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CASE NUMBER: 2023SA323

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2024 CO 72

**No. 23SA323, *Matter of Woods* – Judicial Discipline – Retaliation – Intoxication.**

In this judicial disciplinary proceeding against the former Presiding Judge of the Denver Juvenile Court, David Brett Woods, the supreme court considers the recommendations of the Colorado Commission on Judicial Discipline (“the Commission”) to adopt the parties’ stipulation for public censure. The court adopts the parties’ stipulation and publicly censures former Judge David Brett Woods for his violations of Canon 1, Rule 1.2, and Canon 2, Rules 2.3(C) and 2.5(A).

The Supreme Court of the State of Colorado  
2 East 14th Avenue • Denver, Colorado 80203

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2024 CO 72

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Supreme Court Case No. 23SA323  
*Original Proceeding in Discipline*  
Colorado Commission on Judicial Discipline Case No. 23-97

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**In the Matter of Complainant:**

The People of the State of Colorado,

and

**Respondent:**

David Brett Woods, a former judge of the Denver Juvenile Court.

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**Public Censure**

*en banc*

December 9, 2024

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**Appearing for Colorado Commission on Judicial Discipline and Complainant:**

Jeffrey M. Walsh, Special Counsel and Interim Executive Director

*Denver, Colorado*

**Attorneys for Respondent:**

Cohen | Black Law, LLC

Nancy L. Cohen

*Denver, Colorado*

**PER CURIAM**

**JUSTICE BOATRIGHT** did not participate.

PER CURIAM

¶1 Former Judge David Brett Woods, you appear before this court for imposition of discipline for violating the duties of your office as the Presiding Judge of the Denver Juvenile Court.<sup>1</sup> The Colorado Commission on Judicial Discipline (“the Commission”) recommends approval of the Stipulation for Public Censure (“the Stipulation”) dated November 15, 2024, which you and the Commission executed pursuant to Rule 37(e) of the Colorado Rules of Judicial Discipline (“Colo. RJD”). Consistent with the Stipulation, the Commission recommends that this court issue a public censure.

¶2 This court adopts the Commission’s recommendation.

### **I. Summary of Allegations**

¶3 The Commission alleges that former Judge Woods, prior to his resignation from the bench on February 9, 2024, was at times impaired by alcohol while working and that a subordinate employee reported concerns about this to the employee’s supervisors in the spring of 2019. The Commission further alleges that those supervisors shared the employee’s concerns with former Judge Woods, who then fired the employee for reporting these concerns.

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<sup>1</sup> Former Judge Woods resigned from judicial office on February 9, 2024.

## II. Former Judge Woods' Response

¶4 Former Judge Woods admits to the above allegations. However, he offers as mitigation that, before terminating the employee, he consulted with Human Resources for the Judicial Department ("HR"), who prepared the communications to the employee regarding termination (referenced in paragraph 6 of the stipulated facts below). Former Judge Woods asserts that HR informed him that it was permissible to terminate the reporting employee. Former Judge Woods further asserts that he believed that a lawyer for the Judicial Department was aware of the communications to the employee.

## III. Stipulated Facts

¶5 Former Judge Woods and the Commission stipulate to the following facts:

1. In October of 2017, the Denver Juvenile Court hired a new Clerk of Court who will be referenced in this stipulation as the "reporting employee." At the time of the reporting employee's hire, [former] Judge Woods was the Presiding Judge of the Denver Juvenile Court, and he had hire/fire authority over the reporting employee.
2. By 2019, the reporting employee developed concerns that [former] Judge Woods was at times impaired by alcohol while at work. These concerns included, among other indicia of impairment, smelling the odor of alcohol on Woods' breath.
3. [Former] Judge Woods now admits that the reporting employee's concerns were legitimate and that he was at times under the influence of alcohol while at work.
4. As a result of the above concerns, in the Spring of 2019, the reporting employee disclosed the employee's concerns about

[former] Judge Woods to the employee's immediate supervisors, who in turn reported the concerns to [former] Judge Woods.<sup>2</sup>

5. [Former] Judge Woods then disclosed the reporting employee's allegations against him (which he denied at the time) to the Judicial Department's Human Resources Division. [Former] Judge Woods expressed to Human Resources that he wanted to terminate the reporting employee because he no longer trusted the employee as a result of what he characterized as the employee's false allegations. An employee at the Human Resources Department advised [former] Judge Woods that termination was permissible.<sup>3</sup>

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<sup>2</sup> The court notes that Chief Justice Directive 22-01, Directive Concerning the Reporting of Internal Complaints of Judicial Misconduct Made by an Employee, Volunteer, or Contractor for the Department (effective Nov. 8, 2022), outlines the current procedures for reporting judicial misconduct. Under section II(C) of that directive, a supervisor should not inform a chief judge about a complaint if they are the subject of that complaint:

If the initial report is made to a supervisor who is not the Court Executive, Chief Probation Officer, Chief Judge, SCAO Director or HR director, the recipient of a report, written or verbal, must provide copies of, or a summary of the report (marked personal and confidential) to the Chief Judge (*unless the Chief Judge is the subject of the complaint*), or the Court Executive, or the Chief Probation Officer, or the Division Director at SCAO and a copy shall be provided to the HR Director.

(Emphasis added.)

<sup>3</sup> The court notes that the Director of Human Resources in the spring of 2019 resigned later that year as part of a number of high-profile resignations at the Judicial Department. The court further notes that Colorado Judicial Department Personnel Rule 20.A.2.f.v. now allows disciplinary action for false reporting only if the reporting person "has maliciously or recklessly made false accusations against another," and only after the Human Resources Division of the State Court Administrator's Office has investigated the report and made the appropriate findings and recommendations. C.J.D.P.R. 20.A.2.f.iv., v.

6. Based on the above advice, [former] Judge Woods, through Judicial Department staff, communicated to the reporting employee that the employee would be fired.
7. The reporting employee then hired counsel and negotiated a separation agreement with the Judicial Department by which the employee voluntarily resigned with severance and was permitted to message the employee's departure as a resignation.
8. After the reporting employee's resignation/termination, it was rumored amongst Denver Juvenile Court staff that the reporting employee was terminated for reporting concerns about [former] Judge Woods' alcohol impairment while working. For the next four years, no other Denver Juvenile Court staff formally reported concerns about [former] Judge Woods' alcohol impairment at work because of a fear of retaliation. Nevertheless, [former] Judge Woods asserts that, other than his discussions with HR personnel about the reporting employee's termination, he never discussed the reasons for the reporting employee's departure with anyone.
9. In 2023, several Denver Juvenile Court staff did ultimately report formally to the Judicial Department concerns that [former] Judge Woods was at times under the influence of alcohol while working. These reports were forwarded to the Commission, and the Commission opened an investigation into [former] Judge Woods, which led to his temporary suspension from the bench on December 21, 2023 (i.e., seven weeks before his retirement).
10. The Commission asserts that it is irrelevant that [former] Judge Woods received advice from Human Resources indicating that Woods could terminate the reporting employee legally. The Commission asserts that [former] Judge Woods should have known that it was a violation of Colorado's Judicial Code of Ethics to be under the influence of alcohol while working. The Commission further asserts that Woods, as a judge, should have known, despite any advice he received from Human Resources, that it was both illegal and unethical to terminate an employee for formally reporting concerns about Woods' alcohol impairment at work.

## IV. Stipulated Rule Violations

¶6 The parties further stipulate that former Judge Woods violated the following rules of the Colorado Code of Judicial Conduct (“C.J.C.”):

### **[C.J.C.] Canon Rule 1.2**

11. Canon Rule 1.2 states in relevant part:

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.

12. Comment 5 to Canon Rule 1.2 recognizes that “[i]mpropriety” includes “[violations of] law, court rules[] or provisions of this Code.”

13. Colo. RJD 5(a)(3) states that grounds for judicial discipline include “[i]ntemperance” and “abuse of alcohol.”

14. Through his retaliatory discharge of the reporting employee and his alcohol impairment at work, [former] Judge Woods admits that he violated Canon Rule 1.2.

### **[C.J.C.] Canon Rule 2.3(C)**

15. Canon Rule 2.3(C) states:

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.

16. [Former] Judge Woods violated Canon Rule 2.3(C) when he fired the reporting employee for reporting to the employee’s supervisors her concerns that [former] Judge Woods was under the influence of alcohol while at work.

### **[C.J.C.] Canon Rule 2.5(A)**

17. Canon Rule 2.5(A) states that a judge “shall perform judicial and administrative duties competently and diligently.”

18. [Former] Judge Woods violated Canon Rule 2.5(A) by doing his job while impaired by alcohol as described above.<sup>4</sup>

## V. Stipulated Sanctions

¶7 Former Judge Woods, based on the foregoing, you and the Commission stipulated that the sanctions in this case should include a written public censure from this court. You further agreed to waive your right to a hearing in formal proceedings and judicial review of such proceedings. You and the Commission also agreed that, pursuant to Colo. RJD 37(e), this Stipulation and the record of proceedings shall become public.<sup>5</sup>

¶8 Colo. RJD 37(e) allows the Commission to file with this court a stipulated resolution of the proceedings as the Commission’s recommendation to this court. Colo. RJD 36 sets forth what sanctions the Commission may recommend, which include a written public censure. Colo. RJD 36(e); *accord* Colo. Const. art. VI, § 23(3)(f) (“Following receipt of a recommendation from the commission, the

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<sup>4</sup> The Stipulation misquoted minor aspects of the Colorado Code of Judicial Conduct and the comments thereto. Those misquotations have been corrected, and the corrections appear in brackets.

<sup>5</sup> The Stipulation, the Commission’s recommendation, and the record of proceedings became public when the Commission filed its recommendation with this court. Colo. RJD 6.5(a), 37(e).



supreme court . . . shall order removal, retirement, suspension, censure, reprimand, or discipline, as it finds just and proper . . .”).

¶9 Upon consideration of the law, the evidence, the record of the proceedings, the parties’ Stipulation, and the Commission’s recommendation, and being sufficiently advised in the premises, this court concludes that the Stipulation’s terms comply with Colo. RJD 37(e) and are supported by the record of the proceedings. Therefore, this court orders the Stipulation to become effective and issues the agreed-upon sanctions.

¶10 This court hereby publicly censures you, former Judge David Brett Woods, for failing to maintain the high standards of judicial conduct required of a judge; for violating Canon Rule 1.2, which requires a judge to comply with the law and to act at all times in a manner that promotes public confidence in the integrity of the judiciary; for violating Canon Rule 2.3(C), which prohibits a judge from retaliating against an employee for reporting misconduct; and for violating Canon Rule 2.5(A), which requires a judge to perform judicial and administrative duties competently and diligently.