

ADMINISTRATIVE REGULATION **AR15-02**
Mayor John W. Suthers

DATE: October 12, 2015

TOPIC: Nomination Committee, Appointments, Performance Measures and Retention for Municipal Judges

LEGAL AUTHORITY: City Charter §§ 4-40(c), (f), (k), and 8-10
City Code §§ 1.2.313, 1.2.314, 1.2.404, 1.2.408(B), and 11.1.101

1.0 Purpose and Scope: This Administrative Regulation sets forth procedures for a Municipal Judge Nomination Committee, the Mayor's appointment of Municipal Judges and annual judicial performance and retention measures for Municipal Judges.

2.0 Terms Defined¹:

2.1 "Court Administrator" - The person appointed by the Municipal Court Judges and employed by the City to manage the business of the Municipal Court.

2.2 "Municipal Court" - The Municipal Court of the City.

2.3 "Municipal Judges" - Judges appointed by the Mayor to serve as Judges of the Municipal Court.

2.4 "Presiding Judge" - Judge appointed by the Mayor, and confirmed by the Council, to serve as the executive head of the Municipal Court.

3.0 PROCEDURES

3.1 Municipal Judge Nomination Committee:

3.1.1 A Municipal Judge Nomination Committee (the "Committee") consisting of five (5) members, at least three (3) of whom shall be licensed, active, and in good standing to practice law in the State of Colorado, shall be appointed as follows:

- a.** Two (2) members appointed by the Presiding Judge;
- b.** Two (2) members appointed by the Mayor; and
- c.** One (1) member appointed by the President of the El Paso County Bar Association.

¹ City Code § 11.1.101.

3.1.2 Members of the Committee shall serve at the pleasure of the Mayor. Upon a vacancy on the Committee, the appointing authority for the vacated seat shall appoint a new member within thirty (30) days of the vacancy.

3.2 Selection Process for Appointment of Municipal Judges:

3.2.1 Upon any Municipal Judge vacancy, the Court Administrator shall immediately notify the Mayor and the President of the El Paso County Bar Association.

3.2.2 Notice of a Municipal Judge vacancy shall be posted on the City's website and the El Paso County Bar Association website, shall set forth the minimum qualifications for appointment, and shall be posted for a minimum of thirty (30) days. Applications to fill the vacancy shall be accepted by the City for a period of no less than thirty (30) days.

3.2.3 Following the closing of the application period, the Court Administrator shall forward to the Committee any applications meeting the minimum qualifications for appointment. The Court Administrator shall provide administrative and logistical support to the Committee.

3.2.4 The Committee shall review all applications meeting the minimum qualifications for appointment. The Committee may interview any applicants if it wishes to do so.

3.2.5 Within thirty (30) days of receipt of the applications by the Committee, the Committee shall forward for consideration to the Mayor a report detailing its selection process and the names of three (3) qualified applicants for each Municipal Judge vacancy.

3.2.6 Upon receipt of the names of the qualified applicants from the Committee, the Mayor shall review the Committee's report and the applications, and may conduct interviews.

3.2.7 The Mayor may forward the name of an appointee to the City Council for confirmation in accord with City Charter § 4-40(f). If the Mayor shall fail to forward the name of a nominee for appointment to the City Council within thirty (30) days of receipt of the names from the Committee, the vacancy shall be reposted in accord with the provisions of this Administrative Regulation.

3.3 Performance and Retention of Municipal Judges:

3.3.1 Beginning in 2016 and in every year thereafter, prior to November 15th the Presiding Judge shall provide to the Mayor the results of a judicial performance survey for each Municipal Judge. The results of the judicial

performance surveys will be evaluated by the Mayor when considering the annual retention of each Municipal Judge.

3.3.2 Annual judicial performance surveys for each Municipal Judge shall be sent to the following:

- a. All Municipal Court staff who have worked with the Municipal Judge;
- b. All Prosecutors employed by the Office of the City Attorney who have appeared in front of the Municipal Judge;
- c. At least five (5) sworn officers of the Colorado Springs Police Department who have appeared and testified in front of the Municipal Judge;
- d. All Court-appointed defense counsel who have appeared in front of the Municipal Judge;
- e. All jurors who serve on a jury panel through a completed trial in front of the Municipal Judge; and
- f. At least three (3) privately-employed defense counsel who have appeared in front of the Municipal Judge.

3.3.3 Judicial performance surveys shall be created by the Presiding Judge and shall include, but not be limited to, ratings for the following performance objectives:

- a. Demeanor;
- b. Fairness;
- c. Mental acuity;
- d. Communications;
- e. Diligence;
- f. Application of law;
- g. Impartiality; and
- h. Sentencing.

3.3.4 Defendants who have appeared in Municipal Court may rate the performance of Municipal Judges through the following methods, the results of which will be provided to the Mayor prior to November 15th of each calendar year:

- a. Administrative complaints governed by the attached minute order signed July 22, 1997 (see "Exhibit A");
- b. Appeals based on issues of law filed to Colorado's Fourth Judicial District; and
- c. Public comment cards which will be located throughout the Municipal Court building.

3.3.5 The Mayor may consider the results of any attorney or judicial investigation and disciplinary action taken against a Municipal Judge by

the Colorado Supreme Court when determining the performance and retention of Municipal Judges.

3.3.6. The Mayor may consider the recommendation of the Presiding Judge and Court Administrator in determining the performance and retention of Municipal Judges.


3.3.7 The Mayor may consider any other relevant factors in determining the performance and retention of Municipal Judges.

4.0 Miscellaneous.


4.1 This Administrative Regulation shall be effective as of **October 12, 2015**, and shall remain in effect until amended or rescinded.

4.2 This Administrative Regulation shall be filed with the City Attorney and made available for public inspection on the City's website.

4.3 This Administrative Regulation does not limit, restrict or replace the Mayor's ability to exercise any authority granted by City Charter § 4-40 or to utilize the City's human resources policies and procedures or other applicable policies, procedures, rules, regulations and laws in determining Municipal Judge performance and retention.



John W. Suthers, Mayor

APPROVED AS TO FORM:


Office of the City Attorney



MUNICIPAL COURT

**CITY OF COLORADO SPRINGS, COUNTY OF EL PASO
STATE OF COLORADO**

**MINUTE ORDER: Complaint Procedures
(Internal Administrative Procedure #36)**

It appearing to the Court that the municipal court is a taxpayer supported, public agency, and

It appearing that members of the public should have an avenue available to present grievances and complaints about court procedures and the conduct of employees and get them resolved, and

It appearing that while many complaints are matters that must be raised on appeal and resolved in a higher court, others may be resolved by a simple explanation,

IT IS NOW THEREFORE ORDERED, that court staff shall refer members of the public with complaints about procedures, employees, judges and contract agencies to the Court Administrator for proper resolution.

The Court Administrator shall resolve complaints about court staff in accordance with the appropriate policies of the City of Colorado Springs, as published in the Personnel Policies and Procedures Manual, and

The Court Administrator shall resolve complaints about contract agencies in accordance with the terms and provisions of the appropriate contracts and city policies, and

The Court Administrator shall attempt to resolve complaints about municipal judges by explaining to the complainants applicable provisions of law and procedure, and shall inform complainants when they have a matter which properly should be raised on appeal to a higher court to achieve a resolution.

Should the matter be a complaint about a judge and not be determined appropriate for an appeal, the Court Administrator shall attempt to resolve the matter individually with the complaining party. Should the Court Administrator not achieve a successful resolution of the complaint, the matter shall be referred to the Presiding Judge for appropriate action.

Should the Presiding Judge not achieve a successful resolution of the complaint, the complaining party shall be referred to a Commission of three (3) knowledgeable people appointed by the Presiding Judge, with concurrence of the Mayor, to investigate the matter and recommend a resolution. The fact of and the content of the investigation shall remain confidential.

The Commission shall receive any and all necessary administrative support from the Court Administrator, and shall place its recommendation for resolution of the complaint in writing. Upon receipt of the written recommendation, the Presiding Judge shall take what action he or she deems appropriate and necessary.

DONE IN CHAMBERS, this 22th day of July, 1997.


B. J. Felt, Jr., Presiding Judge

EXHIBIT

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