

ADMINISTRATIVE REGULATION **AR15-01**
Mayor John W. Suthers

DATE: October 23, 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 and the Mayor 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 a recommendation 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 may consider the Committee's report and recommendations, and may conduct interviews of any qualified applicants.

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 Municipal Judges are at will City employees and serve at the pleasure of the Mayor as set forth in City Charter § 4-40. The Mayor may

end the employment relationship with a Municipal Judge at any time with or without cause.

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 may 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.** Communications;
- d.** 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 filed to a Colorado court of competent jurisdiction; and
- c.** Public comment cards which will be located throughout the Municipal Court building.

3.3.5 The Mayor may consider internal or external investigations relating to a Municipal Judge and any 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.

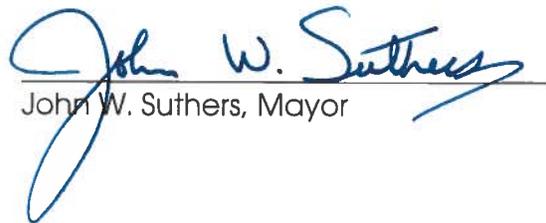
3.3.7 The Mayor may consider any other factors the Mayor deems relevant in the Mayor's sole discretion in determining the performance and retention of Municipal Judges.

4.0 Miscellaneous.

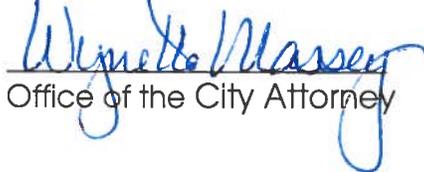
4.1 This Administrative Regulation shall be effective as of **October 23, 2015**, and shall remain in effect until amended or rescinded.

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 any applicable policies, procedures, rules, regulations and laws in determining Municipal Judge appointment, performance, and retention.


John W. Suthers, Mayor

APPROVED AS TO FORM:


Office of the City Attorney