

Amendment __
Term Limits for Colorado Supreme Court and Court of Appeals

1 **Amendment __ is an amendment to the Colorado Constitution that:**

- 2 ♦ limits the total number of years that Colorado Supreme Court justices and
3 Colorado Court of Appeals judges may serve to 10 years;
- 4 ♦ requires voters to choose to keep or remove Colorado Supreme Court justices
5 and Colorado Court of Appeals judges every four years;
- 6 ♦ requires current Colorado Supreme Court justices and Colorado Court of
7 Appeals judges to appear on the November 2008 ballot for retention; and
- 8 ♦ prohibits judges who have already served ten years or more from continuing to
9 serve in their current position after 2008.

10 **Summary and Analysis**

11 ***The Colorado Supreme Court and Court of Appeals.*** The Colorado Supreme
12 Court consists of seven justices who serve ten-year terms. The Colorado Court of Appeals
13 consists of nineteen judges who serve eight-year terms. These justices and judges are
14 appointed by the Governor.

15 ***What happens after a judge is appointed?*** After appointment, each Colorado
16 Supreme Court justice and Court of Appeals judge serves in office for an initial two years
17 and then must stand for retention. At a retention election, voters have the power to either
18 keep or remove a judge from office. If voters choose to keep the judge in office, he or she
19 serves the additional eight- or ten-year term before standing for retention again. There is
20 currently no limit on the number of times a judge can seek retention, but judges are
21 required to retire at age 72.

22 ***How are judges reviewed?*** Prior to each retention vote, Colorado Supreme Court
23 justices and Court of Appeals judges are evaluated by an appointed commission consisting
24 of attorneys and non-attorneys. The commission makes recommendations to either retain
25 or not retain the judge, and that information is printed in the ballot information booklet that
26 is mailed to every Colorado voter household.

1 ***How will Amendment __ change the current system?*** Amendment __ limits the
2 number of years that a Supreme Court justice or an Court of Appeals judge may serve to
3 a total of ten years at each level and requires judges to stand for retention every four years.
4 Further, any justice or judge who, as of the November 2008 election, has already served
5 ten years will not be eligible for another term in their current position.

6 **Arguments For**

7 1) The judicial branch is the only branch of government that does not impose term
8 limits on its public officials. Amendment __ does not change the judicial appointment or
9 review process, but will shorten the length of time a Supreme Court justice or judge on the
10 Court of Appeals can serve in one position. Term limits create more turnover in office,
11 and thus provide more opportunities for other judges and lawyers to serve on the two
12 courts. Voters have already limited the number of years that elected officials in the
13 legislative and executive branches may serve; Amendment __ applies limits to the judicial
14 branch as well.

15 2) More frequent retention elections may increase the public accountability of
16 judges on the state's two highest courts. All other judges in Colorado stand for retention
17 every four years; Amendment __ requires Supreme Court justices and Court of Appeals
18 judges to meet the same requirements. It also standardizes the length of terms for all
19 judges in the judicial system.

20 3) The current options available to remove an unsatisfactory judge from office are
21 inadequate. In fact, no Supreme Court justice or Court of Appeals judge in Colorado, and
22 less than one percent of all other judges, have ever been dismissed by the voters in a
23 retention election. Amendment __ ensures that judges who are not performing to the
24 satisfaction of the public do not remain in office indefinitely.

25 **Arguments Against**

26 1) Limiting the terms of Supreme Court justices and Court of Appeals judges is
27 unnecessary. Judges are already held accountable through performance evaluations,
28 retention elections, oversight by a state judicial discipline commission, and mandatory
29 retirement at age 72. Further, Amendment __ may discourage the best candidates from
30 pursuing judgeships on the Supreme Court and Court of Appeals. Qualified lawyers will
31 have to choose between continuing an established career or accepting a short-term position
32 on the bench.

1 2) Every ten years, one governor will have the ability to appoint a large number of
2 judges to the Supreme Court and Court of Appeals. For example, under this proposal the
3 next governor would appoint five Supreme Court justices and seven Court of Appeals
4 judges. As a result, judicial decisions may reflect the influence of public opinion rather
5 than long-standing interpretations of the law.

6 3) Amendment __ removes judges regardless of their skills, accomplishments, or
7 experience. It is essential for judges to understand particular areas of legal theory and how
8 laws develop over time. This knowledge comes from years of serving on the court. With
9 shorter terms, judges will not have adequate time to gain this experience.

10 **Estimate of Fiscal Impact**