TEFEJF Newsletter — 2024 Review of Colorado Judges

Additional copies of this report in printable PDF format (13 pages) are available on the web.

This newsletter is intended as a brief reference to help voters decide how to vote on state judges in their judicial district who have chosen to stand for retention. Basic to the rule of law is the selection of impartial, competent, well-educated, and wise judges. Conversely, there must be an effective and easy to understand way of removing those who don't make the cut. As in the past, our independent review of Colorado judges standing for retention in 2024, as presented in Table 1, is based solely on how attorneys rated them.

Table 1: EJF Evaluations Based On Attorney Judgments

2024 J	2024 EJF								
	Commission	Attorne	ey Votes	Prior Rating		Evaluation Based on			
Judge	Finding	Retain	Do Not Retain	Attorney % Retain		Attorney Votes			
	Colorado Supreme Court								
				Prior 20)14	2024			
Maria E. Berkenkotter	Meets Standards	91%	9%	Not on b	pench	Retain			
Brian D. Boatright	Meets Standards	79%	8%	66%	Do Not Retain	Marginal			
Monica M. Márquez	Meets Standards	95%	5%	83% Retain		Retain			
	Col	lorado C	Court of A	Appeals					
				Prior 20)16	2024			
Stephanie Dunn	Meets Standards	94%	6%	85%	Marginal	Retain			
Jerry N. Jones	Meets Standards	75%	25%	74%	Do Not Retain	Very Marginal			
W. Eric Kuhn	Meets Standards	88%	6%	Not on b	ench	Retain			
Gilbert M. Román	Meets Standards	77%	15%	82%	Marginal	Very Marginal			
Timothy J. Schutz	Meets Standards	78%	11%	Not on b	ench	Marginal			
	First Judicial	District	Judges (Gilpin,	Jefferson)				
District Judges				Prior 20)18	2024			
Jason D. Carrithers	Meets Standards	58%	35%	Not on b	ench	Do Not Retain			
Diego G. Hunt	Meets Standards	77%	19%	89%	Retain	Marginal			

2024 Ju	udicial Performa	nce Com	mission	Evaluati	on	2024 EJF		
	Commission	Attorne	ey Votes	Р	rior Rating	Evaluation Based on		
Judge	Finding	Retain	Do Not Retain	Attorney % Retain		Attorney Votes		
First Judicial District County Judges (continued)								
No Gilpin County judge	stood for retention	n in 2024	!.					
Jefferson County				2020		2024		
Bradley Allen Burback	Meets Standards	75%	17%	88%	Retain	Marginal		
Verna L. Carpenter	Meets Standards	88%	13%	64%	Do Not Retain	Retain		
Keith Michael Goman	Meets Standards	80%	20%	Not on b	ench	Retain		
Graham B. Peper	Meets Standards	91%	9%	Not on be	ench	Retain		
Kristan Wheeler	Meets Standards	77%	18%	Not on be	ench	Marginal		
	Second Judicial District Judges (Denver County)							
District Judges	District Judges Prior 2018			18	2024			
Mark T. Bailey	Meets Standards	87%	11%	Not on be	ench	Retain		
Adam J. Espinosa	Meets Standards	36%	55%		retention as county ge in 2018. Rated	Do Not Retain		
Jay S. Grant	Meets Standards	53%	41%	95%	Retain	Do Not Retain		
Marie A. Moses	Meets Standards	65%	35%	Not on be	ench	Do Not Retain		
Alex C. Myers	Meets Standards	86%	7%	Not on be	ench	Retain		
Anita M. Schutte	Meets Standards	92%	8%	Not on be	ench	Retain		
Stephanie Scoville	Meets Standards	79%	10%	Not on b	ench	Marginal		
Demetria E. Trujillo	Meets Standards	95%	5%	Not on be	ench	Retain		
Denver County Judges		1	1	Prior 20	20	2024		
David Blackett	Meets Standards	90%	10%		ench. Was Adams nagistrate.	Retain		
Kelly C. Cherry	Meets Standards	82%	9%	Not on be	ench. Promoted from te.	Marginal		
Beth Faragher	Meets Standards	100%		88%	Retain	Retain		
Renee A. Goble	Meets Standards	80%	20%	Not on be	ench	Marginal		
Isabel Pallares	Meets Standards	14%	86%	30%	Do Not Retain	Do Not Retain		
Nicole M. Rodarte	Meets Standards	0%	67%	74%	Marginal	Do Not Retain		
Andre L. Rudolph	Meets Standards	27%	73%	63%	Do Not Retain	Do Not Retain		

2024 、	Judicial Performa	nce Com	mission	Evaluati	on	2024 EJF	
	Commission	Attorney Votes		Prior Rating		Evaluation Based on	
Judge	Finding	Retain	Do Not Retain	Attorney % Retain		Attorney Votes	
	Second Judicial	District	t County	Judges	(continued)		
Barry A. Schwartz	Meets Standards	85%	15%	68%	Do Not Retain	Retain	
Fran Simonet	Meets Standards	100%	0%	92%	Retain	Retain	
Theresa Spahn	Meets Standards	67%	22%	No opinio	on	No opinion	
ŗ	Third Judicial Di	strict Ju	dges (H	uerfano	, Las Animas)		
No Third Judicial Dist	rict judges stood fo	r retentio	n in 2024.				
No Huerfano County j	udges stood for ret	ention in	2024.				
No Los Animas Count	y judges stood for	retention	in 2024.				
	Fourth Judici	al Distri	ct Judge	s (El Pa	so, Teller)		
District Judges				Prior 20	18	2024	
Eric Bentley	Meets Standards	89%	11%	86%	Retain	Retain	
Linda M. Billings-Vela	Meets Standards	77%	19%	94%	Retain	Marginal	
Jill M. Brady	Meets Standards	100%	0%	84%	Marginal	Retain	
Samuel Albert Evig	Meets Standards	86%	7%		ench. Promoted from ourt in 2021.	Retain	
Laura Norris Findorff	Meets Standards	64%	27%		ench. As county court ed at 86%.	Do Not Retain	
Diana K. May	Meets Standards	47%	40%	Not on b	ench.	Do Not Retain	
William H. Moller	Meets Standards	69%	23%	Not on b	ench.	Do Not Retain	
David L. Shakes	Meets Standards	78%	6%	79%	Marginal	Marginal	
El Paso County Judge	es .	1	•	Prior 20	20	2024	
Charlotte A. Ankeny	Meets Standards	83%	17%	Not on b	ench	Marginal	
Yolanda M. Fennick	Meets Standards	44%	56%	Not on b	ench	Do Not Retain	
Shannon Marie Gerhart	Meets Standards	88%	12%	95%	Retain	Retain	
Steven Katzman	Meets Standards	44%	56%	Not on b	ench	Do Not Retain	
Cynthia A. McKedy	Meets Standards	78%	0%	Not on b	ench	Marginal	
Teller County Judge	•		ı	Prior 20	18	2022	
No Tollor County judg	e stood for retentio	n in 2024		1			

2024 Ju	udicial Performa	1		1		2024 EJF Evaluation	
	Commission	Attorney Votes		Prior Rating		Based on	
Judge	Finding	Retain	Do Not Retain		Attorney % Retain	Attorney Votes	
Fifth J	udicial District	Judges (Clear Cr	eek, Ea	gle, Lake, Su	mmit)	
District Judges				Prior 20)18	2024	
Rachel J. Olguin-Fresquez	Meets Standards	84%	11%	85%	Marginal	High-end Margina	
Clear Creek County Jud	lge		l	Prior 20)20	2024	
Cynthia J. Jones	Meets Standards	75%	25%	100%	Retain	Marginal	
No Eagle County Judge	stood for retention	on in 2024	ļ			•	
No Lake County Judge	stood for retentio	n in 2024					
No Summit County Jud	ge stood for reten	ition in 20	24				
Sixth	Judicial Distric	ct Judge	s (Archu	leta, La	Plata, San Ju	ıan)	
District Judges	District Judges			Prior 2018		2024	
Kim Soon Shropshire	Meets Standards	91%	9%	Not on be	ench	Retain	
No Archuleta County Ju	udge stood for ret	ention in	2024.			-	
No La Plata County Jud	lge stood for reter	ntion in 20)24.				
San Juan County Judge	•			Prior 20)20	2024	
Anthony D. Edwards	Meets Standards	Insufficie	nt data	No data	Retain	Retain	
Seventh Judicial	District (Delta,	Gunnis	on, Hins	dale, M	ontrose, Oura	y, San Miguel)	
District Judges				Prior 20)18	2024	
Steven Louis Schultz	Meets Standards	86%	14%	95%	Retain	Retain	
Keri A. Yoder	Meets Standards	82%	6%	87%	Retain	Marginal	
Delta County Judge				Prior 20)20	2024	
Bo A. Zeerip	Meets Standards	53%	37%	Not on b	pench	Do Not Retain	
Gunnison County Judg	е			Prior 20)20	2024	
Ashley Burgemeister	Meets Standards	86%	14%	82%	Marginal	Retain	
riorney Bargerriorer	las stood for rotor	ntion in 20	024			-	
No Hinsdale County jud	ige stood for reter						
				Prior 20)20	2024	
No Hinsdale County jud		92%	0%	Prior 20 100%	Retain	2024 Retain	

2024 Ju	udicial Performa	nce Com	mission	Evaluat	ion	2024 EJF	
	Commission	Attorne	ey Votes	ı	Prior Rating	Evaluation Based on	
Judge	Finding	Retain	Do Not Retain		Attorney % Retain	Attorney Votes	
,	Seventh Judicia	l Distric	t County	Judge	s (continued)		
Ouray County Judge				Prior 20	020	2024	
Lane P. Thomasson	Meets Standards	86%	14%	Not on	bench	Retain	
No San Miguel County	Judge stood for re	tention ir	2024	•		_	
	Eighth Judicial	District	Judges	(Jackso	on, Larimer)		
District Court Judges				Prior 20	018	2024	
Sarah B. Cure	Meets Standards	81%	10%	Not on	bench	Marginal	
Joseph Dean Findley	Meets Standards	96%	4%	Not on	bench	Retain	
No Jackson County Jud	dges stood for rete	ention in	2024				
Larimer County Judges	3			Prior 20	020	2024	
Kraig Ecton	Meets Standards	60%	30%	86%	Retain	Do Not Retain	
Joshua Blake Lehman	Meets Standards	100%	0%	94%	Retain	Retain	
Nint	th Judicial Distr	ict Judg	es (Garf	ield, Pi	tkin, Rio Blanco)		
District Judge				Prior 20	018	2024	
Anne K. Norrdin	Meets Standards	92%	8%	83%	Marginal	Retain	
Garfield County Judges	S			Prior 20	020	2024	
Angela M. Roff	Does Not Meet Standards	28%	44%	Not on	bench	Do Not Retain	
Pitkin County Judge				Prior 20	020	2024	
Ashley Andrews	Meets Standards	83%	8%	Not on	bench	Marginal	
No Rio Blanco County	Judges stood for I	etention	in 2024	1			
	Tenth Ju	dicial Di	strict Ju	dges (P	ueblo)		
District Judges				Prior 20	018	2024	
Tim O'Shea	Meets Standards	100%	0%	Not on b	ench	Retain	
Pueblo County Judges	1	<u> </u>	<u> </u>	Prior 20	020	2024	
Roberto Silva	Meets Standards	100%	0%	100%	Retain	Retain	
Margaret Vellar	Meets Standards	75%	25%	Not on	bench	Marginal	

2024 Jւ	ıdicial Performa	nce Com	mission	Evaluati	on	2024 EJF
	Commission	Attorne	ey Votes	Р	rior Rating	Evaluation Based on
Judge	Finding	Retain	Do Not Retain		Attorney % Retain	Attorney Votes
Eleventl	h Judicial Distr	ict Judg	es (Chaff	fee, Cus	ter, Fremont, Pa	ırk)
District Judge				Prior 20	18	2024
Kaitlin B. Turner	Meets Standards	29%	71%	Not on b	ench	Do Not Retain
Chaffee County Judge		l	l	Prior 20	20	2024
Diana C. Bull	Meets Standards	83%	0%	Not on b	ench	Retain
No Custer County Judg	es stood for reten	tion in 20	24	ı		_
No Fremont County Jud	lges stood for rete	ention in	2024			
No Park County Judges	stood for retention	on in 2024	ı			
Twelfth Judicia	l District Judge		osa, Cone guache)	ejos, Co	stilla, Mineral, F	Rio Grande,
District Judges				Prior 20	18	2024
Kimberly D. Cortez	Meets Standards	94%	0%	100%	As county judge in 2020	Retain
No Alamosa County Jud	dges stood for ret	ention in	2024	I		
Conejos County Judge				Prior 2020		2024
Jason Todd Kelly	Meets Standards	100%	0%	Not on b	ench	Retain
No Costilla County Jude	ges stood for rete	ntion in 2	024	I		
No Mineral County Jude	ges stood for rete	ntion in 2	024			
Rio Grande County Jud	ge			Prior 20	20	2024
John W. Stenger	Meets Standards	100%	0%	Not on b	ench	Retain
Saguache County Judg	е	•	•	Prior 20	20	2024
Craig K. Schuenemann	Meets Standards	75%	0%	Not on b	ench	Marginal
Thirteenth Judic	cial District Jud		Carson, gton, Yu		Morgan, Phillip	s, Sedgwick,
District Judges				Prior 20	18	2024
Justin B. Haenlein	Meets Standards	94%	6%	Not on be	ench	Retain
Robert James	Meets Standards	100%	0%	Not on be	ench	Retain
Carl S. McGuire III	Meets Standards	73%	18%	94%	Retain	Marginal

2024 Ju	dicial Performa	nce Com	mission	Evaluati	on	2024 EJF
	Commission	Attorne	y Votes	F	Prior Rating	Evaluation Based on
Judge	Finding	Retain	Do Not Retain		Attorney % Retain	Attorney Votes
Th	nirteenth Judici	al Distri	ct Coun	ty Judg	es (continued)	
No Kit Carson County Ju	udge stood for re	tention in	2024			
Logan County Judge				Prior 20	20	2024
Ray Ann Brammer	Meets Standards	85%	15%	83%	Retain	Retain
No Morgan County Judg	je stood for reten	tion in 20	24	•		
Phillips County Judge				Prior 20	20	2024
Kimbra Killin	Meets Standards	Insufficie	nt data	Insufficie	ent data	Undetermined
Sedgwick County Judge)			Prior 20	20	2024
Myka Marie Landry	Meets Standards	Insufficie	nt data	Not on b	ench	Undetermined
No Washington County	Judge stood for r	etention i	n 2024			•
Yuma County Judge				Prior 20	20	2024
Kristei Ray Jones	Meets Standards	Insufficie	nt data	67%	Do Not Retain	Undetermined
Four	rteenth Judicial	District	Judges	(Grand	, Moffat, Routt)	
No Fourteenth Judicial [District Judge sto	od for ret	ention in	2024		
No Grand County Judge	stood for retenti	on in 202	4			
No Moffat County Judge	stood for retenti	on in 202	4			
Routt County Judge				Prior 2020		2024
Erin M. Rowe Wilson	Meets Standards	63%	26%	Not on b	ench	Do Not Retain
Fifteenth	Judicial Distri	ct Judge	s (Baca,	Cheyen	ne, Kiowa, Prov	vers)
District Court Judge				Prior 20	18	2024
Michael J. Davidson	Meets Standards	100%	0%	86%	Retain	Retain
Baca County Judge		<u> </u>	<u> </u>	Prior 20	20	2024
Lyudmyla Lishchuk	Meets Standards	Insufficie	nt data	Not on b	ench	Undetermined
Cheyenne County Judge		<u> </u>		Prior 20	20	2024
Deni Estelle Eiring	Meets Standards	100%	0%	Not on b	ench	Retain
No Kiowa County Judge	s stood for reten	tion in 20	24	1		
No Prowers County Jud	ges stood for rete	ention in 2	2024			

2024 Ju	ıdicial Performaı	nce Com	mission	Evaluati	on	2024 EJF	
	Commission		Attorney Votes		rior Rating	Evaluation Based on	
Judge	Finding	Retain	Do Not Retain	Attorney % Retain		Attorney Votes	
Six							
District Judge				Prior 20	18	2024	
Samuel Scott Vigil	Meets Standards	100%	0%	100%	Retain as county judge	Retain	
Bent County Judge		1	•	Prior 20	20	2024	
Lance P. Clark	Meets Standards	Insufficie	nt data	Not on b	ench	Undetermined	
No Crowley County Jud	ges stood for rete	ntion in 2	2024				
No Otero County Judge	s stood for retent	ion in 202	24				
Sev	enteenth Judici	al Distri	ct Judge	s (Adan	ns, Broomfield)		
District Judges				Prior 20	18	2024	
Sharon Diane Holbrook	Meets Standards	82%	16%	100%	Retain	Marginal	
Brett Martin	Meets Standards	90%	10%	Not on be	ench	Retain	
Teri L. Vasquez	Meets Standards	91%	8%	Not on be	ench	Retain	
Adams County Judges				Prior 20	20	2024	
Courtney L. Dinnel	Meets Standards	80%	7%	Not on b	ench	Marginal	
Martin J. Flaum II	Meets Standards	69%	8%	92%	Retain	Do Not Retain	
Marques A. Ivey	Meets Standards	77%	23%	Not on b	ench	Marginal	
Madoche Jean	Meets Standards	86%	0%	Not on be	ench	Retain	
Leroy D. Kirby	Meets Standards	90%	5%	89%	Retain	Retain	
Joshua T. Nowak	Meets Standards	92%	8%	Not on be	ench	Retain	
Broomfield County Jud	ge			Prior 20	20	2024	
Amanda W. DeWick	Meets Standards	94%	6%	Not on b	ench	Retain	
Eighteenth	Judicial Distric	ct Judge	s (Arapa	hoe, Do	uglas, Elbert, Li	incoln)	
District Court Judges				Prior 20	18	2024	
Benjamin Figa	Meets Standards	81%	11%	Not on be	ench	Marginal	
Ben L. Leutwyler III	Meets Standards	80%	7%	92%	Retain	Marginal	
Robert R. Lung Bonnie	Meets Standards	84%	11%	88%	Retain	High-end Marginal	
Heather McLean	Meets Standards	85%	10%	85%	High-end Marginal	High-end Marginal	

	udicial Performa	T		1		2024 EJF Evaluation
	Commission	Attorney Votes		Prior Rating		Based on
Judge	Finding	Retain	Do Not Retain	Attorney % Retain		Attorney Votes
	Eighteenth Ju	ıdicial D	istrict Ju	udges (continued)	
Don Jesse Toussaint	Meets Standards	71%	21%	Not on b	ench	Marginal
Shay K. Whitaker	Meets Standards	93%	7%	85%	High-end Marginal	Retain
Joseph R. Whitfield Jr.	Meets Standards	54%	38%	Not on b	pench	Do Not Retain
Arapahoe County Judg	es	I	I	Prior 2	020	2024
Melina Hernandez	Meets Standards	72%	20%	Not on	bench	Marginal
Joshua Jay Williford	Meets Standards	93%	7%	90%	Retain	Retain
Douglas County Judge	S	I	I	Prior 2	020	2024
Kelly Erin Waidler	Meets Standards	84%	12%	Not on	bench	High-end Margina
No Elbert County Judg	es stood for retent	tion in 202	24			•
No Lincoln County Jud	ges stood for rete	ntion in 2	024			
	Nineteenth	Judicial	l District	Judge	s (Weld)	
District Judges				Prior 2	018	2024
District Judges Anita J. Crowther	Meets Standards	79%	16%	Prior 2		2024 Marginal
	Meets Standards Meets Standards		16%		pench	
Anita J. Crowther		88%	_	Not on b	pench	Marginal
Anita J. Crowther Allison J. Esser	Meets Standards Meets Standards	88%	0%	Not on b	pench	Marginal Retain
Anita J. Crowther Allison J. Esser Todd L. Taylor	Meets Standards Meets Standards	88% 86% on in 202	0% 12% 4	Not on b Not on b	pench pench Retain	Marginal Retain
Anita J. Crowther Allison J. Esser Todd L. Taylor	Meets Standards Meets Standards s stood for retenti	88% 86% on in 202	0% 12% 4	Not on b Not on b	pench pench Retain (Boulder)	Marginal Retain
Anita J. Crowther Allison J. Esser Todd L. Taylor No Weld County Judge	Meets Standards Meets Standards s stood for retenti	88% 86% on in 202	0% 12% 4	Not on b Not on b 87% udges (Dench Dench Retain (Boulder)	Marginal Retain Retain
Anita J. Crowther Allison J. Esser Todd L. Taylor No Weld County Judge District Judges	Meets Standards Meets Standards s stood for retenti Twentieth J	88% 86% on in 202 udicial I	0% 12% 4 District J	Not on b Not on b 87% udges (Retain (Boulder) 018 bench	Marginal Retain Retain
Anita J. Crowther Allison J. Esser Todd L. Taylor No Weld County Judge District Judges J. Keith Collins	Meets Standards Meets Standards s stood for retenti Twentieth J Meets Standards	88% 86% on in 202 udicial I	0% 12% 4 District J	Not on b Not on b 87% udges (Prior 2	Boulder) 018 bench bench	Marginal Retain Retain 2024 Retain
Anita J. Crowther Allison J. Esser Todd L. Taylor No Weld County Judge District Judges J. Keith Collins Robert R. Gunning	Meets Standards Meets Standards s stood for retenti Twentieth J Meets Standards Meets Standards	88% 86% on in 202 udicial I 95% 97%	0% 12% 4 District J 5% 0%	Not on be Not on be 87% udges (Prior 2 Not on Not on	Boulder) 018 bench bench	Marginal Retain Retain 2024 Retain Retain
Anita J. Crowther Allison J. Esser Todd L. Taylor No Weld County Judge District Judges J. Keith Collins Robert R. Gunning Dea Marie Lindsey	Meets Standards Meets Standards s stood for retenti Twentieth J Meets Standards Meets Standards Meets Standards Meets Standards Meets Standards Meets Standards	88% 86% on in 202 udicial I 95% 97% 76%	0% 12% 4 District J 5% 0% 19%	Not on both Not on both Not on	Boulder) 018 bench bench bench bench bench bench bench bench	Marginal Retain Retain 2024 Retain Retain Marginal

2024 Ju	2024 EJF								
	Commission Attorney Votes		ı	Prior Rating	Evaluation Based on				
Judge	Finding	Retain	Do Not Retain		Attorney % Retain	Attorney Votes			
	Twenty-First Judicial District Judges (Mesa)								
No District Court Judge	s stood for retent	ion in 202	24						
Mesa County Judge				Prior 2	020	2024			
Michael Joseph Grattan III	Meets Standards	92%	8%	82%	Marginal	Retain			
Twen	ty-Second Judio	cial Disti	rict Judg	ges (Dol	ores, Montezum	a)			
District Court Judge				Prior 2	018	2024			
Todd Jay Plewe	Meets Standards	90%	10%	88%	Retain	Retain			
No Dolores County Jud	ges stood for rete	ntion in 2	2024		1	•			
No Montezuma County	Judges stood for	retention	in 2024						

Notes

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Criteria

Prior to 2017 the judicial commissions reported their evaluation of a judge with the recommendation to **Retain** or **Do Not Retain**. Today the commissions report only as **Meets Standards** or **Does Not Meet Standards**. Inasmuch as all but one of the judges evaluated in 2024 are said to **Meet Standards**, as in the past, we have found that approach useless for someone trying to determine if a given judge should be kept on the bench, or made to step down.

Inasmuch as when we began this project in 2012 the commissions were reporting **Retain/Do Not Retain,** we have found it more informative to continue using that measure, with the addition of an intermediate **Marginal** finding for our report based solely on attorney votes.

- Retain >85% of attorneys voted to retain;
- Marginal 71-85% of attorneys voted to retain;
- **Do Not Retain** <=70% of attorneys voted to retain. Note that this level was lowered from 75% to 70% in 2018 suggesting judicial standards are not improving.

Retention intervals

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To help weed out bad judges all Colorado state judges must stand for retention by the voters at fixed intervals in even years. Reports on each judge are prepared by <u>judicial performance commissions</u> in each of the 22 judicial districts. But, being political, these commissions, whitewash the judges and nearly every judge is found to meet the "standards."

All state judges first stand for retention in even years approximately two years after their appointment or a promotion to a higher bench. After that they stand for retention based on the court they sit in at the following intervals so long as they remain on that bench:

- Supreme Court justices every 10 years;
- Court of Appeals judges every 8 years;
- District court judges every 6 years;
- County court judges every 4 years.

In 2024 there were 130 state judges eligible to stand for retention in Colorado but only 120 were evaluated by the commissions. Of these 120 only 116 are actually standing for retention and are tabulated here. The remaining 14 judges terms will expire January 5, 2025, if they have not stepped down or retired sooner.

Note that magistrates serve at the pleasure of the chief judge of the judicial district and are not considered state judges. Thus, they are not evaluated here but are included on our <u>website</u>. However, federal, municipal, and administrative judges are *not* included in any of our tabulations.

Judicial review of performance over time

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The official <u>judicial performance commission evaluations</u> for state judges dates back to 1990. They have been posting percentages of attorney votes for and against a judge since 2000, and the EJF has been producing a biennial review based on the state evaluations since 2012 using the attorney votes.

As in the past, the EJF 2024 judicial performance review based on attorney votes is shown in **Table 1.** By this measure 19 (16.3%) of the 116 judges standing for retention this year should **not be retained** and **voted off the bench**. By the same criteria, the performance of 36 (31.0%) more judges is found to be marginal at best, and there was insufficient data to evaluate 5 (4.3%) judges. Of course, 14 (10.8%) of state judges who would otherwise qualify are either retiring or not bothering to stand and are not tabulated here.

Conversely, in 2024 attorneys rated **18 (15.5%; <u>shown in bold)</u>** of the state judges standing for retention as outstanding.

Our objective with these reports is to support the many outstanding judges who serve Colorado citizens while helping voters decide to eliminate those who are unfit for the position they hold. The basic assumption we've made is that the prosecutors, defense, and civil litigation attorneys know the judges in their judicial district best. They are the ones who deal with the judges on a daily basis and have the education and experience necessary to judge the judges. As a result, the Equal Justice Foundation evaluation is based entirely on how these attorneys voted on a particular judge; a simple and easily understood metric that is reasonably consistent across the state. In essence, attorneys are a jury of the judge's peers.

The commissions collect more data than just attorney votes but seldom rule against judges. In 2024, of 116 judges actually standing for retention, the political appointees of the various commissions ruled that **all** of the state's judges met acceptable performance standards except one. Commissions where essentially everyone meets the standards, effectively have no standards at all.

But it is of note that even then 14 judges didn't want to be bothered and stepped down or retired.

As shown in <u>Table 2</u>, for over a decade the Equal Justice Foundation has been independently tracking judicial performance, and postulates that the total number of bad judges is considerably more than the judicial commissions indicate. Seeking a better method of evaluating judges, and inasmuch as the judicial performance commissions seek input from the attorneys, who presumably best know the judges, in 2012 we began compiling our own tabulation of good and bad judges based solely on the attorney votes reported to the separate commissions. In essence the attorneys perform as a jury of the judge's peers. That provides a simple to understand, brief, and consistent statement of the judge's performance, and what the attorneys who know the judge best think of them.

<u>Table 2</u> summarizes the retention recommendations of the Colorado Judicial Performance Evaluations (CO JPE) versus those of the Equal Justice Foundation (EJF) based solely on how attorneys vote for a judge for the six retention cycles, 2012 to 2022, we've reviewed to date.

Table 2: Colorado judicial performance evaluation statistics based on stated criteria

	ر <u>ا</u> و	۰ ۵ د	Jı	udicial Perfo	rmance Sta	mance Statistics by Year				
Year	Total Number udges Eligible For Retention	Percent Who Actually Stood For Retention	Retain o		Does N Perfo	Retain or Not Meet rmance ndard	Marginal			
	ያ ነና L	A	CO JPE EJF		CO JPE	EJF	EJF			
2012	90	97.8%	88 (97.8%)	60 (66.7%)	1 (1.1%)	16 (17.8%)	14 (15.6%)			
2014	146	97.3%	142 (97.3%)	55 (37.7%)	2 (1.4%)	44 (30.1%)	47 (32.2%)			
2016	108	98.1%	106 (98.1%)	42 (38.9%)	2 (1.9%)	32 (29.6%)	34 (31.5%)			
2018	128	98.4%	126 (98.4%)	59 (46.1%)	2 (1.8%)	25 (19.5%)	42 (32.8%)			
2020	118	87.3%	103 (87.3%)	57 (48.3%)	2 (1.7%)	18 (15.3%)	28 (23.7%)			
2022	164	82.3%	135 (82.3%)	79 (48.2%)	0 (0%)	26 (15.9%)	30 (18.3%)			
2024	130	89.2%	115 (89.5%)	56 (43.1%)	1 (0.8%)	19 (15.6%)	36 (27.7%)			
					5 were not r	ated				

Of course, sex always rears its lovely head, but copulating with the prosecutor in the judge's chambers, or trying to make a date from the bench with the cutie standing before the bar does seem to exceed the limits of propriety. On the EJF web site in the **Colorado Judges — Citizen's Review** chapter we have documented all of those behaviors, and more, by one or more judges. Further, politics, religion, and ideology have no place in a fair and impartial courtroom, and a judge's ruling must not be based on emotions and feelings.

However, the final decision is in the hands of the voters and we hope this document is a useful tool for helping them decide which jurists they want to keep on the bench and, more particularly, helping to remove those who have not met the high standards so essential for justice.

If you would like to go sit in a judge's courtroom and form your own opinion we have <u>courtwatcher forms</u> available that should be of some assistance to you in that endeavor. We link appropriately completed courtwatcher forms to the judge's name on our <u>web site</u>.

If you live in another state perhaps our method may be of some use in establishing a similar method of evaluating judges. Additional copies of our 2024 report <u>can be found online</u> and reviews and much of the history of all Colorado judges <u>can be found here.</u>

Support for the Equal Justice Foundation

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We would be amiss if we did not conclude with a plea for support for our work. The **Equal Justice Foundation** is a non-profit 501(c)(3) public charity and contributions are tax deductible. It should be obvious that there are many costs to doing research like this on a continuing basis. However, **the Foundation has no paid employees** so all of your support goes into helping with the research and dissemination of same. We note with pride that during 2019 the research and stories on our web sites was accessed by an average 2,000 unique visitors a day by people in every state and at least 180 other countries. Our work is also commonly reposted on other sites all around the world as well.

It would be greatly appreciated if you would donate whatever you can <u>online</u> or by sending a check to the address <u>given here</u>. If interested in helping with our work, or joining the Foundation, that can be done <u>online</u> as well, or by printing and filling out the form linked there and mailing it to the address on the form together with a check or money order for your dues. Dues are just \$25/year, which are not onerous, and there is strength in numbers.

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