shall comply immediately with its provisions, except that those judges to whom Rules 3.8 (Appointments to Fiduciary Positions) and 3.11 (Financial, Business, or Remunerative Activities) apply shall comply with those Rules as soon as reasonably possible, but in no event later than one year after the Code becomes applicable to the judge.

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and Shall Avoid Impropriety and the Appearance of Impropriety.

Code of Jud.Conduct, Rule 1.1

Rule 1.1. Compliance with the Law

Effective: July 1, 2021

[Currentness](#)

(A) A judge shall comply with the law,* including the Code of Judicial Conduct.

(B) Conduct by a judge that violates a criminal law may, unless the violation is minor, constitute a violation of the requirement that a judge must comply with the law.

(C) Every judge subject to the Code of Judicial Conduct, upon being convicted of a crime, except misdemeanor traffic offenses or traffic ordinance violations not including the use of alcohol or drugs, shall notify the appropriate authority* in writing of such conviction within ten days after the date of the conviction. In addition, the clerk of any court in this state in which the conviction was entered shall transmit to the appropriate authority within ten days after the date of the conviction a certificate thereof. This obligation to self-report convictions is a parallel but independent obligation of judges admitted to the Colorado bar to report the same conduct to the Office of Attorney Regulation Counsel pursuant to [C.R.C.P. 242.11](#).

Credits

Adopted effective July 1, 2010. Amended May 20, 2021, effective July 1, 2021.

Code of Jud. Conduct, Rule 1.1, CO ST CJC Rule 1.1
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and Shall Avoid Impropriety and the Appearance of Impropriety.

Code of Jud.Conduct, Rule 1.2

Rule 1.2. Promoting Confidence in the Judiciary

Effective: June 3, 2021

[Currentness](#)

A judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Credits

Adopted effective July 1, 2010. Comment amended effective June 3, 2021.

Code of Jud. Conduct, Rule 1.2, CO ST CJC Rule 1.2
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and Shall Avoid Impropriety and the Appearance of Impropriety.

Code of Jud.Conduct, Rule 1.3

Rule 1.3. Avoiding Abuse of the Prestige of Judicial Office

Currentness

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests* of the judge or others, or allow others to do so.

Credits

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Code of Jud. Conduct, Rule 1.3, CO ST CJC Rule 1.3

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Code of Jud.Conduct, Rule 2.1

Rule 2.1. Giving Precedence to the Duties of Judicial Office

Currentness

The duties of judicial office, as prescribed by law,* shall take precedence over all of a judge's personal and extrajudicial activities.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 2.1, CO ST CJC Rule 2.1

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Code of Jud.Conduct, Rule 2.2

Rule 2.2. Impartiality and Fairness

Currentness

A judge shall uphold and apply the law,* and shall perform all duties of judicial office fairly and impartially.*

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Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 2.2, CO ST CJC Rule 2.2

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Code of Jud.Conduct, Rule 2.3

Rule 2.3. Bias, Prejudice, and Harassment

Effective: June 3, 2021

[Currentness](#)

- (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
- (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.
- (C) A judge shall not engage in retaliation for reporting of misconduct under this Code or other legal authority. The duty to refrain from retaliation includes retaliation against current and former Judicial Branch personnel as well as attorneys and other members of the public.
- (D) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.
- (E) The restrictions of paragraphs (B) and (D) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

Credits

Adopted effective July 1, 2010. Amended effective June 3, 2021.

Code of Jud. Conduct, Rule 2.3, CO ST CJC Rule 2.3
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Code of Jud.Conduct, Rule 2.4

Rule 2.4. External Influences on Judicial Conduct

Currentness

(A) A judge shall not be swayed by public clamor or fear of criticism.

(B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

(C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

Credits

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Code of Jud.Conduct, Rule 2.5

Rule 2.5. Competence, Diligence, and Cooperation

Currentness

(A) A judge shall perform judicial and administrative duties, competently and diligently.

(B) A judge shall cooperate with other judges and court officials in the administration of court business.

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Code of Jud. Conduct, Rule 2.5, CO ST CJC Rule 2.5
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Code of Jud.Conduct, Rule 2.6

Rule 2.6. Ensuring the Right to be Heard

Currentness

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.*

(B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

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Code of Jud. Conduct, Rule 2.6, CO ST CJC Rule 2.6

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Code of Jud.Conduct, Rule 2.7

Rule 2.7. Responsibility to Decide

Currentness

A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.*

Credits

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Code of Jud. Conduct, Rule 2.7, CO ST CJC Rule 2.7

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Code of Jud.Conduct, Rule 2.8

Rule 2.8. Decorum, Demeanor, and Communication with Jurors

Currentness

(A) A judge shall require order and decorum in proceedings before the court.

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

(C) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding.

Credits

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Code of Jud.Conduct, Rule 2.9

Rule 2.9. Ex Parte Communications

Currentness

(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending* or impending matter,* except as follows:

(1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:

(a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and

(b) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.

(2) A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge gives advance notice to the parties of the person to be consulted and the subject matter of the advice to be solicited, and affords the parties a reasonable opportunity to object and respond to the notice and to the advice received.

(3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility personally to decide the matter.

(4) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.

(5) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law* or by consent of the parties to do so.

(B) If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.

(C) A judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

(D) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

Credits

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Code of Jud. Conduct, Rule 2.9, CO ST CJC Rule 2.9
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Code of Jud.Conduct, Rule 2.10

Rule 2.10. Judicial Statements on Pending and Impending Cases

Currentness

(A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending* or impending* in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

(B) A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.

(C) A judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by paragraphs (A) and (B).

(D) Notwithstanding the restrictions in paragraph (A), a judge may make public statements in the course of official duties, may explain court procedures, and may comment on any proceeding in which the judge is a litigant in a personal capacity, subject to Canon 1.

Credits

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Code of Jud.Conduct, Rule 2.11

Rule 2.11. Disqualification

Currentness

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality* might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge* of facts that are in dispute in the proceeding.

(2) The judge knows* that the judge, the judge's spouse or domestic partner,* or a person within the third degree of relationship* to either of them, or the spouse or domestic partner of such a person is:

(a) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

(b) acting as a lawyer in the proceeding;

(c) a person who has more than a de minimis* interest that could be substantially affected by the proceeding; or

(d) likely to be a material witness in the proceeding.

(3) The judge knows that he or she, individually or as a fiduciary,* or the judge's spouse, domestic partner, parent, child, or other member of the judge's family residing in the judge's household,* has an economic interest* in the subject matter in controversy or in a party to the proceeding.

(4) The judge, while a judge or a judicial candidate,* has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.

(5) The judge:

(a) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

(b) served in governmental employment, and in such capacity participated personally and substantially as a lawyer or public official concerning the proceeding, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy;

(c) was a material witness concerning the matter; or

(d) previously presided as a judge over the matter in another court.

(B) A judge shall keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse or domestic partner and minor children residing in the judge's household.

(C) A judge subject to disqualification under this Rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

(D) In limited circumstances, the rule of necessity applies and allows judges to hear a case in which all other judges also would have a disqualifying interest or the case could not otherwise be heard.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 2.11, CO ST CJC Rule 2.11
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Code of Jud.Conduct, Rule 2.12

Rule 2.12. Supervisory Duties

Effective: September 23, 2021

[Currentness](#)

(A) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code in the performance of their official duties or in the presence of the judge.

(B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

(C) A judge should practice civility by being patient, dignified, respectful, and courteous, in dealings with court personnel, including chambers staff. A judge should not engage in any type of harassment of court personnel. A judge should not engage in retaliation for reporting allegations of such misconduct. A judge should seek to hold court personnel who are subject to the judge's control to similar standards in their own dealings with other court personnel.

Credits

Adopted effective July 1, 2010. Amended effective June 3, 2021; September 23, 2021.

Code of Jud. Conduct, Rule 2.12, CO ST CJC Rule 2.12
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Code of Jud.Conduct, Rule 2.13

Rule 2.13. Administrative Appointments

Currentness

(A) In making administrative appointments, a judge:

(1) shall exercise the power of appointment impartially* and on the basis of merit; and

(2) shall avoid nepotism, favoritism, and unnecessary appointments.

(B) A judge shall not approve compensation of appointees beyond the fair value of services rendered.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 2.13, CO ST CJC Rule 2.13
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Code of Jud.Conduct, Rule 2.14

Rule 2.14. Disability and Impairment

Currentness

A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or judicial assistance program.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 2.14, CO ST CJC Rule 2.14

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Code of Jud.Conduct, Rule 2.15

Rule 2.15. Responding to Judicial and Lawyer Misconduct

Effective: June 3, 2021

[Currentness](#)

(A) A judge having knowledge* that another judge has committed a violation of this Code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.*

(B) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.

(C) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action.

(D) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct shall take appropriate action.

Credits

Adopted effective July 1, 2010. Comment amended effective June 3, 2021.

Code of Jud. Conduct, Rule 2.15, CO ST CJC Rule 2.15
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Code of Jud.Conduct, Rule 2.16

Rule 2.16. Cooperation with Disciplinary Authorities

Currentness

(A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

(B) A judge shall not retaliate, directly or indirectly, against a person known* or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 2.16, CO ST CJC Rule 2.16
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Code of Jud.Conduct, Rule 3.1

Rule 3.1. Extrajudicial Activities in General

Currentness

A judge may engage in extrajudicial activities, except as prohibited by law* or this Code. However, when engaging in extrajudicial activities, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality;*
- (D) engage in conduct that would appear to a reasonable person to be coercive; or
- (E) make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.1, CO ST CJC Rule 3.1
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Code of Jud.Conduct, Rule 3.2

Rule 3.2. Appearances Before Governmental Bodies and Consultation with Government Officials

Currentness

A judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or a legislative body or official, except:

(A) in connection with matters concerning the law, the legal system, or the administration of justice;

(B) in connection with matters about which the judge acquired knowledge or expertise in the course of the judge's judicial duties; or

(C) when the judge is acting pro se in a matter involving the judge's legal or economic interests, or when the judge is acting in a fiduciary* capacity.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.2, CO ST CJC Rule 3.2
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Code of Jud.Conduct, Rule 3.3

Rule 3.3. Testifying as a Character Witness

Currentness

A judge shall not testify as a character witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly summoned.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.3, CO ST CJC Rule 3.3

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Code of Jud.Conduct, Rule 3.4

Rule 3.4. Appointments to Governmental Positions

Currentness

A judge shall not accept appointment to a governmental committee, board, commission, or other governmental position, unless it is one that concerns the law, the legal system, or the administration of justice.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.4, CO ST CJC Rule 3.4

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Code of Jud.Conduct, Rule 3.5

Rule 3.5. Use of Nonpublic Information

Currentness

A judge shall not intentionally disclose or use nonpublic information* acquired in a judicial capacity for any purpose unrelated to the judge's judicial duties.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.5, CO ST CJC Rule 3.5

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Code of Jud.Conduct, Rule 3.6

Rule 3.6. Affiliation with Discriminatory Organizations

Currentness

(A) A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation.

(B) A judge shall not use the benefits or facilities of an organization if the judge knows* or should know that the organization practices invidious discrimination on one or more of the bases identified in paragraph (A). A judge's attendance at an event in a facility of an organization that the judge is not permitted to join is not a violation of this Rule when the judge's attendance is an isolated event that could not reasonably be perceived as an endorsement of the organization's practices.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.6, CO ST CJC Rule 3.6
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Code of Jud.Conduct, Rule 3.7

Rule 3.7. Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

Currentness

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;

(2) soliciting* contributions* for such an organization or entity, but only from members of the judge's family,* or from judges over whom the judge does not exercise supervisory or appellate authority;

(3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;

(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the judge; or

(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(B) A judge may encourage lawyers to provide pro bono publico legal services.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.7, CO ST CJC Rule 3.7

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Code of Jud.Conduct, Rule 3.8

Rule 3.8. Appointments to Fiduciary Positions

Currentness

(A) A judge shall not accept appointment to serve in a fiduciary* position, such as executor, administrator, trustee, guardian, attorney in fact, or other personal representative, except for the estate, trust, or person of a member of the judge's family,* and then only if such service will not interfere with the proper performance of judicial duties.

(B) A judge shall not serve in a fiduciary position if the judge as fiduciary will likely be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves, or one under its appellate jurisdiction.

(C) A judge acting in a fiduciary capacity shall be subject to the same restrictions on engaging in financial activities that apply to a judge personally.

(D) If a person who is serving in a fiduciary position becomes a judge, he or she must comply with this Rule as soon as reasonably practicable, but in no event later than one year after becoming a judge.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.8, CO ST CJC Rule 3.8
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Code of Jud.Conduct, Rule 3.9

Rule 3.9. Service as Arbitrator or Mediator

Currentness

A judge shall not act as an arbitrator or a mediator or perform other judicial functions apart from the judge's official duties unless expressly authorized by law.*

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.9, CO ST CJC Rule 3.9
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Code of Jud.Conduct, Rule 3.10

Rule 3.10. Practice of Law

Currentness

A judge shall not practice law except as permitted by law or this Code. A judge may act pro se but should not defend himself or herself when sued in an official capacity. The judge may, without compensation, give legal advice to and draft or review documents for a member of the judge's family,* but is prohibited from serving as the family member's lawyer in any forum.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.10, CO ST CJC Rule 3.10
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Code of Jud.Conduct, Rule 3.11

Rule 3.11. Financial, Business, or Remunerative Activities

Currentness

- (A) A judge may hold and manage investments of the judge and members of the judge's family.*
- (B) A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that a judge may manage or participate in:
- (1) a business closely held by the judge or members of the judge's family; or
 - (2) a business entity primarily engaged in investment of the financial resources of the judge or members of the judge's family.
- (C) A judge shall not engage in financial activities permitted under paragraphs (A) and (B) if they will:
- (1) interfere with the proper performance of judicial duties;
 - (2) lead to frequent disqualification of the judge;
 - (3) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the judge serves; or
 - (4) result in violation of other provisions of this Code.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.11, CO ST CJC Rule 3.11
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Code of Jud.Conduct, Rule 3.12

Rule 3.12. Compensation for Extrajudicial Activities

Currentness

A judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other law* unless such acceptance would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality.*

Credits

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Code of Jud.Conduct, Rule 3.13

Rule 3.13. Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of Value

Currentness

(A) A judge shall not accept any gifts, loans, bequests, benefits, or other things of value, if acceptance is prohibited by law* or would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality.*

(B) Unless otherwise prohibited by law, or by paragraph (A), a judge may accept the following without publicly reporting such acceptance:

(1) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;

(2) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending* or impending* before the judge would in any event require disqualification of the judge under Rule 2.11;

(3) ordinary social hospitality;

(4) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;

(5) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;

(6) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not judges, based upon the same terms and criteria;

(7) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use; or

(8) gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner,* or other family member of a judge residing in the judge's household,* but that incidentally benefit the judge.

(C) Unless otherwise prohibited by law or by paragraph (A), a judge may accept the following items, and must report such acceptance to the extent required by Rule 3.15:

(1) gifts incident to a public testimonial;

(2) invitations to the judge and the judge's spouse, domestic partner, or guest to attend without charge:

(a) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or

(b) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge; and

(3) gifts, loans, bequests, benefits, or other things of value, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.13, CO ST CJC Rule 3.13

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Code of Jud.Conduct, Rule 3.14

Rule 3.14. Reimbursement of Expenses and Waivers of Fees or Charges

Currentness

(A) Unless otherwise prohibited by Rules 3.1 and 3.13(A) or other law,* a judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the judge's employing entity, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by this Code.

(B) Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the judge and, when appropriate to the occasion, by the judge's spouse, domestic partner,* or guest.

(C) A judge who accepts reimbursement of expenses or waivers or partial waivers of fees or charges on behalf of the judge or the judge's spouse, domestic partner, or guest shall publicly report such acceptance as required by Rule 3.15.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.14, CO ST CJC Rule 3.14
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Code of Jud.Conduct, Rule 3.15

Rule 3.15. Reporting Requirements

Currentness

(A) A judge shall publicly report the source and amount or value of:

(1) compensation received for extrajudicial activities as permitted by Rule 3.12;

(2) gifts and other things of value as permitted by Rule 3.13(C), unless the value of such items does not exceed the statutory amount specified in Title 24, Article 6 of the Colorado Revised Statutes; and

(3) reimbursement of expenses and waiver of fees or charges permitted by Rule 3.14(A).

(B) When public reporting is required by paragraph (A), a judge shall report the date, place, and nature of the activity for which the judge received any compensation; the description of any gift, loan, bequest, benefit, or other thing of value accepted; and the source of reimbursement of expenses or waiver or partial waiver of fees or charges.

(C) The public report required by paragraph (A)(1) shall be made at least annually. Public reports required by paragraph (A) (2) and (3) shall be made quarterly.

(D) Reports made in compliance with this Rule shall be filed as public documents in the office of the clerk of the court on which the judge serves or other office designated by law*.

(E) Full time magistrates shall file reports required by paragraph A in the office of the clerk of the court on which the magistrate serves annually on or before January 15.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 3.15, CO ST CJC Rule 3.15
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Canon 4. A Judge or Candidate for Judicial Office Shall Not Engage in Political or Campaign Activity that is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary.

Code of Jud.Conduct, Rule 4.1

Rule 4.1. Political and Campaign Activities of Judges and Judicial Candidates in General

Effective: January 21, 2022

[Currentness](#)

(A) Except as permitted by law,* or by this Canon, a judge or a judicial candidate* shall not:

- (1) act as a leader in, or hold an office in, a political organization;*
- (2) make speeches on behalf of a political organization;
- (3) publicly endorse or oppose a candidate for any public office;
- (4) solicit funds for, pay an assessment to, or make a contribution* to a political organization or a candidate for public office;
- (5) attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office;
- (6) publicly identify himself or herself as a candidate of a political organization;
- (7) seek, accept, or use endorsements from a political organization;
- (8) personally solicit* or accept campaign contributions;
- (9) use or permit the use of campaign contributions for the private benefit of the judge or others;
- (10) use court staff, facilities, or other court resources as a judicial candidate;
- (11) knowingly,* or with reckless disregard for the truth, make any false or misleading statement;

(12) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending* or impending* in any court; or

(13) in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.

(B) A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (A), except as permitted by Rule 4.3.

Credits

Adopted effective July 1, 2010. Comment amended effective January 21, 2022.

Code of Jud. Conduct, Rule 4.1, CO ST CJC Rule 4.1
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Canon 4. A Judge or Candidate for Judicial Office Shall Not Engage in Political or Campaign Activity that is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary.

Code of Jud.Conduct, Rule 4.2

Rule 4.2. Political and Campaign Activities of a Judge Who is a Candidate for Retention

Currentness

(A) A judicial candidate* in a retention public election* shall:

- (1) act at all times in a manner consistent with the independence,* integrity,* and impartiality* of the judiciary;
- (2) comply with all applicable federal and state election, election campaign, and election campaign fund-raising laws and regulations;
- (3) review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee, as authorized by Rule 4.3, before their dissemination; and
- (4) take reasonable measures to ensure that other persons do not undertake on behalf of the candidate activities, other than those described in Rule 4.3, that the candidate is prohibited from doing by Rule 4.1.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 4.2, CO ST CJC Rule 4.2
Current with amendments received through March 15, 2023.

West's Colorado Revised Statutes Annotated
Colorado Court Rules
Chapters 1--24. Rules of Civil Procedure
Chapter 24. Rules of Judicial Discipline
Colorado Code of Judicial Conduct (Appendix to Chapter 24)
Canon 4. A Judge or Candidate for Judicial Office Shall Not Engage in Political or Campaign Activity that is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary.

Code of Jud.Conduct, Rule 4.3

Rule 4.3. Retention Campaign Committees

Currentness

(A) A judge who is a candidate for retention in office should abstain from any campaign activity in connection with the judge's own candidacy unless there is active opposition to his or her retention in office. If there is active opposition to the retention of a candidate judge:

- (1) The judge may speak at public meetings;
- (2) the judge may use advertising media, provided that the advertising is within the bounds of proper judicial decorum;
- (3) a nonpartisan citizens' committee or committees advocating a judge's retention in office may be organized by others, either on their own initiative or at the request of the judge;
- (4) any committee organized pursuant to subsection (A)(3) may raise funds for the judge's campaign, but the judge should not solicit funds personally or accept any funds except those paid to the judge by a committee for reimbursement of the judge's campaign expenses;
- (5) the judge should not be advised of the source of funds raised by the committee or committees;
- (6) the judge should review and approve the content of all statements and materials produced by the committee or committees before their dissemination.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 4.3, CO ST CJC Rule 4.3
Current with amendments received through March 15, 2023.

West's Colorado Revised Statutes Annotated
Colorado Court Rules
Chapters 1--24. Rules of Civil Procedure
Chapter 24. Rules of Judicial Discipline
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Code of Jud.Conduct, Rule 4.4

Rule 4.4. Activities of Judges Who Become Candidates for Nonjudicial Office

Currentness

(A) Upon becoming a candidate for a nonjudicial elective office, a judge shall resign from judicial office, unless permitted by law* to continue to hold judicial office.

(B) Upon becoming a candidate for a nonjudicial appointive office, a judge is not required to resign from judicial office, provided that the judge complies with the other provisions of this Code.

Credits

Adopted effective July 1, 2010.

Code of Jud. Conduct, Rule 4.4, CO ST CJC Rule 4.4
Current with amendments received through March 15, 2023.