



Denver County Court Commission on Judicial Discipline 2025 Annual Report

Background and Jurisdiction

In 1902, the City and County of Denver consolidated into a single municipality, forming a unified governing body that manages both local and state affairs. It operates independently within Colorado as a separate governing entity, empowered by the Colorado Constitution and the Denver Charter to adopt its own ordinances and rules. This authority provides the City and County of Denver with a level of self-governance, allowing it to function with relative autonomy from the state.

In 1962, Colorado voters approved a Constitutional Amendment that created the Denver County Court (the "DCC"), which began operations in 1965. The state recognized the need for a court uniquely designed to adjudicate both municipal and state laws within the consolidated City and County of Denver. This dual jurisdiction required a tailored judicial structure, and the DCC was established to meet this need. Unlike other courts in Colorado, the DCC operates independently of the state and relies entirely on taxes collected by the City and County of Denver for funding, rather than receiving state funds.

In 1966, Colorado replaced partisan judicial elections with a merit-based selection process. To implement merit selection at the DCC, the City and County of Denver created a Judicial Nomination Commission (the "JNC") under § 4.1.4 of the Denver Charter. The JNC evaluates judicial candidates and submits recommendations to the Mayor of the City and County of Denver, who makes the final appointments.

The Colorado Constitution, the Denver Charter, and the City and County of Denver collectively establish the DCC's autonomy from state oversight. Consequently, the Colorado Commission on Judicial Discipline, (the "CCJD"), which oversees judicial conduct and disability for other courts, does not have authority over DCC judges. Instead, the City and County of Denver created the DCC Judicial Discipline Commission (the "DCC JDC"), in 1972, under § 4.4.1 of the Denver Charter to oversee judicial discipline for the DCC.

Since its inception, the JDC has functioned as an independent oversight body for the DCC judiciary. The Mayor of the City and County of Denver appoints all voting members of the Commission. Additionally, the Presiding Judge, appointed to that position by the Mayor, serves the JDC as an *Ex-Officio*, non-voting member. The JDC submits its findings and

recommendations to the Mayor, who holds the sole authority to censure, suspend, remove, or retire a judge from office.

The Denver Charter, under § 4.4.2, authorizes the JDC to create and enforce its procedural rules, known as the Denver Rules of Judicial Discipline (RJD, also known as “the Rules”). In 2025, under continuing leadership of the Honorable Presiding Judge Kerri Lombardi in the Presiding Judge’s Office, the Commission utilized its newly amended rules of procedure (completed in 2024) throughout all of 2025. This included application of all such rules in issuing discipline against a Judicial Officer. With the new rules enacted and practiced in 2025, the JDC was better able to achieve its goal of expanding public access, enhancing transparency, and ensuring due process.

Grounds for Discipline (D.R.M.C. § 4.4.3)

- A. ***In General.*** Grounds for judicial discipline shall include:
 - (i) Willful misconduct in office, including misconduct which, although not related to judicial duties, brings the judicial office into disrepute or is prejudicial to the administration of justice;
 - (ii) Willful or persistent failure to perform judicial duties, including incompetent performance of judicial duties;
 - (iii) Intemperance, including extreme or immoderate personal conduct, recurring loss of temper or control, abuse of alcohol, or the use of illegal narcotic or dangerous drugs; or
 - (iv) Any conduct that constitutes a violation of the Colorado Code of Judicial Conduct.
- B. ***Additional Grounds for Removal or Retirement.*** In addition to the grounds delineated in subsection (a), grounds for removal or retirement of a judge shall include any disability interfering with the performance of judicial duties which is, or is likely to become, of a permanent character.
- C. ***Failure to cooperate.*** Failure or refusal of a Judge to cooperate or the intentional misrepresentation of a material fact during any stage of a disciplinary proceeding may constitute willful misconduct in office.
- D. ***Misconduct Distinguished from Error.*** In the absence of fraud, corrupt motive, bad faith, or any of the above grounds, the Commission shall not take action against a judge for making erroneous findings of fact or legal conclusions which are subject to appellate review.
- E. ***Failure to Comply with a Commission Order.*** A Judge’s failure or refusal to comply with an order issued under these Rules during disciplinary proceedings or with a disciplinary order resulting from such proceedings may be (i) grounds for initial or supplemental disciplinary measures or (ii) probable cause to proceed with formal action or (iii) cause for contempt proceedings under Rule 5(d).

A Judge’s decision concerning findings of fact and conclusions of law being disputed by a complainant does not provide grounds for disciplinary proceedings unless one of the elements of DCC JDC Rule 7 is present (willful misconduct; willful or persistent failure to perform judicial

duties; intemperance; a disability; a violation of the Canons; or evidence of fraud, corrupt motive, or bad faith).

Other matters beyond the scope of the JDC's jurisdiction include concerns about a Judge's overall performance and fitness for the position. Such issues are more appropriate for evaluation by the Judicial Performance Commission (JPC), which collects views from jurors, litigants, and attorneys in each judicial district regarding a Judge's competence; provide periodic reports to the Judge; and disseminate public reports on performance prior to the Judge's retention election.

The Composition of the Judicial Discipline Commission

The JDC is composed of seven voting members, plus the Presiding Judge of the Denver County Court of the City and County of Denver as an ex-officio member in a non-voting advisory capacity. Membership of the JDC is made up as follows:

- (i) Three of the members shall be registered electors of the City and County of Denver who are not acting or retired Judges or Justices and are not licensed attorneys; two of the members shall be Judges of the Bench of District Court in and for the City and County of Denver; and two of the members shall be registered electors who are licensed attorneys engaged in the practice of law, none of whom shall be an acting or retired Judge or Justice.
- (ii) No more than four members shall be affiliated with the same political party.
- (iii) No members shall hold any official position in any partisan political organization.
- (iv) No member shall be related by blood or marriage to any other member.
- (v) No member shall have previously been or at the time of appointment be a member of the Judicial Nominating Commission established by this Article.

Pursuant to charter, the JDC members serve four-year terms which are staggered because of three two-year terms at the inception of the JDC. Once their term expires, they remain on the Commission until replaced. The members of the JDC shall not receive any salary or compensation for their service as a member. Any member who is related by blood or marriage within the third degree to a Judge shall be disqualified from considering any matter concerning the Judge.

Similar to Colo. RJD 13, the JDC has, under Rule of Procedure 3 of the RJD, required the Presiding Judge to screen complaints that are frivolous, unfounded, solely appellate in nature, or outside the jurisdiction of the JDC, unless the complaint involves the Presiding Judge. Screened complaints are examined and summarized at the quarterly meetings.

Citizens may file a complaint through email and may submit complaints on the Denver County Court website portal. Increased accessibility and ease for the public was a goal for 2025, and as a result the Commission saw an increase in complaints, likely due to these improvements as online filing has reduced the burden on citizens and staff of corresponding through traditional mail. While the traditional mailing of hard copy complaints is still a viable option to the public, the Commission received very few in 2025. Should a citizen prefer the traditional method of hard

copy, a downloadable PDF complaint form is provided on the website with instructions on where to submit.

Additionally, to further increase transparency, the Denver County Court Judicial Discipline Commission Annual Reports have been listed online.

Processing and Screening Complaints

The complaint form instructions contain an explanation of grounds for discipline in the same manner as explained in this report. Once the Presiding Judge's Office receives a complaint, the Executive Assistant is responsible for communicating with the complainant and preparing it for review by the Presiding Judge. The Executive Assistant provides a letter to the complainant notifying them that the Judicial Discipline Commission has received their complaint and will investigate the allegations.

If the complaint is for a Denver County Court Judge, and it is not related to the outcome of a case, it is forwarded to the full JDC for review and follow-up discussion at quarterly meetings. Following review, the Presiding Judge creates a letter of response to the complainant on behalf of the JDC with its findings. On occasion, the Chair of the JDC will draft the letter. If other actions are taken, the complainant will be notified by the JDC.

If the complaint is related to a Magistrate, the Presiding Judge will typically address the complaint with the Magistrate and respond to the complainant. On occasion, at the discretion of the Presiding Judge, complaints against Magistrates may be referred to the JDC. Given that the Magistrates work at the pleasure of the Presiding Judge, those complaints rarely get referred to the JDC.

In addition to formal complaints, the JDC, on occasion, provides advice and/or guidance to the Presiding Judge on any outstanding matters.

Review of 2025

In 2025, Denver County Court consisted of 19 County Court Judges, 4 full-time Magistrates, 2 three-quarter time Magistrates and 7 on-call Magistrates.

During 2025, the office of the Presiding Judge received three direct phone calls with requests for instructions on how to file a complaint. Those individuals were provided with information on where to obtain the forms and/or submit a complaint online. The JDC received one formal complaint from those callers. The Presiding Judge's Office received a total of 48 formal Complaints in 2025. The number of complaints was higher than the previous year, in which the Court received 30 complaints; however, not all 48 complaints were against Denver County Court Judges and Magistrates.

The following list indicates who the 48 complaints were filed against:

- 26 against Denver County Court Judges
- 2 against full-time Denver County Court Magistrates
- 1 against an on-call Magistrate
- 1 against an on-call Senior Judge
- 15 against judges in different jurisdictions (District, State Supreme Court, and Probate)
- 1 against a Police Officer
- 1 against a parking clerk
- 1 against a member of the Judicial Discipline Commission

The following reflects the nature and outcome of the filed complaints:

Wrong jurisdiction complaints:

The citizens who levied complaints against Judges outside the jurisdiction of the JDC were provided with information on how to file with the Colorado Commission on Judicial Discipline (CCJD). The individual trying to file a complaint against a police officer was given instruction on where to file that grievance with the Denver Police Department. The complainant who filed against a member of the Judicial Discipline Commission was provided information on how to file with the CCJD because that member of the JDC is a District Court Judge.

Complaints against DCC Judges:

There were 26 formal complaints against the Denver County Court Judges; 15 of which were against judges in the Civil division and 11 against judges in the Criminal division.

The civil division's complaints were almost exclusively pertaining to the outcome of a case or rulings made in the case. Those complaints were appropriate for appellate review and not review by the JDC as they were unrelated to the behavior, temperance, and upholding of judicial canons. One civil complaint did not provide a case number. The complainant was asked for additional information which was never received so the JDC could not proceed with an investigation.

The criminal division complaints were primarily related to the outcome of the case or rulings made in the case. The allegations included the following:

- Bias in favor of the other party to the case
- Ruling on motions without holding a hearing
- Grievance(s) on bond setting
- Claim of "ex-parte communications with District Attorney"
- General grievance(s) of a victim regarding Judge's handling of case

The JDC provided response letters to nine complainants informing them that there was no basis for finding that the Judges in question violated any canons nor did they find evidence of intemperate and/or biased behavior. One of the remaining complaints was filed against the Presiding Judge regarding a case from 2023 when assigned to the criminal division. To avoid an

appearance of impropriety, the complaint was immediately brought to the attention of the Commission in accordance with the rules of procedure, Rule 4(h)(1). The JDC found no evidence of a violation of canons, and the Chair member (The Honorable Judge Karen Brody) issued a detailed letter of the JDC's findings to the complainant.

One complaint was ultimately accepted by the JDC for investigation. This was the only complaint against a Judge in 2025 which resulted in disciplinary action. Following a complaint from the Denver District Attorney's Office, the Presiding Judge concluded the complaint should be reviewed by the commission, and the JDC determined that there were sufficient grounds for formal disciplinary proceedings pursuant to D.R.M.C. § 4.4.3(a)(i) and RJD 7(a)(1). The Judge was provided notice of the allegation, moved from his current assignment and the JDC began a formal investigation. After an extensive investigation and communications with the Judge, the JDC and the Judge reached a negotiated stipulation. The investigation, stipulated agreement and order were presented to the Mayor for approval. Mayor Johnston ultimately issued an Order of Public Censure which can be found at <https://www.denvercountycourt.org/commissions/> under "Public Disciplines."

Complaints against Magistrates:

Regarding the three formal Magistrate complaints filed, the Presiding Judge (who oversees and supervises the Magistrates) determined that there was no basis or finding that the Magistrate(s) violated any canons. Two complaints were against full-time Magistrates, and one was against an on-call Magistrate. The complaints arose out of a traffic matter, a protection order matter and a bond issue. One complaint alleged the Magistrate was unprofessional, frustrated, or prejudiced and other complaint contained a grievance about a bond set in a criminal matter. After reviewing the hearings and reviewing the cases, the Presiding Judge found no evidence of wrongdoing in either case. The complaint filed against an on-call Magistrate stemmed from a protection order case in which the complainant was unhappy with the ruling and ultimately advised it was an appellate issue rather than a discipline issue. Response letters were provided to all three complainants informing them that there was no finding of a violation of canons or intemperate/prejudiced behavior.

Complaint against an on-call Senior Judge:

One complaint was filed against an on-call Senior Judge (who provided coverage in the protection order courtroom) regarding the denial of a permanent protection order. After investigating, a letter was sent to the complainant informing them that the JDC did not find the judge violated the canons.

Complaint against a parking Magistrate:

Lastly, a complaint was filed against a parking "Magistrate" for not dismissing a parking ticket. This was not an issue for the JDC. At that time the parking magistrates were not judicial officers but judicial associates and the grievance was related to the outcome of the matter. Regardless, a response letter was provided to the complainant.

The DCC Judicial Discipline Commission and Staff

The 2025 JDC operated under the coordination of Presiding Judge Kerri Lombardi. Administratively, the day-to-day activities were organized with the professional assistance of the Executive Assistant, Derek Barnard.

The JDC's membership in 2025 comprised of the following:

<i>Member</i>	<i>City</i>	<i>Category of Appointment</i>
Hon. Karen Brody	Denver	District Judge <i>and Chair</i>
Christena Estes Faraci	Denver	Citizen
Aaron Hyatt	Denver	Attorney
Jason Anderson	Denver	Citizen
Hon. Jay Grant	Denver	District Judge
Linda Weinerman	Denver	Attorney
Justin Toomer	Denver	Citizen
Hon. Kerri Lombardi	Denver	Ex-Officio

Mayor Johnston appointed one new JDC member in May of 2025. Two other Commission members were re-appointed. This was done under the guideship and direction of Senior Advisor, Boards and Commissions, Esther Lee Leach and the aid of Presiding Judge Kerri Lombardi. Quarterly JDC meetings were held on March 5, June 18, and September 3 of 2025, with the last (4th) quarter involving multiple confidential JDC meetings without the presence or need of the Executive Assistant.

2026 Goals

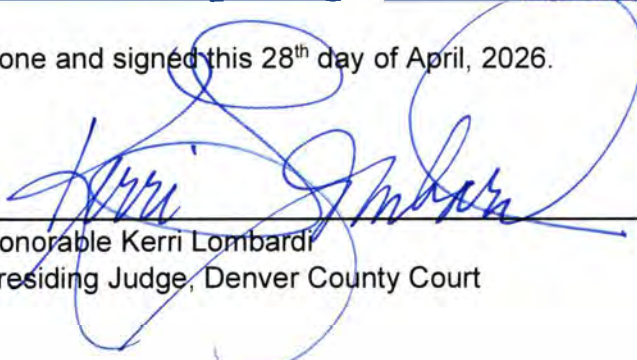
The Judicial Discipline Commission discovered through the formal discipline process this year that they had some procedural questions that came up and that there may be ways to improve the newly enacted rules to simplify or smooth the process. The JDC is working on some rule changes with the assistance of their attorney. In addition, there is a scheduled training/discussion with the executive director of the Colorado Commission on Judicial Discipline (CCJD), to address the issues and challenges that the JDC faced in 2025.

Administrative goals for 2026 involve the implementation of an automatic 'trigger' system from the IT department that sends notification to the Presiding Judge's Office of an impending expiration of a JDC member's term, so that appropriate action can be taken to either appoint or re-appoint (with collaboration from the Mayor's Office) before the end of that member's term.

This annual report is submitted in accordance with the JDC's Rules of Judicial Discipline (RJD), Rule 3(d)(10) and Rule 8(j) and in recognition of § 13-5.3-108, C.R.S.

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Done and signed this 28th day of April, 2026.



Honorable Kerri Lombardi
Presiding Judge, Denver County Court