

The State of the Courts  
Chief Justice O. Otto Moore, Colorado Supreme Court  
Written Message  
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Annual Report of the Chief Justice of the Colorado Supreme Court

## Introduction

### Judicial Administration

Nineteen sixty-seven can best be characterized as a period of transition and judicial administration in Colorado. The adoption of amendment number three at the 1966 General election provided the constitutional framework for many of the changes made, in process, or contemplated. This amendment not only change judicial selection, retention, and removal it also contains several important provisions relating to judicial administration and the responsibility therefor.

These provisions, now part of Article VI, section 5, of the Colorado Constitution, are as follows:

... (2) The supreme court shall select a chief justice from its own membership to serve at the pleasure of a majority of the court, who shall be the executive head of the judicial system.

(3) the Supreme Court shall appoint a court administrator and such other personnel as the court may deem necessary to add the administration of the courts. Whenever the chief justice deems assignment of a judge necessary to the prompt disposition of judicial business, he may: (a) assign any county judge, or retired county judge who consents, temporarily to perform judicial duties in any county court if otherwise qualified under Section 18 of this article, or assign, as hereafter may be authorized by law, said judge to any other court; or (b) assign any district, probate, or juvenile judge, or retired justice or district, probate, or juvenile judge who can sense, temper rarely to perform judicial duties in any court. For each day of such temporary service a retired justice or judge shall receive compensation in an amount equivalent to 1/20 of the monthly salary then currently applicable to the judicial position in which the temporary service is rendered.

(4) The chief justice shall appoint from the district judges of each judicial district a chief Judge to serve at the pleasure of the chief justice... each chief judge shall have and exercise such administrative powers over all judges of all courts within his district as may be delegated to him by the chief justice.

The changes in judicial administration, either made or contemplated, resulting from the adoption of Amendment No. 3 are discussed in some detail in this report, including the establishment of a merit system for trial court employees.

### Other Matters of Importance

Nineteen sixty -seven has been a noteworthy year for the judicial system in many other respects, of which some of the most significant are:

- 1) Supreme Court. The Colorado Supreme Court disposed of more cases, 588 in 1967, than in any previous year in the Court's history. At the same time, the courts intake of 639 cases filed was also the highest in the Court's history.
- 2) Denver District Court. A substantial reduction has been effected in the backlog of the Denver District Court through the reorganization of docket administration, the great cooperative effort of the 14 judges of this court, the assignment of retired judges, and the greater utilization of outside district and county judges.
- 3) Judicial appointments. Nine appointments to the county bench were made under the new judicial selection procedure set forth in Amendment No. 3.
- 4) Judicial qualifications commission. For the first time, Colorado has a constitutionally authorized commission to investigate complaints about members of the judiciary concerning alleged willful misconduct, willful or persistent failure to perform duties, intemperance, or incapacity to perform duties because of physical or mental disability.
- 5) Rules of procedure and pattern jury instructions. Both the Joint Rules Committee of the Colorado Supreme Court and the Colorado Bar Association and the Colorado Supreme Court Committee on Pattern Jury Instructions have made considerable progress with their respective assignments. The former is undertaking an overall revision of the rules of formulating model or approved instructions to be given to juries in civil cases.

All of these are also discussed in some detail in this report.

### National Recognition

Colorado's judicial system has received national recognition as one of the most progressive as a consequence of the two judicial amendments and their implementation by law and by the bench and bar through many of the activities described in this report. One example of this recognition is the following excerpt from an article which appeared in the December, 1966, issue of Judicature, the Journal of the American Judicature Society:

Adoption of Colorado's judicial amendment, which includes both merit selection and a commission plan for discipline and removal of judges, gives Colorado three "firsts" in the judicial reform parade. The Colorado voters approved a prior judicial amendment in 1962 which introduced major improvements in court organization and administration and in the minor courts. By following up with a second amendment covering judicial selection, tenure, discipline, and removal, Colorado becomes the first state to have adopted major reforms in both areas.

Colorado's second "first" lies in the fact that it is the first state to apply merit selection and tenure on a statewide basis to judges of minor courts as well as the major trial and appellate courts. The famed Missouri plan applies only to judges of appellate courts in certain trial courts in St. Louis and Jackson County; Iowa, Nebraska, and Alaska have it for their appellate courts and their trial courts of general jurisdiction but not for their lower courts of limited jurisdiction. The

Colorado plan applies to Supreme Court, district courts, and county courts throughout the state.

Colorado third “first” and judicial reform is shared with its neighboring state of Nebraska. Until November 8 no state had both merit selection and tenure of judges and a judicial or commission plan for discipline and removal of judges. Missouri, Iowa, Nebraska, Alaska, and other states had the former; California, Oklahoma, Texas, and New York had the latter. On November 8, Colorado adopted both at once, and Nebraska added a commission plan to the judicial selection system that has been in for since 1962.

Colorado’s stature was also in evidence at the annual meeting of the Conference of Chief Justices where I had the privilege and the honor to serve as a member of the Resolutions Committee and to be appointed to the Committee on Post-Conviction Remedies. On behalf of the Colorado Supreme Court and the judiciary I also excepted appointment to serve on the Awards Jury for the Freedom Foundation.

While Colorado is a recognized leader and judicial reform and administration, it is still below average and judicial compensation, even those Supreme Court justices and district court judges received a \$4000 salary increase in 1967, effective January 1, 1968. Even with the sizable increase, Colorado ranks 33<sup>rd</sup> among the 50 states, Puerto Rico, and the District of Columbia in salaries paid both to justices of the highest appellate court and two judges of the trial court of general jurisdiction. Many other states also granted judicial salary increases in 1967, with the result that the average salary for justices of the highest appellate court is now \$24,491, and the average salary for judges of trial courts of general jurisdiction is \$20,647.

### Supreme Court

#### Matters Before the Court in 1967

Cases filed. The number of cases filed in the Supreme Court reached an all-time high of 639 in 1967. This total was 83 (or 15 percent) more than the previous high of 556 in 1966. The Supreme Court’s annual intake has increased steadily during the past 13 years. As shown in Table 1 more than twice as many cases were filed in 1967 as in 1955. An examination of annual judicial reports from other states shows that the amount of judicial Business before the Colorado Supreme Court exceeds that of virtually all of the states not having an intermediate appellate court.

In 1955, only 12 original proceedings were filed in the Supreme Court. By 1965, this extracurricular work of the court had grown to 131, a level maintained the past two years when 130 and 129 original proceedings were filed respectively. It is not often realized that study and action on these proceedings often takes as much or more time than the usual appellate cases. Cases closed. In 1967, the Colorado Supreme Court disposed of more cases and produced more written opinions than any other year in the court history. Five hundred and eighty-eight were closed, 378 of those by written opinion. The previous high for cases closed was 524 in 1961, and

the five year average, 1963 through 1966, was 419. The previous high for written opinions was 371 and 1960, and the five-year average, 1962 through 1966, was 251.

A further illustration of the magnitude of the Supreme Court's activity in 1967 can be seen from a comparison with several other states that have seven judge supreme courts and no intermediate appellate court. <sup>a</sup>

	<u>Cases closed in 1966</u> <sup>a</sup>	<u>Written Opinions</u>
Arkansas	529	(not indicated)
Massachusetts	459	331
Minnesota	324	242
North Carolina	465	287
Oregon	565	306
Virginia	258	147
<sup>a</sup> Latest data available.		

Table 1. Cases Before the Colorado Supreme Court 1955 through 1966

Year	Cases pending Jan. 1	Cases Filed	Total	Number of Written Opinions	Cases Closed
1955	198	287	485	184	284
1956	201	301	502	161	261
1957	241	345	586	197	230
1958	356	412	768	159	285
1959	483	407	890	250	342
1960	548	364	912	371	489
1961	423	420	843	355	524
1962	319	486	805	238	378
1963	427	505	932	255	424
1964	508	490	998	239	385
1965	613	550	1163	264	464
1966	699	556	1255	260	445
1967	810	639	1449	378	588

The 851 cases pending at the end of 1967 consisted of the following:

Cases at issue awaiting oral argument: 446

Cases orally argued awaiting opinion: 39

Cases submitted without oral argument: 15

Opinions announced awaiting action on rehearing: 17

Cases reopened: 1

Cases reopened and at issue: 2

Cases at issue on rehearing: 1

Total cases at issue: 521

Cases not at issue: 340

Total cases pending: 861

### Matters of course

The growing volume of work in the Colorado Supreme Court is not reflected entirely by case filings and dispositions and the number of opinions written. A significant amount of the Court's time is occupied with such matters as requests for extensions of time, motions to dismiss, and similar paper work -- all of which have to be received, examined, stamped, listed, and studied by the Chief Justice (and often by other justices for reports to the entire Court) and then orders issued and the papers filed, microfilmed, and stored.

In 1966, the Colorado Supreme Court received 1,668 requests for extensions of time and 1,476 other motions of various kinds for a total of 3,144 items. As statistics were not kept on these matters prior to 1965, a comparison must necessarily be limited; however, the increase of 1,198 or 53.7% over the 1965 total of 2,046 illustrates the increased activity in this area. It also demonstrates that delay begets delay, because it appears that the more cases that are not disposed of, the more requests that are made to the court for extensions of time and the more motions that are filed to dismiss. It should be noted that these totals do not include orders transferring trial judges and other administrative actions taken through the office of the Court Administrator.

### Assistance by Retired Judges and Active District Judges

During 1967, the Chief Justice assigned for retired judges and for active district judges to assist the Supreme Court pursuant to Article VI, Section 5(3), of the Colorado Constitution. These assignments resulted in 20 written opinions, with several more in process. This assistance was a considerable help to the court in achieving its record productivity in 1967. It is planned to make more extensive use of this assignment power to assist the Supreme Court in the coming year now that the Denver District Court backlog is under control, and an increased appropriation from \$20,000 to \$30,000 has been requested for this purpose.

### The Backlog Problem

It is becoming more and more obvious from the continuing increase in the Supreme Court annual filing rate that additional steps are necessary to cope with the backlog. There is no reason to believe that Colorado's current rate of population and economic growth will diminish appreciably in the near future, rather it appears that the converse is more likely. Consequently, a further continued increase in new matters coming before the Colorado Supreme Court can be expected. When the filing rate trend over the past 12 years is projected into the future, it is estimated that the number filed will exceed 700 by 1970.

The eventual long-range solution would be the creation of an intermediate court of appeals which would hear appeals of less importance not involving major questions of law and constitutional issues. Considerable study is needed, however, before an intermediate court can be created and operated successfully. A number of questions must be answered concerning composition of the court its organization, and jurisdiction. For example, should there be more than one division, and, if so, how many judges in each division? Should the state be divided geographically among the divisions, and, if so, in what way?

The first step is an extensive analysis of the Supreme Court's docket to determine the kind of cases and the origin of cases presently before the court. This analysis will be made during the coming year by the Court Administrator's office.

Further problems include the facilities to house the intermediate court of appeals and a fairly precise determination of the necessary operating budget. The latter can be developed in connection with the organization and jurisdiction suggested by the Court Administrator's study. The former is related to the overall space and facility needs of the Supreme Court and its several departments and activities. These are discussed in a subsequent section of this report.

From the foregoing, it appears that a fair estimate is that it will be three to five years before an intermediate court of appeals can be created and in full operation. In the meantime, the experience of the past year indicates that it may be possible to keep the backlog at near the present level through the use of procedures adopted in 1967 and the more extensive assignment to the Supreme Court of retired judges and active district judges. In this connection, the present Chief Justice will retire in January, 1969, as provided in Amendment No. 3 and will be available to assist the Supreme Court on assignment on a regular basis.

## District Courts

### Denver District Court

The major District Court backlog problem at the beginning of 1967 was in the Denver District Court. Under the administrative powers given the Chief Justice under Amendment No. 3 and with the cooperation of the Chief Judge and the other 13 judges of the Denver District Court, a new docket administration program was put in effect on February 1, 1967.

The master docket system was replaced by a return to individual dockets under the close supervision of Chief Judge Neil Horan. The court was divided into three sections: civil, domestic relations, and criminal. Eight judges were assigned to the civil section, four to the criminal section, and two to domestic relations.

All of the civil cases on the master docket were reassigned an equal number to each of the eight civil divisions, and attorneys were noticed in [illegible] trial dates for cases at issue but not yet set for trial. All criminal cases were assigned equally to the four criminal divisions, and trial dates set for all cases ready for trial. Although individual dockets were established, judges were subject to reassignment by the chief judge to assure the greatest utilization of judicial manpower. In addition, the Chief Judge was given authority to use any vacant courtroom in the city and county building, regardless of court.

Civil division judges double and triple set cases for trial, and retired and outside district and county judges were assigned, often on 48-hour notice, to handle excess cases as needed. In addition, a separate division, presided over by a retired judge, was created on a temporary basis to hear and dispose of some 200 pending motions in case is not yet at issue.

Retired and outside judges were also assigned to replace Denver judges during the summer vacation period. For the first time in many years, the Denver district court held jury trials during the summer months.

Assignment of Retired and Outside Judges. The magnitude of the assistance provided by retired and outside judges in the Denver District Court can be seen from the following statistics:

Number of Judicial Days by Retired Judges	396
Number of Judicial Days by Outside District Judges	212
Number of Judicial Days by Outside County Judges	56
Total	664

Six hundred and sixty-four judicial days, or the equivalent of 2.8 full-time judges, were provided by retired and outside judges in the Denver district court in 1967.

Results. Preliminary statistics show that the Denver District Court disposed of 14,236 cases (6,037, civil; 5,997, domestic relations; and 2,202, criminal) between February 1 and December 31, 1967. When the cases terminated in January, prior to the inauguration of the new docket system, are added, the total dispositions for the year were 14,586. The number of cases filed in 1967 was 11,525, for a net reduction of 3,061 cases as follows: civil, 970; domestic relations, 1,436; and criminal, 1,655. These results were achieved despite a slight increase in the number of cases filed in 1967 over the preceding year.

It is now possible to try criminal cases within 3 to 4 months of arraignment. Further, it is expected that the present procedures will make it possible by March 1, 1968, for a contested case to get to trial at least within 12 months of the time it is at issue, with the ultimate goal of eight months. This will be a commendable achievement when compared with most other metropolitan areas where a delay at 18 months to three years is not unusual.

These results could not have been accomplished without the great degree of cooperation and devotion to duty by the 14 judges of the Denver District Court. Nor could they have been achieved without the help provided by retired judges and outside district and county judges.

#### District Court Docket Status – Generally

As explained elsewhere in this report, during the past year the Court Administrator's Office has been in the process of establishing a statewide reporting system tied in with the states data processing division. Because of reporting and programming problems, currently being solved, it is not possible at this time to present a complete statistical analysis of district court caseloads and docket status. The following information, excerpted from the nine-month Computer reports as of September 30, 1967, illustrates the generally current state of district court dockets throughout the state.

One significant measure of court activity and docket status is the median age of pending cases from filing. The preliminary report compiled by the Court Administrator's Office and covering the first nine months of this year shows that the statewide median age for pending civil cases in

the district courts as of September 30 was 5.6 months, ranging from a low of three months (7<sup>th</sup>, 13<sup>th</sup>, and 22<sup>nd</sup> Districts) to a high of 11 months (10<sup>th</sup> District).

This report also shows that the statewide median age for pending criminal cases as of September 30 was 3.2 months, ranging from a low of two months (7<sup>th</sup> District) to a high of six months (3<sup>rd</sup>, 5<sup>th</sup>, and 14<sup>th</sup> Districts). Excluded from this computation were cases continued for sentencing or psychiatric evaluation and cases in which the defendant has not been apprehended.

The median age for civil cases tried to the court or to a jury was also computed for the same nine-month period. This computation provides a measure of how rapidly contested cases are disposed of. The statewide median average from filing was 9.3 months, ranging from a lower four months (16<sup>th</sup> District) to a high of 15 months (8<sup>th</sup> District).

The statewide median age from filing of all criminal cases disposed of during the first nine months of 1967 was five months, ranging from a low of two months (7<sup>th</sup> District) to a high of nine months (3<sup>rd</sup> District).

#### Assignment of Retired and Outside Judges

A considerable number of retired and outside judge assignments were made to district courts other than Denver. These included: 103 days provided by retired judges, 53 days by outside district judges, and 13 days by outside county judges.

In addition, the following assignments were made to the Denver Probate, Juvenile, and Superior Courts.

#### Number of Days

	Probate	Juvenile	Superior
Retired Judges	21	-	37
District Judges	9	2	-
County Judges	6	0	18
Total	36	2	55

#### New District Judgeships

As provided by law (37-12-2(2) and 37-12-9(2)), C.R.S. 1963, as amended), two new district judges will be appointed in January, 1969, one in the 1st Judicial District and one in the 8th Judicial District.

19<sup>th</sup> District. It is our understanding that the request for creation of a third district judge ship in the 19<sup>th</sup> Judicial District (Weld County) has been forwarded to the Governor by the Weld County Bar Association and the Chief Judge of the 19<sup>th</sup> District. Should this matter be placed on the agenda for the 1968 legislative session by the Governor, the following information may be of help to the members of the senate and house judiciary committees.



During the past six months, 61 days (slightly more than three months) of outside and retired judge time has been assigned to the 19<sup>th</sup> Judicial District. Approximately 60 percent of this time was provided by retired judges. A blanket order has also been issued permitting the Chief Judge of the 19<sup>th</sup> District, and his discretion, to assign either weld county judge to district court cases when available.

Because of the limitation on funds available for the per diem payment of retired judges, no retired judge will be so assigned, except in an emergency, from March 1 until the end of the fiscal year. It now appears that the docket in the Weld County Court is such that neither county judge can take anything other than occasional one day assignments in the district court, which provides no help with the trials anticipated to run two days or longer.

Some statistical comparisons were made for the 8<sup>th</sup> (Larimer), 19<sup>th</sup>, and 20<sup>th</sup> (Boulder) Judicial Districts. The 8<sup>th</sup> and 20<sup>th</sup> Districts were shown for comparison because of their geographic proximity and similarity to the 19<sup>th</sup> District. The 8<sup>th</sup> District has two judges, with a third to be appointed to take office in January, 1969; the 20<sup>th</sup> District has three judges. All of this data is based on reports compiled for the first nine months of this year under the district court EDP statistical reporting system.

Cases Filed 1/1/67 – 9/30/67

Type of case	8 <sup>th</sup> District	19 <sup>th</sup> District	20 <sup>th</sup> District
Civil and Dom. Rel.	567	676	1,048
Probate	287	275	332
Juvenile	143	242	310
Mental Health	41	32	64
Criminal	96	225	186
Total	1,134	1,450	1,940
Cases per judge	567	725	646

Median age from filing of terminated Civil and Domestic Relations cases as of 9/30/67:

8<sup>th</sup> District 10 mo.  
 19<sup>th</sup> District 17 mo.  
 20<sup>th</sup> District 7 mo.

Median age from filing of terminated Civil and Domestic Relations cases -- trials to court or jury -- as of 9/30/67:

8<sup>th</sup> District 15 mo.  
 19<sup>th</sup> District 9 mo.  
 20<sup>th</sup> District 7 mo.

Median age of pending Criminal cases from filing, excluding cases awaiting sentencing and those in which the defendant is at large, as of 9/30/67:

8<sup>th</sup> District     3 mo.  
19<sup>th</sup> District    4.8 mo.  
20<sup>th</sup> District    4.1 mo.

## County Courts

### Cases Before the County Court

There were slightly more cases (2.3 percent) filed in the county courts in 1967 than there were in 1966, according to preliminary figures compiled by the Court Administrators Office.<sup>1</sup> Almost 124,500 cases were filed in 1967. [E]xclusive of the municipal ordinance violations in the Denver county court, approximately 2,800 more than in 1966. This increase was almost equally divided between civil and traffic cases, while there was a slight decrease in criminal cases other than traffic. 70% of the cases filed were traffic; 19 percent were civil; and the remaining 11 percent were criminal cases other than traffic.

Several large counties had significant caseload increases in 1967, including: Weld County, 1,036 (26.4 percent); Jefferson County, 736 (6.7 percent); Larimer County, 474 (10.9 percent); and El Paso County, 492 (5.6 percent). Among the smaller counties, the following courts petty substantial increase in cases filed: Logan, 285 (33.9 percent); Lincoln, 160 (41.0 percent); Archuleta, 150 (55 percent); Baca, 186 (66.2 percent); and Otero, 154 (16.8 percent).

Generally traffic cases accounted for most of these increased filings; although Jefferson, Larimer, and Weld counties had sizable gains in civil cases as well.

Only three counties had a filing decrease of more than 200 cases: Arapahoe, 1,099 (15.3 percent); Pueblo, 240 (4.0 percent); and Clear Creek, 167 (20.0 percent). In Clear Creek County, a decrease in traffic cases accounted for the reduction in filings. In Pueblo County, there was a substantial decrease in criminal cases other than traffic. In Arapahoe County, there was a significant decrease in both civil and traffic cases.

Assignment of Outside Judges. Seventy-seven assignments of outside judges were made in 1967 to the county courts. These assignments covered 191 judicial days. With the exception of four assignments (one retired judge and three district judges), all of the 191 days were provided by county judges. These assignments were made because of vacations, illness, disqualifications, or case of backlog, and they were of great assistance and helping to keep county court dockets on a current basis.

### New Judges Appointed

Eleven county judges, two associate county judges, and one assistant county judge were appointed to fill vacancies in 1967. In addition, the associate judgeship in Larimer County was changed to a full-time judgeship by an act of the General Assembly, with a former associate judge assuming the new full-time position.

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<sup>1</sup> Complete tables on county court filings and dispositions will be published by the Court Administrator at a later date.

Four of the appointments were made by the Boards of County Commissioners prior to the effective date of Amendment No. 3. These included:

Associate Judge Gavin D. Litwiller – Garfield at Rifle  
 Judge Robert K. Willison – Jefferson  
 Associate Judge N.E. Martin – Moffat at Dinosaur  
 Judge F.E. McHenry – Summit

The nine appointments made by the Governor from Judicial Nominating Commission recommendations were:

Judge Roland L. Gerard – Eagle  
 Assistant Judge Roger Larson – Eagle at Minturn  
 Judge Frances H. Schalow – Fremont  
 Judge Robert G. Bailey – Las Animas  
 Judge Baxter W. Arnold – Logan  
 Judge Cover Mendenhall – Otero  
 Judge Charles M. Stoddard – Garfield  
 Judge John A. Price – Jackson  
 Judge Hulbert E. Reichelt – Sedgwick

One appointment (Judge Wallace McCamant) was made by the Mayor of Denver pursuant to the Denver Charter.

Additional County Judges

We have been informed that three counties -- Arapahoe, El Paso, and Jefferson -- have requested or will request consideration of an additional county judge in the 1968 legislative session.

As can be seen from the following table (which compares caseloads in the nine largest counties outside of Denver), the need in El Paso County is the greatest; although the number of cases per judge in both Arapahoe and Jefferson counties considerably exceeds both the median and the mean for all nine counties as a whole.

County	1966 Caseload	1967 Caseload	No. of Judges	Cases per Judge <sup>b</sup>
Adams	7,529	7,550 <sup>a</sup>	3	2,516.7
Arapahoe	7,191	6,092	2	3,046.0
Boulder	4,561	4,592	2	2,296.0
El Paso	8,809	9,301	2	4,650.5
Jefferson	11,022	11,758	3	3,986.0
Larimer	4,342	4,816	2.25 <sup>c</sup>	2,140.4
Mesa	3,600	3,617 <sup>a</sup>	2	1,808.5
Pueblo	6,088	5,848	2	2,924.0
Weld	3,925	4,959	2	2,478.5
Based on first nine months of 1967 as reported to Court Administrator				

1967
Assistant County Judge (1/4 time) in Estes Park.
Median caseload per judge 2,516.7
Mean caseload per judge 2,890.4

### Traffic Court Standards

Pursuant to the National Highway Safety Act of 1966, the U.S. Secretary of Transportation has promulgated several standards for traffic courts. Only one of the standards was made mandatory; the rest are set forth as recommendations, although they could be made mandatory at any time at the discretion of the secretary.

These standards are as follows:

#### Standard

Each state in cooperation with its political subdivisions shall have a program to ensure that all traffic courts in it complement and support local and statewide traffic safety objectives. The program shall provide at least that:

- I. All convictions for moving traffic violations shall be reported to the state traffic records system.
- II. Program Recommendations

In addition the state should take appropriate steps to meet the following recommended conditions:

- A. All individuals charged with moving hazardous traffic violations are required to appear in court.
- B. Traffic courts are financially independent of any fee system, fines, costs, or other revenue such as posting or forfeiture of bail or other collateral resulting from processing violations of motor vehicle laws.
- C. Operating procedures, assignment of judges, staff in quarters insure reasonable availability of court services for alleged traffic offenders.
- D. There is a uniform accounting system regarding traffic violation notices, collection of fines, fees and costs.
- E. There are uniform rules governing court procedures in traffic cases.
- F. There are current manuals and guides for administration, court procedures, and accounting.

#### Municipal Courts

These standards apply both to county courts and to municipal courts, because the latter have jurisdiction over municipal traffic ordinance violations. The Supreme Court is currently considering the extent of the authority which it should and can properly exercise over municipal court, including those in home rule cities established pursuant to Article XX, Section 6, of the Colorado Constitution.

After the Supreme Court delineates the scope of its authority over municipal courts, the Court Administrator's Office will conduct some preliminary research to determine more precisely what is needed. At that time, the court will be in a better position to make specific recommendations to the Governor and the General Assembly.

As explained elsewhere in this report, the district and county court clerks' manuals will be revised in the 1968-69 fiscal year, and a specific request has been made in the budget for this purpose. It is currently plans at the County Court Clerks' Manual will be expanded to apply to municipal court as well, at least in so far as traffic jurisdiction is concerned. This is in keeping with one of the recommendations of the 1967 Governor's Highway Safety Conference commented on below.

#### Governor's Conference on Highway Safety

The traffic court standards were discussed at length by the Workshop on Codes, Laws, and Courts at the Governor's Annual Highway Safety Conference. This workshop was co-chaired by Justice Edward C. Day and Court Administrator Harry O. Lawson.

Several recommendations were made directly concerning the administration of justice. The major recommendation was that:

The Chief Justice in the Supreme Court, in keeping with their constitutional authority, should have the prime responsibility for implementing the traffic court standards of the highway safety program and for making recommendations they are on to the governor and the General assembly through the Chief Justice's annual report or in any other appropriate way.

The workshop also recommended that the Supreme Court, under its supervisory and superintending powers over all courts, "should promulgate uniform procedural rules to apply to municipal and police magistrate courts as well as to courts of record."

Further, the workshop recommended that the court administrators office revise the district and county court manuals, with the latter also to apply to traffic jurisdiction and municipal and police magistrate courts.

#### Legislative Recommendations

There were four measures adopted in the 1967 session of the General Assembly which created problems of a sufficient nature to request that the Governor placed them before the General Assembly in 1968 for consideration and correction. These laws were discussed extensively at the Eighth Annual Judicial Conference, and it was the consensus of the Supreme Court Justices and District Court Judges in attendance that changes should be made in the 1968 session, if at all possible.

#### House Bill 1039 (1967)

House Bill 1039 (1967) provides for state aid for adult probation officers' salaries. The bill was amended to permit counties comprising less than one judicial district or parts of two or more districts to provide probation services jointly if they have a combined population of at least 25,000. The Attorney General has construed this provision in connection with another one in the same act relating to population requirements for state aid in ruling that judicial districts with less than 25,000 population are not eligible for state aid. It is our understanding that this was not the intent of the bill's sponsors.

Because of the Attorney General's ruling, six judicial districts are not eligible for state aid, and these are districts, by-and-large, which need financial help to improve services. Included are the 5<sup>th</sup> (Eagle, Lake, and Summit), 6<sup>th</sup> (Archuleta, La Plata, and San Juan), 9<sup>th</sup> (Garfield, Pitkin, and Rio Blanco), 14<sup>th</sup> (Grand, Moffat, and Routt), 15<sup>th</sup> (Baca, Cheyenne, Kiowa, and Prowers), and 22<sup>nd</sup> (Dolores and Montezuma).

There is no need to provide specifically for probation services on a multi-county basis, which could fragment judicial districts. As a matter of practice, probation services are either provided on a district basis or on a multi-district basis (as permitted by 39-16-12). If the provision for multi-county combinations, except for judicial districts or combinations of judicial districts, were deleted, as well as all references to population requirements it should eliminate the problem and make all judicial districts eligible to participate.

#### House Bill 1001 (1967)

It was anticipated when it was adopted that the new Children's Code would probably have to be modified in coming years. This is to be expected with any comprehensive body of legislation. The code was discussed extensively at the Judicial Conference by the district judges who carry out its provisions. The judges feel there are several provisions which need revision, but they are reluctant to open up the code at this time for broadscale changes until there is more experience with it and an opportunity to consider changes slowly and carefully in the light of this experience. Many of the criticisms currently leveled at the code are really criticisms of the Gault decision of the U.S. Supreme Court, which is now the law of the land, regardless of the Children's Code. A substantial majority of the district judges, however, feel that one small amendment should be made in 1968, but only if it does not open up other portions of the Code. This amendment would permit the commitment of certain delinquents to the state reformatory in the discretion of the court. In so doing, it is necessary to provide for the release of juveniles so committed. There was no such provision in the old code when reformatory commitments were permitted and release was by administrative rule.

It is our understanding that the Legislative Council is considering another approach to this problem: the creation of a training school for boys at the Colorado State Reformatory and the creation of a training school for girls at the women's correctional institution in Fremont County. This approach would accomplish the results desired by the district judges.

#### House Bill 1444 (1967)

This measure requires an investigation by either the probation department or the county department of welfare before custody is awarded (or an award of custody modified) in divorce and separate maintenance cases.

The district judges unanimously are of the opinion that such investigations should be discretionary with the court rather than mandatory, because:

- 1) They are not needed in every case;
- 2) Considerable delay and expense are involved with fees levied against litigants which often impose an undue financial burden; and
- 3) Many of these investigations have provided only hearsay evidence which should not be admitted without cross-examination, thus lengthening custody hearings and complicating them unduly.

### Senate Bill 383 (1967)

This bill enacted a modified version of the Model Vital Statistics Act and went into effect on January 1, 1968.

The first major problem concerns the report fee of \$1.00 required by 66-8-7. It requires the clerk of the district court to forward a fee of \$1.00 for each report made under this section. The state registrar apparently interprets the section to mean that each decree constitutes a separate report. Further, this section is vague enough so that each order modifying a decree could also be required to be reported, with each such modification accompanied by an additional \$1.00. Consequently, unless this section is changed, a significant amount of fee revenue in each district court would be diverted to the state general fund.

Presumably, 66-8-19 was added to this act by amendment to offset this potential loss in court revenue. But the language of this section is in conflict with 66-8-7 in two respects:

- 1) It levies an additional tax of \$1.00 upon certain actions at the time of filing, but there would be no additional tax when a decree is nullified or modified, so each district court would still be required to remit to the State Registrar under 66-8-7 more than it collected under 66-8-19.
- 2) Section 66-8-19 requires the district court clerk to place the revenues from the additional \$1.00 tax in a special fund to be remitted monthly directly to the State Treasurer, while 66-8-7 requires the district court clerk to submit \$1.00 for each report made directly to the State Registrar. It is therefore not clear whether the \$1.00 fee required by 66-8-7 is in addition to the \$1.00 tax provided and 66-8-19.

The second major problem involves the form, content, and frequency of the reports required. As discussed elsewhere in this report, the Court Administrator has established a comprehensive statistical reporting program for district courts tied in with the states data processing unit. One of the prime purposes of this reporting system is to provide centralized, orderly collection of all kinds of data so as to reduce the number of demands made upon the various courts for information. For example, the information on juveniles before the courts formerly collected

separately by the departments of institutions and welfare has been incorporated in this system, and these departments will have access to the Judicial Department's IBM tapes. The same procedure is to be used in handling most of the domestic relations information required by the state registrar. The court administrator and the State Registrar have worked this problem out, but amendment of 66-8-7 would clarify this arrangement.

Further, in keeping with the intent of Amendment No. 3 in centralizing the administrative authority for the judicial system in the Chief Justice with the assistance of the Court Administrator, who serves at the pleasure of the Supreme Court, it is suggested that all reports required by the State Registrar (both those resulting from the ADP program and any other) be channeled through the office of the Court Administrator, with the form, content, and frequency of such reports subject to the approval of the Chief Justice.

### Annual Judicial Conference

The Eighth Annual Judicial Conference was held in Colorado Springs, October 10 through October 12, immediately preceding the annual convention of the Colorado bar association. For the first time since 1963, a combined conference for district and county judges was held. It is tentatively planned that this practice will be followed in the future.

Judicial administration and procedures was the general theme of the conference. The agenda for the combined sessions included: progress reports from the Chief Justice and the Court Administrator, recent developments in criminal law, and a report from the Supreme Court Joint Rules Committee on proposed changes in the civil and criminal rules.

Meeting separately, the district judges had sessions on the new Children's Code, proposed Pattern Jury Instructions, commitment of the criminally insane, and new probate forms.

The county judges in their separate sessions covered license suspension and implied consent, bail and bonding procedures, and proposed uniform county court forms. In addition, the county judges held six simultaneous administrative workshops at which mutual problems were discussed.

The conference was attended by all district and county court judges, except for a few who were excused by the Chief Justice because of illness or previously set jury trials. Also in attendance were the judges of the Denver Probate, Juvenile, and Superior Courts.

### Judicial Qualifications Commission

The Judicial Qualifications Commission was established pursuant to Article VI, Section 23(3), of the Colorado Constitution. It is composed of three district judges, two county judges, two attorneys, and two non-lawyers. The district and county judges are appointed by the Supreme Court. The attorneys must have practiced in Colorado at least 10 years and are appointed by majority action of the Governor, the Chief Justice, and the Attorney General. The two non-lawyers are appointed by the Governor. All appointments are for a term of four years.



This section of the constitution charges the Commission on Judicial Qualifications with the responsibility of investigating complaints concerning alleged willful misconduct, willful or persistent failure to perform duties, or intemperance by a member of the judiciary. The commission also investigates complaints concerning judicial incapacity because of physical or mental disability.

The Commission, after making an investigation, may order a hearing before it, or before masters appointed by the Supreme Court, concerning the removal or retirement of a justice or judge. Following this proceeding, the Commission, upon good cause, may recommend removal or retirement to the Supreme Court, which makes the final decision after a review of the record and any additional evidence which it may permit to be introduced. The constitution requires that all papers and proceedings before the Commission be confidential.

These constitutional provisions are patterned after those creating the California commission on judicial qualifications. Only some ten states have similar procedures for the removal or retirement of members of the judiciary for just cause, but the number is increasing. This method is strongly recommended by many experts in the field of judicial administration and places Colorado among the leaders nationally in this regard.

### Commission Members

The Commission on Judicial Qualifications was appointed on February 27, 1967, and consists of the following members:

Judge Robert B. Lee, 18<sup>th</sup> Judicial District, Chairman  
Judge William H. Burnett, Denver County Court, Vice-Chairman  
Judge William L. Gobin, 16<sup>th</sup> Judicial District, Secretary  
Judge James M. Noland, 6<sup>th</sup> Judicial District  
Judge Sidney A. Emeson, Weld County Court  
Ben S. Wendelken, Esq., Colorado Springs  
George A. Epperson, Esq., Fort Morgan  
Father Richard F. Ryan, Denver  
Dr. Leo C. Riethmayer, Boulder

Administrative and secretarial functions are provided by the Court Administrator's office, and the Court Administrator serves as the Commission's executive secretary.

### Commission Activities

During its first year, the Commission on Judicial Qualifications held six meetings. At its first two meetings, the commission drafted its rules of procedure, which were adopted by the Colorado Supreme Court on May 18, 1967. Nine cases have been considered by the commission, all except one of which were either disposed of or dismissed after preliminary investigation or informal hearing. The Commission's early experience appears to be quite similar to that of the California Commission. Usually, an informal hearing followed by a letter from the Commission is sufficient to eliminate the judicial behavior complained of or to have a judge resign or retire

voluntarily without the necessity for a formal hearing and subsequent review by the Supreme Court.

The Commission's rules provide for regular quarterly meetings, with more frequent meetings as required upon call of the chairman.

### Judicial Nominating Commission

As provided in Article VI, section 24, of the Colorado Constitution, there are 23 judicial nominating commissions. The Supreme Court Nominating Commission is composed of nine members; the other 22 (one for each judicial district) are composed of seven members each. The Chief Justice serves as the non-voting chairman of the Supreme Court Nominating Commission, and each of the 22 judicial district nominating commissions is presided over by a Supreme Court Justice, who is a non-voting chairman.

Each nominating commission has at least one more non-lawyer member than the number of attorney members. The attorney members are appointed by majority action of the Governor, Chief Justice, and Attorney General. The governor appoints the non-lawyer members. No more than one-half of the voting members plus one of each commission may belong to the same political party. They are appointed for staggered six-year terms and cannot succeed themselves. Initial appointments were for one, three, and five year terms. Consequently, the terms of 47 members (12 of whom our attorneys) expired on December 31, 1967.

### Nominating Commission Activity

Eight County judges and one assistant county judge were appointed by the Governor under this new constitutional procedure in 1967. Four county judges died in office; three vacancies were created by retirement, and the other two by resignation.

The following judicial nominating commissions met in 1967 to make recommendations to the Governor for judicial appointments: 3<sup>rd</sup> District, 5<sup>th</sup> District, 8<sup>th</sup> District, 9<sup>th</sup> District, 11<sup>th</sup> District, 13<sup>th</sup> District, and 15<sup>th</sup> District.

### Workshop

A workshop on effective procedures for judicial nominating commissions was held in Denver on July 15 and was attended by approximately 100 of the 163 judicial nominating commission members. Co-host for this meeting, the first of its kind, were the University of Denver College of Law and the American Judicature Society. Several outstanding jurists and nominating commission members from other states were invited to participate as workshop leaders.

Procedural rules for Colorado's nominating commissions are being drafted by a special Colorado Bar Association Committee, chaired by Dean John W. Reed of the University of Colorado School of Law. Upon completion, they will be submitted to the Supreme Court for review and approval.

### Joint Rules Committee

The Joint Rules Committee of the Colorado Supreme Court and the Colorado Bar Association has been working on an extensive revision of the rules of civil and criminal procedure. This committee is composed of 22 members of the bench and bar, chaired by Garth C. Grissom, Esq. It is working in conjunction with the Supreme Court Rules Committee consisting of Justice Edward C. Day, chairman, and Justice Edward E. Pringle.

This will be the first overall revision of the civil rules of procedure since their adoption in 1942. While the criminal rules of procedure were adopted only a few years ago, just become a parent there an overall review is required, especially in light of recent United States Supreme Court decisions.

It is anticipated that the Joint Rules Committee will complete its work sometime in mid-1968.

### Committee on Pattern Jury Instructions

The Colorado Supreme Court Committee on Pattern Jury Instructions, consisting of 21 judges and lawyers appointed by the Supreme Court from throughout the state, was established in March 1964. Since that time the committee has held 25 general meetings and hundreds of subcommittee meetings to formulate model or approved instructions to be given to juries in civil cases.

Working from a table of contents that is the most extensive and subject matter scope of any so far attempted by any known jury instructions committee, some 300 instructions have been completed and forwarded to the publisher for final editing.

Despite the magnitude of this undertaking, the Committee expects to complete its work no later than June, 1968. Upon completion of its work, the recommended pattern jury instructions will be submitted to the Supreme Court for examination and adoption. As previously indicated, the Committee reported on its work in progress at the Eighth Annual Judicial Conference.

### National College of State Trial Judges

The National College of State Trial Judges was conducted at the University of Nevada and the University of Pennsylvania in 1967. The colleges objectives have been stated as follows:

... to gather, Study and disseminate information to state trial judges throughout the United States with respect to the problems of organization, trial and disposition of judicial business within the trial courts; ...

It is the policy of the Colorado Supreme Court to arrange for all new district court judges to attend the four-week summer sessions conducted by the College as soon as possible after their appointment. In addition, more experienced judges are also given the opportunity to attend as funds and college enrollment quotas permit. All of the judges who have attended feel that the program is very worthwhile and is of immeasurable help, as does the Supreme Court.

## National College Attendance from Colorado

Eight Colorado district judges attended the National College in 1967; in all, 22 (or almost one-third of the district judges) have participated since 1964, as indicated by the following list:

- 1965 Judge Howard O. Ashton, 20<sup>th</sup> Judicial District, Boulder  
Judge William S. Eakes, 6<sup>th</sup> Judicial District, Durango  
Judge John F. Gallagher, 4<sup>th</sup> Judicial District, Colorado Springs  
Judge Merle R. Knous, 2<sup>nd</sup> Judicial District, Denver  
Judge Robert Sanderson, 15<sup>th</sup> Judicial District, Lamar  
Judge Donald P. Smith, Jr., 18<sup>th</sup> Judicial District, Littleton  
Judge Albert J. Tomsic, 3<sup>rd</sup> Judicial District, Walsenburg
- 1966 Judge Edward H. Byrne, 2<sup>nd</sup> Judicial District, Denver  
Judge James J. Delaney, 17<sup>th</sup> Judicial District, Brighton  
Judge William M. Ela, 21<sup>st</sup> Judicial District, Grand Junction  
Judge Waino W. Johnson, 13<sup>th</sup> Judicial District, Fort Morgan  
Judge Don Lorenz, 14<sup>th</sup> Judicial District, Steamboat Springs  
Judge Whitford W. Myers, 12<sup>th</sup> Judicial District, Alamosa  
Judge Edward M. Yaklich, 10<sup>th</sup> Judicial District, Pueblo
- 1967 Judge John Brooks, Jr., 2<sup>nd</sup> Judicial District, Denver  
Judge William M. Calvert, 4<sup>th</sup> Judicial District, Colorado Springs  
Judge James J. Carter, 21<sup>st</sup> Judicial District, Grand Junction  
Judge Ronald J. Hardesty, 1<sup>st</sup> Judicial District, Golden  
Judge Oyer G. Leary, 17<sup>th</sup> Judicial District, Brighton  
Judge Dean C. Mabry, 3<sup>rd</sup> Judicial District, Trinidad  
Judge Daniel J. Shannon, 1<sup>st</sup> Judicial District, Golden  
Judge Jack A. Vohs, 15<sup>th</sup> Judicial District, Lamar

In addition, three Colorado judges have served as faculty advisors: Judge Clifford H. Darrow (1964); Judge Marvin W. Foote (1967); and Judge Sherman G. Finesilver (1967).

## Judicial Administration

### Fiscal Administration

During the current fiscal year, the Supreme Court has taken steps to centralized and coordinate the fiscal administration of the departments and functions under the Court's control. This has resulted in improved accounting and disbursement procedures and in more comprehensive and integrated budgetary planning, including a two-step budgetary review process.

Budget Preparation. The technical responsibility for the preparation of the judicial budget has been placed with the Court Administrator. The proposed budget was reviewed at length initially by a special Supreme Court Budget Committee consisting of Justice Robert H. McWilliams and Justice Edward E. Pringle. The proposed budget and the budget committee's recommendations and comments thereon were then considered by the court in an en banc conference. The result of

these deliberations was the 1968-69 budget as approved by the Supreme Court on November 9, 1967.

### Budget Components.

- 1) District judges: includes district judges' salaries, state share of retirement and health insurance, and expense reimbursement for district judges travel within their own districts; also include state salary payment of \$100 per month for each district attorney.
- 2) Supreme Court: includes Clerk's Office and all court personnel other than those in the Judicial Department, salaries and state share of retirement and health insurance for Supreme Court justices, and the non-contributory pension fund for retired justices or their spouses.
- 3) Judicial Department: includes Court Administrator's Office and special purpose funds, such as the Judicial Conference, retired judges per diem, Judicial Qualifications and Nominating Commissions, National Trial Judges College, and Pattern Jury Instructions Committee.

### 1968-69 Budget

The total of the 1968-69 judicial budget is \$2,064,612, \$246,016 more than the estimated expenditures for the current fiscal year. Almost 70 percent of the increase (\$168,000) covers the full year funding (including P.E.R.A.) of the salary increase for Supreme Court Justices and District Judges enacted by the General Assembly in 1967 and effective January 1, 1968. \$20,220 is needed to pay the salaries, P.E.R.A., and health insurance for six months for the two new district judges to be appointed in January, 1969, and the First District (37-12-2(2)) and the Eighth District (37-12-92). In other words, the total increase, other than the amount for the change in judicial salaries and the salaries for the two new district judges is 3.2%, or \$57,796. (Including the amount for the judicial salary change, the amount of increase is 13.5%.)

Allocation of Increase. Of the \$57,796 budget increase not related to judicial salaries:

- 1) 36 percent, or \$20,826, covers merit increases, including retention of comparability with executive department employees as a result of the latest civil service reclassification.
- 2) 34 percent, or \$19,896, covers new employees for the Court Administrator's Office, including four-year funding of the two professional staff members added as of January 1, 1968.
- 3) 17 percent, or \$10,000, increases the allocation for per diem payments of retired judges assigned to judicial duties by the Chief Justice from \$20,000 to \$30,000.
- 4) 13 percent, or \$70,74, covers increases in data processing expenditures, mailing costs, capital outlay, and office supplies.

### Court Administrator's Office

The duties and responsibilities of the Court Administrator's Office have expanded considerably as a major adjunct of the Chief Justice and the Supreme Court in administering the judicial system as provided in Amendment No. 3 and House Bill 1264 (1967).

Expanded Responsibilities. Following is a list of the major duties and responsibilities of the Judicial Department which have been added or expanded during the current year or which are contemplated in the immediate future at the direction of the chief justice and the Supreme Court:

- 1) statistical reporting and analysis of district and county court dockets;
- 2) assignment of active and retired judges;
- 3) staff services for Judicial Qualifications Commission;
- 4) fiscal coordination and budget control for the Supreme Court and its various functions, including administration of district judges' payroll and expenses, maintenance of fiscal records and administration of funds for retired judges, Judicial Qualifications Commission, and Judicial Nominating Commissions;
- 5) staff services for district and county judges associations and new Colorado Council of Juvenile Judges, including research and planning and conducting meetings and workshops;
- 6) consultation and assistance on trial court personnel recruitment and salary schedules, also trial court budgets;
- 7) liaison with General assembly and executive agencies, such as the Department of Health and institutions, with programs and policies concerning the judicial system;
- 8) establishment and administration of the merit system for trial court employees; and
- 9) implementation of the traffic court standards of the National Highway Safety Act, including municipal as well as county courts.

### Merit System

After determining upon interrogatory of the Governor that the Civil Service Commission had no authority over the classification, compensation, employment, retention, or removal of court personnel,<sup>2</sup> the Supreme Court decided to establish a separate judicial merit system in keeping with the letter and the spirit of Amendment No. 3.

And making this decision, the Supreme Court enumerated the following objectives, even without further transfer to the state of fiscal responsibility for the judicial system:

- 1) classification of court positions and the establishment of qualifications therefor;
- 2) greater uniformity in personnel practices and administration, including standards and procedures for promotion or transfer of employees;
- 3) employment security and tenure based on merit;
- 4) development of in-service training and related programs; and
- 5) greater efficiency in court operations and procedures, including the consolidation of district and county court clerical functions wherever practicable.

When only \$17,000 was appropriated during the current fiscal year for this purpose, the Court decided to proceed as planned, but to postpone the first phase of the merit system until January 1, 1968. Because the creation of the merit system is an important and serious step which will affect

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<sup>2</sup> In Re Interrogatory of the Governor Concerning Article XII, Section 13, of the Constitution of Colorado, No. 22782, March 20, 1967.

judicial administration for many years to come, the Court felt that it could not be done properly without an extensive field study which would include an analysis of administrative practices and procedures, as well as a desk audit of every one of the more than 750 Trial Court positions.

Consideration was given to a contractual agreement with the Civil Service Commission to perform the desk audits. This possibility was rejected for the following reasons:

- 1) Because of its own budgetary problems and workload, the Commission could not undertake this assignment until after January, 1968, so no time would be saved.
- 2) The estimated cost to the Supreme Court for this survey would be \$35,000. For the same amount or less the court can employ its own professional staff members who will gain experience which will be helpful in administering the system when it is established.
- 3) The Civil Service Commission staff is not experienced or knowledgeable in trial court operations and procedures, a necessary requirement if the field study is to result in savings and increased efficiency, as well as a merit system plan.

Two well-qualified professional staff members were added to the Court Administrator's Office on January 1, 1968, upon appointment of the Supreme Court. One of the two has been executive assistant to the superintendent of Colorado State Hospital for a number of years. His previous experience includes five years as chief probation officer and director of the juvenile detention facility in El Paso County.

The other appointee has been an occupational analyst and a management analyst for the Department of Employment and has many years of personnel experience, including several as an Air Force personnel officer with responsibility for both civilian and military personnel. Both appointees were hired at their salaries in their former positions in state employment.

Following completion of the field study and the preparation and adoption of the merit system plan by the Supreme Court, the duties of these new staff members will cover the operation and administration of the merit system including (but not limited to) the following:

- 1) planning, development, and operation of in-service training programs;
- 2) continued review of key job classifications as to job content and required qualifications;
- 3) continued review of court staff needs, including approval of new or additional positions if found to be actually required by court visit;
- 4) provision of assistance on request on employee recruitment, as well as consultation on all aspects of personnel administration;
- 5) administration and grading of tests for those positions determine to require testing;
- 6) Assistance in setting up examining boards for interviews for those positions where such may be required or requested by a Chief Judge;
- 7) review of all newly appointed employees to determine if qualification standards and Supreme Court personnel rules and regulations are being followed;
- 8) continued liaison with courts and county commissioners as required or requested concerning salary adjustment to make sure they are not out of line (either too low or too high) with the overall plan or prevailing wages for similar positions at the county level;

- 9) continued field observations to determine effect of suggested changes in administration organization and procedures; and
- 10) administration of transfer, promotion, and termination procedures as may be required by Supreme Court rules and regulations.

### Statistical Reporting System

The statistical reporting program provides for continuous quantitative and qualitative reports on district court caseloads and docket status, with special reports on civil cases under advisement for more than 60 days in criminal cases not brought to trial within six months of arraignment. This information and related reports assist the Chief Justice in carrying out his constitutional responsibilities as executive head of the judicial system and in assigning judges.

When in full operation, court congestion and related problems can be ascertain through provision of the following information on a monthly and quarterly basis: 1) age of terminated civil cases by type of case and by type of termination (age shown both from filing date and date of issue) categorized by county and district, as well as by division and multi-judge counties; 2) age of terminated probate cases from date of filing (by county, district, and division where applicable); 3) age of terminated mental health cases from data filing by type of disposition (and by county, district, and division were applicable); 4) age of terminated juvenile cases from date of filing by type of case and disposition (and by county, district, and division were applicable); 5) age of terminated criminal cases both from filing and arraignment dates, by type of case and disposition (and by county, district, and division were applicable); 6) age of pending civil cases both from date of filing and date of issue by type of case and status (and by county, district, and division were applicable); 7) age of pending criminal cases both from date of filing and date of arrangement by type of case and status (and by county, district, and division were applicable).

This system was developed during the past year by the Court Administrator's Office in conjunction with the state data processing unit. The remaining coding, editing, and programming problems are in the process of being eliminated. Inauguration of this system involved extensive visits to all district courts in the state, the preparation and revision of detailed reporting instructions, and several instructional sessions with district court clerks.

In recognition of Colorado's efforts in this area, the Court Administrator was designated to represent the National Conference of State Court Administrators as one of the 20 consultants who attended a three day seminar and workshop on national judicial and crime statistics held in Washington under the auspices of the United States Bureau of the Census.

### Court Manual Revision

The district and County Court clerks' manuals were last revised in 1965. These manuals cover statutes, rules, procedures, and forms and are very useful handbooks. They are not only used by court employees, but also by judges, especially non-lawyer county judges. There have been many changes in the law, rules, etc., in the past three years, and many requests have been made for the revision of these manuals.



It is also planned that the county court manual will be expanded, so that it can also apply to municipal court, at least in so far as traffic jurisdiction is concerned. This will make it possible to conform with the National Highway Safety standard for traffic courts which states:

There are current manuals and guides for administration, court procedures, and accounting.

Some preliminary work has already been done on manual revision, and an appropriation of \$5000 has been requested for the coming fiscal year to complete this project.

### Space and Facility Needs

Adequate facilities and sufficient space for the proper conduct of judicial business continue to be matters of considerable concern to the Colorado Supreme Court. The most immediate need is additional space in the Court Administrator's Office and also in the Office of the Clerk of the Supreme Court. This problem has been recognized by the Legislative Council Committee on Legislative Procedures, as follows:

The Judicial Administrator's Office is currently overcrowded, and, should a merit system for the courts be established, additional staff members will be needed. Accommodations for additional staff members will also have to be found should the General Assembly decide that the state will finance the court system of the state. To a lesser degree, the Legislative Auditor's Office, the Court Reporter, and the Clerk of the Court's Office are also in need of more space.<sup>3</sup>

The Court is in agreement with the Legislative Council Legislative Procedures Committee's recommended short-range solution to these problems and has so indicated to the committee. The committee proposes that the Legislative Reference Office be moved to the basement, along with the Legislative Council. The Court Administrator would move into the space vacated by the Legislative Reference Office. The Court Reporter would move from the second floor to the previous quarters of the Court Administrator, freeing some additional space on the second floor for the Clerk of the Supreme Court.<sup>4</sup>

Long-Range Needs. Even though this recommendation will alleviate the most immediate and pressing space needs of the Supreme Court agencies, it does not obviate the need for a long-range overall solution to the Court's facility and space problems.

Currently there is no office space available for the retired and active district judges called in to assist the court and coping with the current backlog. Further, there is no separate office available for the Chief Justice's law clerk, and the Supreme Court conference room is less than adequate in size. The creation of an intermediate court of appeals would require a considerable expansion in space for secretarial and clerical personnel in the Capitol. With the understandably greater need for space by the General Assembly so that it can conduct its business more expeditiously, the

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<sup>3</sup> Legislative Procedures in Colorado, Part II, Colorado Legislative Council Publication No. 128, December 1967, p. 19,

<sup>4</sup> Ibid., p. 21. Also see Appendix D, pp. 55-56.

Court recognizes that these other present and future needs probably cannot be met in the State Capitol Building. Therefore, the Court suggests high priority consideration be given to a separate court building in the development of long range capital construction plans for the Capitol complex.